

## CREDITOR.

	<i>Dolls. Cts.</i>
By appropriation from the State Treasury, received per draft on Elijah Cannon, State Treasurer,	300 00
By this amount taken from the amount in the hands of Secretary, collected for fees due the State.	15 80
	<hr/> \$315 80

(See the account with the State herewith communicated.)

The above account is respectfully submitted to the General Assembly, pursuant to the directions of the act in such case made and provided, by

CH. MARIM,  
*late Secretary of State.*

*Dover, February 11, 1841.*

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

“An act to incorporate the Sisters of Charity of St. Peter’s, and to grant to said corporation certain lands in Mill creek hundred.”

On motion of Mr. Wright,

The bill entitled “An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, in Sussex county,” was read a third time by paragraphs and

*Passed the House.*

*Ordered to the Senate for concurrence.*

On motion of Mr. Black,

The bill entitled “An act to repeal certain parts of acts therein mentioned, and for other purposes,” was read a second time by special order.

Mr. Black moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Wright,

Obtained leave to introduce a bill entitled “An act to amend the act entitled ‘An act for the encouragement and support of schools in this State.’”

On motion of Mr. Black,

The said bill was read.

On motion of Mr. Huffington,  
The bill entitled "A supplement to the act entitled 'An act regulating marriage,'" was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to be returned to the Senate.

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



SATURDAY, 10 o'clock, A. M., February 13, 1841.

The House assembled pursuant to adjournment.

Mr. Black presented the petition of sundry citizens of New Castle county, praying that an inquiry may be made with a view to ascertain the amount of spirituous liquors consumed in this State, &c.

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

On motion of Mr. Higgins,  
The amendment of the Senate to the bill entitled "An act to enable John D. Rodney and Jacob Forsett, of Sussex county, to erect a mill-dam across the head waters of Love's Creek, called Bundick's Branch, the boundary line between Lewes and Rehoboth, and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw-mill thereon," was read and concurred in as follows, viz:—

"IN SENATE, February 11, 1841.

Amend the bill by striking out the whole of the seventh section.

*Extract from the Journal,*

G. P. FISHER, Clerk.

*For concurrence."*

On motion of Mr. Huffington,  
The bill entitled "An act to re-organise the school districts of Kent county," was read a second time.

Mr. Collins then proposed an amendment to said bill, which,

On his motion,  
Was read and adopted, to wit:—

Amend sec. 1, by striking out of the twentieth line the word *five* and and insert in lieu thereof the word *seven*.

On motion of Mr. Huffington,  
The said bill was amended as follows, viz:—

Section 5. *And be it further enacted*, That when the Levy Court and Court of Appeal shall have reviewed, examined and established the said new or additional school districts, they shall number the same in continuation of the school districts already established, and cause a correct record of the same to be made and filed among their proceedings; and it shall be the duty of the Clerk of the Peace for Kent county, to deliver a certified copy thereof to the trustee of the school fund, within one month thereafter; and the said trustee of the school fund, in the distribution of the money in his hands, applicable to school districts in Kent county, shall have due regard to said record, giving to said new or additional districts in said county an equal portion of said money, for the year of our Lord one thousand eight hundred and forty-two, and every year thereafter.

Section 6. *And be it further enacted*, That the commissioners to be appointed under this act, for each and every day they shall be employed in the discharge of the duties imposed upon them, shall severally receive the sum of two dollars, to be allowed by the Levy Court and Court of Appeal of Kent county.

On motion of Mr. Chamberlain,

The bill entitled "An act to enable the administrator of Samuel Meeteer, late of New Castle county, deceased, to sell his real estate," was read a third time by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, presented for the signature of the Speaker an enrolled bill.

And he informed the House that the Senate had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act concerning the keeping of the papers belonging to the Executive department, and the acts of the General Assembly, and the printing and disposal of the laws and journals,'"

And the report and the resolutions on the subject of the New Jersey question,

And the joint resolution to relieve Bayard Dawson from the payment of a certain fine imposed upon him.

And he presented for the concurrence of the House a bill entitled "An act to divide school district No. 65, and school district No. 73 in Sussex county."

And he withdrew.

On motion of Mr. Huffington,

The bill entitled "An act to amend the act entitled 'An act for taking lands in execution for payment of debts,'" was taken up for a third reading, and read a third time.

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

*Yeas*—Messrs. Clements, Huffington and Mr. Speaker—3.

*Nays*—Messrs. Barr, Black, Chamberlain, Collins, Dale, Frazer, Higgins, Jefferson, Johnson, Marshall, Virden, Waples and Wright—13.

So the said bill

*Was lost.*

On motion of Mr. Clements,

The bill entitled “An act to authorise the owners and possessors of the marsh and low grounds, commonly called and known by the name of Horsepen Drain, in the forest of Murderkill hundred in Kent county, to cut a ditch or drain through the same,” was read a second time by its title.

On motion of Mr. Clements,

The said bill was then read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Wright, chairman of the committee to whom was referred the petitions praying a bounty on fox scalps, reported a bill entitled “An act to encourage the destruction of Foxes” which,

On his motion,

Was read.

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

“A supplement to the act entitled ‘An act for the more effectual preservation of all such ships or other vessels and the goods thereof, as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned,’ and

“A further supplement to an act entitled ‘An act to prevent infectious diseases being brought into this State, and for other purposes,’”

And he presented for the concurrence of the House, a bill entitled “An act to incorporate the Roseville Manufacturing Company.”

And he withdrew.

On motion of Mr. Chamberlain,

The bill presented for concurrence was read.

On motion of Mr. Huffington,

The bill entitled “An act to re-organise the school districts of Kent county” was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

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

“An act to enable William W. Dulaney, of Sussex county, to survey and locate certain vacant land, and to complete his title to the same.”

Also, “A further supplement to the act entitled ‘An act to alter and re-establish the charter of the borough of Wilmington.’”

On motion of Mr. Johnson,

The bill entitled “An act for the purpose of creating an additional school district in the county of Kent,” was read a second time by its title.

On motion of Mr. Dale,

The House then adjourned until Monday morning next at 10 o'clock.



MONDAY 10 o'clock, A. M., February 15, 1841.

The House assembled pursuant to adjournment.

Mr. Huffington moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Higgins,

Obtained leave to introduce a bill entitled “An act concerning the writ of *capias ad satisfaciendum*.”

On motion of Mr. Huffington,

The said bill was read.

Mr. Chamberlain moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Black,

Obtained leave to introduce a bill entitled “An act fixing the annual salary of the Treasurer of New Castle county,” which,

On his motion,  
Was read.

On motion of Mr. Huffington,  
The bill entitled "A supplement to the act entitled 'An act to revive and continue in force an act prohibiting the use of wears, hedges and gill-nets in St. Jones' creek," was read a second time.

Mr. Huffington then laid on the table the following amendment to the said bill, to wit:—

Add the following section to said bill:

Sec. 2. *And be it further enacted*, That hereafter it shall be lawful for any person or persons to set or place gill nets or gill seines for the taking of fish, any where in the waters of said St. Jones' creek above the place thereon called the "Cool Spring Landing," any law, usage or custom to the contrary notwithstanding.

On motion of Mr. Huffington,  
The said amendment

*Was adopted.*

On motion of Mr. Black,  
The bill entitled "An act to amend the act entitled 'An act for the encouragement and support of schools in this State,'" was read a second time.

On motion of Mr. Collins,  
The bill entitled "An act to place in good repair a bridge over Lewes creek, from the town of Lewes to the cape side of the said creek, in the county of Sussex," was read a second time.

Mr. Collins then proposed the following amendment to the said bill, which,

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

Amend the bill by inserting after the word 'receive,' in the fifth line of the 4th section, the following words: 'from every agent or agents for all and every underwriter.'

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

"An act to enable Abraham Dazey, of Sussex county, to locate certain lands, situate in Baltimore hundred, and to complete his title to the same."

Also, "An act to incorporate the Breakwater, Lewes and Philadelphia Steamboat Company."

And "An act to amend the act entitled 'An act directing the manner of choosing commissioners to regulate and repair the streets of Milford, and for other purposes.'"

And he withdrew.

On motion of Mr. Huffington,

The bill entitled "A supplement to the act entitled 'An act to revive and continue in force the act prohibiting the use of wears, hedges, and gill-nets in St. Jones' creek,'" was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Chamberlain,

The bill entitled "An act to incorporate the Roseville Manufacturing Company," was read a second time by its title.

On motion of Mr. Black,

The bill entitled "An act to repeal certain parts of acts therein mentioned, and for other purposes," was taken up for a third reading, and the two first sections were severally read and

*Passed.*

Whereupon,

On motion,

Further action upon the said bill was suspended until this afternoon.

Mr. Fisher, Clerk of the Senate, being admitted, presented for the concurrence of the House a bill entitled "A supplement to the act entitled 'An act to incorporate a company for making an artificial turnpike road from the borough of Wilmington to the village of Christiana, in New Castle county.'"

And he withdrew.

On motion of Mr. Dale,

The said bill was read.

Mr. Clements, chairman of the committee to whom was referred the petition of land owners on Culbreath's marsh, reported a bill entitled "A further supplement to the act entitled 'An act to authorise the owners and possessors of the marsh or low grounds, commonly called and known by the name of the Culbreath's marsh, situate in the forest of Murderkill and Dover hundreds, in Kent county, to cut a ditch or drain through the same.'"

On motion of Mr. Clements,

The said bill was read.

On motion of Mr. Huffington,

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



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

The House assembled pursuant to adjournment.

Mr. Clements presented the claim against the State of Peter S. Parker, late State Treasurer, for travelling expenses and attendance before the present Auditor of Accounts.

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

Mr. Huffington moved,  
That the House do now resume the subject of the passage of the bill entitled "An act to repeal certain parts of acts therein mentioned, and for other purposes."

Which motion

*Prevailed.*

He then moved,  
That the third section be read a third time with a view to its passage.

Which motion also

*Prevailed.*

And on the question of the passage of the said section,  
The House being divided,  
The Speaker demanded the yeas and nays,  
Which were taken, and are as follow, viz:—

*Yeas*—Messrs. Barr, Black, Chamberlain, Clements, Frazer, Higgins, Huffington, Jefferson, Johnson, Sudler, Waples and Wilds—12.

*Nays*—Messrs. Dale, Marshall and Mr. Speaker—3.

So the said third section

*Passed the House,*

And the question being taken on the final passage of the said bill,  
The said bill

*Passed the House.*

*Ordered* to be returned to the Senate.

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

"An act to enable the owners of the marshes, cripple and low grounds, situate upon and contiguous to Jamison's Branch, in Little Creek and Duck Creek hundreds, to drain and improve the same."

Also, "An act to vacate part of an alley and lane in the village of Georgetown, Sussex county."

Also, "An act to incorporate the Lewes Beneficial Society of Lewes, Sussex county, Delaware."

Also, "An additional supplement to the act entitled 'An act for regulating innholders, tavern keepers, and other public house keepers within this government, and empowering the justices to settle the rates of liquor.'"

Also, "An act to appropriate the monies in the treasury of this State."



Also, "An act in respect to insurance for lives, for the benefit of married women."

Also, "An act to authorise the Register for the probate of wills and granting letters of administration in and for Sussex county to procure a new seal of office."

Also, "An act to amend the act entitled 'An act providing for the recovery of small debts.'"

Also, "An act to incorporate the members of the Fame Hose Company of the city of Wilmington, Delaware."

Also, "A further supplement to an act entitled 'An act to prevent infectious diseases being brought into this State, and for other purposes.'"

Also, "A further supplement to the act entitled 'An act regulating the General Election.'"

Also, a "Report and resolutions on the subject of the disfranchisement of the State of New Jersey, by the Congress of the United States."

And a "Resolution relieving Bayard Dawson from the payment of a certain fine."

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

Which motion

*Prevailed.*

And Mr. Chamberlain was added to said committee.

Mr. Wilds laid on the table the account of Samuel Kimmey, for printing, which,

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

On motion of Mr. Barr,  
The bill entitled "An act concerning lotteries" was read a second time.

On motion of Mr. Huffington,  
The bill entitled "An act concerning the writ of *capias ad satisfaciendum*," was read a second time by special order.

On motion of Mr. Chamberlain,  
The bill entitled "An act fixing the annual salary of the Treasurer of New Castle county," was also read a second time by special order.

Mr. Fisher, Clerk of the Senate being admitted, presented for the concurrence of the House the following bills, viz:—

"An act authorising a lottery for the benefit of the Protestant Episcopal church in Seaford, Sussex county, and for other purposes therein mentioned," and

"An act for effecting partition of the lands therein mentioned, between Auly Lore, and the other owners thereof."

And he withdrew.

On motion of Mr. Higgins,  
The last mentioned bill was read.

On motion of Mr. Johnson,  
The first mentioned bill was read.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled 'An additional supplement to the act entitled 'An act to enable William Inskeip, of New Castle county, to raise his mill-dam, and for other purposes therein mentioned.'

And he withdrew.

On motion of Mr. Dale,  
The bill entitled "A supplement to the act entitled 'An act providing for the recovery of small debts,'" was taken up for consideration.

Mr. Dale then proposed the following amendment to the said bill, which

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

Section 3. *And be it further enacted, &c.,* That the act entitled "An act to amend the act entitled 'An act concerning constables, (as the same is printed in the eight volume of the laws of this State) be, and the same is hereby amended, by striking out of the fourteenth line of the second section of the said act, the word 'two,' and inserting in lieu thereof the word 'three,' and in every edition of the laws hereafter to be published, the said act shall be printed as amended by this act. This act shall take effect from and after the first day of April next.

On motion of Mr. Dale,  
The said bill was then read a third time by paragraphs.  
And on the question of its final passage,  
The House being divided,  
The Speaker ordered the yeas and nays,  
Which were taken and are as follow, viz:—

*Yeas*—Messrs. Barr, Chamberlain, Dale, Frazer, Higgins, Johnson, Marshall, Sudler and Wilds—9.

*Nays*—Messrs. Black, Clements, Collins, Huffington, Jefferson, Waples and Mr. Speaker—7.

So the said bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Huffington presented the petition of John Smith, of Kent county, praying a grant of vacant marsh.

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

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

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

On his motion,

Was read and adopted, viz:—

*Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That John Sorden and Andrew Stafford, of Sussex county, and William Tharp and Peter Callaway, of Kent county, be and they are hereby appointed commissioners to run and mark the division line between the counties of Kent and Sussex, from the south prong at the head of Riggs' mill-pond to the line of the State of Maryland; and that Charles T. Fleming be surveyor to assist said commissioners, that the said commissioners return their proceedings to the next General Assembly, and that said commissioners shall be allowed each one dollar and fifty cents per diem for their services, and the said surveyor two dollars per diem for his services.

*Ordered* to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "A supplement to the act entitled 'An act to erect and keep in good repair a bridge over Broadkilln creek, where the State road crosses the said creek, at a place called Paynter's Landing.'"

And he presented for the concurrence of the House, a bill entitled "An act for changing a part of the division line between the counties of New Castle and Kent."

— And "An act concerning the division of school districts Nos. 2 and 3, in New Castle county."

And he withdrew.

On motion of Mr. Clements,

The said bills were read.

Mr. Fisher, Clerk of the Senate, being again admitted, presented for the concurrence of the House a bill entitled "An act to authorise the cutting of a canal from Strunkill Gut into the Delaware Bay."

And he informed the House that the Senate had concurred in the passage of the joint resolutions in relation to the controversy between the States of Virginia and New York concerning fugitives from justice.

And he withdrew.

The Speaker laid on the table a communication from George T. Cartmell, on the subject of the division of school districts Nos. 2 and 3, in New Castle county, and objecting to the passage of the bill therefor.

On motion of Mr. Higgins,

The said communication was read.

Mr. Huffington, chairman of the committee on the petition of John Smith, presented this afternoon, reported a bill entitled "An act granting to John Smith, of Kent county, ten acres of waste and uncultivated land or marsh," which,

On his motion,

Was read.

Mr. Fisher, Clerk of the Senate, being admitted, presented for the concurrence of the House a bill entitled "An additional supplement to the act entitled 'An act concerning the New Castle and Frenchtown Turnpike and Rail Road Company.'"

And he withdrew.

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

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



TUESDAY, 10 o'clock, A. M., February 16, 1841.

The House assembled pursuant to adjournment.

On motion of Mr. Huffington,

The bill entitled "An act concerning the writ of *capias ad satisfaciendum*," was taken up for a third reading.

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

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

*Nays*.—Messrs. Marshall and Waples—2.

So the said first section

*Passed the House,*

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

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

*Nays*—Messrs. Marshall and Waples—2.

So the said bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

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

“A supplement to the act entitled ‘An act for the more effectual preservation of all such ships and other vessels and the goods thereof, as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned.’”

Also, “An act to amend the act entitled ‘An act concerning the keeping of the papers belonging to the Executive Department, and the acts of the General Assembly, and the printing and disposal of the laws and journals.’”

Also, “An additional supplement to the act for establishing the boundaries of the town of Dover, and for other purposes therein mentioned.”

On motion of Mr. Chamberlain,

The bill entitled “An act to incorporate the Roseville Manufacturing Company,” was read a third time by paragraphs, and

*Passed the House unanimously,*

By the following vote:—

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

*Nays.*—None.

*Ordered* to be returned to the Senate.

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

“A supplement to the act entitled ‘An act empowering the Orphans’ Court to direct the sale of the real estate of minors.’”

Also, “An act to enable Nathaniel Conaway to locate certain vacant land situate in Nanticoke hundred, and to complete his title to the same,”

And in the bill entitled “A supplement to the act entitled ‘An act authorising a lottery for the benefit of Delaware College and for other purposes therein mentioned’” with an amendment, in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Huffington,

The bill entitled “An act to place in good repair a bridge over Lewes creek, from the town of Lewes to the cape side of the said creek in the county of Sussex,” was taken up for consideration.

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

On his motion,

Were read and adopted, to wit:—

Amend the bill by striking out the third section thereof.

Also, amend the 4th section by inserting between the word "receive" and the word "toll," the words "from all and every agent or agents."

Also strike out the fifth section thereof.

Mr. Collins moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Wilds,

Obtained leave to introduce a bill entitled "An act to incorporate the trustees of T Town Meeting-house in Sussex county," which,

On his motion,

Was read.

On motion of Mr. Sudler,

The bill entitled "An act authorising a lottery for the benefit of the Protestant Episcopal church in Seaford, Sussex county, and for other purposes therein mentioned," was read a second time.

Mr. Huffington then moved,

That the said bill be indefinitely postponed.

The House being divided,

Mr. Huffington demanded the yeas and nays,

Which were taken and are as follow, viz:—

*Yeas*—Messrs. Barr, Betts, Black, Chamberlain, Clements, Dale, Frazer, Higgins, Huffington, Jefferson, Marshall, Waples and Wilds—13.

*Nays*—Messrs. Collins, Hill, Johnson, Sudler and Mr. Speaker—5.

So the said bill was

*Indefinitely postponed.*

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate being admitted, presented for concurrence a bill entitled "An act to incorporate the Rokeby Manufacturing Company."

And he informed the House that the Senate had *indefinitely postponed* the bill entitled "An act to divorce Mary Griffith and her husband, Samuel Griffith, from the bonds of matrimony."

And he withdrew.

On motion of Mr. Black,

The bill entitled "An act to amend the act entitled 'An act for the encouragement and support of schools in this State,'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Higgins, chairman of the committee to whom was referred the petition in relation to the justice of the peace of Red Lion hundred, reported a bill entitled "An act allowing for a limited time an additional justice of the peace in the county of New Castle."

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

On motion of Mr. Barr,  
The joint resolution for adjournment *sine die* was taken up for consideration.

Mr. Barr then moved,  
That the said resolution be adopted.

Mr. Huffington moved,  
To amend by inserting Monday, the 22d, in the place of 'Thursday, the 18th.'

Before the question was taken,

Mr. Black moved,  
That the resolution be laid on the table until this afternoon,

Which motion

*Prevailed.*

Mr. Betts laid on the table the memorial of the City Council of Wilmington, in relation to the streets of said city.

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

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

On motion of Mr. Johnson,  
The bill entitled "An act to create an additional school district in the county of Kent," was read a third time by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Chamberlain,  
The bill entitled "An act fixing the annual salary of the Treasurer of New Castle county," was taken up for consideration.

Mr. Chamberlain then moved,  
To strike out the word 'four' in the 1st section, and insert in lieu thereof the word 'five.'

Which motion

*Prevailed.*

On his motion,  
The said bill was then read a third time by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Marshall,

The bill entitled "An act to place in good repair a bridge over Lewes creek, from the town of Lewes to the cape side of the said creek in the county of Sussex," was read a third time by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Dale,

The bill entitled "A supplement to the 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,'" was read a second time.

On motion of Mr. Chamberlain,

The amendment of the Senate to the bill entitled "A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College, and for other purposes therein mentioned,'" was read and concurred in, in the following words, to wit:—

"IN SENATE, *February 13, 1841.*

Amend the bill by striking out all after the enacting clause, and insert the following, to wit:—

That the share or portion of the fund hereafter to be raised and received under and by virtue of the said act to which this is a supplement, and which share or portion of said fund is by the said act apportioned to and for the use and benefit of Delaware College (now Newark College) shall be, and the same is hereby transferred from said college to the State of Delaware, and the same shall be hereafter paid to and received by the State Treasurer, to and for the use of the State, the trustees of said college assenting and agreeing hereto. And the said State Treasurer shall keep a true account of all monies which he shall receive from and on account of said share or portion of the said fund, to be paid to and received by him as aforesaid; and shall, from time to time, as and when he shall so receive any sum or sums of money from and on account of said share or portion of the said fund, pay an equivalent sum or sums of money out of any monies in the treasury of this State not otherwise appropriated, to the trustees of the said college, to and for the use and benefit of the said college.

