

16
JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF DELAWARE,

AT AN ADJOURNED

SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE SIXTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD

ONE THOUSAND EIGHT HUNDRED AND FIFTY-TWO

AND OF THE

INDEPENDENCE OF THE UNITED STATES,

THE SEVENTY-SIXTH.

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—O—
1852.

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF DELAWARE.

At an adjourned session of the General Assembly, convened and held at Dover, on Tuesday, the sixth day of January, in the year of our Lord one thousand eight hundred and fifty-two, and of the Independence of the United States of America, the seventy-sixth.

TUESDAY, January 6th, 1852.

The House met pursuant to Resolution of adjournment, passed February 28th, 1851.

Prayer by the Chaplain.

The Speaker laid before the House a communication from the Secretary of State, which

On motion of Mr. Boys,

Was read as follows, to wit:—

SECRETARY'S OFFICE,
DOVER, *January 5th, 1852.*

HON. SAMUEL JEFFERSON,

Speaker of the House of Representatives,

SIR:—By the direction of His Excellency, the Governor, I herewith submit to you, certified copies of the official returns of the special election held on the first

Tuesday of November, Anno Domini, one thousand eight hundred and fifty-one, in obedience to the provisions of an act of the General Assembly of the State of Delaware, entitled "An act concerning a Convention," passed at Dover, February 26, 1851.

Very respectfully,

Your obedient servant,

ALFRED P. ROBINSON,

Secretary of State.

An abstract of the above returns, furnished by the Secretary of State, was also read, by which it appeared that there were given

FOR A CONVENTION,

In New Castle County,	1463 votes.
" Kent County,	803 "
" Sussex County,	1069 "
	<hr/>
	3335

AGAINST A CONVENTION,

In New Castle County,	331 votes.
" Kent County,	560 "
" Sussex County,	60 "
	<hr/>
	951

FOR NO CONVENTION,

In New Castle County,	8 votes.
" Kent County,	51 "
" Sussex County,	221 "
	<hr/>
	280

BLANK VOTES,

In New Castle County,	2 votes.
" Kent County,	1 "
" Sussex County,	1 "
	<hr/>
	4

Making the total number of votes given in the State. 4554
And the majority FOR A CONVENTION, 2124

Mr. Martin offered the following resolution, which,

On his motion,

Was read and

Adopted.

Resolved, by the Senate and House of Representatives of the State of Delaware, That a committee of six on the part of the House of Representatives, and three on the part of the Senate, be appointed to examine the returns of the special election, presented to both Houses, by the

Governor of the State ; and to report to both Houses the proper action to be taken in regard to a Convention.

The Speaker then announced the committee as follows, viz ,—

Messrs. Martin, Boys, Newton, Harper, C. Smithers, and Pride.

Ordered to the Senate for concurrence.

Mr. Pride offered the following resolution, which,

On his motion,

Was read as follows :—

Whereas, the Hon. Peter Marsh, a member of the House of Representatives, from the County of Sussex, hath died since the adjournment of the Legislature, therefore,

Resolved, That the members of this House will testify their respect for the memory of our deceased fellow-member, by wearing crape on the left arm for thirty days.

Resolved further, That we do most sincerely sympathise with the relatives of the deceased, in this, their melancholy affliction.

Mr. Newton moved,

That the resolutions be adopted.

Which motion,

Prevailed.

On motion,

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

WEDNESDAY, 10 o'clock, A. M., January 7, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Martin moved,

That the resolution passed yesterday, in reference to the appointment of a committee to examine the returns of the late special election for convention, be re-considered.

Which motion

Prevailed.

William G. Whiteley, Esq., Clerk of the Senate, being admitted, in-

formed the House that the Senate had adopted, and requested the concurrence of the House in the adoption of a resolution directing the Secretary of State to deliver the returns on file, in his office, of the votes for Representative in Congress, at the last three General Elections.

On motion of Mr. Boys,

The communication from the Senate was read.

On motion of Mr. Newton, seconded by Mr. Martin,

The Resolution of yesterday, appointing a committee to ascertain the number of votes given for, or against a convention, was laid on the table.

Mr. Martin offered the following resolution, which,

On his motion,

Was read, and

Adopted.

Resolved, That a committee of five be appointed to examine the returns of the late special election, for or against a Convention, and to report by bill or otherwise.

On which resolution, the Speaker announced the following committee, viz :

Messrs. Martin, Harper, C. Smithers, Boys, and Newton.

Mr. Martin offered the following resolution, which,

On his motion,

Was read, and

Adopted.

Resolved, That the Clerk of the House, be authorized to employ an assistant clerk, during this extra session, at his own expense.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Newton submitted the following resolution, which,

On his motion,

Was read, and

Adopted.

Resolved by the Senate and House of Representatives of the State of

Delaware, in General Assembly met : That so much of the joint resolution for adjournment of the two Houses, passed on the 28th of February, 1851, as is contained in the following words, to wit :—

“ *Resolved*, That at the adjourned session, no business shall be transacted except such as relates to the revised code, and to a convention for revising the Constitution of the State,” be, and the same is hereby rescinded.

Ordered to the Senate for concurrence.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House of Representatives, that the Senate had passed, and requested the concurrence of the House, in a “Joint resolution appointing a committee to examine the returns of the special election on the subject of a convention.”

Mr. Lodge submitted the following resolution, which,

On his motion,

Was read and

Adopted.

Resolved, That the Clerk of the House of Representatives, be authorized to order two copies of each newspaper published in the State, for the use of the House.