Section 2. *And be it further enacted*, That the assent and agreement of the trustees of said college hereto, shall be evidenced and signified by their acceptance of this act, which acceptance shall be certified in writing to the Governor of this State, within four months from the passing of this act, or this act shall cease and be of none effect: *Provided however*, That this act shall not be taken or construed, in any manner to impair any agreement, bond or obligation made or executed under the said act to



which this is a sudplement; but every such agreement, bond and obligation shall be and remain in full force and virtue.

*Extract from the Journal.*

G. P. FISHER, *Clerk Senate.*

*For concurrence."*

On motion of Mr. Higgins,

The bill entitled "An act for effecting partition of the lands therein mentioned between Auly Lore and the other owners thereof," was read a second time by its title.

Mr. Sudler presented the petition of Ezekiel Timmons of Sussex county, praying a grant of vacant land.

On motion of Mr. Sudler,

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

That committee consists of Messrs. Sudler, Barr and Wilds.

Mr. Betts presented a petition from sundry citizens of New Castle county, praying the establishment of a State Penitentiary.

Also a petition numerously signed from the same county, praying the passage of a law to prohibit the drawing of lotteries and the sale of lottery tickets within this State, both of which petitions were

On his motion,

Read and referred to their appropriate committees.

On motion of Mr. Clements,

The bill entitled "A further supplement to the act entitled 'An act to authorize the owners and possessors of the marsh or low grounds, commonly called and known by the name of the Culbreath's marsh, situate in the forest of Murderkill and Dover hundreds, in Kent county, to cut a ditch or land through the same,'" was read a second time by its title.

On motion of Mr. Huffington,

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



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

The House met pursuant to adjournment.

Mr. Frazer, on behalf of Thomas Hays, to whom leave was given for that purpose, introduced a bill entitled "An act to enable Thomas Hays of Kent county, to locate certain lands situate in Dover hundred, and to complete his title to the same," which

On his motion,  
Was read.

Mr. Wilds, on behalf of Joshua Hays and Wesley Hays, to whom leave was given for that purpose, introduced a bill entitled "An act to enable Joshua Hays and Wesley Hays of Kent county, to locate certain lands, situate partly in Dover hundred and partly in Little Creek hundred, and to complete their title to the same."

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

On motion of Mr. Huffington,  
The bill entitled "An act granting to John Smith of Kent county, ten acres of waste and uncultivated land or marsh," was read a third time by special order by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

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

"A supplement to the act entitled 'An act for the protection of fish and game in and on the waters of the Delaware bay and river, and the streams tributary thereto within the limits of this State.'"

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

Also "An act to enable Nathan Fleming to locate certain vacant land situate in Mispillion hundred, Kent county, and to complete his title to the same."

And "An act to incorporate the Black Swamp Ditch Company."

On motion of Mr. Johnson,  
The bill entitled "An act for the purpose of creating an additional school district in the county of Kent," was read a third time by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Huffington,  
The following bills from the Senate, presented for concurrence, were severally read, viz:—

"An act to divide school district No. 65, and school district No. 73 in Sussex county."

Also "An act to authorise the cutting of a canal from Strunkill Gut into the Delaware Bay."

And an act to incorporate the Rokeby Manufacturing Company."

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

“An act to enable Joseph Wells to locate certain vacant land situated in Broad creek hundred in Sussex county, and to complete his title to the same.”

Also “An act to enable Wingate Downs to locate certain vacant land in Broad Creek hundred in Sussex county, and to complete his title to the same.”

And “An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, in Sussex county.”

And he withdrew.

Mr. Tharp, a member of the Senate being admitted, presented for the signature of the Speaker, an enrolled bill.

And he withdrew.

On motion of Mr. Black,

The bill entitled “An additional supplement to the act entitled “An act concerning the New Castle and Frenchtown Turnpike and Rail Road Company,” was read a second time.

Mr. Sudler, chairman of the committee to whom was referred the petition of Ezekiel Timmons of E., for vacant land, reported a bill entitled “An act to enable Ezekiel Timmons of E., to locate certain vacant land, situate in Broad Creek hundred Sussex county, and to complete his title to the same,” which

On his motion,  
Was read.

Mr. Betts moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Clements,

Obtained leave to introduce a bill entitled “An act to amend the act of the present session entitled ‘An act to amend the supplement passed January 25, 1830, to the act for the establishment of free schools, and also to amend the fifth section of the original act, and for other purposes.”

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

On motion of Mr. Huffington,

The joint resolution for the procuring of new desks and chairs for the House of Representatives, was taken up for consideration.

On motion of Mr. Huffington,

The blank in the said resolution was filled with the name of *Mahlon Betts*.

On his motion,

The said resolution was further amended by striking out the words 'two hundred and twenty' where the same occur, and inserting in lieu thereof the words 'three hundred.'

On his motion also,

The said resolution

*Was adopted.*

*Ordered* to the Senate for concurrence.

Mr. Dale laid on the table the claim against the State, of Elizabeth Rowe, for compensation for the occupation of her house during the late war by the militia of this State as a hospital.

Mr. Clements at the same time laid on the table the claim of Elijah Cannon, for extra travelling expenses; both of which claims,

On motion of the members who presented them,  
Were read and referred to the committee of claims.

On motion of Mr. Higgins,

The bill entitled "An act for effecting partition of the lands therein mentioned, between Auly Lore, and the other owners thereof," was read a third time by paragraphs by special order, and

*Passed the House.*

*Ordered* to be returned to the Senate.

On motion also of Mr. Higgins,

The bill entitled "An act concerning the division of school districts Nos. 2 and 3 in New Castle county," was read a second time by its title.

On motion of Mr. Sudler,

The bill entitled "An act to enable Ezekiel Timmons, of E., to locate certain vacant land situate in Broad creek hundred, Sussex county, and to complete his title to the same," was read a second time by special order by its title.

On motion of Mr. Sudler,

The joint resolution for adjournment was taken up for consideration.

Mr. Sudler then moved,

To amend the resolution by striking out the words 'Thursday the 18th,' and inserting in lieu thereof, the words 'Friday the 19th.'

The House being divided upon the question,

Mr. Sudler demanded the yeas and nays,

Which were taken and are as follow, viz:—

*Yeas*—Messrs. Barr, Collins, Frazer, Higgins, Hill, Marshall, Sudler, Waples, Wilds and Mr. Speaker—10.

*Nays*—Messrs. Betts, Black, Chamberlain, Clements, Dale, Huffington, Jefferson and Johnson—8.

So the said motion

*Prevailed,*

And the resolution was amended.

On motion of Mr. Black,  
The bill entitled "An additional supplement to the act entitled "An act concerning the New Castle and Frenchtown Turnpike and Rail Road Company," was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "A further supplement to the act entitled 'An act regulating the General Election,'" with an amendment in which the concurrence of the House was desired.

And he withdrew.

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

"IN SENATE, *February 10, 1841.*

Amend the title by inserting the word 'additional' between the words 'further' and 'supplement.'

*Extract from the Journal,*

G. P. FISHER, *Clerk.*

*For concurrence."*

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate being again admitted, informed the House that the Senate had concurred in the passage of the joint resolutions on the subject of the repair of the arsenal, &c. at Dover, with an amendment in which the concurrence of the House was desired.

And he withdrew.

Mr. Clements, chairman of the committee to whom was referred the petitions praying some law for the better regulation of free negroes, &c., made a report, which,

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

The committee to whom was referred the memorial of sundry citizens of this State, praying some act with regard to free negroes and free mulattoes beg leave to Report:

That they have had that vexed question under consideration, and have determined that it is not expedient to legislate on that subject at this time, and the committee ask leave to be discharged from further consideration of the subject.

On motion of Mr. Sudler,

The bill entitled "An act to enable Ezekiel Timmons, of E., to locate certain vacant land, situate in Broad Creek hundred, Sussex county, and

to complete his title to the same," was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

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



WEDNESDAY, 10 o'clock, A. M., February 17, 1841.

The House assembled pursuant to adjournment.

On motion of Mr. Higgins,

The bill entitled "An act allowing for a limited time an additional Justice of the Peace in the county of New Castle," was read a second time by its title.

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

On his motion,

Was read and adopted, viz:—

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a donation of one copy of each of the triplicate works in the State Library, be made to Newark College.

*Ordered* to the Senate for concurrence.

Mr. Marshall moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Clements,

Obtained leave to introduce a bill entitled "An act to amend the twenty-fifth section of the act entitled 'An act providing for the recovery of small debts,' which,

On his motion,

Was read.

On motion of Mr. Huffington,

The bill entitled "An act to authorise the cutting of a canal from Strunkill Gut into the Delaware Bay," was read a second time.

On motion of Mr. Huffington,  
The said bill was amended as follows, viz:—

Amend the bill by inserting in the 11th line of the first section, after the word 'canal,' the words 'and make a dam across Strunkill Gut below where the said canal intersects the said gut.'

Mr. Chamberlain laid on the table the report of Simon Spearman, Esq., Auditor of Accounts, of the result of his examination and re-adjustment of the accounts of Elijah Cannon, late State Treasurer, in obedience to a joint resolution of both Houses.

On motion of Mr. Chamberlain,  
The said report was read in the following words, to wit:—

*To the General Assembly of the State of Delaware, now in Session at Dover:—*

Pursuant to a resolution of the General Assembly, passed the 2d day of February, A. D. 1841, requiring the Auditor of Accounts of the State of Delaware, to audit and settle the accounts of the late State Treasurer and Trustee of the School Fund, Elijah Cannon, the Auditor immediately proceeded to discharge the duty required of him, and begs leave to make the following report, to wit:—

The amount due from Elijah Cannon, late State Treasurer, as will be seen on reference being had to the account of the said State Treasurer, on page of this report, is		\$7,421 00
To which may be added the several instalments of bonus interest and dividends due and unpaid, and awaiting the draft of the Treasurer of the State of Delaware,		3,630 00
To wit:—		
From the Union Bank of Delaware, the 2d instalment of bonus, due 1st January, 1841,	1,500 00	
From ditto—ditto, State tax 6 months, due 1st January 1841,	187 50	
From the New Castle and Frenchtown Rail Road Company, 6 months State tax, due 1st January, 1841,	750 00	
From the Wilmington & Brandywine Bank, the last half year's State tax, at $\frac{1}{4}$ of 1 per cent on capital, due 1st January, 1841,	250 00	
From the Philadelphia, Wilmington and Baltimore Railroad Company, 6 months State tax, at quarter of 1 per cent, due 1st January, 1841,	500 00	
<i>Amounts carried forward,</i>	\$3,187 50	\$11,051 00

		<i>Dolls. Cts.</i>
<i>Amounts brought forward,</i>	3,187 50	11,051 00
From the Farmers' Bank at New Castle, a dividend on 95 shares of stock at 6 per cent per annum, for the last six months,	142 50	
	<hr/>	
	\$3,630 00	
	<hr/>	

Making the sum, as seen above, of eleven thousand and fifty-one dollars, immediately applicable to the services of the State.

The amount due from Elijah Cannon, Trustee of the School fund, is	28,749 96
As will be seen on reference being had to page of this report; to which may be added the several instalments of interest and dividends due and unpaid, and awaiting the draft of the State Treasurer, to wit:	
From the Delaware and Chesapeake Canal Stock, payable by the New Castle and Frenchtown Railroad Company, 6 months due 1st January, 1841,	750 00
From the Farmers' Bank at New Castle, a dividend on 295 shares of stock for the last six months, due 1st January, 1841, at 6 per annum,	442 50
	<hr/>
	\$29,942 46

It will be seen on reference to a subsequent part of this report, that \$11,046 49 may be distributed immediately to the several counties of the State for the use of schools. It will further be seen that the sum of \$8,425 82 awaits the action of the General Assembly for investment. The promptitude with which the banks of our own State have heretofore paid all their liabilities due to the State, induces the Auditor to hope that the investment of this money will be made in home stocks. The money due and unpaid from D. S. Gregory, on account of the Delaware State Lottery, to the State and school fund, should be collected by the State Treasurer and Trustee of the school fund; and permit me to suggest the propriety of the General Assembly providing for the investment of the same so soon as it shall have been collected.

Whatever errors or inaccuracies the Auditor of Accounts may have met with in the accounts of Elijah Cannon, late State Treasurer and Trustee of the school fund, in the course of his investigation, he must say that nothing has come to his knowledge to induce him to believe that the said Elijah Cannon's conduct has been prompted by any other than the strictest honesty and integrity of purpose. The Auditor regrets that the prospect of an early rising of the General Assembly precludes the possibility of his embodying a more detailed report. He however contemplates making at the next biennial session of the General Assembly, a report of all



the items, under their several heads, which make up the accounts of the Treasurer and Trustee of the school fund now reported.

S. SPEARMAN,  
*Auditor of Accounts.*

AUDITOR'S OFFICE, *Dover, February 16, 1841.*

*Elijah Cannon, State Treasurer, in account with the State of Delaware.*

DEBTOR.

	<i>Dolls. Cts.</i>
1839.	
January 24, To this sum received from Peter S. Parker, late State Treasurer,	11,476 34
To this sum received in this year (1839,) the dividend and interest from the surplus revenue fund,	9,839 26
To wit: This sum received from the Philadelphia, Wilmington and Baltimore rail road company, interest on a loan of \$80,793 83, up to the 1st April, out of the surplus revenue fund,	\$1,715 45
This sum received from the Philadelphia, Wilmington and Baltimore rail road company, interest on loan aforesaid \$80,793-83, out of surplus revenue fund aforesaid, 6 months due 1st October at 6 per cent,	2,423 81
This sum received from Sussex county, the interest on a loan of \$5,000 to said county, at 6 per ct. per annum, due 1st. July,	300 00
This sum received from the Farmers' Bank of the State of Delaware, at Dover, dividend on 5000 shares new stock, \$36 paid in on each share, at 6 per ct. per annum,	5,400 00
	<u>9,839 26</u>
This sum, the amount of all money received into the State Treasury other than from the surplus revenue fund, from the 12th January 1839 to 1st day January, 1840,	9,889 40
1840.	
This sum received in 1840, from January 24th to December 22d., the interest and dividends from the surplus revenue fund,	15,947 62
<i>Amount carried forward,</i>	<u>\$47,152 62</u>

## DEBTOR.

1840.

*Dolls. Cts.*

47,152 62

*Amount brought forward,*

To wit: From the Philadelphia, Wilmington and Baltimore rail road company, the annual interest on loan of \$80,793 83, paid semi-annually, at 6 per cent per annum,	\$4,847 62
From the Farmers' Bank at Dover, two semi-annual dividends on 5000 shares of new stock, \$36 paid in on each share, at 6 per cent per annum,	10,800 00
From Sussex county, interest on loan of \$5000, at 6 per cent per annum,	300 00
	<hr/>
	\$15,947 62

This sum, the amount of all receipts into the treasury of the State, other than from the surplus revenue fund, from the first day of January, 1840, to the 22d day of December, 1840,

14,237 49

1841.

Jan. 14. This sum received from the Farmers' Bank of the State of Delaware at Dover, dividend on 5000 shares of new stock, 36 dollars per share, paid in at 6 per cent. per annum, a part of the surplus revenue fund	5,400 00
This sum received from ditto ditto, the 66th dividend on 932 shares of stock at 6 per cent. per annum,	1,398 00
13th. This sum from Thomas Stockton, chairman of Geological Committee,	39 00
This sum received from the Farmers' Bank at Georgetown, a dividend on 248 shares stock at 6 per cent. per annum,	372 00
	<hr/>
	\$68,599 11

Feb. 16. This sum due from Elijah Cannon, treasurer of the State of Delaware to said State,

7,421 00

## CREDITOR.

1839.

By this sum paid the Treasurer of the Poor of Sussex county, out of the income from the surplus revenue fund, agreeably to an act of the General Assembly of the State of Delaware, passed at Dover, the 22d day of February, A. D. 1837, 3,386 50

To wit:—

January 24.,	The $\frac{2}{3}$ parts of the equal share	
	of said county of Sussex of the income	
	aforesaid, for the last 6 months,	1,771 96
August 1.	Ditto ditto	1,614 54
		<hr/>
		\$3,386 50

August 1. This sum paid to the Trustee of the school fund the share of New Castle, Kent and Sussex counties to the income from the surplus revenue fund, applicable to schools, 11,853 75

To wit: This sum paid to be distributed amongst the school districts of New Castle county, being the equal share of the said county to the income from the surplus revenue fund, 5,079 75

Ditto ditto Kent county's equal share as aforesaid, 5,079 75

The share of Sussex county of the income from the surplus revenue fund applicable to schools, being the  $\frac{1}{3}$  part of said county's equal share of the said fund, 1,693 25

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\$11,852 75

This sum paid for Executive, Judicial and Legislative services, and for all salaries and allowances from Jan. 24, 1839, to 1st Jan. 1840, 18,362 94

1840.

This sum paid the treasurer of Sussex county, for the use of the poor of said county, out of the income from the surplus revenue fund agreeably to the act aforesaid, being the  $\frac{2}{3}$  part of Sussex county's equal share of said fund, 3,543 90

To wit:

January 13.	From committees,	1,771 95
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*Amount carried forward,*

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\$37,147 09

## DEBTOR.

			<i>Dolls. Cts.</i>
1839.	<i>Amounts brought forward,</i>	\$1,171 95	37,147 09
August 2.	ditto	1,771 95	
		<hr/>	
		\$3,553 90	
		<hr/>	
August 1.	This sum paid to the trustee of the school fund out of the income from the surplus revenue fund,		12,403 69
	To wit:		
	New Castle county's equal share of said income, applicable to the use of schools in said county,	5,315 87	
	Kent county's equal share of said fund, applicable to the use of schools in the said county,	5,315 87	
	Sussex county's $\frac{1}{2}$ part of equal share aforesaid, applicable to the use of schools in said county,	1,771 95	
		<hr/>	
		\$12,403 69	
		<hr/>	
	This sum paid for Executive, Judicial and Legislative services, and all allowances from 1st January, 1840, to 8th January, 1841,		11,354 23
1841.	Feb. 16. This sum placed to the credit of Wm. D. Waples, State Treasurer, on account of the same having been disallowed by S. Spearman, Auditor of Accounts, the commissions on \$5,009 74 at 5 per cent., the amount of old balances due from Clerks of the Peace, and a bill of \$23 62, for extra travelling expenses and postage,		274 10
	Balance due the State of Delaware,		7,421 00
			<hr/>
			\$68,599 11
			<hr/>

*Elijah Cannon, Trustee of the fund for establishing schools in account with with the fund for establishing schools.*

## DEBTOR.

		<i>Dolls. Cts.</i>
1839.		
January 24,	To this sum received from Peter S. Parker, late State Treasurer and Trustee of the school fund,	20,691 20
		<hr/>
	<i>Amount carried forward,</i>	\$20,691 20

## DEBTOR.

1840.

*Dolls. Cts.*  
20,691 20

*Amount brought forward,*

☞ Of this sum \$10,058 88 is due the school fund, \$6,481 40 is money received from David S. Gregory, being the 10 instalments paid on account of Delaware State lottery, \$1,190 29 is due to the school districts in New Castle county \$1,191 24 is due to the school districts in Kent county, and \$1,769 39 is due the school districts in Sussex county.

This sum received from David S. Gregory, on account of Delaware State lottery, the 11th 12th and 13th instalments due from said Gregory,

1,944 43

August 1st. This sum paid by the Treasurer of the State of Delaware, from the proceeds of the surplus revenue fund,

11,852 75

To wit:—

For the use of schools in N. Castle county, \$5,079 75

For the use of schools in Kent county, 5,079 75

For the use of schools in Sussex county,  
the  $\frac{1}{2}$  part of Sussex county's equal share, 1,693 25

---

\$11,852 75

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This sum received into the treasury of the school fund from all sources other than from the surplus revenue fund from the 24th January 1839, to August 1st 1839, and applicable to the use of schools,

7,498 50

☞ It will be seen on reference to the table of distribution that the trustee distributed in 1839, (the present year) \$859 13 more than had been received by him as trustee. This sum was paid to the State Treasurer, by John Gordon, Esq., late Clerk of the Peace of New Castle county, for retailers' and pedlars' licenses, (see Secretary of State's old book, page 110.) The Auditor finds this sum in its proper place, in the account of State Treasurer.

1840.

This sum received from the State Treasurer, the proceeds of the surplus revenue fund,

12,403 69

To wit:—

On the first day of August 1840, for the

use of schools in New Castle county, \$5,315 87

For the use of schools in Kent county, 5,315 87

For the use of schools in Sussex county,

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*Amounts carried forward,*    \$10,631 74    \$54,390 57

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## DEBTOR.

		<i>Dolls. Cts.</i>
<i>Amounts brought forward,</i>	\$10,631 74	54,390 57
being the $\frac{1}{2}$ of Sus. county's equal share,	1,771 95	
	<hr/>	
	\$12,403 60	
This sum received into the school fund from all sources other than from the surplus revenue fund from the 1st August 1839, to 1st August 1840, applicable to distribution 1st August 1840,		12,652 00
This sum received by the trustee from all sources of revenue from the first day of August 1840, to the 21st day of November, A. D. 1840,		3,305 80
1841.		
January. This sum received from the Farmers' Bank at Georgetown, a dividend on 240 shares stock, at the rate of 6 per cent per annum,		360 00
This sum received from the Farmers' Bank at Dover, a dividend on 1904 shares of stock at 6 per cent per an.		2,856 00
		<hr/>
		\$73,564 37
		<hr/>
To this sum the balance due the fund and districts from E. Cannon, Trustee,		28,749 96
To wit:—		
Due to two districts in New Castle county, and undrawn,	242 94	
Due to one district in Kent county, and undrawn,	180 32	
Due to 25 districts in Sussex county, and undrawn,	2,332 59	
Due the school fund,	25,994 11	
	<hr/>	
☞ The balance as shown above is	\$28,749 96	
Of this sum there is 13 instalments paid into the school fund by D. S. Gregory, on account of the Delaware State lottery, making the sum to be invested \$8,425 82		
The sum received into the school fund since the 1st August 1840, and applicable to the distribution to be made on the 1st day of August 1841, is	6,521 80	
This sum is due the districts in the several counties and undrawn (see the account)	2,755 85	17,703 47
	<hr/>	
		\$11,046 49

The foregoing sum of \$11,046 49 may be distributed whenever it may please the General Assembly to do so.

S. SPEARMAN, *Auditor*.

### CREDITOR.

1839.

February 10, To this sum paid for support and tuition of the blind prior to the distribution made 1st August, 1839,

\$1,813 15

To wit:—

Cash paid John Vaughan, President of the Pennsylvania Institute for the support and education of the blind, for board and tuition of Beniah Parvin, from New Castle county, 4 years, 1 month and 8 days,	821 11
Ditto—William Churchman, a blind boy from New Castle county,	365 56
Ditto, ditto—for support and tuition of B. Parvin and Wm. Churchman aforesaid, from New Castle county, for the $\frac{1}{2}$ year ending on the 30th March, 1839,	200 00
Ditto, ditto—for ditto, ditto; for James Buchanan, a blind boy of Kent county, up to 30th March, 1839,	426 48

\$1,813 15

By this sum paid to 50 districts in New Castle county,	6,174 72
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By this sum paid to 45 districts in Kent county,	7,358 05
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By this sum paid to 65 districts in Sussex county,	4,437 09
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☞ For the distribution made in 1839, August 1, see table marked No. 1, accompanying this report.

Dec. 26. This sum paid John Vaughan aforesaid, for support of the blind,	283 33
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To wit:—

For Beniah Parvin, of New Castle county, for 6 months, ending 1st October,	100 00
For William Churchman, from New Castle up to 1st September,	83 33
For James Buchannan, from Kent county,	100 00

283 33

1840.

This sum paid John Vaughan aforesaid, for support of indigent blind,	400 00
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To wit:—

*Amount carried forward,*

\$20,466 34

## CREDITOR.

1840.		<i>Dolls. Cts.</i>
	<i>Amount carried forward,</i>	20,466 34
	For Beniah Parvin, from N. C. county 1 yr.	200 00
	For James Buchannan, from K. county do.	200 00
1840.		400 00
	This sum paid to 68 districts in Sussex county,	5,554 20
	This sum paid to 45 districts in Kent county,	8,175 15
	This sum paid to 66 districts in New Castle county,	10,618 72
		<hr/> 44,814 41
	For the distribution made in 1840, August 1, see table marked No. 2 accompanying this report.	
1841.		
January 8.	This sum due to the school fund and districts,	28,749 96
	To wit:—	
	Due to two districts in New Castle county, and undrawn,	242 94
	Due to one district in Kent county, and undrawn,	180 32
	Due to 25 districts in Sussex county, and undrawn,	2,332 59
	Due the fund,	25,994 11
		<hr/> \$28,749 96—73,564 37

## TABLE No. 1.

*Showing the distribution made on the first day of August, 1839, by Elijah Cannon, Trustee of the School Fund.*

	<i>Dolls. Cts.</i>
The whole sum received from P. S. Parker, late trustee,	20,691 20
Deduct from this sum the amount due the districts, to wit:—	
In New Castle county,	1,190 29
In Kent county,	1,191 24
In Sussex county,	1,769 39
	<hr/> 4,150 92
Deduct the amount of surplus revenue included in the above,	7,823 81
Deduct the amount received from D. S. Gregory, not applicable to distribution,	8,148 11.—20,122 84
Amount of general fund distributable out the money received from P. S. Parker.	<hr/> 568 36
<i>Amount carried forward,</i>	<hr/> \$568 36



## CREDITOR.

			<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>			568 36
Amount of the general fund received by E. Cannon, and divisible according to the census of 1830, (an error in this sum of \$859 13 too much.)			8,357 63
			<hr/>
Deduct this sum over paid by P. S. Parker at settlement, says P. S. Parker, and the result proves it,			\$8,924 38
			1 61
			<hr/>
			\$8,924 38
			<hr/>
Of this sum the amount of general fund, N. Castle county is entitled according the census of 1830, to,		3,597 69	
Kent county is entitled to,	2,115 48		
Deduct the amount paid for the in- digent blind of Kent county,	426 48	1,689 00	
Sussex county is entitled to	<hr/>	3,211 11	
		<hr/>	
This sum was received by P. S. Parker, late State Treas- urer, from the 1st of August 1838, until the time of the expiration of his term of office in January 1839, of the income from the <i>surplus revenue fund</i> , and di- visible equally among the respective counties,			7,823 81
This sum received by Elijah Cannon, Treasurer as aforesaid, of the fund aforesaid. This sum includes the interest on \$5,000 from Sussex county \$300.			7,415 45
			<hr/>
			$\frac{1}{2}$ ) 15,239 26
			<hr/>
			\$5,079 75
New Castle is entitled to		5,079 75 $\frac{1}{2}$	
Kent to		5,079 75 $\frac{1}{2}$	
Sussex due poor $\frac{2}{3}$	3,186 50		
Applicable to schools	1,593 25		
Interest deducted on \$5,000 loan to Sussex county, as required by the act of Assembly,	300 00	—5,079 75 $\frac{1}{2}$	
		<hr/>	
		\$15,239 26	
		<hr/>	
New Castle's share of general fund,	3,597 69		
Ditto of surplus,	† 5,079 75		
To which add the amount forfeited by district No. 9,	73 14		
	<hr/>		
<i>Amount carried forward,</i>	\$8,750 58		

## CREDITOR.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	8,750 58
✂ The trustee has this sum \$75 14; the true amount is 73 14. (See State Treasurer's Ledger.)	
No. Districts 72)	8,750 58 (121 53½ each district.
	72
	<hr/>
	155
	144
	<hr/>
	110
	72
	<hr/>
	385
	360
	<hr/>
	258
	216
	<hr/>
	42
	<hr/>
Sussex general fund,	3,211 11
do surplus,	1,593 25
	<hr/>
	\$4,804 36
Add for district No. 23, forfeited,	61 97
" " 44 ditto,	59 12½
	121 09
No. districts, 78)	4,925 35 (63 14½ each district.
	468
	<hr/>
	245
	234
	<hr/>
	113
	78
	<hr/>
	355
	312
	<hr/>
	43
	<hr/>

	<i>Dolls. Cts.</i>
Kent general fund,	1,688 70
do surplus,	5,079 75
<hr/>	
No. districts, 45)	6,768 45 (150 41 each district.
	45
<hr/>	
	226
	225
<hr/>	
	184
	180
<hr/>	
	45
	45
<hr/>	
Each district in N. C.	\$121 54
do Sussex,	63 15
do Kent,	150 41

TABLE No. 2.

Whole sum received by E. Cannon, Trustee, from 1st. August 1839, to 1st August 1840, of <i>general fund</i> , divisible according to the census of 1830,	12,652 00
Ditto of surplus revenue, divisible equally among the counties. The amount for poor of Sussex county is deducted, and \$100 for interest, out of Sussex county's school money,	12,303 69
The share of New Castle is	5,315 87
“ Kent “	5,315 87
“ Sussex “	1,671 95
	<hr/>
	\$12,303 69
<hr/>	
The share of New Castle of general fund is	5,100 55
“ Sussex “	4,552 36
“ Kent “	2,999 09
	<hr/>
	\$12,652 00
	<hr/>

	<i>Dolls. Cts.</i>
New Castle general fund,	5,100 55
do surplus,	5,315 87

---

10,416 42

Deduct for indigent blind,	1,670 00
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---

No. of Districts, 72) 8,746 42 (121 47 each district.  
72

---

154

144

---

106

72

---

344

288

---

562

504

---

58

---

Kent general fund,	2,999 09
do surplus,	5,315 87

---

\$8,314 96

Deduct for Indigent blind,	200 00
----------------------------	--------

---

No. of districts, 45) 8,114 96 (180 33 each district.  
45

---

361

360

---

0149

135

---

146

135

---

11

	<i>Dolls. Cts.</i>
Sussex county general fund,	4,552 36
do surplus,	1,671 95

No. districts, 78) 6,224 31 (79 79 each district.  
546

---

764

702

---

623

546

---

771

702

---

69

Each district in New Castle,	121 47
do Kent,	180 33
do Sussex,	79 79

On motion of Mr. Dale,

The foregoing report was referred to the committee appointed at the commencement of the session, to settle with the State Treasurer.

On motion of Mr. Frazer,

The bill entitled "An act to enable Thomas Hays, of Kent county, to locate certain lands situate in Dover hundred, and to complete his title to the same," was read a second time by its title.

On motion of Mr. Barr,

The report made by the committee some days since, on the subject of lotteries,

*Was adopted.*

On motion of Mr. Higgins,

The bill entitled "An act concerning the division of school districts Nos. 2 and 3, in New Castle county," was read a third time by paragraphs and

*Passed the House.*

*Ordered* to be returned to the Senate.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act fixing the annual salary of the Treasurer of New Castle county," with an amendment in which the concurrence of the House was desired.

Also in the joint resolution providing for the establishment of a division line between Kent and Sussex counties.

And he further informed the House that the Senate had indefinitely post-

poned the bill entitled "An act to repeal the prohibition against the Chancellor or any Judge purchasing stock in any bank of this State."

And he withdrew.

On motion also of Mr. Higgins,

The joint resolution for adjournment *sine die*, was taken up for consideration.

Mr. Higgins then moved,

That the vote taken yesterday amending the said resolution, and fixing on Friday next as the day of adjournment, be reconsidered.

Which motion

*Prevailed.*

On motion of Mr. Huffington,

The said resolution was then amended by striking out the words 'Friday the 19th,' and inserting in lieu thereof the words 'Monday the 22d.'

On his motion,

The resolution as amended

*Was adopted.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Dale,

The bill entitled "A supplement to the act entitled 'An act to incorporate a company for making an artificial turnpike road from the borough of Wilmington to the village of Christiana, in New Castle county,'" was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to be returned to the Senate.

Mr. Huffington, chairman of the committee to whom was referred the accounts of Joseph L. Harper, for fitting up the Auditor's office, made the following report, which,

On his motion

Was read and adopted, viz:—

The committee to whom was referred the accounts and vouchers of Joseph L. Harper, for furnishing the room occupied by the Auditor of Accounts, report:

That the said Joseph L. Harper has expended, in addition to the allowance made him for that purpose at the last session of the General Assembly, the sum of 7 dollars and 87½ cents: that said Joseph L. Harper claims expenses in going to the city of Philadelphia to make purchases for the above purpose, and therefore the committee recommend that said Harper be allowed the sum of six dollars for said expenses, making in the whole the sum of \$13 87½, to be inserted in the bill for the payment of claims.

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

"An act to enable Sally Ann J. Smithers, Mary Elizabeth Smithers and Enoch J. Smithers, minor children of Joseph Smithers, to make an exchange of certain lands therein mentioned."

On motion of Mr. Clements,

The amendment proposed by the Senate to the resolution providing for the repair of the arsenal, cleaning of the public arms, &c., was read as follows, viz:

"IN SENATE, *February 16, 1841.*

Amend the resolution as follows, to wit:—Strike out the word 'fifty,' and insert the words 'one hundred,' in the third resolve, last line.

*Extract from the Journal.*

G. P. FISHER, *Clerk Senate.*

*For concurrence."*

On motion of Mr. Huffington,

The said amendment was non-concurred in by the House.

*Ordered* that the Senate be informed thereof.

On motion of Mr. Huffington,

A committee of conference was appointed on the part of the House to meet a like committee on the part of the Senate, on the subject of the disagreement between the two Houses, in regard to the amendment to the said resolution.

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

*Ordered* that the Senate be informed thereof, and requested to appoint a similar committee.

On motion of Mr. Wilds,

The bill entitled "An act to enable Joshua Hays and Wesley Hays, of Kent county, to locate certain lands, situate partly in Dover hundred and partly in Little Creek hundred, and to complete their title to the same" was read a second time by its title.

On motion of Mr. Collins,

The bill entitled "An act to incorporate the trustees of T Town meeting-house in Sussex county" was read a second time by its title.

On motion of Mr. Betts,

The bill entitled "An act to amend the act of the present session entitled 'An act to amend the supplement passed January 25, 1830, to the act for the establishment of free schools, and also to amend the fifth section of the original act, and for other purposes'" was read a second time.

On motion of Mr. Higgins,

The bill entitled "An act allowing for a limited time an additional Justice of the Peace in the county of New Castle," was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Huffington,

The bill entitled "An act to incorporate the Rokeby Manufacturing Company," was read a second time.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to repeal the act entitled 'An act to repeal the act entitled 'An additional supplement to an act to restrain persons from suffering swine to go at large within certain limits.'"

Also, in the bill entitled "An act to enable the administrator of Samuel Meeter, deceased, late of New Castle county, to sell his real estate."

Also in the bill entitled "An act to re-organise the school districts of Kent county," with an amendment in which the concurrence of the House was desired.

Also in the bill entitled "A supplement to an act entitled 'An act laying a tax on dogs in New Castle county, passed at Dover, February 21st one thousand eight hundred and thirty-nine,'" with an amendment in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Johnson,

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



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

The House assembled pursuant to adjournment.

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

"A supplement to the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors.'"

Also "A supplement to the act entitled 'An act to erect and keep in good repair a bridge over Broadkiln creek, where the State road crosses the said creek, at a place called Paynter's Landing.'"

Also "An additional supplement to the act entitled 'An act to enable William Inskeip, of New Castle county, to raise his mill-dam, and for other purposes therein mentioned.'"

Also "An act to enable Wingate Downs to locate certain vacant land in Broad Creek hundred in Sussex county, and to complete his title to the same."



Also "An act to enable Abraham Dazey, of Sussex county, to locate certain lands, situate in Baltimore hundred, and to complete his title to the same."

Also "An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, in Sussex county."

Also "An act to enable Nathaniel Conaway to locate certain vacant land, situate in Nanticoke hundred, and to complete his title to the same."

And "An act to incorporate the Breakwater, Lewes and Philadelphia Steamboat Company."

On motion of Mr. Betts,

The bill entitled "An act to amend the act of the present session entitled 'An act to amend the supplement passed January 25th 1830, to the act for the establishment of free schools, and also to amend the fifth section of the original act, and for other purposes,'" was read a third time by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Clements, from the committee on the petitions praying an inquiry into the amount of alcoholic drinks consumed yearly in this State, made the following report, which

On his motion,

Was read and adopted, viz:—

The committee to whom was referred the memorial of sundry citizens of the State of Delaware, praying the General Assembly to "institute an inquiry in order to ascertain the extent to which the traffic in alcoholic drinks is carried on in this State, the proportion of pauperism, crime and taxation resulting from the use of these drinks, and any other information that can be obtained bearing on the subject," beg leave to report:

That the committee have bestowed considerable attention to the important subject submitted to their consideration. It is highly gratifying to every benevolent mind, to witness the arduous labors, the unwearied exertions, and the enlightened efforts of men of generous and elevated views, in the cause of humanity. The inquiry which the memorialists desire to institute by the action of this Legislature has, for many years past, very properly engaged the attention of some of the best men in our State; and their benevolent labors have conferred lasting benefits upon our citizens.

Your committee are aware, that intemperance is unfriendly to mental improvement, and to moral culture; that it is a vice which strikes at the foundation of all our civil, political, and religious institutions. Agriculture, commerce, the arts and sciences, have all suffered under its baneful and withering influence. Ignorance has prevailed, pauperism has existed, crimes have been multiplied, and the public burdens have increased under the cruel dominion of intemperance. All this your committee are prepared to avow; and they rejoice in the conviction, that the dreadful influences of this mighty evil have been checked by the united exertions of the

Temperance Societies, and of the friends of moral reformation and improvement. To these friends, and to those Societies, the "inquiry" prayed for by the memorialists, most appropriately belongs. In their hands it is safe. They have already done much in producing an enlightened state of public feeling, and the happiest results are to be anticipated from their future judicious efforts.

Your committee, however, respectfully suggest that many serious objections may be urged against legislative action, as prayed for by the memorialists. The proposed "inquiry" would necessarily be through a committee, authorised by the Legislature to send for persons and papers, in order to secure full, authentic and satisfactory information. Such an "inquiry" would be attended with great labor, difficulty, and expense to the State; and, in the present state of public excitement, might create an influence and feeling highly prejudicial to the cause whose interest it was designed to promote. As your committee have before remarked, the cause of temperance is safe in the hands of those who have been and yet are actively engaged to promote it. An enlightened public will remove the evils complained of, and render coercive measures unnecessary. Your committee would respectfully recommend to the friends of temperance throughout this State, to institute, themselves, the "inquiry" suggested by the memorialists, and to publish to the world the result of their benevolent efforts.

In conclusion, your committee recommend the adoption of the following resolution:

*Resolved*, That Jacob Faris, Willard Hall, Palmer Chamberlain, Samuel Barr and Andrew S. Naudain of New Castle county, Joseph Smithers, Joseph I. Lewis, Nicholas Ridgely, Nehemiah Stockly and Joseph Watson of Kent county, Henry F. Hall, David Hazzard, Jonathan R. Torbert, Lowder Layton and William Dunning of Sussex county, be and they are hereby respectfully requested, to give their attention to the subject of this report, and in compliance with the wishes of the numerous petitioners calling upon the Legislature, to devise some way of ascertaining the consumption of intoxicating liquors within this State, furnish so far as may be in their power, correct information in that respect, and make report of the result of their investigation, to the next session of the Legislature.

On motion of Mr. Clements,

Fifty copies of the report and resolution were ordered to be printed for the use of the House.

John W. Houston, Esq., the Secretary of State, being admitted, presented a written communication, with a document accompanying the same. And he withdrew.

On motion of Mr. Black,

The same was read, as follows, viz:—

OFFICE OF THE SECRETARY OF STATE, }  
*Dover, February 17th, 1841.* }

*Gentlemen of the House of Representatives:—*

By the direction of his Excellency the Governor, I have the honor to lay before you the accompanying communication from his Excellency, the Governor of the State of Alabama.

I have the honor to be,

Very respectfully,

Yours, &c.,

JOHN W. HOUSTON,  
*Secretary of State.*

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DEPARTMENT OF STATE, }  
*Tuskaloosa, Ala., January 28, 1841.* }

SIR,

You will perceive, from the joint resolutions of the General Assembly of Alabama, a copy of which I have the honor to inclose, that it is made my duty to forward to the Executives of each of the States, copies of the decisions of the Supreme Court of this State, commencing with 1 Porter; and to receive such of the decisions of the Supreme Courts of other States as may be sent, and deposit the same in the Supreme Court Library.

Considering the importance of a free and full interchange of the judicial opinions of the different States, with a view of producing, as far as practicable, uniformity in the decisions of the judicial tribunals of the State, it is extremely desirable to obtain as complete editions of the decisions of the Supreme Court of the State over which you preside, as may be at your disposal, for the purpose of exchange with the other States.

I have the honor to be,

With perfect respect,

Your ob't serv't,

ULRIC GARRETT.

*His Excellency,*  
*The Governor of Delaware.*

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JOINT RESOLUTIONS IN RELATION TO THE SUPREME  
 COURT DECISIONS.

*Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Secretary of this State be and he is hereby directed to send to the Executive of each of the States of the Union, a copy of the decisions of the Supreme Court of this State, commencing with the first volume of Porter's Reports, and such as may be hereafter published.

*Resolved,* That the Secretary be required to deposit in the Library of the Supreme Court, all the decisions of the Courts of other States that are now or may be hereafter sent to his office.

*Approved, Dec. 15th, 1840.*

On motion of Mr. Huffington,

The amendment of the Senate to the bill entitled "An act to reorganise the school districts of Kent county," was read and concurred in as follows, viz:

"IN SENATE, *February 17, 1841.*

Amend the bill by striking out all after the title and enacting clause, and insert in lieu thereof the following:

That Shadrach Raughley, Benaiah Tharp, and Alexander Johnson be, and they are hereby appointed commissioners, to go upon and view school districts Nos. 33, 34, 35 and 39, in Kent county, and locate and lay out from said districts two additional school districts, as to them shall seem just and proper. And when the said commissioners or a majority of them shall have so located and laid out said additional schools districts, they or a majority of them shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Kent county, to be by him filed among the records of his office. Said return shall be made on or before the first day of June next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the trustee of the school fund. And from and after the first day of June aforesaid, the additional school districts to be formed under the provisions of this act, shall be deemed and taken to be school districts of Kent county, and numbered in continuation of school districts already established by law in said county; and all the acts of the General Assembly of this State, for the general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional school districts to be created under the provisions of this act; and the trustee of the school fund, in the future distribution of the school fund, applicable to school districts in Kent county, shall have due regard to the return of said commissioners as the same may be made and filed as aforesaid, giving to said two additional school districts in Kent county, an equal proportion of the money in his hands annually applicable to school districts of said county.

Section 2. *And be it further enacted*, That the commissioners appointed by this act shall severally before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation, to perform the same with fidelity. And for each and every day the said commissioners may be employed in the discharge of their duties under the provisions herein contained, shall have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeal of Kent county.

Also, amend the title by striking out the word "the" therein and insert in lieu thereof the word "certain."

*Extract from the Journal,*

G. P. FISHER, *Clerk Senate.*

*For concurrence."*

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the joint resolution for adjournment *sine die*.

Also in the bill entitled "An act to create an additional school district in Sussex county."

And in the bill entitled "An act to improve the navigation of Lewes creek, by cutting and making a canal near Green Bank," with an amendment in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Huffington,  
The following bills, to wit:

The bill entitled "An act to divide school district No. 65, and school district No. 73 in Sussex county."

And the bill entitled "An act for changing a part of the division line between the counties of New Castle and Kent," were severally read a second time.

On motion of Mr. Marshall,

The bill entitled "An act to amend the twenty-fifth section of the act entitled 'An act providing for the recovery of small debts,'" was read a second time by its title.