On motion,

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

THURSDAY, 10 o'clock, A. M., January 8, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain:

Mr. Newton moved,

That the committee appointed yesterday, on the subject of the special election for a convention, be increased to six members.

Which motion

Prevailed.

The Speaker then announced Mr. Waples as an additional member of the committee.

Mr. C. Smithers moved,

That the Resolution from the Senate, appointing a committee to examine the returns of the special election on the subject of a convention, be concurred in, upon

Which motion,
The House being divided,

Mr. Boys called the yeas and nays, which on being taken, were as follows :

Yeas.—Messrs. Chambers, Harper, Harrington, Powell, C. Smithers, E. Smithers, and Spruance—7.

Nays.—Messrs. Boys, Boulden, Derrickson, Hosea, Lodge, Martin, Newton, Rogers, Satterfield, Scribner, Waples, and the Speaker.—12.

So the resolution was *Non-concurred in.*

Ordered that the Senate be informed thereof.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had adopted, and requested the concurrence of the House, in the adoption of a "Joint resolution appointing a committee to settle with the State Treasurer."

And he withdrew.

On motion of Mr. Martin.

The communications from the Senate were *Read.*

On motion of Mr. Boys,

The resolution appointing a committee to settle with the State Treasurer,

Was *Adopted.*

Whereupon,

The following were appointed said committee, viz : Messrs. Boys, Spruance, and Scribner.

Ordered to be returned to the Senate.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House, in a resolution relative to the "Revised Code."

Mr. Scribner moved,

That the communication from the Senate, be read,

Which motion *Prevailed.*

And the resolution was read as follows, to wit :—

SENATE CHAMBER, January 8th, 1852.

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

That the Joint committee heretofore raised on the revised code, report

to the two Houses a plan of proceeding, to consider the several chapters of the code so as to expedite the matter, and avoid confusion.

Extract from the Journal.

WM. G. WHITELEY,
Clerk of the Senate.

On motion of Mr. Newton,
The resolution was

Concurred in.

Ordered that the Senate be informed thereof.

On motion,
The House adjourned until three o'clock, this afternoon.

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Rogers submitted the following resolution, which,

On his motion,

Was read as follows, to wit:—

Resolved, That the Clerk of the House of Representatives, be authorized to furnish to the members of the House, one newspaper of their choice, during the session.

Mr. Rogers moved,

That the resolution be adopted.

Which motion

Prevailed.

Mr. Boys, from the Joint committee on the revised code, submitted the following report, which,

On his motion,

Was read as follows, to wit:—

The joint committee of the two Houses, on the revised code, recommend that the several chapters be taken up and considered in order, as follows:—

1st. Each chapter shall be read with the remarks and notes of commissioners of revision, and then referred to a distinct committee, upon whose report recommending its passing, the bill shall be read a second time by its title, and afterwards a third time at length or by its title, as the House shall determine. On its passing, such bill shall be read and referred in the other House in like manner.

2nd. All amendments proposed in either House, to any chapter of the revised code, shall be made through the committees to whom the bills are referred.

On motion of Mr. Boys,

The report was *Adopted.*

Mr. C. Smithers submitted the following resolution, which,

On his motion,

Was read as follows, to wit:

Resolved, That this House will now proceed to consider the revised code.

Resolved further, That this House will not, at this adjourned session, consider any other business than that for which this session is held, to wit: the revision of the code, and the subject of convention.

Mr. Martin moved,

To amend the resolution by striking out all after the word resolved, and insert the following:

That the House now proceed to consider the revised code; and that the commissioners of revision be invited to take a seat on the floor of the House of Representatives.

Which motion

Prevailed.

And on motion of Mr. Martin,

The resolution as amended, was *Adopted.*

The Hon. Samuel M. Harrington, and Joseph P. Comegys, Esq., two of the commissioners, were then introduced, and took the seats assigned to them.

The House then resolved itself into the committee of the whole, on the revised code; Mr. Martin in the chair; and after some time spent in considering that subject, the committee rose, and reported to the House,

That the committee of the whole House had had under consideration the revised code, according to order, and had proceeded therein so far as to go through with the reading of the first six chapters thereof, which they reported to the House without amendment, and asked leave to sit again, which was granted.

On motion of Mr Boys,

Chap. 1, of "Sovereignty Jurisdiction and Limits," was referred to a committee of three members.

Whereupon,

Messrs. Boys, Chambers, and Satterfield, were appointed such committee.

On motion of Mr. Lodge,

Chapter 2, "of Public Lands," was referred to a committee of three members,

Whereupon,

Messrs. Lodge, Harper, and Waples, were appointed such committee.

On motion of Mr. Martin,

Chapter 3, "Of the State House, Library and Public Offices," was referred to a committee of three members.

Whereupon,

Messrs. Martin, C. Smithers and Scribner, were appointed said committee.

On motion of Mr. Boys,

Chapter 4, "Of Statutes and Legislative Journals," was referred to a committee of three members.

Whereupon,

Messrs. Boys, E. Smithers and Hosca, were appointed said committee.

On motion of Mr. Boulden,

Chapter 5, "Of the Construction of Statutes," was referred to a committee of three members.

Whereupon,

Messrs. Boulden, Spruance and Hosca, were appointed said committee.

On motion of Mr. Scribner,

Chapter 6, "Of Judicial Reports," was referred to a committee of three members.

Whereupon,

Messrs. Scribner, Powell and Rogers, were appointed said committee.