On motion of Mr. Dale,

The amendment of the Senate to the bill entitled "A supplement to an act entitled 'An act laying a tax on dogs in New Castle county, passed at Dover, February 21st, one thousand eight hundred and thirty-nine,'" was read as follows, viz:—

Strike out all after the first section, and add the following as the 2d and 3d sections of the bill:

Section 2. *Be it enacted, &c.*, That all moneys arising in virtue of the act, to which this is a supplement, shall be paid over to the trustee of the fund for establishing schools in the State of Delaware, to be annually distributed, equally, among the respective school districts of New Castle county: *Provided*, That in no case shall Appoquinimink hundred receive any dividends from the moneys arising as recited in this section.

Section 3. *Be it further enacted, &c.*, That so much of the act to which this is a supplement be, and the same is hereby repealed, made null and void, so far as the same has reference to Appoquinimink hundred in said county.

On motion of Mr. Chamberlain,

The said amendment was then amended as follows, viz:—

Amend the Senate's amendment by striking out all after the words "New Castle county," occurring in the sixth line of the second section.

On motion of Mr. Chamberlain,

The amendment of the Senate, as amended by the House, was then  
*Concurred in.*

*Ordered* that the Senate be informed thereof, and requested to concur in the amendment of the House.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "A supplement to the act entitled 'An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal church therein,'" with an amendment, in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Huffington,

The amendment proposed by the Senate to the bill entitled "An act to improve the navigation of Lewes Creek by cutting and making a canal near Green Bank," was read as follows, viz:—

"IN SENATE, *February* 16, 1841.

Strike out in section 7, line 6, after the word 'said,' the word 'brush,' and insert the word 'canal.'

Strike out the ninth section.

Strike out all of the fifteenth section.

Strike out all of the sixteenth section.

*Extract from the Journal.*

G. P. FISHER, *Clerk.*

*For concurrence."*

Mr. Huffington then moved,

That the said amendment be *non-concurred in* by the House.

Which motion

*Prevailed.*

*Ordered* that the Senate be informed thereof.

Mr. Huffington then moved,

That a committee of conference be appointed by the House, to confer with a like committee to be appointed on the part of the Senate, on the subject of the disagreement of the two houses in regard to the said amendment.

Which motion

*Prevailed.*

And Messrs. Huffington, Marshall and Black were appointed that committee.

*Ordered* that the Senate be informed thereof, and requested to appoint a like committee on their part.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act for the encouragement and support of schools in this State,'" with an amendment in which the concurrence of the House was desired.

And he informed the House that Messrs. du Pont and Tharp had been

appointed the committee of conference on the part of the Senate, to meet the committee of the House on the subject of the disagreement between the two houses in relation to the amendment of the Senate to the joint resolution providing for the repair of the arsenal, cleaning of the public arms, &c.

And also, that Messrs. Maull and Thomas Jacobs had been appointed the committee of conference on the part of the Senate, to meet the committee appointed on the part of the House on the subject of the disagreement between the two Houses, in regard to the amendment of the Senate to the bill entitled "An act to improve the navigation of Lewes Creek."

And he withdrew.

On motion of Mr. Black,

The amendment of the Senate to the bill entitled "An act to amend the act entitled 'An act for the encouragement and support of schools in this State,' was read and concurred in as follows, viz:—

"IN SENATE, *February 17, 1841.*

Amend the bill by inserting in the eighth line, after the word 'cents' and before the word 'and' the following: 'and by striking out of the thirteenth line the word 'two,' and inserting in lieu thereof the word 'four.'

*Extract from the Journal,*

G. P. FISHER, *Clerk.*

*For concurrence."*

*Ordered* that the Senate be informed thereof.

Mr. Dale moved,

That the bill entitled "An act for the relief of poor debtors," be read a third time, in order to final passage.

Which motion

*Prevailed.*

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

Mr. Dale demanded the yeas and nays,

Which were taken and are as follow, viz:

*Yeas*—Messrs. Dale and Higgins—2.

*Nays*—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Frazer, Hill, Huffington, Jefferson, Johnson, Marshall, Sudler, Waples and Wilds—15.

So the said bill

*Was lost.*

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "A further supplement to the 'Act to alter and re-establish the charter of the Borough of Wilmington.'"

And in the amendment proposed by the House to the amendment of the Senate to the bill entitled "A supplement to an act entitled 'An act lay-

ing a tax on dogs in New Castle county, passed at Dover, February 21st, one thousand eight hundred and thirty-nine."

And he further informed the House that the Senate had indefinitely postponed the joint resolution for furnishing Newark College with certain volumes in the State Library:

And that the Senate had postponed, until the first day of May next, the bill entitled "An act to prevent unnecessary imprisonment for the execution of judgments in civil cases."

And he withdrew.

On motion of Mr. Collins,

The bill entitled "An act to incorporate the trustees of T Town Meeting-house in Sussex county," was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Marshall,

The bill entitled "An act to amend the twenty-first section of the act entitled 'An act providing for the recovery of small debts,'" was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Frazer,

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



THURSDAY 10 o'clock, A. M. February 18, 1841.

The House met pursuant to adjournment.

Mr. Wright presented the petition of John H. Burton, of Sussex county, praying the Legislature for a grant of vacant land therein mentioned.

On motion of Mr. Wright,

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

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

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



"An act to enable the administrator of Samuel Mecteer, late of New Castle county, deceased, to sell his real estate."

Also, "A further supplement to the act to alter and re-establish the charter of the borough of Wilmington."

Also, "A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College, and for other purposes.'"

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

Also, "A further additional supplement to the act entitled 'An act regulating the General Election.'"

Also "A report and resolution in relation to the controversy concerning fugitives from justice, between the States of New York and Virginia."

On motion of Mr. Frazer,

The bill entitled "An act to enable Thomas Hays, of Kent county, to locate certain lands situate in Dover hundred, and to complete his title to the same," was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate being admitted, returned to the House sundry enrolled bills which had been sent to the Speaker of the Senate for his signature.

And he informed the House that the Senate had indefinitely postponed the bill entitled "An act to create an additional school district in the county of Kent."

And he withdrew.

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

On his motion,  
Was read.

On motion of Mr. Wilds,

The bill entitled "An act to enable Joshua Hays and Wesley Hays, of Kent county, to locate certain lands, situate partly in Dover hundred and partly in Little Creek hundred, and to complete their title to the same" was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Chamberlain,

The amendment proposed by the Senate to the bill entitled "An act fixing the annual salary of the Treasurer of New Castle county," was read and concurred in, in the words following, to wit—

"IN SENATE, *February 17, 1841.*

Amend the bill by striking out the preamble, and all after the enacting clause, and insert the following:—

That from and after the ninth day of February, one thousand eight hundred and forty-two, there shall be allowed to the Treasurer of New Castle county the annual salary of five hundred dollars, in full and complete compensation for his services as treasurer of said county, and so much of any law of this State as is inconsistent herewith be, and the same is hereby repealed, made null and void.

*Extract from the Journal.*

G. P. FISHER, *Clerk Senate.*

*For concurrence."*

*Ordered* that the Senate be informed thereof.

On motion of Mr. Huffington,

The bill entitled "An act to incorporate the Rokeby Manufacturing Company," was read a third time by paragraphs and

*Passed the House.*

By the following vote of yeas and nays:—

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

*Nays.*—None.

*Ordered* to be returned to the Senate.

Mr. Barr moved,

That the bill entitled "An act concerning lotteries," be taken up and read a third time with a view to its final passage.

Which motion

*Prevailed.*

And the first section was read.

And on the question of the passage thereof,

The House being divided,

The Speaker ordered the yeas and nays.

Before the vote was taken,

On motion of Mr. Black,

Further action on the said bill was suspended until this afternoon.

On motion of Mr. Huffington,

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



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

The House assembled pursuant to adjournment.

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

And he withdrew.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had indefinitely postponed the joint resolutions in behalf of the Historical Society of New York.

And he withdrew.

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

“An act to create an additional school district in the county of Kent.”

Also “An act to amend the act entitled ‘An act directing the manner of choosing commissioners to regulate and repair the streets of Milford, and for other purposes.’”

And a “Resolution to provide for the establishment of the boundary line between the counties of Kent and Sussex.”

Mr. Clements moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Black,

Obtained leave to introduce a bill entitled “A supplement to the act entitled ‘An act to create an additional school district in the county of Kent,’” which

On his motion,

Was read.

Mr. Maull, a member of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the report and resolutions on the subject of French Spoiliations, prior to 1800.

And he withdrew.

On motion of Mr. Huffington,

The bill entitled “An act for changing a part of the division line between the counties of New Castle and Kent,” was read a third time by paragraphs and

*Passed the House.*

*Ordered* to be returned to the Senate.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled “An act to authorise the owners and possessors of the marsh and low grounds, commonly called and known by the name of Horsepen Drain, in the forest of Murderkill hundred in Kent county, to cut a ditch or drain through the same.”

Also in the bill entitled "An act to enable Ezekiel Timmons of E., to locate certain vacant land, situate in Broad Creek hundred Sussex county, and to complete his title to the same."

Also in the report and joint resolutions on that part of the late Governor's Message, which relates to the District of Columbia.

And he withdrew.

Mr. Higgins, chairman of the committee to whom was referred so much of the late Governor's Message as recommends the establishment of a State Penitentiary, made the following Report, which,

On his motion,  
Was read, to wit:—

The committee to whom was referred so much of the Governor's Message as relates to the criminal code and the penitentiary system, having bestowed considerable attention to the subject, Report:—

That many among the most enlightened and philanthropic of our citizens view with extreme regret, the seeming necessity of still persisting in our present mode of punishment for crime. If your committee had consulted their own opinions and wishes alone, they would have recommended a speedy revision of the criminal code, for the purpose of adapting it to the more humane, and as they believe, more efficient means of punishment resorted to in our sister States. Of necessity, under our present system, crimes of the highest grade, short of such as are capital, can only be punished by fine, whipping, pillory and imprisonment. In nearly all cases the fine remains unpaid on account of the poverty of the criminal, and consequently, that part of the sentence proves ineffectual. Whipping and pillory is a relic of barbarity, not in the opinion of your committee, calculated to attain, what in all cases should be the objects of the law, the reformation of the offender and the prevention of crime; and imprisonment in idleness produces no salutary effect, while it greatly increases the public expenditures. The public, actuated by these opinions, no matter how great may have been his crime, nearly always step in between the law and its victim, and by petitions numerously signed, operate upon the feelings of the Executive, and a pardon is generally granted in compliance with their urgent importunity. In some cases of undoubted guilt, more than half of the citizens of a county have appealed to the Governor for the exercise of his clemency; and as has been well said, "*it is idle to say that the petitions of many respectable persons should have no weight.*" The law is never conceived in a spirit of vindictiveness, and the punishment for crime is only resorted to for the security of the rights of the people. When therefore, they are willing and anxious to dispense with the provisions of a law, in consideration of its cruelty and inefficiency, the Executive can rarely turn a deaf ear to their appeals, when made upon calm reflection, uninfluenced by any great exciting cause.

For the above reasons, and others which are obvious, your committee are of opinion, that the penitentiary system of punishment, is greatly to be preferred to our present one. Solitary confinement at labor, secures while it continues, the public from the further depredations of the offender,

and at the same time, he is made to earn the expenses necessary to his maintenance. And while thus confined the criminal has ample opportunity for reflection upon his past errors, to form determinations for the government of his future conduct, and in many cases, results highly satisfactory, have been the consequence of this mode of punishment.

There are many grades of crime, and the punishment ought to correspond as nearly as possible to the nature and enormity of the offence. In the opinion of your committee, no crime, save murder, should be punished with death, and the public mind accords so generally with this sentiment, that although we have several offences punishable with death, a pardon is nearly always granted upon conviction of capital crimes, and thus great offenders escape altogether, while lesser ones are severely punished, by whipping, pillory and imprisonment. Such are some of the necessary results produced by our present criminal code.

Your committee, however, aware that legislators ought in most cases to follow, and not attempt to control public opinion, which they believe is not yet prepared to receive with favor, the great and perhaps unexpected change in our system of laws, necessary to adapt them to the penitentiary system of punishment, forbear to recommend its adoption immediately. This indisposition to change our criminal code, arises principally from the idea of the great expenditure, necessary to erect the proper buildings for carrying the same into effect; and the fear of increasing the public burthens, or abstracting from our funds a considerable sum of money, outweighs at present the acknowledged benefits which would follow from the change, and must therefore, postpone it, for the consideration of some future Legislature. But your committee believe that the public feeling in favor of the penitentiary mode of punishment, is rapidly increasing, and will soon be felt in sufficient force, to indicate clearly to our lawgivers, that the people will a change, and then the change must come; for the will of a people understanding their rights, and their interests, should ever give direction to Legislative action.

Mr. Clements moved,  
That the said report be adopted,  
The House being divided,  
The Speaker ordered the yeas and nays,  
Which were taken, and are as follow, viz:—

*Yeas*.—Messrs. Betts, Chamberlain, Clements, Collins, Frazer, Hill, Huffington, Jefferson, Waples, Wilds and Wright—11.

*Nays*.—Messrs. Barr, Black, Dale, Higgins, Marshall, Virden and Mr. Speaker—7.

So the said report

*Was adopted.*

On motion of Mr. Clements,  
One hundred copies of the said report were ordered to be printed.

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Black,

Obtained leave to introduce a bill entitled "An act for the preservation of oysters, that may hereafter be planted in the waters of Indian River and Rehoboth Bay."

On motion of Mr. Wright,

The said bill was read.

On motion of Mr. Wright,

The bill entitled "An act to enable John H. Burton to locate certain vacant land, situate in Dagsboro hundred, in Sussex county, and to complete his title to the same," was read a second time by special order by its title.

On his motion,

The said bill was then read a third time by special order by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Collins,

So much of the report of the present Auditor of Accounts as relates to the investment of the surplus monies now in the treasury of this State, was referred to a committee of three members, with leave to report by bill or otherwise.

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

On motion of Mr. Wright,

The amendments proposed by the Senate to the bill entitled "A supplement to the act entitled 'An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal church therein,'" was read, as follows, viz:—

"IN SENATE, February 14, 1841.

Amend the bill in the first section by striking out the name of Charles G. Ridgely whenever it occurs, and insert in lieu thereof the name of Edward Wootten.

Also by adding another section, as follows:—

Section 8, *And be it further enacted*, That Thomas Robinson, sen'r, shall not be considered by any of the provisions of this act to have lost his residence in Sussex county in this State, as commissioner, so long as he continues to perform the duties enjoined upon him as a manager as provided for in the act to which this is a supplement.

*Extract from the Journal.*

G. P. FISHER, *Clerk Senate.*

*For concurrence."*

On motion of Mr Wright,

The said amendments were *non-concurred* in by the House.

*Ordered* that the Senate be informed thereof.

On motion of Mr. Wright,

A committee of conference was appointed on the part of the House to meet a like committee to be appointed on the part of the Senate, to confer on the subject of the disagreement of the two Houses in relation to the said amendments.

The committee on the part of the House consists of Messrs. Wright, Frazer and Barr.

*Ordered* that the Senate be informed thereof, and requested to appoint a similar committee.

On motion of Mr. Barr,

The vote was then taken on the passage of the first section of the bill entitled "An act concerning lotteries," which was suspended until this afternoon, and resulted as follows, viz:—

*Yeas*—Messrs. Barr, Betts, Black, Chamberlain, Clements, Dale, Frazer, Higgins, Marshall, Wilds and Mr. Speaker—11.

*Nays*—Messrs. Collins, Hill, Huffington, Jefferson, Virden, Waples and Wright—7.

So the said first section

*Passed the House.*

On the question of the final passage of the said bill,

The House being divided,

The Speaker ordered the yeas and nays,

Which were taken and are as follow, viz:—

*Yeas*.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Dale, Frazer, Higgins, Marshall, Wilds and Mr. Speaker—11.

*Nays*—Messrs. Collins, Hill, Huffington, Jefferson, Virden, Waples and Wright—7.

So the said bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had adopted the report of the committee of conference on the subject of the disagreement of the two Houses to the amendment proposed by the Senate to the joint resolutions on the subject of the repair of the arsenal, and cleaning of the public arms, &c.

And he presented the said report for the concurrence of the House.

And he withdrew.

On motion of Mr. Huffington,

The said report was read and concurred in, in the following words:—

The committee of conference, appointed on the subject of the disagreement of the two Houses in relation to the amendment proposed by the Senate to the resolutions concerning the arsenal in Kent county, and the public arms, report:—That the Senate recede from their amendment, substituting in lieu thereof the following amendments, to wit:—

Amend the first resolution by striking out of the third line thereof the words, 'the sheriff of,' and inserting in lieu thereof the name of 'Henry Eubanks.'

Also by adding in the fourth line of the said section immediately after the word 'house,' the words 'in Kent county.'

Amend the second resolution, by striking out of the second line of said resolution the words 'the sheriff of Kent,' and inserting in lieu thereof the name of 'Henry Eubanks.'

Also, by inserting in the third line after the word 'sheriffs,' the words 'and of the present sheriff.'

Also by adding to said resolution these words—'and after all the duties enjoined upon the said Henry Eubanks in these resolutions shall have been by him performed, it shall be the duty of the sheriff of Kent county to examine the work and service so done, and if in his opinion the same has been faithfully executed, he shall give to the said Henry Eubanks a certificate to that effect.'

Amend the third resolution by striking out of the second line thereof the words 'sheriff of Kent,' and inserting in lieu thereof the name of 'Henry Eubanks.'

Also by striking out of the last line thereof the word 'fifty,' and inserting in lieu thereof the word 'eighty.'

Also by adding at the end of said resolution these words 'to be allowed by the Legislative committee at their meeting in January next, upon the production by the said Henry Eubanks, of the certificate of the said sheriff of Kent county that he has faithfully performed the duties enjoined upon him by these resolutions.'

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act declaring certain acts public acts."

Also in the "Joint resolutions providing for new desks and chairs for the House of Representatives."

And he withdrew.

On motion of Mr. Barr,

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



FRIDAY, 10 o'clock A. M., February 19, 1841.

The House assembled pursuant to adjournment.

On motion of Mr. Huffington,

The bill entitled "An act to authorise the cutting of a canal from Strun-



kill Gut into the Delaware Bay," was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to be returned to the Senate.

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

"An act to re-organise certain school districts of Kent county."

Also, "A supplement to the act entitled 'An act to incorporate a company for making an artificial turnpike road from the borough of Wilmington to the village of Christiana, in New Castle county.'"

Also, "An additional supplement to the act entitled 'An act concerning the New Castle and Frenchtown Turnpike and Rail Road Company.'"

Also, "A supplement to the act entitled 'An act regulating marriage.'"

And "An act to repeal certain parts of acts therein mentioned, and for other purposes."

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act allowing for a limited time an additional justice of the peace in the county of New Castle."

And he informed the House that the Senate had appointed Messrs. Stansbury Jacobs and Tharp the committee of conference on the part of the Senate to meet the committee appointed on the part of the House, to confer on the subject of the disagreement between the two Houses, in relation to the amendment of the Senate to the bill entitled "A supplement to the act entitled 'An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal Church therein.'"

And he further informed the House that the Senate had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act providing for the punishment of certain crimes and misdemeanors,' with an amendment in which the concurrence of the House was desired.

And he presented for the signature of the Speaker sundry enrolled bills.

And he withdrew.

On motion of Mr. Collins,

The amendment of the Senate above referred to, was read and concurred in as follows, viz:—

"IN SENATE, *February 17, 1841.*

Section 1, 34th line: strike out the word 'sixty' and insert 'thirty-nine.'"

*Extract from the Journal,*

G. P. FISHER, *Clerk Senate.*

*For concurrence."*

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the amendment proposed by the House to the bill entitled "An act to authorise the cutting of a canal from Strunkill Gut into the Delaware Bay."

And he withdrew.

On motion of Mr. Wright,

The bill entitled "An act for the preservation of oysters that may hereafter be planted in the waters of Indian river and Rehoboth bay," was read a second time by its title.

Mr. Wright presented a petition from sundry citizens of Sussex county, praying that the use of wears, hedges and gill-nets, in Love's creek, in said county, may be prohibited.

On motion of Mr. Wright,

The said petition was read.

On motion of Mr. Black,

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



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

The House met pursuant to adjournment.

Mr. Fisher, Clerk of the Senate, being admitted, presented for the concurrence of the House a bill entitled "An act for fixing the term of office of the Recorder of Deeds, and for other purposes."

And he informed the House that the Senate had concurred in the passage of the following bills, viz:—

"A further supplement to the act entitled 'An act to authorise the owners and possessors of the marsh or low grounds, commonly called and known by the name of the Culbreath's marsh, situate in the forest of Murderkill and Dover hundreds, in Kent county, to cut a ditch or drain through the same.'"

Also, "An act to enable John H. Burton to locate certain vacant land, situate in Dagsboro hundred, in Sussex county, and to complete his title to the same."

Also, "An act to amend the act of the present session entitled 'An act to amend the supplement passed January 25, 1830, to the act for the establishment of free schools, and also to amend the fifth section of the original act, and for other purposes.'"

Also, "An act to incorporate the trustees of T Town Meeting-house, in Sussex county."

Also "A supplement to the act entitled 'An act to revive and continue in force an act prohibiting the use of wears, hedges, and gill-nets in St. Jones' creek.'"

And "An act to place in good repair a bridge over Lewes Creek, from the town of Lewes, to the cape side of the said creek, in the county of Sussex," with an amendment in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Wright,

The bill entitled "An act for the preservation of oysters that may hereafter be planted in the waters of Indian river and Rehoboth bay," was read a third time by special order by paragraphs and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Huffington, chairman of the committee of conference on the part of the House, on the subject of the disagreement between the two Houses to the amendment of the Senate to the bill entitled "An act to improve the navigation of Lewes Creek by cutting and making a canal near Green Bank," made the following report, which,

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

The committee of conference on the subject of the disagreement of the two Houses in relation to the amendments proposed by the Senate to the bill entitled "An act to improve the navigation of Lewes Creek by cutting and making a canal near Green Bank," report:—

That the Senate recede from their original amendments to the said bill, substituting therefor the following amendments:

First.—Strike out of the 7th section in the sixth line after the word 'said' the word 'creek,' and insert in lieu thereof the word 'canal.'

Second.—Strike out in the 1st and 9th sections the name of 'Doct. Henry F. Hall,' and insert in lieu thereof the name of 'George Hickman.'

Third.—Strike out the 15th section.

Fourth.—Strike out in the 6th, 9th and 12th lines of the 9th section, the words 'ten years' and insert in lieu thereof the words 'four years.'

Fifth.—Change the 16th to the 15th section.

*Ordered* that the Senate be informed thereof.

Mr. Wright, chairman of the committee of conference on the part of the House, on the subject of the disagreement between the two Houses in relation to the amendment proposed by the Senate to the bill entitled "A supplement to the act entitled 'An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal Church therein,'" made the following report, which

On his motion  
Was read and adopted, viz:—

The committee of conference on the subject of the disagreement of the two Houses in relation to the bill authorising the building of an Academy at Georgetown, Report:—

That the Senate have receded from the first amendment proposed to said bill, and substitute in lieu thereof the following amendment:

Strike out the name of 'Charles G. Ridgely,' and insert in lieu thereof the name of 'Doct. George Maull.'

The committee of conference agree to the second amendment made in the Senate.

*Ordered* that the Senate be informed thereof.

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

"An act to incorporate the Rokeby Manufacturing Company."

Also "An act declaring certain acts public acts."

Also "An act concerning the division of school districts Nos. 2 and 3 in New Castle county."

Also "An act fixing the annual salary of the Treasurer of New Castle county."

And "A supplement to an act entitled 'An act laying a tax on dogs in New Castle county, passed at Dover, February 21st, one thousand eight hundred and thirty-nine.'"

Mr. Black, Chairman of the committee of claims, asked that the sense of the House might be taken in regard to reporting the claim of Elizabeth Rowe, presented some days since, in the bill for the payment of claims.

Mr. Huffington moved,

That the sense of the House be taken in accordance with said request.

Which motion

*Precoiled.*

The sense of the House was then taken by a vote of yeas and nays, and resulted as follows, viz:—

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

*Nays.*—None.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had indefinitely postponed the bill entitled "A supplement to the act entitled 'An act providing for the recovery of small debts.'"

And he withdrew.

Mr. Black laid on the table the claim of Simon Spearman, Auditor of Accounts, against the State, for auditing and re-adjusting the accounts of Elijah Cannon, late State Treasurer, which,

On his motion,  
Was read.

Mr. Black moved,  
That the sense of the House be taken as to whether the said claim should be reported in the bill for the payment of claims.

Which motion.

*Prevailed,*

And the sense of the House was taken by a vote of yeas and nays, ordered by the Speaker:—

*Yeas*—Mr. Clements.—1.

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

So the House refused to instruct the committee to report the said claim for the amount charged.

Mr. Wright then moved,  
That Simon Spearman be allowed two hundred dollars for the service rendered.

The House being divided,  
The said motion

*Was lost,*

By the following vote of yeas and nays, ordered by the Speaker:—

*Yeas*—Messrs. Barr, Betts, Clements, Hill, Wright and Mr. Speaker—7.

*Nays*—Messrs. Black, Chamberlain, Collins, Dale, Frazer, Huffington, Jefferson, Marshall, Virden and Waples—10.

Mr. Clements then moved,  
That he be allowed one hundred and fifty dollars for the service rendered,

Which motion

*Was lost,*

By the following vote of yeas and nays, ordered by the Speaker:—

*Yeas*—Messrs. Betts, Black, Clements, Hill, Jefferson, Wright and Mr. Speaker—7.

*Nays*—Messrs. Barr, Chamberlain, Collins, Dale, Frazer, Huffington, Marshall, Virden and Waples—9.

Mr. Clements then moved,  
That he be allowed one hundred and twenty-five dollars for the service rendered.

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

*Yeas*—Messrs. Betts, Black, Clements, Hill, Huffington, Jefferson, Wright and Mr. Speaker—8.

*Nays*—Messrs. Barr, Chamberlain, Collins, Dale, Frazer, Marshall, Virden and Waples—8.

So the said motion

*Was lost.*

Mr. Huffington then moved,  
That he be allowed one hundred dollars for the service rendered.  
The House being divided,  
The Speaker ordered the yeas and nays,  
Which were taken, and are as follow, viz:—

*Yeas*—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Frazer, Hill, Huffington, Jefferson, Waples, Wright and Mr. Speaker—13.

*Nays*—Messrs. Dale, Marshall and Virden—3.

So the said motion

*Prevailed,*

And the committee of claims were directed to report an allowance to Simon Spearman for that amount, for his services rendered.

On motion of Mr. Clements,  
The bill entitled "A supplement to the act entitled 'An act to create an additional school district in the county of Kent, passed at Dover February 16, 1839, was taken up for a third reading, and the first section

*Passed the House.*

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

*Yeas*—Messrs. Clements, Collins, Dale, Hill, Huffington, Marshall, Waples, Wright and Mr. Speaker—9.

*Nays*—Messrs. Barr, Betts, Black, Chamberlain, Frazer, Jefferson and Virden—7.

So the said second section

*Passed the House.*

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

*Yeas*—Messrs. Clements, Collins, Dale, Hill, Huffington, Marshall, Waples, Wright and Mr. Speaker—9.

*Nays*—Messrs. Barr, Betts, Black, Chamberlain, Frazer, Jefferson and Virden—7.

So the said bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

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

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

*Resolved*, That the Sergeant-at-arms cause to be placed in the committee-room of this House, the boxes in the cellar below, containing the unbound volumes of the Digest, and that when he has performed that duty, he report the same to the House, that some order may be taken by the General Assembly for the disposition of the said unbound volumes.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had adopted the report of the committee of conference appointed on the subject of the disagreement between the two Houses in relation to the amendment proposed by the Senate to the bill entitled "An act to improve the navigation of Lewes Creek, by cutting and making a canal near Green Bank."

And he withdrew.

On motion of Mr. Huffington,  
The bill entitled "An act to divide school district No. 65, and school district No. 73 in Sussex county," was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to be returned to the Senate.

Mr. Tharp, a member of the Senate being admitted, presented for the signature of the Speaker an enrolled bill.

And he withdrew.

On motion of Mr. Wright,  
The amendment proposed by the Senate to the bill entitled "An act to place in good repair a bridge over Lewes Creek, from the town of Lewes to the cape side of the said creek, in the county of Sussex," was read and concurred in as follows, viz:—

"IN SENATE, *February 17, 1841.*

Strike out all of the 3rd section.

*Extract from the Journal.*

G. P. FISHER, *Clerk.*

*For concurrence."*

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



SATURDAY, 10 o'clock, A. M., *February 20, 1841.*

The House assembled pursuant to adjournment.

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

And he withdrew.

Mr. Marshall laid on the table the petition of certain citizens of Sussex, praying the passage of a law to prevent the hunting and shooting of Deer.

On his motion,

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

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

Mr. Betts presented the petition of nine citizens of the city of Wilmington, praying an alteration in the streets of said city.

On motion of Mr. Betts,

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

On motion of Mr. Clements,

The vote taken yesterday on the adoption of the resolution in relation to certain unbound books in the basement story of the State House, was reconsidered.

On motion of Mr. Marshall,

The bill entitled "An act to repeal the act for the protection of the fisheries on Broadkilm creek, passed at Dover, February 2, 1837," was read a second time.

On his motion,

The said bill was then

*Indefinitely postponed.*

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

Mr. Black, chairman of the committee of claims, reported a bill entitled "An act for the payment of claims against the State," which,

On his motion,

Was read.

Mr. Collins, chairman of the committee to whom was referred that portion of the report of the present Auditor of Accounts, which relates to the investment and distribution of the surplus moneys in the treasury of this State, reported the following joint resolutions, which,

On his motion,

Were read and adopted, to wit:—

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the trustee of the fund for establishing schools in the State of Delaware be, and he is hereby directed and required, to divide and apportion eleven thousand forty-six dollars and forty-nine cents, of the moneys now in his hands, among the



several counties of this State, according to the aggregate number of white population respectively, as set forth in the official returns of the census, taken in the year one thousand eight hundred and thirty; and the share thus apportioned to each of the counties aforesaid, shall be again divided and distributed among the several school districts thereof, share and share alike; and shall put such share to the credit of each district on or before the first day of March next: and the school committee, or a majority of them, of any school district, who are or shall be authorised and empowered by law to draw for any sum standing to their credit, may draw an order on the trustee of the fund aforesaid, for such sum as may be as aforesaid placed to the credit of their respective districts, which order shall be accepted and paid by the said trustee on or after the said first day of March next.

*Resolved, by the authority aforesaid,* That the trustee of the said school fund be, and he is hereby authorised and required, to invest the sum of eight thousand four hundred and twenty-five dollars and eighty-two cents, received from D. S. Gregory & Co., on account of the Delaware State Lottery, which is now in his hands, immediately after the passing of this resolution, and all other sum and sums of money which shall or may be received by him, from or on account of said lottery for the use and benefit of the school fund, in the stock of the Bank of Delaware, Bank of Wilmington and Brandywine, Bank of Smyrna and Union Bank of Delaware, or either of the said banks, as he may see fit, upon such terms as he may deem proper and most advantageous to the said fund, which investment shall as often as made, be by the said trustee reported to the Auditor of Accounts; and by the Auditor submitted to the General Assembly.

*Ordered* to the Senate for concurrence.

On motion of Mr. Chamberlain,

The bill entitled "An act to amend the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors,'" was taken up for consideration.

He then moved,

To amend the said bill as follows, viz:—

Amend by striking out the words 'if there be a guardian,' and insert 'if there be a guardian in whom the Orphans' Court can place full confidence as to his fitness, and who can give the necessary security for the faithful performance of his duty. But if there be no guardian, then.'

On motion of Mr. Chamberlain,

The said amendment

*Was adopted.*

He then moved,

That the said bill as amended be read a third time in order to pass the House.

Which motion

*Was lost.*

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

“An act for changing a part of the division line between the counties of New Castle and Kent.”

Also “An act for effecting partition of the lands therein mentioned between Auly Lore and the other owners thereof.”

Also “Joint resolutions on the subject of repair of the arsenal at Dover, and the cleaning and preservation of the public arms.”

And “An act allowing for a limited time, an additional justice of the peace in the county of New Castle.”

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled “A further supplement to the act entitled ‘An act providing for the punishment of certain crimes and misdemeanors.’”

And that the following bills had been indefinitely postponed by the Senate, to wit:—

“An act to enable Joshua Hays and Wesley Hays of Kent county, to locate certain lands, situate partly in Dover hundred and partly in Little Creek hundred, and to complete their title to the same.”

And “An act to enable Thomas Hays, of Kent county, to locate certain lands situate in Dover hundred, and to complete his title to the same.”

And he withdrew.

On motion of Mr. Black,

The bill entitled “An act for the payment of claims against the State,” was read a second time by special order.

Mr. Clements laid on the table the following joint resolution, as a substitute for the resolution by him offered yesterday, the vote upon the adoption of which, was re-considered this morning:—

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the prothonotaries of the several counties of this State be instructed to sell all the bound volumes of the digested laws for the sum of fifty cents per volume, and that they give all the unbound volumes to the citizens of the State that ask for them.

On motion of Mr. Clements,  
The said resolution

*Was adopted.*

*Ordered* to the Senate for concurrence.

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

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

The House assembled pursuant to adjournment.

Mr. Huffington laid on the table the account of Samuel Kimmey, for printing.

On motion of Mr. Huffington,

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

On motion of Mr. Black,

The bill entitled "An act for the payment of claims against the State," was taken up for consideration.

He then moved,

That the said bill be amended by inserting at the end of section 1, these words:—

'To Samuel Kimmey, for printing 150 copies of the Governor's Proclamation for thanksgiving—six dollars.'

Which motion

*Prevailed.*

Mr. Huffington then moved,

To amend the said bill by adding twenty-five dollars to the account of Simon Spearman, therein reported.

The House being divided,

The Speaker ordered the yeas and nays,

Which were taken and are as follow, viz:

*Yeas*—Messrs. Betts, Black, Chamberlain, Clements, Collins, Frazer, Hill, Huffington and Mr. Speaker—9.

*Nays*—Messrs. Barr, Dale, Jefferson, Marshall, Virden and Waples—6.

So the addition was ordered to be made.

On motion of Mr. Huffington,

The joint resolution offered by him some time since, for an amendment to the Constitution to prevent the Legislature from granting lotteries in future, was taken up for consideration and

*Indefinitely postponed.*

Mr. Marshall, chairman of the committee to whom was referred the petition for the protection of deer, reported a bill entitled "An act for the protection of deer in the State of Delaware," which,

On his motion,  
Was read.

Mr. Chamberlain moved,

That the bill entitled "An act to amend the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors,'" be read a third time with a view to its final passage.

Which motion

*Prevailed.*

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

*Yeas*—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins,  
Dale, Frazer, Hill, Jefferson, Virden and Waples—12.

*Nays*.—Messrs. Huffington, Marshall and Mr. Speaker—3.

So the said first section

*Passed the House.*

And the bill being read

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the joint resolution providing for the disposition of the bound and unbound volumes of the "Digest" with an amendment, in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Clements,

The said amendment was read and concurred in as follows, viz:—

"IN SENATE, *February 20, 1841.*

Amend the resolution by inserting in the second line from the bottom, after the word 'volume,' the words 'of the digest.'

*Extract from the Journal,*

G. P. FISHER, *Clerk.*

*For concurrence."*

*Ordered* that the Senate be informed thereof.

On motion of Mr. Black,

The bill entitled "An act for the payment of claims against the State," was read a third time by paragraphs by special order, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Huffington,

The bill entitled "An act for fixing the term of office of the Recorder of Deeds, and for other purposes," was read a second time.

Mr. Huffington proposed an amendment to the said bill, which,

On his motion,

Was read and adopted, to wit:—

Amend the bill entitled "An act for fixing the term of office of the Recorder of Deeds, and for other purposes," by adding at the end of the 8th

line these words, "and whenever the said office shall become vacant by death, resignation or otherwise."

On his motion,

The said bill was then read a third time by special order by paragraphs and

*Passed the House.*

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

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the joint resolutions providing for the distribution and investment of the surplus moneys in the treasury of this State, with an amendment, in which the concurrence of the House was desired.

And that the Senate had concurred in the passage of the bill entitled "An act to amend the twenty-first section of the act entitled 'An act providing for the recovery of small debts.'"

And he presented for the concurrence of the House a joint resolution. And he withdrew.

On motion of Mr. Clements,

The said resolution was read and concurred in; to wit:—

"IN SENATE, *February 18, 1841.*

*Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That George P. Fisher be and he is hereby authorised to purchase for the use of the members of the Senate, ten chairs and nine desks; also a suitable ingrain carpet for the floor of the Senate chamber, the cost of which shall not exceed two hundred dollars; which sum the State Treasurer is hereby authorised and directed to pay on his order.

*Extract from the Journal.*

G. P. FISHER, *Clerk.*

*For concurrence."*

*Ordered* to be returned to the Senate.

On motion of Mr. Collins,

The amendment proposed by the Senate to the joint resolution providing for the distribution and investment of the surplus moneys in the treasury, was read and concurred in as follows, to wit:—

"IN SENATE, *February 20, 1841.*

*Resolved, by the authority aforesaid,* That the said trustee shall cause to be published in the Delaware State Journal and Delaware Gazette, a notice of the dividend made by him as mentioned in the first resolution.

*Extract from the Journal.*

G. P. FISHER, *Clerk.*

*For concurrence."*

*Ordered* that the Senate be informed thereof.

On motion of Mr. Marshall,  
The bill entitled "An act for the protection of deer in the State of Delaware," was read a second time by special order, and

On his motion,  
The said bill was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Betts, chairman of the committee to whom had been referred the memorials on the subject of altering the streets of the city of Wilmington, reported, that owing to the near approach of the close of the session, the committee thought it inexpedient to legislate upon the subject; and he asked that said committee might be discharged from the further consideration of the subject.

On motion of Mr. Black,  
The committee was discharged.

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

"An act to incorporate the trustees of T Town meeting-house, in Sussex county."

And "A supplement to the act entitled 'An act to revive and continue in force an act prohibiting the use of wears, hedges and gill-nets, in St. Jones' creek.'"

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act concerning the writ of *capias ad satisfaciendum*," with an amendment, in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Huffington,  
The said amendment was read and concurred in, to wit:—

"IN SENATE, *February 20, 1841.*

Amend the bill in Sec. 1, line 9, after the word *State*, insert 'nor shall any such person be imprisoned for the non-performance of a decree for the payment of money.'

2. Line 10, after the word *judgment*, insert 'or the party in whose favor such decree shall be.'

3. Line 14, after the word *State*, insert 'or the Chancellor.'

4. Line 15, after the word *judgment*, insert 'or decree.'

5. Make the word *five* in the 17th and 22d lines, 'fifty.'

6. Add to the end of sec. 1, 'and shall moreover in such affidavit specify and set forth the supposed fraudulent transaction.'

7. Sec. 3, line 18, make the word five 'twenty-five.'

8. Add to the end of sec. 3, 'and shall moreover in such affidavit specify and set forth the supposed fraudulent transaction.'

9. In lieu of sec. 4, insert the following as Sec. 4. *And be it enacted*, That the provisions of this act shall not extend or apply to any person imprisoned, or liable to be imprisoned by the authority of the United States; nor shall this act be construed to extend to any other than execution or final process, or commitment for debt or damages or costs of a civil suit, or non-performance of a decree for the payment of money.

10. Sec. 5. *And be it enacted*, That the act entitled "A supplement to the act entitled 'An act concerning insolvent prisoners,' passed at Dover, February 10, 1832, be and the same is hereby repealed, from and after the first day of May next.

11. Make sec. 5 sec. 6.

12. Amend the title by striking out the words 'the writ of *capias ad satisfaciendum*' and inserting in lieu thereof the words 'imprisonment for debt.'

*Extract from the Journal.*

G. P. FISHER, *Clerk Senate.*

*For concurrence."*

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate, being again admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act for the preservation of oysters that may hereafter be planted in the waters of Indian river and Rehoboth bay," with an amendment in which the concurrence of the House was desired.

Also in the bill entitled "An act to provide for the instruction of the Indigent Deaf and Dumb of this State," also with an amendment in which the concurrence of the House was desired.

And he presented for the concurrence of the House a bill entitled "An act for the relief of Homœopathic physicians."

And he withdrew.

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

On motion of Mr. Dale,  
The amendment of the Senate to the bill entitled "An act to provide for the instruction of the Indigent Deaf and Dumb of this State," was read and concurred in as follows:—

"IN SENATE, *February 20, 1841.*

Amend the bill in the 3d section by inserting in the fifth line after the word 'the' and before the word 'deaf' in the sixth line, 'indigent;' and by inserting after the word 'recommend' in the seventh line and the word

‘such’ in the eighth line, ‘only;’ and by inserting after the word ‘deem’ in the eighth line, and before the word ‘proper’ in the ninth line, ‘indigent and.’

*Extract from the Journal,*

G. P. FISHER, *Clerk Senate.*

*For concurrence.”*

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the bill entitled “An act for the protection of deer in the State of Delaware.”

And the bill entitled “An act to amend the act entitled ‘An act empowering the Orphans’ Court to direct the sale of the real estate of minors,” had been *indefinitely postponed* by the Senate.

And he withdrew.

On motion of Mr. Betts,

The bill entitled “An act for the relief of Homœopathic physicians,” was read a second time.

Mr. Huffington then moved,

That the said bill be indefinitely postponed.

The House being divided,

Mr. Betts demanded the yeas and nays,

Which were taken, and are as follow, viz:—

*Yeas*—Messrs. Black, Chamberlain, Collins, Frazer, Huffington, Jefferson, Marshall, Waples and Mr. Speaker—9.

*Nays*—Messrs. Barr, Betts, Dale, Hill, Johnson and Virden—6.

The said bill was

*Indefinitely postponed.*

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled “An act concerning fees,” with an amendment in which the concurrence of the House was desired.

And he further informed the House, that the Senate had concurred in the amendment proposed by the House to the bill entitled “An act for fixing the term of office of the Recorder of Deeds and for other purposes.”

And he withdrew.

Mr. Huffington moved,

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

The House being divided,

The Speaker ordered the yeas and nays,

Which were taken, and are as follow, viz:—

*Yeas*.—Messrs. Black, Frazer, Huffington, Jefferson, Johnson, Marshall and Waples—7.



*Nays*—Messrs. Barr, Betts, Chamberlain, Collins, Dale, Virden and Mr. Speaker—7.

So the said motion

*Was lost.*

On motion of Mr. Collins,

The House adjourned until Monday morning at 10 o'clock.



MONDAY 10 o'clock, A. M., February 22, 1841.

The House met pursuant to adjournment.

On motion of Mr. Black,

The amendment proposed by the Senate to the bill entitled "An act concerning fees," was read and concurred in as follows, viz:—

"IN SENATE, February 20, 1841.

Amend the bill by striking out of the first section, the sixth line, "for dispensing marriage licenses, fifty cents."

Tenth line, amend by inserting after the word "case," the words "on the application of either party, to be paid by the party so applying."

*Extract from the Journal.*

G. P. FISHER, Clerk.

*For concurrence."*

*Ordered* that the Senate be informed thereof.

On motion also of Mr. Black,

The amendment proposed by the Senate to the bill entitled "An act for the preservation of oysters that may hereafter be planted in the waters of Indian river and Rehoboth bay," was read, and

On motion of Mr. Clements,

Concurred in as follows, viz:—

"IN SENATE, February 20, 1841.

Amend the bill by inserting in the 10th line of the first section, after the word 'the,' the words 'top of the tide at.'

And in the 11th line, strike out the word 'mark.'

*Extract from the Journal.*

G. P. FISHER, Clerk Senate.

*For concurrence."*

*Ordered* that the Senate be informed thereof.