On motion,

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

FRIDAY, 10 o'clock, A. M., January 9th, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Boulden, Chairman of the committee to whom was referred the bill, Chapter 5, of the revised code, entitled "Of the Construction of Statutes," reported said bill back to the House, without amendment, and recommended its passage.

Read a second time by its title.

On motion of Mr. Martin,

Chapter 15, "Of the Public Arms and Defence."

Chapter 24, "Of General Provisions."

Chapter 25, "Of Salaries."

Chapter 26, "Of the General Assembly."

Chapter 27, "Of the Governor."

Chapter 28, "Of the Secretary of State."

Were read.

Mr. Harper moved,

That Chapter 15, of the revised code, a bill entitled "Of the Public Arms and Defence," be referred to a committee of three,

Which motion,

Prevailed.

Whereupon,

Messrs. Harper, Satterfield and Derrickson, were appointed said committee.

Mr. Hosea moved,

That Chapter 24, of the revised code, a bill containing the general provisions "Of certain Public Officers," be referred to a committee of three.

Which motion,

Prevailed.

Whereupon,

Messrs. Hosea, Powell and Rogers, were appointed said committee.

Mr. Rogers moved,

That Chapter 25, of the revised code, being a bill entitled, "Of Salaries," be referred to a committee of three.

Which motion,

Prevailed.

Whereupon,

Messrs. Rogers, Chambers and Waples, were appointed said committee.

Mr. Waples moved,

That Chapter 26, of the revised code, a bill entitled, "Of the General Assembly," be referred to a committee of three.

Which motion,

Prevailed.

Whereupon,

Messrs. Waples, Spruance, and Boulden, were appointed said committee.

On motion of Mr. Newton,

Chapter 27, was referred to the following committee, viz :

Messrs. Newton, E. Smithers and Scribner.

On motion of Mr. Scribner,

Chapter 28, was referred to a committee of three, viz :

Messrs. Scribner, Harrington and Lodge.

On motion of Mr. Lodge,

The resolution from the Senate, in reference to the appointment of a "Joint committee upon the returns of the convention election," was taken up for consideration.

Mr. Lodge moved,

That the House refuse to concur in said resolution.

Which motion

Prevailed.

Ordered that the Senate be informed thereof.

Mr. Newton presented a petition from Charles H. Black, and seventy-three other citizens of New Castle county, praying an amendment of the law of the last session, in reference to pedlars licenses, which

On his motion,

Was read.

On motion of Mr. C. Smithers,

The petition was laid upon the table.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Newton, from the committee to whom was referred Chapter 3, "Of the State House, Library, and Public Offices," of the revised code, reported the same back without amendment, and recommended its passage,

And

On his motion,

It was read a second time by its title.

On motion of Mr. Boys,

Chapter 16, 17, 18, 19, 20, 21, 22, and 23, of the revised code, were read.

On motion of Mr. Martin,

Chapter 16, "General Provisions," of the revised code, was referred to a committee of three members.

Whereupon,

Messrs. Martin, Chambers and Newton, were appointed such committee.

On motion of Mr. C. Smithers,

Chapter 17, "Of the election of Assessors and Inspectors," was referred to a committee of three.

Whereupon,

Messrs. C. Smithers, Hosea and Rogers, were appointed such committee.

On motion of Mr. Hosea,

Chapter 18, "Of the General Election," was referred to a committee of three.

Whereupon,

Messrs. Hosea, Powell and Boys, were appointed such committee.

On motion of Mr. Boys,

Chapter 19, "Of the Elections in Wilmington Hundred," was referred to a committee of three members.

Whereupon,

Messrs. Boys, E. Smithers and Satterfield, were appointed such committee.

On motion of Mr. Rogers,

Chapter 20, "Of the Election of President and Vice President of the United States," was referred to a committee of three members.

Whereupon,

Messrs. Rogers, Spruance and Scribner, were appointed such committee.

On motion of Mr. Harper,

Chapter 21, "Of Representative in Congress," was referred to a committee of three members.

Whereupon,

Messrs. Harper, Boulden and Waples, were appointed such committee.

On motion of Mr. Boulden,

Chapter 22, "Of the United States Senators," was referred to a committee of three members.

Whereupon,

Messrs. Boulden, Harrington and Martin, were appointed such committee.

On motion of Mr. Newton,

Chapter 23, "Of Contested Elections," was referred to a committee of three members.

Whereupon,

Messrs. Newton, C. Smithers and Scribner, were appointed such committee.

Mr. Lodge, from the committee to whom was referred Chapter 2, "Of Public Lands," reported the same back to the House without amendment, and recommended its passage, and

On his motion,

The said chapter was read a second time by its title.

On motion,

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

SATURDAY, 10 o'clock, A. M., January 10, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Boys, Chairman of the committee to whom was referred Chapter 1, of the revised code, entitled, "Of Sovereignty, Jurisdiction, and Limits," reported said chapter to the House, without amendment, and recommended its passage, and

On his motion,

The chapter was read a second time by its title.

Mr. Scribner, Chairman of the committee to whom was referred chapter 6, of the revised code, entitled, "Of Judicial Reports," reported in favor of the passage of the said chapter, without amendment, when,

On his motion,

The chapter was read a second time, by its title.

Mr. Boys, from the committee to whom was referred Chapter 4, of the revised code, entitled, "Of the Printing and Publication of Laws and Journals," reported the said chapter to the House, and recommended its passage without amendment, when,

On his motion,

The chapter was read a second time by its title.