Mr. Barr moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Black,

Obtained leave to introduce a bill entitled "An act to amend the act entitled "An act for regulating fees," which

On his motion,

Was read.

Mr. Huffington moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Clements,

Obtained leave to introduce a bill entitled "An act for the preservation of the Presbyterian meeting house and grave yard in the town of Dover," which

On his motion,

Was read.

On his motion,

The said bill was read a second time by its title, and

On his motion,

The said bill was read a third time by special order by paragraphs and  
*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Huffington laid on the table the accounts of John R. Bostick, James Cowgill and Henry Eubanks, for articles furnished for the House during the present session. Also the account of J. H. Stevenson, P. M., for postage of the members.

All of which were,

On his motion,

Referred to the committee of accounts.

On motion of Mr. Barr,

The bill entitled "An act to amend the act entitled 'An act for regulating fees,' was read a second time by special order.

On his motion,

The said bill was read a third time by special order by paragraphs and  
*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Huffington, chairman of the committee of accounts, made a report, which

On his motion,  
Was read, viz:—

The committee of accounts recommend the following allowances:—

	<i>Days.</i>	<i>Miles.</i>	<i>Dolls. Cts.</i>
To Robert Houston, Esq., Speaker	51	52	217 00
Samuel Barr,	51	55	166 75
Mahlon Betts,	51	50	165 50
Robert M. Black,	51	36	162 00
Palmer Chamberlain,	51	47	164 75
John A. Collins,	51	27	159 75
Joel Clements,	51	14	156 50
John Dale,	51	29	160 25
John Frazer,	49	5	148 25
John Higgins,	51	34	161 50
William Hill,	51	22	158 50
William Huffington,	49		147 00
Richard Jefferson,	51	66	169 50
Alexander Johnson,	51	24	159 00
Aaron Marshall,	51	32	161 00
John R. Sudler,	51	36	162 00
Samuel Virdin,	49	11	149 75
Robert Waples,	51	55	166 75
James D. Wilds,	49	10	149 50
Gardiner H. Wright,	51	50	165 50
Joseph P. Comegys, Clerk, for his daily attendance, transcribing, engrossing and other services,			560 00
Henry Eubanks, door-keeper and sergeant-at-arms, for daily attendance, bell-ringing, &c.			147 00
Charles Kello, fire-maker, to be paid to his mother, Elizabeth Kello,			50 00
Oliver Wolcott, messenger, to be paid to his father, Caleb Wolcott,			30 00
Henry Eubanks, for expenses incurred and bills paid for the House,			10 31
Eben Callahan, for cutting wood,			6 75
Samuel Kimmey, printing for the House, as per accounts rendered,			84 24
James Cowgill, for supplies furnished the House, as per bill rendered,			1 99
John R. Bostick & Co. for oil, coal, candles, paper, penknives, and many other articles furnished the House, as per account rendered,			203 30
Joseph P. Comegys, paid for newspapers for members,			49 12
“ bills paid for paper, lampwick, sealing-wax, &c.			26 75
James H. Stevenson, postage on letters and newspapers for members of the House, as per bill rendered,			85 18

Joseph P. Comegys, for postage for letters to be sent to editors of newspapers transmitting dues,	1 50
Henry Todd, late Clerk of the House of Representatives, this sum, which the committee are of opinion ought to be allowed in addition to his allowance as Clerk at the January session, 1839, and in addition to the sum allowed him for transcribing and superintending the printing of the Journal for said session,	40 00

On motion of Mr. Johnson,  
The said report

*Was adopted.*

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act for the protection of deer in the State of Delaware," with an amendment in which the concurrence of the House was desired.

And he withdrew.

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

"IN SENATE, *February 22, 1841.*

Amend the bill by inserting in section 1, line 4, after the word 'any' wherever it occurs in said line, the word 'wild.'

*Extract from the Journal.*

G. P. FISHER, *Clerk.*

*For concurrence."*

Mr. Fisher, Clerk of the Senate, being admitted, presented for the concurrence of the House a preamble and resolutions in relation to the harbor at New Castle.

And he presented for the signature of the Speaker sundry enrolled bills.  
And he withdrew.

On motion of Mr. Barr,  
The said preamble and resolutions presented for concurrence were read and concurred in, as follows:—

"In SENATE, *February 22, 1841.*

WHEREAS, by two several acts of the General Assembly of the State of Delaware, passed respectively on the eleventh day of January, in the year of our Lord one thousand eight hundred and three, and on the first day of February, in the year of our Lord one thousand eight hundred and twenty-seven, the General Assembly of the State of Delaware aforesaid, ceded and conveyed to the United States of America, fully and absolutely, the piers erected off the town of New Castle, and the sites thereof, and a site for other piers, for the purpose of improving and completing the harbor at New Castle; and whereas the said harbor remains yet in an unfinished condition, giving insufficient protection to the many vessels obliged to resort to it: And whereas, it is believed that the wisdom and justice of

an ample appropriation for the completion of the said harbor at New Castle, so important to the protection and safety of the commerce of the Delaware, will accord with the disposition of Congress: Therefore,

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That our Senators and Representative in Congress, and the Representative elect, of the State be and they hereby are requested, to urge an appropriation from the General Government for the completion of the harbor in the river Delaware, at the town of New Castle.

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

*Extract from the Journal,*

G. P. FISHER, Clerk.

*For concurrence."*

*Ordered* to be returned to the Senate.

Mr. Fisher, Clerk of the Senate being admitted, presented for the concurrence of the House, the report of the committee of conference on the subject of the disagreement between the two Houses, to the amendment of the House to the joint resolutions providing for the removal of the remains of Col. John Haslett.

And he withdrew.

On motion of Mr. Sudler,

The report was read and concurred in as follows:—

"The committee of conference report:—That the Senate recede from their disagreement to the amendment of the House to the first resolution, and that the Senate do agree to said amendment."

*Ordered* that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had indefinitely postponed the following bills, viz:—

"An act for the purpose of creating an additional school district in the county of Kent."

And "A supplement to the act entitled 'An act to create an additional school district in the county of Kent, passed at Dover, February 6, 1839.'"

And he further informed the House that the Senate had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act for regulating fees.'"

And he withdrew.

Mr. Fisher, Clerk of the Senate being again admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act for the preservation of the Presbyterian meeting house and grave yard in the town of Dover," with an amendment in which the concurrence of the House was desired.

And he withdrew.

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

“IN SENATE, *February 22, 1841.*

Amend the bill in the 32d line by striking out the word ‘governor,’ and inserting in lieu thereof the words ‘remaining trustee or trustees.’

*Extract from the Journal,*

G. P. FISHER, *Clerk.*

*For concurrence.”*

*Ordered* that the Senate be informed thereof.

Mr. Maull, a member of the Senate, being admitted, presented for the signature of the Speaker, two enrolled bills.

And he withdrew.

Mr. Fisher, Clerk of the Senate, being admitted, presented for the signature of the Speaker an enrolled bill.

And he withdrew.

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

“An act concerning lotteries.”

Also, “An act to amend the act of the present session entitled ‘An act to amend the supplement passed January 25, 1830, to the act for the establishment of free schools, and also to amend the fifth section of the original act, and for other purposes.”

Also, a “Resolution providing for the distribution and sale of the bound and unbound volumes of the Digest.”

Also, “An act to authorise the owners and possessors of the marsh and low grounds, commonly called and known by the name of Horsepen Drain, in the forest of Murderkill hundred in Kent county, to cut a ditch or drain through the same.”

Also, “An act to amend the act entitled ‘An act providing for the punishment of certain crimes and misdemeanors.”

Also, “An act to enable Ezekiel Timmons of E., to locate certain vacant land, situate in Broad Creek hundred Sussex county, and to complete his title to the same.”

Also, “A supplement to the act entitled ‘An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal Church therein.”

Also, “An act to amend the twenty-first section of the act providing for the recovery of small debts.”

Also, “An act to place in good repair a bridge over Lewes Creek, from the town of Lewes, to the cape side of the said creek, in the county of Sussex.”

Also, "An act to provide for the instruction of the indigent deaf and dumb of this State."

Also, "A further supplement to the act entitled 'An act to authorise the owners and possessors of the marsh or low grounds, commonly called and known by the name of the Culbreath's marsh, situate in the forest of Murderkill and Dover hundreds, in Kent county, to cut a ditch or drain through the same.'"

Also, "A further supplement to the act entitled 'An act providing for the punishment of certain crimes and misdemeanors.'"

Also, "An act to enable John H. Burton to locate certain vacant land, situate in Dagsboro hundred, in Sussex county, and to complete his title to the same."

Also, "An act concerning imprisonment for debt."

Also, "An act concerning fees."

Also, "An act for the preservation of oysters, that may hereafter be planted in the waters of Indian River and Rehoboth Bay."

Also, "Joint resolutions in relation to the District of Columbia."

Also, "An act for the protection of deer in the State of Delaware."

Also, "An act to amend the act entitled 'An act regulating fees.'"

On motion of Mr. Huffington,

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



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

The House assembled pursuant to adjournment.

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

"An act for fixing the term of office of the Recorder of Deeds, and for other purposes."

Also "An act to divide school district No. 65 and school district No. 73, in Sussex county."

Also, "A resolution concerning the purchase of desks and chairs for the Senate Chamber."

Also, "An act for the preservation of the Presbyterian meeting house and grave yard in the town of Dover."

Also, "An act to incorporate the Roseville Manufacturing Company."

And "An act to authorise the cutting of a canal from Strunkill Gut into the Delaware Bay."

Mr. Huffington laid on the table a joint resolution, which,

On his motion  
Was read and adopted, viz:—

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Joseph P. Comegys be and he is hereby appointed to take charge of the books and papers belonging to the House of Representatives.

*Resolved,* That Joseph P. Comegys be, and he is hereby authorised and requested to purchase the necessary stationery for the next session of the General Assembly; also to cause to be repaired the portrait of Washington, in the Hall of the House of Representatives, and the State Treasurer is hereby directed to pay to the said Joseph P. Comegys or his order, the sum of sixty dollars, to enable him to carry the provisions of this resolution into effect; and the said Joseph P. Comegys is hereby directed to present his accounts and vouchers, for the service herein imposed upon him, to the next session of the Legislature for their allowance.

*Ordered* to the Senate for concurrence.

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

“An act for the payment of claims against the State.”

Also, Preamble and Resolution on the subject of the removal of the remains of Col. John Haslett.

Also, Resolution relating to the harbor of New Castle.

On motion of Mr. Huffington,  
The Journal of the day was read.

Mr. Fisher, Clerk of the Senate being admitted, returned sundry enrolled bills, which had received the signature of the Speaker of the Senate. And he withdrew.

Mr. Fisher, Clerk of the Senate being again admitted, informed the House that the Senate had concurred in the joint resolutions appointing Joseph P. Comegys to take charge of the books and papers of the House of Representatives, &c.

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

And he withdrew.

On motion of Mr. Virden,  
The said resolutions presented for concurrence were read and concurred in as follows, viz:—

“IN SENATE, *February 22, 1841.*

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That George P. Fisher be and



**A REPORT**  
**OF**  
**THE FINANCES**  
**OF THE**  
**STATE OF DELAWARE,**  
**FOR THE YEAR**  
**1840:**

**BY JOSEPH L. HARPER,**

**AUDITOR OF ACCOUNTS.**



*To the Legislature of the State of Delaware:—*

GENTLEMEN:—

In obedience to the act of the General Assembly, entitled “An act concerning the Auditor of Accounts,” and the supplements thereto, I have the honor of presenting to you the following report, which contains,

I. The accounts settled of the State Treasurer, both as State Treasurer and trustee of the fund for establishing schools, showing all the items of said accounts, with a summary reducing to general heads the receipts and payments, and showing the amount under each head.

II. A statement of the *funds* belonging to the State, and to the *fund* for establishing *schools*, specifying the particulars and value thereof.

III. Estimates of the public expenditures and public *revenue* for the current year.

IV. A statement of unsettled *taxes* granted by the Legislature, the portion of New Castle county thereof, (the other counties having no charge of the kind against them,) the rate thereof, the collectors and the amount with which each is chargeable, and the sum outstanding against each.

V. A schedule of the allowances made by the Levy Court and Court of Appeal of each county in the State, with a summary reducing these allowances (including appropriations) to general heads.

VI. An abstract of the amounts of the assessment lists of the hundreds respectively of the several counties; the amounts of the several taxes laid by the Levy Court and Court of Appeal of each county; the rate of each tax, and the portion of each hundred thereof, with the name of the collector.

VII. A summary of the accounts settled of the several county treasurers, showing the receipts and payments, commissions and true state of the accounts.

VIII. A summary of the accounts settled of the several treasurers of the poor, showing the receipts and payments, and true state of the accounts.

IX. A statement of such accounts as have been settled, of constables.

X. A statement of all debts due to and from the State, showing the names of the debtors, the sums due from them respectively, and the nature of the debts.

XI. Tables showing the state of the school districts in each county in the State in operation, with a summary reducing them to general heads.

All which is respectfully submitted, by

J. L. HARPER,  
*Auditor of Accounts.*

*Dover, Del., January 5, 1841.*

# A REPORT

OF

## THE FINANCES, &c.

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*A schedule of payments from the Treasury. from the 21st of December,  
A. D. 1839, to the 16th of December, A. D. 1840.*

ELIJAH CANNON, STATE TREASURER.

### PAYMENTS.

	<i>Dolls. Cts.</i>
To Caleb S. Layton, Associate Judge, 1 quarter's salary,	250 00
J. L. Harper, Auditor, do	125 00
Charles Kimmey, use of Margaret Peterson, premium on 10 lbs. cocoons,	1 50
Kensley Johns, Jr., Esq., 1 quarter's salary,	275 00
Richard H. Bayard, Chief Justice, 1 qrs. salary,	300 00
John J. Milligan, Associate Judge, do	250 00
Philip Matthews, treasurer of the poor of Sussex county, for the use of the poor, it being two-thirds of said county's share of surplus revenue,	1,671 95
Elijah Cannon, State Treasurer, 1 year's salary,	500 00
Kensley Johns, Jr., 1 quarter's salary,	275 00
James Rogers, Attorney-general, 1 year's salary,	350 00
C. S. Layton, Esq., Associate Judge, 1 quarter's salary,	250 00
Richard H. Bayard, Chief Justice, do	300 00
John J. Milligan, Associate Judge, do	250 00
J. L. Harper, Auditor, do	125 00
Ziba Ferris, premium on 100 lbs. cocoons,	15 00
John N. Harker, for publishing notices of meeting of State Treasurer,	2 40
Thomas Deakyne, a member of the Legislative com- mittee,	24 50
Charles Polk, do do	21 00
William H. Jones, do do	27 50
Thomas A. Rees, do do	12 00
<i>Amount carried forward,</i>	<b>\$5,025 85</b>

## PAYMENTS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	5,025 85
To Joseph P. Comegys, an allowance by Legislative committee,	15 00
Samuel Brown, do do	10 69
Henry Todd, for superintending the printing of the Journal of the House of Representatives,	180 00
S. G. Laws, for do of the Senate,	80 00
S. M. Harrington, Esq., Associate Judge, 1 qr's salary,	300 00
C. Marim, Secretary of State, do	100 00
do do due 18th April, 1840, do	100 00
His Excellency, C. P. Comegys, 1 quarter's salary, due him the 16th January, 1840,	333 33
do do due 16th April, 1840,	333 33
Kensley Johns, Esq., 1 quarter's salary,	275 00
Thomas Deakyne, a member of Legislative committee at adjourned meeting,	16 50
Thomas Rees, do do	12 75
William H. Jones, do do	21 50
Charles Polk, do do	15 00
Joseph P. Comegys, Clerk to do	5 00
Samuel Brown, doorkeeper to do	3 40
Porter & Naff, printing statement of the finances of the State of Delaware,	10 00
John N. Harker for do do	10 00
Samuel Kimmey, for printing Journal of Committee and Auditor's Report,	93 60
S. M. Harrington, Associate Judge, 1 quarter's salary,	300 00
C. S. Layton, do do	250 00
Richard H. Bayard, Chief Justice, do	300 00
John J. Milligan, Associate Judge, do	250 00
Col. John Wilson, a premium on 27 lb. cocoons,	4 05
Sarah and Clement Hudson, on 3 lbs. do	45
Daniel Cowgill, a premium on 192 lbs. 3 oz. cocoons,	28 82
S. M. Harrington, Associate Judge, 1 quarter's salary,	300 00
J. L. Harper, Esq., Auditor, do	125 00
Philip Matthews, treasurer of the poor of Sussex county, for the use of the poor of said county,	1,671 95
Kensley Johns, Esq., 1 quarter's salary,	275 00
His Excellency, C. P. Comegys, 1 quarter's salary,	333 33
Charles Marim, Esq., do	100 00
John Palmer, a premium on 158 lbs. cocoons,	23 70
Daniel Cowgill, do 138½ lbs. do	20 77
Ann Hays, do 24 lbs. do	3 60
Peregrine Leatherbury, 14 lbs. 11 oz. do.	2 21
<i>Amount carried forward,</i>	\$10,929 83

## PAYMENTS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	10,929 83
To Maria Buckmaster, premium on 7 lbs. 6 oz. cocoons,	1 10
Richard H. Bayard, Chief Justice, 1 quarter's salary,	300 00
John J. Milligan, Associate Judge, do	250 00
Dr. Wm. Gibbons, a premium on 374½ lbs. cocoons,	56 17
C. S. Layton, Associate Judge, 1 quarter's salary,	250 00
His Excellency, C. P. Comegys, do	333 33
J. L. Harper, Esq., Auditor, do	125 00
Charles Marim, Secretary of State, do	100 00
Eliza Bell, a premium on 16 lbs. 8 oz. cocoons,	2 47
F. W. Morgan, do 27 lbs. do	4 05
Francis D. Wate, do 164 lbs. do	24 60
Ephraim Jefferson, do 47½ lbs. do	7 12
Jehu Reed, do 66 lbs. do	9 90
S. M. Harrington, Associate Judge, 1 quarter's salary,	300 00
J. P. Comegys, for chandeliers,	250 00
Unity Riggs, a premium on 4 lbs. cocoons,	60
Lydia Smith, do 16 lbs. do	2 40
Samuel C. & John G. Jackson, on 38 lbs. cocoons,	5 70
Priscilla and John Rust, 26 lbs. do	3 90
Kensley Johns, Jr., Chancellor, 1 quarter's salary,	275 00
Wm. D. Waples, premium on 345½ lbs. cocoons,	51 82
Gustavus A. Ewing, issuing two warrants,	26
Pitken Miller, premium on 10 lbs. cocoons raised in 1838, at 10 cents, and 42¼ lbs. in 1839 and 1840, at 15 cents per lb.,	7 48
State Treasurer, travelling expenses to Wilmington, New Castle and Dover, and postage, 1840,	23 62
This sum paid to the State the interest on a loan to the Philadelphia, Wilmington and Susquehanna Railroad Company, on \$80,793 81, at 6 per cent per annum, for last six months, due 1st April, 1840,	2,423 81
This sum paid to the State, being the dividend on 5000 shares of new stock in the Farmers' Bank at Dover, on the amount paid in, say \$36 on each share, at 3 per cent per annum, for the last six months, due 1st January, 1840,	5,400 00
This sum paid to the State, the interest on a loan to the Philadelphia, Wilmington and Baltimore Railroad Company, on \$80,793 81, at 6 per cent per annum for last six months, due 1st October, 1840,	2,423 81
Commissions allowed State Treasurer on \$5,009 74, balance on Secretary's old book, at 5 per cent. on Clerks of the Peace and Coroner's commission,	250 48
<i>Amount carried forward,</i>	<u>\$23,812 45</u>

## PAYMENTS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	23,812 45
To commissions allowed State Treasurer on \$326 45, on collections from Sheriffs at 5 per cent..	16 32
Commissions allowed State Treasurer on \$217 64, on collections from Constables in 1839 and 1840, at 5 per cent.,	10 88
Henry F. Hall, elector of President and Vice President of the United States,	19 50
Peter F. Causey, do do	14 00
Benjamin Caulk, do do	14 50
C. S. Layton, Associate Judge, 1 quarter's salary,	250 00
E. W. Gilpin, Attorney General, 2 quarters salary, due 12th November, 1840,	262 50
Balance due the State of Delaware on settlement 16th December, 1840,	8,376 58
State, being the dividend on 5,000 shares of new stock in the Farmers' Bank at Dover, \$36 on each share, at 3 per cent. per annum for the last six months, due 1st July, 1840,	5,400 00
	<hr/>
	\$38,176 73
	<hr/>



*A schedule of receipts at the treasury, from the 21st December, 1839 to the 16th of December 1840.*

ELIJAH CANNON, STATE TREASURER.

## RECEIPTS.

	<i>Dolls. Cts.</i>
By this sum due the State of Delaware on settlement 21st December, 1839, as per last report of the finances, page 23,	8,516 79
State tax, for old and new stock of the Farmers' Bank of the State of Delaware,	850 00
New Castle and Frenchtown Rail Road and Turnpike Company, the last half year's State tax on the capital stock,	750 00
	<hr/>
<i>Amount carried forward,</i>	\$10,116 79



## RECEIPTS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	10,116 79
By Union Bank of Delaware, first instalment of a bonus to the State,	1,500 00
Wilmington, Philadelphia and Baltimore Rail Road Company, six months State tax, due 1st inst.,	500 00
Union Bank of Delaware, six months State tax,	187 50
Wm. M. Antwell, attorney in fact for George H. Walston, by the hands of G. A. Ewing, for 58½ acres of vacant land, at 50 cents per acre,	29 25
Bayard Dawson, Constable, fines, &c.,	6 66
Alexander Johnson, caution money, 16 acres and 44 perches of vacant land,	8 43
Farmers' Bank at Georgetown, the 64th dividend on 248 shares of stock at \$1 50 per share,	372 00
S. P. Houston, Clerk of the Peace of Sussex county, in full of old Secretary's book for State,	122 80
Sheppard P. Houston, Clerk of the Peace of Sussex county, up to 1st October, 1839, on 15 constable's appointments,	75 00
Ja's. Rogers, Attorney, for filing bill and demurer in case of the State against the Wilmington Bridge Company, which said sum has been refunded to the State by said company,	100 00
Do. do. use of Wm. P. Veach, Constable,	10 25
James Noble, Constable, fines collected,	75
George M. Manlove, Clerk of the Peace, for 1 Pedlar's license,	8 00
Do. do. 13 Constables' appointments, March term,	65 00
Jos. Smith, Esq., by hands of J. A. Ellegood, for fines,	13 68
Isaac P. Jefferson, late Constable, Sussex county, for fines,	50
Farmers' Bank at Dover, the 64th dividend on 932 shares of stock at \$1 50 per share,	1,398 00
Branch Bank at New Castle, the 64th dividend on 95 shares of stock at \$1 50 per share,	142 50
Farmers' Bank at Dover, State tax due 1st March last,	850 00
Bank of Smyrna, State tax due 10th of April,	110 45
Ezekiel S. Cooper, Constable of Kent county, for fines,	50
David M. Smith, Constable, fines,	4 25
Bank of Delaware, a dividend on 20 shares of stock, at \$12 per share,	240 00
Bank of Delaware, extra dividend on 20 shares stock, at \$4 per share,	80 00
<i>Amount carried forward,</i>	<u>\$15,782 31</u>

## RECEIPTS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	15,782 31
By Bank of Delaware, State tax due 7th of February,	137 50
Ebenezer Gray, caution money on 59½ acres of vacant land, at 50 cents per acre,	29 75
Purnel Johnson, late Sheriff of Sussex county, for fines,	100 00
John Gordon, for 9 Constables' bonds in New Castle county,	45 00
Luke Loffland, Coroner's commission,	10 00
Theodore Hearn, caution money on 69 acres of vacant land, at 50 cents per acre,	34 50
Purnel Johnson, late Sheriff, for fines,	124 50
New Castle and French Town Rail Road Company, six months State tax, due 1st July, 1840,	750 00
Union Bank of Delaware, six months State tax, due 1st July, 1840,	187 50
Wilmington and Brandywine Bank, six months State tax, due 1st January, 1840,	250 00
Philadelphia, Wilmington and Baltimore Rail Road Company, on a loan from the State of Delaware \$80,793 81, at 6 per cent per annum for the last six months, due 1st April, 1840,	2,423 81
Farmers' Bank at Dover, a dividend on 5,000 shares of new stock on the am'tt. paid in, say \$36 on each share, at 3 per cent. for the last six months, due 1st Jan last,	5,400 00
Branch Bank at New Castle, the 65th dividend on 95 shares of stock, at \$1 50 per share, due 1st instant,	142 50
Farmers' Bank at Dover, the 65th dividend on 932 shares of stock, at \$1 50 per share, due 1st inst.,	1,398 00
Branch Bank at Georgetown, the 65th dividend on 248 shares of stock, at \$1 50 per share, due 1st instant,	372 00
Isaac W. Moore, late Constable, by the hand of K. M. Lewis, for fines,	12 12
Martin W. Bates, administrator of Samuel Wise, late Constable of Kent county, for fines,	31 31
Ezekiel Timmons of E. caution money on 92 acres and 5 perches vacant land, at 50 cents,	46 02
Luther Williams, caution money on 81 acres of do. at 14 cents per acre,	11 34
Levin and James Sullivan, caution money on 14 acres and 16 perches, at 14 cents per acre,	1 97
Philip Short of E. caution money on 111 acres and 62 perches, at 50 cents per acre,	55 67
Harrison K. Patrick, Constable, for fines,	50
<i>Amount carried forward,</i>	<hr/> \$27,357 64

## RECEIPTS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	27,357 64
By Bank of Smyrna, six months State tax, and a balance undrawn, due 10th October, 1840,	133 99
Farmers' Bank at Dover, six months State tax, due 1st September last,	850 00
C. H. Black. C P. of New Castle county, for retailer's licenses,	33 00
W. S. Hubbard, late Constable, Sussex county, fines,	8 10
George M. Manlove, C. P. Kent county, for 78 retailers' licenses,	297 06
Bank of Delaware, on 20 shares of stock. This draft is for 20 dolls. less than would have been, on account of over-draft previous,	220 00
Bank of Delaware, six months State tax, at the rate of $\frac{1}{4}$ of one per cent per annum on the capital stock, due 7th August last,	137 50
Benjamin H. Dorey, late Constable, fines,	6 00
John Holston, Constable, fines,	4 00
John Long, Constable, fines,	2 50
John J. Morgan, Constable, fines,	8 00
Thomas Stockton, late C. P. of New Castle county, a balance on old Secretary's book, by the hand of W. H. Rogers,	389 14
Bayard Dawson, Constable, fines,	7 33
Bank of Wilmington and Brandywine, six months State tax, due 1st July, 1840,	250 00
Philadelphia, Wilmington and Baltimore Rail Road Company, a loan from the State of Delaware, on 80,793 dolls. 81 cts., at 6 per cent per annum for six months, due 1st October, 1840,	2,423 81
Farmers' Bank at Dover, a dividend on 5,000 shares of new stock at 36 dolls. on each share, at 3 per cent. for the last six months, due July 1, 1840,	5,400 00
Philadelphia, Wilmington and Baltimore Rail Road Company, six months State tax, due 1st July, 1840,	500 00
	<hr/>
	\$38,176 73
1840 December 16. Balance due from Elijah Cannon, Esq. State Treasurer, to the State of Delaware this day,	<hr/>
	\$8,376 58

J. L. HARPER,  
Auditor of Accounts.

*Elijah Cannon. Esq., Trustee, in account with the School Fund of the State of Delaware.*

DEBTOR.

				<i>Dolls. Cts.</i>
1839.				
Dec. 21,	To balance due School fund and districts on settlement this day,			12,147 25
1840.				
January,	Received of the treasurer of the New Castle, Frenchtown Turnpike and Railroad Company, six months interest on the Delaware and Chesapeake Stock, due 1st January last,			750 00
Feb. 4,	Received of S. P. Houston, a credit on Secretary's book,			162 00
do 4,	Received of Farmers' Bank at Georgetown, on 240 shares of stock, at 1½ dollars per share,			360 00
Mar. 12,	Received of S. P. Houston, a credit on Secretary's book,			150 00
" 24,	Received of do do in full of old book,			211 00
" "	do of do do on 122 marriage licenses, up to October 1839,			244 00
" "	do of George R. Fisher, Prothonotary, for license granted to Samuel Leonard, to the State of Maryland, four negro slaves,			20 00
" do	of George M. Manlove, C. P. of Kent county, for 70 marriage licenses,			140 00
Apr. 30,	do of treasurer of the Philadelphia, Wilmington and Baltimore Railroad Company, interest on loan from the State of Delaware on \$80,793 81, at three per cent for the last six months, due 1st inst.,			2,423 81
" "	do of the Farmers' Bank at Dover a dividend on 5000 shares of new stock on the amount paid in, say \$36 on each share, at 3 per cent for the last six months,			5,400 00
" "	do of the Farmers' Bank at Dover, the 54th dividend on 1904 shares of stock at 1½ dollars per share, due the 1st of January last,			2,856 00
" "	do of the Branch Bank at New Castle, the 64th dividend on 295 shares at 1½ dollars per share, due the 1st of January last,			442 50
<i>Amount carried forward,</i>				<u>\$25,306 56</u>

## DEBTOR.

			<i>Dolls. Cts.</i>
<i>Amounts brought forward,</i>			\$25,306 56
April 30,	Received of the Bank of Delaware, a dividend on 37 shares of stock at 12 dollars per share, for the last six months,		444 00
May 13,	Received of the Bank of Delaware, a dividend (an extra) on 37 shares of stock, at 4 dollars per share, due the 10th inst.		148 00
June 2,	do of George M. Manlove, C. P. of Kent County, for 15 Tavern and Ale House licenses,		180 00
" 22,	do of John Gordon, late C. P. New Castle County, for 68 Tavern licenses, granted May Term,		816 00
" "	do of J. S. Layton, late C. P. of Sussex County, in full of Secretary's Book, for Marriage licenses,		150 00
June 22,	do of S. P. Houston, C. P. of Sussex County, for 9 Tavern licenses, granted at April Term,		108 00
July 22,	do of the New Castle and French Town Railroad Company, on the Delaware and Chesapeake Canal stock, at 3 per cent for the last six months, due the 1st inst.,		750 00
"	do of the Farmers' Bank at Dover, the 65th dividend on 1904 shares of stock, at 1½ dollars per share, for the last six months, due the 1st inst.,		2,856 00
"	do of the Branch Bank at New Castle, the 65th dividend on 295 shares of stock, at \$1 50 per share, due the 1st inst.,		442 50
"	do of the Farmers' Bank of the State of Delaware, a dividend on 5000 shares of new stock, at \$36 per share, at 3 per cent for the last six months, due the 1st inst.,		5,400 00
"	do of the Farmers' Bank at Georgetown, the 65th dividend on 240 shares of stock, at \$1 50 per share for the last six months, due the 1st inst.,		360 00
"	do of the Wilmington Bridge Company, the first annual tax on stock, at ½ of 1 per cent on capital stock due,		125 00
<i>Amount carried forward,</i>			<hr/> \$37,086 06

## DEBTOR.

			<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>			37,086 06
July 22,	Received of C. H. Black, C. P. of New Castle county, on marriage licenses,		66 00
Oct. 31,	do of the treasurer of the Philadelphia, Wilmington and Baltimore Railroad Company, interest on a loan of \$80,793 81 from the State of Delaware, at 6 per cent per annum, for last six months,	2,423 81	
Nov. 21,	do of the Bank of Delaware, a dividend on 37 shares of stock, at \$12 per share, for the last six months, due 10th inst.,	444 00	
"	do of George M. Manlove, Clerk of the Peace of Kent county, on 5 tavern licenses granted,	60 00	
"	do of George R. Fisher, prothonotary of Sussex county, for a license granted Lewis A. Wright, to import a negro slave (James,) at October term,	10 00	
"	do of Thomas Stockton, late C. P. New Castle county, for balance on Secretary's book, by the hands of Wm. H. Rogers,	2,617 80	
"	do of Charles H. Black, C. P. of New Castle county, for 9 tavern licenses granted November term,	108 00	
			<hr/> \$42,815 67
1840, Dec. 16.	Balance due school fund and districts from the Trustee,		\$18,433 91



## CREDITOR.

*Sussex County School Districts.*

			<i>Dolls. Cts.</i>
By cash paid school district No. 25			63 14
do do	45		63 14
do do	52		63 14
do do	62		63 14
do do	61		63 14
<i>Amount carried forward,</i>			<hr/> \$315 70

## CREDITOR.

			<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>			315 70
By cash paid school district No.	70		63 14
do	do	15	63 14
do	do	39	38 14
do	do	44 for two years,	144 27
do	do	53	63 14
do	do	64	63 14
do	do	69	63 14
do	do	9	63 14
do	do	55	63 14
do	do	42 for two years,	144 27
do	do	43	63 14
do	do	34	63 14
do	do	2	63 14
do	do	5	79 79
do	do	8	79 79
do	do	10	79 79
do	do	11	79 79
do	do	13	79 79
do	do	14	79 79
do	do	17	79 79
do	do	20	79 79
do	do	22	79 79
do	do	28	79 79
do	do	29	79 79
do	do	31 for two years,	142 93
do	do	33	79 79
do	do	35	79 79
do	do	38	79 79
do	do	40	79 79
do	do	41	79 79
do	do	50	79 79
do	do	51	79 79
do	do	57	79 79
do	do	59	79 79
do	do	73	79 79
do	do	74	79 79
do	do	75	79 79
do	do	77	79 79
do	do	3	79 78
do	do	4	79 79
do	do	7	79 79
do	do	16	79 79
do	do	18	79 79
<i>Amount carried forward,</i>			<hr/> \$3,755 62

## CREDITOR.

			<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>			3,775 62
By cash paid school district No.	19		79 79
do	do	21	79 79
do	do	23	79 79
do	do	24	79 79
do	do	26	79 79
do	do	27	79 79
do	do	32	29 79
do	do	36	79 79
do	do	37	79 79
do	do	46	79 79
do	do	47	79 79
do	do	49	79 79
do	do	52	79 79
do	do	55	79 79
do	do	58	79 79
do	do	63	79 79
do	do	48 for two years,	142 93
do	do	68	79 79
do	do	30	79 79
do	do	78	79 79
Total of Sussex districts,			<hr/> \$5,414 56 <hr/>

*Kent County School Districts.*

			<i>Dolls. Cts.</i>
By cash paid school district No.	1		180 32
do	do	2	180 32
do	do	3	180 32
do	do	4	180 32
do	do	5	180 32
do	do	6	180 32
do	do	7	180 32
do	do	8	180 32
do	do	10	180 32
do	do	11	180 32
do	do	12	180 32
<i>Amount carried forward,</i>			<hr/> \$1,983 52 <hr/>



## CREDITOR.

			<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>			1,983 52
By cash paid school district No. 13			180 32
do	do	14	180 32
do	do	15	144 27
do	do	16	144 27
do	do	17	180 32
do	do	18	180 32
do	do	33	150 41
do	do	19	144 27
do	do	20	144 27
do	do	38	150 41
do	do	21	180 32
do	do	22	180 32
do	do	23	180 32
do	do	24	180 32
do	do	35	150 41
do	do	25	180 32
do	do	26	180 32
do	do	27	180 32
do	do	28	180 32
do	do	29 for two years,	330 73
do	do	30	180 32
do	do	31	180 32
do	do	32	180 32
do	do	33	180 32
do	do	34	180 32
do	do	36	180 32
do	do	37	180 32
do	do	39	180 32
do	do	40	180 32
do	do	41	180 32
do	do	42 and 43	360 64
do	do	44	180 32
do	do	45	180 32
do	do	46	144 27
Total of Kent districts,			<hr/> \$8,175 15 <hr/>

## CREDITOR.

*New Castle County School Districts.*

			<i>Dolls. Cts.</i>
By cash paid school district No. 1			121 47
do	do	3	121 47
do	do	4	121 47
do	do	5	121 47
do	do	6	121 47
do	do	8	121 47
do	do	9	121 47
do	do	19	121 47
do	do	22	121 47
do	do	23	121 47
do	do	24	121 47
do	do	25	121 47
do	do	26	121 47
do	do	29	121 47
do	do	30	121 47
do	do	31	121 47
do	do	32	121 47
do	do	34	121 47
do	do	37	121 47
do	do	27	121 47
do	do	41	121 47
do	do	42	121 47
do	do	45 & 46	242 94
do	do	47	121 47
do	do	70	121 47
do	do	48	121 47
do	do	49	121 47
do	do	51	121 47
do	do	52	121 47
do	do	53	121 47
do	do	54	121 47
do	do	55	121 47
do	do	56	121 47
do	do	57	121 47
do	do	58	121 47
do	do	59	121 47
do	do	61	121 47
do	do	63	121 47
do	do	64	121 47
do	do	66	121 47
do	do	69	121 47
do	do	72	121 47
de	do	36	121 47

*Amount carried forward,*\$5,101 74

## CREDITOR.

			<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>			\$5,101 74
By cash paid school dis. Nos.	10 to 18		1,093 23
do	do	50	121 47
do	do	28	121 47
do	do	10 to 18	1,094 04
do	do	7	121 56
do	do	8	121 56
do	do	21	121 56
do	do	23	121 56
do	do	28	121 56
do	do	35	121 56
do	do	37	121 56
do	do	41	121 56
do	do	43	121 56
do	do	44	121 56
do	do	58	121 56
do	do	60	121 56
do	do	60 for 1838	145 74
do	do	71	121 56
do	do	20	121 56
do	do	35	121 56
do	do	38	121 56
do	do	40	121 50
do	do	65	121 47
			<hr/>
			\$10,108 72

Total of school districts brought forward, viz:—

Sussex county school districts,	5,414 56
Kent county do	8,175 15
New Castle county do	10,108 72

1839.

Dec. 21.	Paid John Vaughan's order as president of the Pennsylvania Institute, for the tuition and board of James Buckhannon, a blind boy from Kent county for 6 months, ending Oct. 1, 1839,	100 00
"	Paid ditto ditto, Benaiah Parvin, a blind boy from N. C. county, for 6 months, ending Oct. 1, 1839,	100 00
"	Paid do. do. for ditto, William H. Churchman, an indigent blind boy from New Castle county, up to Sept. 1, 1839,	83 33
April.	Paid do. do. for the tuition of Benaiah Parvin, an indigent blind boy from New Castle county, for 6 months, ending 1st of April, 1840,	100 00

<i>Amount carried forward,</i>	<hr/> \$24,081 76
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## CREDITOR.

	<i>Amount brought forward,</i>	<i>Dolls. Cts.</i>
	Paid John Vaughan's order for the tuition of James Buckhannon, an indigent blind boy from Kent county, ending 1st of April, 1840,	24,081 76
Oct.	Paid do. do. for the tuition of James Buckhannon, an indigent blind boy from Kent county, for 6 months, ending 1st October, 1840,	100 00
	Paid do. do. for the tuition, &c., of Benaiah Parvin, an indigent blind boy from N. Castle county, for the last six months, ending 1st Oct. 1840,	100 00
		<hr/>
		\$24,381 76
1840.		
Dec. 16.	To balance due to the school fund and districts, on settlement this day,	18,433 91
		<hr/>
		\$42,815 67
		<hr/>

J. L. HARPER,  
*Auditor of Accounts.*



*Summary of the preceding account of Elijah Cannon, Esq., State Treasurer, reduced to general heads.*

## PAYMENTS.

	<i>Dolls. Cts.</i>
Balance due the State,	376 58
Judiciary,	6,025 00
Auditor of Accounts,	500 00
Cocoons,	277 40
Electors of President and Vice President,	48 00
Treasurer of the Poor of Sussex county,	3,343 90
Governor's Salary,	1,333 33
Attorney-General,	612 50
Legislative Committee,	150 75
Allowances by Legislative Committee,	314 09
State Treasurer's Salary,	500 00
	<hr/>
<i>Amount carried forward,</i>	\$21,481 46

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	21,481 46
Commissions allowed State Treasurer,	301 03
Secretary of State,	400 00
Printing Journal of Committee, &c.,	93 60
Chandeliers,	250 00
Interest on loans,	4,847 62
Dividends on Stock,	10,800 00
Contingencies,	2 66
	<hr/>
	\$38,176 73

## RECEIPTS.

Bank dividends,	16,015 00
Clerks of the Peace,	1,035 00
State Tax,	5,594 44
Bonus of the Union Bank,	1,500 00
Sheriffs and Constables fines,	340 95
Vacant lands, Sussex county,	216 93
Wilmington Bridge Company,	100 00
Commission of Coroner,	10 00
Interest on loans,	4,847 62
Due the State, 21st December, 1839,	8,516 79
	<hr/>
	\$38,176 73



*A Statement of the funds belonging to the State, and to the fund for establishing schools, and the particulars and value thereof.*

## TO THE STATE.

	<i>Dolls. Cts.</i>
From the State Treasurer on settlement 16th December, 1840,	8,376 58
New Castle county, for State tax due, (See A.)	729 46
Sundry balances due, (See B.)	1,760 64
1,275 shares of stock in the Farmers' Bank of the State of Delaware and branches, viz:—	
	<hr/>
<i>Amount carried forward,</i>	\$10,866 68

	<i>Amount brought forward,</i>	<i>Dolls. Cts.</i>
Dover	932 shares.	10,866 68
New Castle,	95	
Georgetown,	245	
	<hr/>	
	1275 at par or \$50 per share,	63,750 00
5,000 shares of increased capital stock of said bank,		
on which have been paid \$36 per share,		180,000 00
20 shares of stock in Bank of Delaware at par or		
\$200 per share,		4,000 00
Loans to Wilmington and Susquehanna Rail Road		
Company, viz: 29,206 dolls. 17 cts., and 51,587		
dolls. 66 cts.,		80,793 33
		<hr/>
		\$339,410 01
		<hr/>

## TO THE SCHOOL FUND.

	<i>Dolls. Cts.</i>
From 2439 shares of stock in the Farmers' Bank of the	
State of Delaware, at Dover, at par or 50 dolls.	
per share,	121,950 00
37 do. in the Bank of Delaware at par, or 200 dolls.	
per share,	7,400 00
65 do. in the Bank of the United States of Pennsyl-	
vania at par, or 100 dolls. per share,	6,500 00
Chesapeake and Delaware Canal Company, transfer-	
red to New Castle & Frenchtown Turnpike and	
Railroad Company,	25,000 00
Trustee of school fund, on settlement 16th December	
1840,	18,433 91
	<hr/>
	\$179,283 91
	<hr/>

## AGGREGATE.

To the State,	\$339,410 01
“ School Fund,	179,283 91
	<hr/>
	\$518,693 92
	<hr/>

## A

*A Statement of balances due on the 21st of December, 1839, and still remaining due and unpaid 16th, 1840, on the State taxes for the years 1831 and 1832.*

From Joseph Dauphin, late collector of Christiana hundred for 1832,	\$371 05
Isaac Dewees, late collector of Red Lion hundred for 1832,	96 73
William Weldon, 3d. late collector of Appoquinimink hundred for 1832,	261 68
	<hr/>
	\$729 46
	<hr/>



*A conjectural estimate of the probable public expenditures and public revenue for the year 1841.*

## STATE EXPENDITURES.

Expenses of the Legislature,	7,431 50
Governor,	1,333 33
Chancellor,	1,100 00
Chief Justice,	1,200 00
Associate Judges,	3,200 00
Secretary of State,	400 00
Attorney-General,	350 00
State Treasurer,	500 00
Auditor of Accounts,	500 00
Contingencies,	400 00
	<hr/>
	\$16,414 83
	<hr/>

## STATE REVENUE.

*Dividends.*

On 1275 shares of stock in Farmers' Bank and branches, \$50 per share,	3,825 00
On 20 shares of stock in Bank of Delaware, 12 per cent, \$200 per share,	480 00

*State Tax.*

Farmers' Bank,	1,700 00
Bank of Delaware,	275 00
Bank of Wilmington and Brandywine,	250 00
Bank of Smyrna,	250 00
Union Bank of Delaware,	375 00
Wilmington and Susquehanna Railroad,	1,000 00

*Instalment.*

Union Bank of Delaware, due 1st January, 1841,	1,500 00
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*Interest on Loans.*

Wilmington and Susquehanna Railroad,	5,847 62
Vacant lands,	250 00
Sheriffs and Constables for fines, &c.,	1,500 00
Clerks of the Peace,	1,200 00
Lottery,	1,286 32
State Treasurer, balance in hand 16th December, 1840,	8,376 58
	<hr/>
	\$23,810 52

Conjectural estimates of State expenditures,	16,414 13
do do State revenue,	23,810 52

In favor of revenue,	<hr/>
	\$7,396 37



*A conjectural estimate of the probable expenditures and receipts on account of the fund for establishing schools, for the year 1841.*

## EXPENDITURES.

	<i>Dolls. Cts.</i>
To school districts in New Castle county,	16,500 00
school districts in Kent county,	14,525 00
school districts in Sussex county,	9,100 00
	<hr/>
	\$40,125 00



## RECEIPTS.

*Dividends.*

	<i>Dolls. Cts.</i>
On 1,904 shares of stock in Farmers' Bank at Dover, 295 do. in Farmers' Bank at New Castle, and 240 shares of do. do. Farmers' Bank, Georgetown, making 2,439 shares, par value \$50 per share, 6 per cent.,	7,317 00
37 shares in the Bank of Delaware, \$200 per share, 12 per cent.,	888 00
65 shares in the Bank of the United States of Pennsyl- vania, \$100 per share, 8 per cent.,	520 00
Chesapeake and Delaware Canal Company, transferred to New Castle and Frenchtown Turnpike and Rail Road Company,	1,500 00
Managers of lottery,	648 11
On 180,000 shares of the increased capital stock of the Farmers' Bank of the State of Delaware on which have been paid \$36 per share. This investment is a part of the surplus revenue of the United States,	10,800 00
In hands of Trustee, as per settlement 16th December, 1840,	18,433 91
	<hr/>
	\$40,107 02
	<hr/>
Conjectural estimates of school expenditures, \$40,125 00	
Do. of school receipts, 40,107 02	
	<hr/>
In favor of expenditures	\$17 98

I would observe that in addition to the receipts before mentioned, on account of the fund for establishing schools, there is a considerable fund arising annually from the sale of marriage licenses belonging to the same, but having no means of ascertaining with any degree of certainty the amount from that source, I have made no estimate in the preceding classification.