Mr. Lodge, Chairman of the committee to whom was referred Chapter 2, of the revised code, entitled, "Of Public Lands," reported said chapter to the House, without amendment, and recommended its passage, when

On his motion,

The said chapter was read a second time by its title.

Mr. Newton, Chairman of the committee to whom was referred chapter 3, "The State House, Library, and Public Offices," of the revised code, reported said chapter to the House without amendment, and recommended its passage, which,

On his motion,

Was read a second time by its title.

Mr. Harper, Chairman of the committee to whom was referred chapter 15, of the revised code, entitled, "Of the Public Arms and Defence," reported said chapter to the House without amendment, and recommended its passage, which,

On his motion,

Was read a second time by its title.

Mr. Rogers, Chairman of the committee to whom was referred Chapter 25, of the revised code, "Concerning Salaries," reported said chapter to the House, without amendment, and recommended its passage, and which,

On his motion,

Was read a second time by its title.

Mr. Hosea, Chairman of the committee to whom was referred Chapter 24, of the revised code, entitled, "General Provisions regarding Public Officers," reported said chapter to the House, without amendment, and recommended its passage,

And which,

On his motion,

Was read a second time by its title.

Mr. Harper, gave notice that he should, at some future day, ask leave to introduce a bill entitled, "An act to prevent the sale of Lottery tickets in this State."

On motion,

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

MONDAY, 10 o'clock, A. M., January 12, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Boys presented the claim of Johnson, Chandler & Harker, against the State, for public printing, which,

On his motion,

Was read, and referred to the Committee on claims.

Mr. Newton, Chairman of the committee to whom was referred Chapter 27, of the revised code, entitled, "Of the Governor," reported said chapter to the House, and recommended its passage without amendment,

And which,

On his motion,

Was read a second time by its title.

Mr. Boys presented the petition of James Cain, and 840 others, citizens of New Castle county, praying a law limiting the hours of labor to *ten hours* in certain cases, which,

On his motion,

Was read.

Mr. Scribner moved,

That the above petition be laid on the table.

Which motion,

Was

Lost.

On motion of Mr. Boys,

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

Whereupon,

Messrs. Boys, Harper and Waples, were appointed said committee.

Mr. Newton presented the petition of Willard Hall, and others, relating to certain resolutions passed at the annual school convention, of New Castle County, which,

On his motion,

Was read.

When he moved,

That the petition be laid on the table until to-morrow.

Which motion,

Prevailed.

On motion of Mr. Boys,

Chapters 39, of Religious Societies ; 40, Of the School Fund ; 41, Of Sabbath Schools ; 42, Concerning Free Schools ; 43, Of Delaware College ; 44, St. Mary's College ; 45, Other Schools, and Literary Institutions ; 46, To prevent the spread of Infectious Diseases ; 47, Of Physicians, of the revised code, were read.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Scribner,

Chapter 39, of the revised code, "Of Religious Societies," was referred to a committee of three members.

Whereupon,

Messrs. Scribner, Powell and Derrickson, were appointed such committee.

On motion of Mr. Derrickson,

Chapter 40, of the revised code, "Of the School Fund," was referred to a committee of three members.

Whereupon,

Messrs. Derrickson, Pride and C. Smithers, were appointed said committee.

On motion of Mr. Lodge,

Chapter 41, of the revised code, "Of Sabbath Schools," was referred to a committee of three members.

Whereupon,

Messrs. Lodge, Harper and Hosea, were appointed said committee.

On motion of Mr. Newton, seconded by Mr. Pride,

Chapter 42, of the revised code, "Concerning Free Schools," was referred to a committee of five members.

Whereupon,

Messrs. Newton, Pride, C. Smithers, Boys and Harper, were appointed such committee.

On motion of Mr. Harper,

Chapter 43, of the revised code, "Of Delaware College," was referred to a committee of three members.

Whereupon,

Messrs. Harper, Waples and Rogers, were appointed said committee.

On motion of Mr. C. Smithers,

Chapter 44, of the revised code, "St. Mary's College," was referred to a committee of three members.

Whereupon,

Messrs. C. Smithers, Pride and Lodge, were appointed said committee.

On motion of Mr. Powell,

Chapter 45, of the revised code, "Other Schools and Literary Institutions," was referred to a committee of three members.

Whereupon,

Messes. Powell, Waples and Boulden, were appointed said committee.

On motion of Mr. Waples,

Chapter 46, of the revised code, "To prevent the spread of Infectious Diseases," was referred to a committee of three members.

Whereupon,

Messrs. Waples, Spruance and Newton, were appointed said committee.

On motion of Mr. Scribner,

Chapter 47, of the revised code, "Of Physicians," was referred to a committee of three.

Whereupon,

Messrs. Scribner, E. Smithers and Lodge, were appointed said committee.

Mr. Newton moved,

That Chapter 27, of the revised code, "Of the Governor," be recommitted, with a view to amendment.

Which motion

Prevailed.

On motion,

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

TUESDAY, 10 o'clock, A. M., January 13th, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Pride presented the petition of Elias Maxwell, praying to be divorced from his wife Emeline, which,

On his motion,

Was read and referred to a committee of three,

Whereupon,

Messrs Pride, Chambers and Newton were appointed said committee.

Mr. Rogers gave notice that at some future day, he should ask leave to introduce a bill entitled, "An act to authorize the Recorder of Deeds in and for New Castle county, to transcribe the mortgage index of his said office, and to procure a new seal of office.