J. L. HARPER,  
*Auditor of Accounts.*

## SUSSEX COUNTY.

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*Schedule of allowances and appropriations made by the Levy Court and Court of Appeal of Sussex county, during the months of February and March, in the year 1840.*

### ALLOWANCES.

	<i>Dolls. Cts.</i>
To grand and petit jurors and bailiffs at April Term, 1839,	371 46
Petit jurors, &c., April, Sup.	470 40
Grand do. October, Oyer and Terminer,	83 12
do. do. October Session, 1839,	408 46
Petit do. do. Sup. do.	436 60
do. do. November, Oyer and Terminer, do.	91 70
Lowder Layton, attendance as constable,	3 00
Nehemiah Prettyman do	3 00
Harrison K. Patrick, do	3 00
Levin Pettijohn, do	3 00
William G. Carlisle, do	3 00
Isaac P. Jefferson, do	3 00
Risden R. Cannon, do	3 00
Wm. H Swiggett, do	1 00
Bayard Dawson, do	2 00
Francis Brown, 1 doll., Joseph B. Cannon 3 dolls.,	4 00
Miles Messick 3 dolls., J. F. Kinney 3 dolls.,	6 00
W. Dashiell 3 dolls., Jos. Morris 3 dolls.,	6 00
H. K. Patrick 3 dolls., J. J. Waples 2 dolls.,	5 00
Fletcher Lacy 3 dolls., Eben. Joseph 2 dolls.,	5 00
Jacob Marshall,	2 00
Gustavus A. Ewing, justice peace,	2 00
John Ponder 2 dolls., John M. West 2 doll.,	4 00
Wm. Hazzard 2 dolls., Wm. B. Wilson 2 dolls.,	4 00
Joel Carlisle 1 doll., John Campbell 1 doll.,	2 00
George Clendaniel,	1 00
Zachariah Pitts,	1 00
Cyrus Windsor, justice peace 2 doll., J. A. Ellegood 2 dolls.,	4 00

*Amount carried forward,*

\$1,930 74

## ALLOWANCES AND APPROPRIATIONS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	1,930 74
Step. Green 2 dolls., Benaiah Watson 2 dolls.,	4 00
Th. W. McIlvaine 2 dolls., Benj. Burton 2 dolls.,	4 00
Wm. Purnell 2 dolls., P. W. Helm 1,	3 00
Miles Tindal 2, Philip Matthews, Jr. 2	4 00
Edward Dingle 1, Luke Lofland, Cor. 2	3 00
James Rogers, Attorney-general,	140 80
Neh. Prettyman, bailiff, 5 25, E. Joseph 2 25,	7 50
Harrison K. Patrick 3 dolls., L. Pettyjohn 3 dolls.,	6 00
Nathaniel G. Davis, Assessor C. C. H.,	12 80
David Robbins B. Kiln 17 dolls. 67 cents, J. Day (Nan.)	
13 dolls. 37 cents,	31 04
John Kinder, N. W. F. 23 dolls. 33 cents, A. Truitt, B.	
C. 17 dolls. 67 cts.,	41 00
Jacob Morris, L. C. 18 dolls. 33 cents, J. Morris, (Dags.)	
11 dolls. 24 cts.,	29 57
Ebe Walter (Balt.) 20 dolls. 30 cts., B. Robinson I. R.,	
13 dolls. 46 cts.,	33 76
John Fitcher, Lew. & Rehob.	15 11
S. P. Houston, Clerk's fees,	282 17
John Stockly, witness, 1 06, W. Hammond, do 1 06	2 12
Hester Ann Bacon, (N.) witness,	1 06
Eliza Tindal 53 cts., John Stockley 1 06,	1 59
Josiah Marvel 1 59, Nutter Marvel 1 59,	3 18
Leonard Short 1 59, Geo. Harris 1 59,	3 18
D. Knowles 83, Jno. Burton 1 95	2 78
Margaret Wilson 71, J. H. Burton 1 61	2 32
Fletcher Lacy 2 50, T. Robinson, of Wm. 2 50	5 00
Jesse Lewis 1 43, S. P. Houston 53 cts.,	1 96
Joseph Morris 1 07, Th. W. McIlvane 77,	1 84
Short W. McIlvaine,	89
Geo. P. Anderson, witness, 71 cts., Jos. Morris 53	1 24
John West 1 07, N. T. Jarman 1 07,	2 14
John Steel 4 06, Kendall Tubb 4 06,	8 12
Daniel Jester witness, 3 46, R. R. Cannon 1 43,	4 89
Elias Morris 3 58, Israel Jester 3 46,	7 04
Jno. W. Jefferson 3 10, Thos. Gray 3 58,	6 68
Joel Carlisle, Esq., justice peace, fees,	1 70
R. R. Cannon, Con. 3 86, P. Mosely 2 98,	6 84
David Walls, witness, 2 14, J. H. Irons 53 cts.,	2 67
Joshua Cordery 1 07, David Walls 1 06,	2 13
H. B. Hill 53 cts., William Rose 4 29,	4 82
John R. Sudler 53 cts., Jesse Watson 2 86,	3 39
Cropper Hobbs 2 86, Harriet Layton 2 86,	5 72
<i>Amount carried forward,</i>	<hr/> \$2,631 39

## ALLOWANCES AND APPROPRIATIONS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	\$2,631 39
To Willam B. Wilson, justice peace, fees,	1 50
Risdon R. Cannon, Cons.,	1 80
Charles Marim, Esq., Secretary of State,	4 50
Wingate Morris, witness,	83
Joshua Morris, do	83
Wm. Beauchamp, do	83
Major Warren, do	1 95
John Wilson, do	1 95
John Spicer, do	2 49
Joshua Morris, do	2 49
Major Warren, do	1 59
John Wilson, do	1 59
John Spicer, do	1 59
Joshua Morris, do	1 59
Peter Milby, do	5 05
Edwd. C. Philips, do	5 05
John Abbot, do	1 07
Luke Lofland, do	6 25
Burton Walls, do	5 35
James B. Joseph 5 05, N. Clifton 5 05,	10 10
Wm. Warner 5 05, Jno. Ponder, Esq., 2 02,	7 07
Robt. McFerren, witness,	2 02
Wm. Messick 2 02, P. Willey 1 78,	3 80
Jos. Robbins 1 78, Aaron Marshall 1 06,	2 84
David Hazzard 2 02, J. R. Evans 1 01,	3 03
J. R. Evans 1 01, D. Derrickson 2 13,	3 14
Curtis Stean 2 26, C. B. Sipple 1 59	3 85
Aaron Marvel 1 30, N. H. Joseph 2 74,	4 04
H. D. Joseph 1 42, E. E. Greenly 1 18,	2 60
David Wolfe 1 98, J. S. Cannon 1 43,	3 41
Wm. Brown 2 02, Wm. Wilson 3 55,	5 57
Peter McColley 71 cts., Wm. Wilson 53 cts.,	1 24
Peter McColley 53 cts., David Wolfe 5 96,	6 49
John Short 3 73, W. B. Derrickson 4 47,	8 20
Geo. A. Moore 1 79, S. Messick 53 cts ,	2 32
Wm. B. Derrickson,	2 98
Geo. Frame 71 cts., R. A. Houston 2 86,	3 57
R. S. Hemmons 3 52, E. C. Dingle 1 07,	4 59
P. B. Norman,	1 49
J. D. Rodney, witness,	1 49
J. M. West, do	1 49
P. B. Norman, do	53
John D. Rodney, do	53
<i>Amount carried forward,</i>	\$2,766 39

## ALLOWANCES AND APPROPRIATIONS.

	<i>Amount brought forward,</i>	<i>Dolls. Cts.</i>
To John M. West, witness,		2,766 28
Mitchell Records, do		53
Samuel Waller, do		1 49
Levin Lank, do		5 96
Robert Colborn, do		1 67
Jacob Knowles, do		1 73
Jane Brown, do		1 67
Wm. Hopkins, do		1 73
Miers C. Darby, do		1 61
Jacob H. Brazier, do		2 02
Wm. Beauchamp, do		4 06
Charles Collins, 4 06, C. Pepper, 1 54		1 78
Geo. R. Fisher, 53 cts., J. Clendaniel, 53 cts.		5 60
W. Harmon, 83 cts., F. Lacey, 1 25,		1 06
S. Morrin, 1 49, S. Baker, 2 02,		2 08
H. Brown, 2 26, Samuel Draper, 3 52,		3 51
L. M. Welch 2 26, Edw. Morris, 3 58		5 78
Salathiel Baker 1 06, Saml. Draper 1 06,		5 84
do 1 06, L. M. Welch 1 06,		2 12
Edward Morris 1 06, Jno. West 3 21,		2 12
B. Burton 3 21, Ed. C. Dingle 3 21,		4 27
John Lockwood 2 14, K. A. Cordry 3 03,		6 42
John Morris, (of W) 3 21, A. Dodd 2 14,		5 17
John K. Beason 2 14, G. F. Hasting 3 21,		5 35
Robert Stevenson 2 50, R. F. Hasting 2 14,		5 35
Daniel Burton 2 14, Jos. Morris 2 14,		4 64
Mitchell Jefferson, witness,		4 28
William Laws, do		1 49
Zachariah Pitts, do		53
Liston A. Prettyman, do		3 70
Geo. Burton, do		1 59
Cornelius Vent, do		4 29
James W. Draper, do		3 03
Elias Conoway, do		3 03
Benj. McIlvaine, do		1 90
Jonathan Hearn, do		2 67
Caleb Stewart, do		2 86
Samuel Messick, do		2 98
Daniel Hudson, do		3 39
J. Cannon and J. Colburn, do		2 26
Jonathan Hearn, (B. S.) do		3 58
Caleb Stewart, do		1 06
Jonathan Hearn, (B. S.) do		1 06
<i>Amount carried forward,</i>		<hr/> \$2,894 82

## ALLOWANCES AND APPROPRIATIONS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	2,894 82
To Caleb Stewart, witness,	1 06
Zadock Barker, do	4 28
Isaac Dodd, do	4 28
Edward C. Dingle, do	4 28
Risdon R. Cannon, do	7 10
Robert Hopkins 4 28, Purnal Short 95 cts.	5 23
Zachariah Pitts 7 40, Uriah Swain 1 78,	9 18
Henry Little 2 98, Wm. Ross 4 47,	7 45
John Sorden 3 46, Wm. Brown, of F. 4 52,	7 98
James Wilkins 2 85, David Wolfe 5 47,	8 32
Nancy McColley 2 14, Lewis N. Wright 3 46,	5 60
Rhodes S. Hazzard 4 04, Wesley Smith 3 46,	7 50
Wesley C. Polk, witness,	2 86
James Scott, do	12 80
Sarah Gray, do	4 04
Mary Wilson, do	4 04
Eliza Fleetwood, do	3 03
Somerset Dickerson 3 22, Mary Veasy 89 cts.	4 11
Julia Frank, n. 3 03, Jos. Gray 2 02,	5 05
Nutter Blocksom 2 02, Henry Maull 3 03,	5 05
Samuel Maull 4 65, Dr. Jos. Maull 2 02,	6 67
Josiah Marvel 1 90, Wm. Stuart 2 50,	4 40
Mitchell Stuart 2 50, Levin Stuart 1 13,	3 63
John Swain 1 54, Sarah Hurly 1 66,	3 20
Jonathan Milman 2 38, O. Isaacs 2 02,	4 40
Noble Conoway 2 02, L. Conoway 1 90,	3 92
Robert Barr 1 78, James Lofland 3 22,	5 00
Daniel Short, sen'r 2 02, Alfred Short 1 90	3 92
Zachariah Prettyman 1 42, James Draper 1 01,	2 43
Pettyjohn Dodd,	95
Nancy McColley, witness, 89 cts., James Dutton 1 54,	2 43
Daniel Knowles 5 81, Mary Knowles 83 cts.,	6 64
Robert McColley 3 85, Dr. G. W. Maull 2 65,	6 50
Dr. E. S. Richards 2 65, Mitchell Jefferson 7 15,	9 80
Eliz. Jones 4 98, Miles Jones 3 85,	8 83
Purnel Jones 4 45, Joshua Hurley 4 15,	8 60
Elias Ingraham 4 15, Sally Hurley 4 15,	8 30
Levin Pettyjohn, witness,	1 95
Geo. Harris, do	2 12
Geo. Frame, do	3 55
John. W. Derrickson, do	5 96
Lewis Spicer, do	3 18
Isaac Jones, do	2 67
<i>Amount carried forward,</i>	<hr/> \$3,117 11

## ALLOWANCES AND APPROPRIATIONS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	3,117 11
To Joshua S. Layton, witness,	2 65
Joshua A. Ellegood 1 37, J. Connaway 1 13,	2 50
Thomas Fooks 1 13, H. H. James 1 25,	2 38
Theodore Hearn 1 95, Dr. Th. Adams 1 25,	3 20
George Green 1 25, Robt. Houston 1 25,	2 50
Mary Jones 89 cts., Sally Short 89 cts.,	1 78
Sally Jones 89 cts., E. Greenly 53 cts.,	1 42
David Greenly 53 cts., W. D. Waples 1 37,	1 90
Abraham Adams, witness,	1 13
Warren Jefferson, do	1 25
William P. Russell, do	53
John Scott, do	1 13
Charles Wright, do	1 61
E. E. Greenly, do	59
John Piper, do	1 66
David Watson, excess of tax,	3 22
Geo. Webb, do	1 97
Layton & Sipple, for docket, wood, &c.,	17 27
do wood for gaol,	135 00
Joseph Smith, ass'd from W. Lee,	5 88
Levin Pettyjohn, cons. fees,	14 30
Nehemiah Walls, crier,	47 60
Winder Dashiell, witness,	3 10
Joseph Morris, cons. fees,	2 57
Edward L. Wells, cases, &c.,	85 00
Charles G. Ridgley, Esq., counsel fees,	45 68
G. A. Ewing, (J. P. fees,)	5 80
Geo. R. Fisher, (Pro'y,)	26 05
do for cases, 43 04, do. Commr. 13 00,	62 04
Wm. D. Waples, Ct. H. Com. 56 28, D. Hazzard, do. 37 24,	93 52
F. Lacy, cons. fees, 3 20, E. L. Wells 14 00,	17 20
Wm. O. Redden, sheriff's fees,	286 18
do board of prisoners,	437 32
John Sharp, excess tax, 5 18, N. Walls, crier, 2 80,	7 98
Wm. Hazzard, J. P. fees, 3 60, F. Brown, cons. 50 cts.,	4 10
Joel Carlisle, J. P. 2 35, W. B. Wilson, do. 90 cts.,	3 25
John James, p'd Judges election,	4 00
Zach. Jones, repairs on M. H. bridge,	8 29
Pitt'd. Minor, Seaford Sunday school,	18 00
David Moore, Georgetown do	17 20
S. D. W. Maull, Milton do 15 20, W. Morgan, Con-	
cord, 8 93,	24 13
D. W. Brereton, (Angola,) 4 70, S. Webb, Springfield, 7 00,	11 70
<i>Amount carried forward,</i>	<u>\$4,530 79</u>

## ALLOWANCES AND APPROPRIATIONS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	4,530 79
To L. Davidson, Zoar S. S.,	5 33
S. P. Houston, cases, 17 50, Wm. Pierce, S. S. No. 1, 5 50,	23 00
S. Cannon, B. V. S. S. 6 00, M. Purner Lewis 15 00,	21 00
Jno. Walker Lewis, S. S. 13 00, L. Schey, do. 23 60,	36 60
James P. Martin, Cool S. 8 60, J. M. West, Jus. P. 3 60,	11 60
John Ponder, Jus. P. 3 75, P. W. McIlvaine, ditto, 25 14,	28 89
Wm. D. Waples, lumber for cases,	25 14
James M. Draper 1 00, Jesse Walker 1 00,	2 00
Isaac Knowles, services, Laurel Bridge,	4 00
William Knowles, do	4 00
Warren Kinder, Marshyhope ditto,	1 00
Wm. Hazzard, Esq. witness before grand jury,	16 02
Elias S. Rickards, on body of James Jones,	10 00
George W. Maull	10 00
Ditto Com. under act 1835,	44 00
G. A. Ewing 44 00, Jno. Swain, S. S. 14 00,	58 00
Joshua G. Baker, surveyor on road,	5 00
Jno. Campbell	1 00
Jno. W. Argo,	1 00
Henry Davis,	1 00
Joshua Bennett,	1 00
Robert W. Davis,	1 00
George R. Fisher, Sun.	16 00
Spencer Philips,	3 00
Dag. Derrickson,	3 00
Robert Jefferson,	3 00
Joshua Morris,	3 00
Thomas Robinson, of Ann,	3 00
Ann Wilson, cleaning court-house,	12 00
Josiah Marvel, late gaoler,	17 55
H. K. Patrick, constable, fees,	5 84
Edward Marvel, Sup. Sunday School,	6 00
S. P. Houston, for cases, &c.	44 15
Eli Walls, for wood,	2 00
C. B. Sipple, for cases,	48 75
Moore & Wells, for nails,	2 46
P. Kollock, witness,	83
Warner P. Massey, ditto	3 58
Eagleston & Moore, repairs on Laurel bridge,	101 39
Luke Lofland, coroner,	41 07
James Maull, deputy,	46 08
David Watson, excess of tax,	5 63
William Sharpe, of Thomas, ditto,	1 22
<i>Amount carried forward,</i>	\$5,210 91



## ALLOWANCES AND APPROPRIATIONS.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	\$5,210 91
To Robert Russel, witness,	1 25
A. Long, judge of election,	3 00
S. P. Houston, clerk Levy Court,	813 05
B. Watson, Levy Court Commissioner,	52 02
W. Kinder do	60 96
Jno. M. West do	56 16
J. Knowles do	55 20
Wm. Knowles do	53 25
Thos. W. McIlvaine do	42 60
Eli Hall, do	48 48
Joseph J. Lynch do	93 10
Isaac Willin do	40 08
James Maull, comm'r W. and M.	95 00
Benaiah Watson for Milford bridge,	4 00
James Maull, gaol commissioner,	10 00
James A. Harris, do	10 00
George S. Pepper, do	10 00
Perry Pool, sup. S. School,	2 00
Burton C. Barker, for court room,	50 00
Wm. V. Coulter, freeholder,	1 00
Fretwel Wright do	1 00
Peter Parker, sen'r do	1 00
James L. Hudson do	1 00
Wm. Milby, do	1 00
Joseph S. Bernard, surveyor,	8 00
Wm. Dunning, freeholder,	4 00
Spencer Philips do	1 00
Joshua H. Irons do	1 00
Edward C. Dingle do	1 00
Gardiner H. Wright do	1 00
S. P. Houston, clerk Levy Court 21 days,	64 50
James H. Harris, Levy Court comm'r and Road com'r	25 00
John Kollock, sup. court house,	8 00
David Watson, late col. excess of tax,	8 76
David R. Smith, record,	1 37
Dr. Wm. Morgan, witness,	1 61
William Ellegood do	8 42
Nehemiah Walls, bailiff 13 days at \$1 40,	18 20
Sundry jurors on coroner's inquests,	20 13
Sundry witnesses on ditto,	9 20
Wm. B. Ewing, surveyor on road,	14 00
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	\$6,886 21