Mr. Boulden, Chairman of the committee to whom was referred Chapter 22, "Of United States Senators," of the revised code, reported said chapter to the House without amendment, and recommended its passage, when,

On his motion,

Said chapter 22, was read a second time, by its title.

Mr. Lodge, Chairman of the committee to whom was referred Chapter 41, of the revised code, entitled, "Sabbath Schools," reported said bill with an amendment, which,

On his motion,

Was read as follows, to wit:—

"Amend the bill by striking out the word 'Forty,' in the fourth line, and substituting the word 'Fifty,' also amend the bill by substituting the word 'five,' in place of the word 'four,' in the last line of the chapter.

On motion of Mr. Harper,

The amendment was

Adopted.

On motion of Mr. Lodge,

The said chapter was read a second time by its title.

Mr. C. Smithers, Chairman of the committee to whom was referred chapter 44, of the revised code, entitled, "St. Mary's College," reported said chapter without amendment, and recommended its passage.

On his motion also,

The said chapter was read a second time by its title.

Mr. Powell, Chairman of the committee to whom was referred Chapter 45, of the revised code, entitled, "Other Schools and Literary Institutions," reported said chapter without amendment, and recommended its passage, when,

On his motion,

The chapter was read a second time by its title.

Mr. Boulden presented the petition of Daniel Stephenson, (negro) praying the Legislature to refund a certain amount of money, which.

On his motion,

Was read and referred to a committee of three.

Whereupon,

Messrs. Boulden, E. Smithers and Scribner, were appointed such committee.

Mr. Rogers, Chairman of the committee to whom was referred chapter 20, of the revised code, entitled, "Election of Electors of President and Vice President," reported said chapter without amendment, and recommended its passage.

And moved,

That it be read a second time by its title.

Which motion

Prevailed.

Mr. Derrickson presented the petition of James C. Jackson, and others, praying for an act of incorporation of "The Mutual Fire Insurance Company of Mill Creek Hundred," which,

On his motion,

Was read, and referred to a committee of three.

Whereupon,

Messrs. Derrickson, Powell and Satterfield, were appointed said committee.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Newton,

The petition of Willard Hall and others, relating to certain resolutions passed at the annual school convention, of New Castle county, ..

Was taken up for

Consideration.

On his motion also,

The petition was referred to a committee of five.

Whereupon,

Messrs. Newton, Pride, C. Smithers, Boys and Harper, were appointed such committee.

On motion of Mr. Boulden, *

Chapter 5, of the revised code, entitled, "Rules of Construction of Statutes," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Newton,

Chapter 27, of the revised code, entitled, "Of the Governor," was taken up for consideration.

Mr. Newton then offered the following amendment, which,

On his motion,

Was read as follows, to wit:—

Amend the bill by striking out section 7, and insert the following, in lieu thereof:

"Section 7. The Governor shall have power, upon the petition of the person convicted, to grant a pardon upon such conditions, with such restrictions, and under such limitations, as he may think proper, and he may issue his warrant to all proper officers to carry into effect such conditional pardon; which warrant shall be obeyed and executed instead of the sentence, if any, which was originally awarded. Return of such execution shall be duly made to the Court where the conviction was had."

On motion of Mr Boys,

The further consideration of the amendment was postponed until tomorrow.

On motion of Mr. Boys,

Chapter 1, of the revised code, entitled, "Of Sovereignty, Jurisdiction and Limits," was read a third time by paragraphs,

And,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Newton, Chairman of the committee to whom was referred chapter 23, of the revised code, entitled, "Of Contested Elections," reported the same to the House without amendment, and recommended its passage.

And moved,

That the chapter be read a second time by its title.

Which motion

Prevailed.

Mr. Harper, Chairman of the committee to whom was referred chapter 21, of the revised code, entitled, "Of Election of Representatives in Congress," reported the same to the House without amendment, and recommended its passage, and,

On his motion,

It was read a second time by its title. .

On motion of Mr. Rogers,

Chapter 25, of the revised code, entitled, "Concerning Salaries," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Newton moved,

That the petition of C. H. Black and others, praying an amendment to the act entitled, "An act establishing certain fees for the use of the State," be taken up for consideration.

Which motion,

Prevailed.

On motion of Mr. Newton,

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

Whereupon,

Messrs. Newton, Spruance and Waples, were appointed said committee.

On motion of Mr. Lodge,

Chairman of the committee to whom was referred chapter 2, of the revised code, entitled, "Of Public Lands," the said chapter was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Newton,

Chapter 3, of the revised code, entitled, "Of State House, Library and Public Offices," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Harper, Chairman of the committee to whom was referred Chapter 2, of the revised code, entitled, "Of Delaware College," reported said chapter to the House, without amendment, and recommended its passage, and which,

On his motion,
 Was read a second time by its title.
 On motion,
 The House adjourned until 10 o'clock, to-morrow morning.

WEDNESDAY, 10 o'clock, *A. M.*, January 14th, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Boys presented the petition of Samuel McClary, Jr., and 340 others, praying for an act creating a Joint Stock Company, and authorizing them to construct a plank road in the county of New Castle, which,

On his motion,

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

Whereupon,

Messrs. Boys, Harper and Pride, were appointed such committee.

Mr. Pride presented the petition of James Walls, and 150 others praying an amendment to the "Act for the encouragement of Schools in the State of Delaware," which,

On his motion,

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

Whereupon,

Messrs. Pride, Powell and Boulden, were appointed such committee.

Mr. Boys presented the petition of John Downing and 49 others, praying for an act authorizing the school commissioners of district No. 9, in New Castle County, to raise two hundred dollars additional, by tax, which,

On his motion,

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

Whereupon,

Messrs. Boys, Spruance and Waples, were appointed said committee.

Mr. Pride presented the petition of Luke Clendaniel, praying for a divorce from his wife, Rachel Clendaniel, which,

On his motion,

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

Whereupon,

Messrs. Pride, Chambers and Derrickson, were appointed such committee.

Mr. Boys presented the petition of Edward McInall, and 14 others, praying for an act to incorporate the "Odd Fellows' Library Company," of the city of Wilmington, which,

On his motion,

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

Whereupon,

Messrs. Boys, Harrington and Hosea, were appointed said committee.

Mr. Pride presented the petition of Nancy Marvel, praying for an act to divorce her from her husband, Abraham Marvel, which,

On his motion,

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

Whereupon,

Messrs. Pride, Smithers and Rogers, were appointed said committee.

Mr. Waples, Chairman of the committee to whom was referred chapter 26, of the revised code, entitled, "Of the General Assembly," reported said chapter with an amendment, which,

On his motion,

Was read as follows, to wit:

"Amend the chapter by striking out sections 6 and 7, and inserting in lieu thereof, the following, as section 6; 'No petition for a divorce, or petition for a private act of Assembly, shall be received or acted on by the Legislature, without proof that at least one month's notice has been given before the session, in a newspaper published in the county where the petitioner resides, if there be any, and if not, then in some newspaper in the State.'"

On motion of Mr. Boulden,

The amendment was

Adopted.

On motion of Mr. Waples,

The said Chapter, No. 26, was read a second time by its title.

Mr. Chambers presented several petitions from William Tharp and others, praying for a law authorizing the Levy Court of Kent county, to make an appropriation for a certain road therein mentioned, which,

On his motion,

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

Whereupon,

Messrs. Chambers, Lodge and Satterfield, were appointed such committee.

Mr. Boys, Chairman of the committee to whom was referred Chapter 19, of the revised code, entitled, "Of Elections in Wilmington Hundred," reported said chapter without amendment, and requested its passage, and

On his motion,

It was read a second time by its title,

On motion of Mr. Boys,

Chapter 51, General Provisions, respecting Police,

52, Of Free Negroes and Mulattoes.

53, Concerning Taverns, Ale Houses, and Victualling Houses,

54, Of Jails and Work Houses.

56, Of Boundaries.

57, Of Fences, of the revised code, were read.

On his motion also,

Chapter 55, of the revised code, entitled, "Fish, Oysters and Game," was read by special order, by its title.

On motion of Mr. Boys,

Chapter 51, of the revised code, entitled, "General Provisions respecting Police," was referred to a committee of three members.

Whereupon,

Messrs. Boys, Harper and Martin, were appointed such committee.

On motion of Mr. Lodge,

Chapter 52, of the revised code, entitled, "Of Free negroes and mulattoes," was referred to a committee of three.

Whereupon,

Messrs. Lodge, Chambers and Satterfield, were appointed such committee.

On motion of Mr. Boulden,

Chapter 53, of the revised code, entitled, "Concerning Taverns, Ale Houses, and Victualling Houses," was referred to a committee of three.

Whereupon,

Messrs. Boulden, C. Smithers and Satterfield, were appointed such committee.

On motion of Mr. Rogers,

Chapter 54, of the revised code, entitled, "Of Jails and Work Houses," was referred to a committee of three.

Whereupon,

Messrs. Rogers, E. Smithers and Pride, were appointed said committee.

On motion of Mr. Chambers,

Chapter 55, of the revised code, entitled, "Fish, Oysters, and Game," was referred to a committee of three.

Whereupon,

Messrs. Chambers, Hosea, and Derrickson, were appointed said committee.

On motion, of Mr. Derrickson,

Chapter 56, of the revised code, entitled, "Of Boundaries," was referred to a committee of three,

Whereupon,

Messrs. Derrickson, Spruance and Waples, were appointed said committee.

On motion of Mr. Newton,

Chapter 57, of the revised code, entitled, "Of Fences," was referred to a committee of three.

Whereupon,

Messrs. Newton, Harrington and Scribner, were appointed such committee.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Rogers gave notice that at some future day, he should ask leave to introduce a bill entitled, "An act authorizing the Register for the Probate of Wills, and granting letters of administration in, and for New Castle county, in the State of Delaware, to procure a new General Index Book, and to transcribe or copy the General Index now in said Register's Office therein, and to collate the same."

Mr. Derrickson, Chairman of the committee to whom was referred the petition of J. C. Jackson and others, reported a bill entitled, "An act to incorporate the Mutual Insurance Company, of Mill Creek Hundred," which,

On his motion,

Was read.

On motion of Mr. Newton,

Chapter 23, of the revised code, "Of Contested Elections," was read a third time by paragraphs, and,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Boys, from the committee to whom was referred the petition of James Cain and others, reported a bill entitled, "An act to limit the hours of labor, and prevent the employment in factories of children under ten years of age," which,

On his motion,

Was read.

Mr. Boys presented the petition of Wm. H. Gear, and 29 others, praying for an act to incorporate Hope Lodge, No. 21, of the I. O. O. F., in the City of Wilmington, which,

On his motion,

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

Whereupon,

Messrs. Boys, Chambers and Satterfield, were appointed said committee.

On motion of Mr. Harper,

Chapter 21, of the revised code, entitled, "Election of Representative in Congress," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Waples, Chairman of the committee to whom was referred chapter 46, of the revised code, entitled, "To prevent the spread of Infectious Diseases," reported the same to the House without amendment, and recommended its passage,

And which,

On his motion,

Was read a second time by its title.

On motion,

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

THURSDAY, 10 o'clock, A. M., January 15, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Martin, Chairman of the committee to whom was referred the resolution appointing a committee of six to examine the returns of the late special election for or against a convention, reported a bill entitled, "An act to call a convention," which,

On his motion,

Was read.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House, in the passage of the following bills, viz :—

Chapter 8. Of the Levy Court.

" 10. Assessors.

" 14. Of the Treasurer of the Poor.

" 31. Of the Attorney General.

" 33. Of Coroners.

" 36. Of Notaries Public and Commissioners of Deeds.

" 38. Of the Clerk of the Court of Errors and Appeals.

On motion of Mr. Boys,

The communications from the Senate were read.

On motion of Mr. Newton,

Chapter 8, was referred to a committee of three.

Whereupon,

Messrs. Newton, Chambers and Satterfield, were appointed said committee.

On motion of Mr. Martin,

Chapter 10, was referred to a committee of three.

Whereupon,

Messrs. Martin, Powell and Derrickson, were appointed such committee.

On motion of Mr. Lodge,

Chapter 14, was referred to a committee of three members.

Whereupon,

Messrs. Lodge, E. Smithers and Scribner, were appointed said committee.

On motion of Mr. Rogers,

Chapter 31, was referred to a committee of three.

Whereupon,

Messrs. Rogers, C. Smithers and Waples, were appointed such committee.

On motion of Mr. Waples,

Chapter 33, was referred to a committee of three.

Whereupon,

Messrs. Waples, Harper and Boulden, were appointed such committee.

On motion of Mr. Boulden,

Chapter 36, was referred to a committee of three.

Whereupon,

Messrs. Boulden, Harrington and Martin, were appointed such committee.

On motion of Mr. C. Smithers,

Chapter 38, was referred to a committee of three.

Whereupon,

Messrs. C. Smithers, Lodge and Satterfield, were appointed said committee.

Mr. Newton presented the petition of Wm. Chandler and others, praying an appropriation from the State, to defray the expenses incurred in furnishing the Delaware block of granite for the Washington Monument, which,

On his motion,

Was read and referred to a committee of three.

Whereupon,

Messrs. Newton, Harper and Martin, were appointed said committee.

Mr. C. Smithers presented the petition of Thomas Lockwood, also one from David Warren, both relating to the same subject, viz: To authorize Thomas Lockwood, administrator of the estate of Penelope Warren, to sell certain lands, and to distribute the proceeds thereof in the manner set forth in said petitions, which,

On his motion,

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

Whereupon,

Messrs. C. Smithers, Boys and Scribner, were appointed such committee.

On motion of Mr. Boulden,

Chapter 22, of the revised code, entitled, "Of United States Senators," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Martin presented the petition of Robt. B. Houston, Joseph Kollock and John Morris, of J., praying for an amendment to the "Act for improving and extending the navigation of Pokomoke River," which,

On his motion,

Was read and referred to a committee of three.

Whereupon,

Messrs. Martin, E. Smithers and Rogers, were appointed such committee.

Mr. Boys, from the committee to whom was referred the petition of Edward McInall and others, reported a bill entitled, "An act to incorporate the Odd Fellows' Library Company, which,

On his motion,

Was read.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment,

Mr. C. Smithers, from the committee to whom was referred the resolution appointing a committee to examine the returns of the late special election for or against a convention, submitted a report adverse to that of the majority, which,

On his motion,

Was read as follows, to wit:—

Report of the Minority of the Committee in relation to calling a Convention:—

The undersigned, minority of the committee to whom were referred the returns of the votes cast at the special election held to determine the sense of the people in relation to calling a Convention to amend the Constitution of this State, communicated to the House of Representatives by his Excellency, the Governor, beg leave to present the following as a minority report, and protest against the action and determination of the majority of the committee.

The undersigned entered upon the consideration of the subject committed to them, with a full sense of the responsibility resting upon them as members of this General Assembly, sworn to support the Constitution, and as citizens of the State of Delaware, alike interested with every other in the maintenance of their constitutional rights—the only guaranty for the protection of individual life, liberty and property. Impressed with this responsibility, after all the consideration and reflection which they have been able to bestow on the subject with which they have been charged, the undersigned have come to the settled conclusion, that under the Constitution which they have sworn to support, according to the returns which have been communicated, there is no legitimate power in this General Assembly to call a convention, but on the contrary, that any law enacted for that purpose, will be in derogation of its authority; and as seems to them, in violation of one of its plainest provisions.

In the apprehension of the undersigned it is only necessary for any one unbiassed as to his judgment by sinister considerations, or the overruling authority of the opinion of another, to read the ninth article of the Constitution, relative to calling a convention, to be impelled to the con-

clusion, that under circumstances as now existing, no such power is delegated to this General Assembly, but that in order to authorize a law for this purpose, there must have been cast, in its favor, at the special election, the votes of a majority of all the citizens of this State, entitled to vote for representatives.

By the returns communicated to this House, it appears that the whole number of votes cast at that election, was 4,554; of these 3,335 were in favor, and 1,231 against a convention; being a majority of the votes actually cast of 2,104 in favor of a convention. Now it is well known to the undersigned and to every member of this House, that there are more than twelve thousand legal voters in this State entitled to vote for Representatives. From the returns therefore, it is manifest that of these 12,000 voters less than one-third of the whole number voted in favor of a convention to amend the Constitution.

From this statement, it is clear that if the opinion of the undersigned is well-founded, that a majority of the whole number of voters in the State must concur in expressing their sense that a convention should be called this General Assembly, under existing circumstances, has no authority to enact a law for that purpose.

The first and only question therefore, in the judgment of the undersigned is, whether such is the true meaning and interpretation of the ninth article of the Constitution. In reference to this question, the undersigned beg leave to submit briefly a few suggestions.

The Constitution of 1792, commonly called the old constitution, to distinguish it from that of 1831, in the tenth article, on the subject of a convention, uses the following language:

"No convention shall be called but by the authority of the people; and an unexceptionable mode of making their sense known, will be for them at a general election of representatives, to vote also by ballot for or against a convention, as they shall severally choose to do; and if, thereupon, it shall appear that a majority of all the citizens in the State, having right to vote for representatives, have voted for a convention, the General Assembly shall accordingly at their next session, call a convention, to consist of at least as many members as there are in both Houses of the Legislature, to be chosen in the same manner, at the same places and at the same time, that representatives are, by the citizens entitled to vote for representatives on due notice given for one month, and to meet within three months after they shall be elected."

Such are the provisions of the tenth article of the constitution of 1792, and to the minds of the undersigned, that article is entirely clear as to the number of votes requisite to authorize the General Assembly to call a convention. It declares that the citizens of this State entitled to vote for representatives, may vote for or against a convention at any general election of representatives; and if, *thereupon*, that is, upon such vote, it is found that a majority of the whole number, not of those who in fact voted, but of *all the citizens in the State having right to vote for representatives*, have voted for a Convention, then the General Assembly should call a convention.

There is no ambiguity in its phraseology—no vagueness in its requirements. There was, however, an omission in this tenth article, by reason of which it was found inconvenient in its practical application, but which was supplied by the convention of 1831. This omission was the failure to furnish any authoritative test by which to determine whether such majority had, at any election, voted for a convention. The undersigned will now briefly show how and how far the Constitution of 1792, on this subject, was altered by the convention of 1831. A comparison of the ninth article of the Amended Constitution will exhibit that the whole of the tenth article as it stood in the Constitution of 1792, was retained by the convention, except the words "*general election of Representatives*" and the word "also," which were stricken out, and in lieu thereof were inserted the words "*a special election on the third Tuesday of May, in any year,*" and to the article, thus amended, the following words were added:

"The majority of all the citizens in the State having right to vote for representatives, shall be ascertained by reference to the highest number of votes cast in the State, at any one of the three general elections, next preceding the day of voting for a convention, except where they may be less than the whole number of votes voted, both for and against a convention; in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention: and whenever the General Assembly shall deem a convention necessary, they shall provide by law for the holding of a special election, for the purpose of ascertaining the sense of a majority of the citizens of the State, entitled to vote for representatives."

It is perfectly clear to the undersigned, that this alteration in no way affected the majority which was required by the plain terms of the Constitution of 1792. The change of the time of holding the election from a "general" to a "special" day, has no possible tendency to affect it; such change may render the majority more difficult to be obtained, but does not for that reason render it any the less imperative.

The suffix in the Amended Constitution, from the commencement to the end of the first clause, simply supplies the omission in the old Constitution, by furnishing a mode by which the requisite majority can be ascertained—applying as a test the highest number of votes voted at any of the three general elections, immediately preceding; and the latter clause only provides another unexceptionable mode of enabling the people to express their wishes on the subject of a convention. By this clause the *General Assembly* has, in its discretion, the authority to order at any time a *special* election, to ascertain the sense of the people; but by the express terms of the amendment this sense must be expressed as "*the sense of the majority of the citizens of the State, entitled to vote for representatives.*" The undersigned cannot perceive how any doubt can exist as to the meaning of terms so definite.

They are not unaware that it has been urged that the Constitution declares that the mode therein prescribed is "*an unexceptional mode*" only; and is, therefore, merely advisory and not directory, leaving to the

people any other mode of expressing their sense, and not confining them to the precise mode therein indicated. Without stopping to consider the difficulties which lie at the threshold of this suggestion, the undersigned will only observe that it is manifest that this word "unexceptionable" has reference only to the mode, or manner by which the sense of the people is to be expressed—it does not pretend to regulate the number of votes necessary to authorize the General Assembly to call a convention. The undersigned recognize a broad distinction between the majority which the Constitution requires, and the mere way or method which it indicates for the people to express their opinion. It might well be, that the Constitution, whilst requiring a majority of all the voters in the State, should nevertheless indicate alternative methods by which that vote shall be expressed; and in the opinion of the undersigned, such is the fact in relation to the ninth article of the Constitution. They believe that article to designate two modes—by the one the day for the special election is fixed by the Constitution it being contemplated that the requisites for holding such election would be provided by the Legislature—by the other it is committed to the discretion of the General Assembly; but in either case the Constitution requires a majority of all the citizens of the State, entitled to vote for representatives.

Acting under the authority vested in them by the last clause of this article, at their last session the General Assembly enacted a law authorizing a special election. The undersigned beg leave to inquire, for what purpose was this election ordered to be held? The Constitution answers, "for the purpose of ascertaining the sense of a majority of the citizens of the State, entitled to vote for representatives;" and the only evidence of that sense in favor of a convention, is the number of votes cast at that election, for a convention.

That the Constitution requires a majority of all the voters of the State to express their sense in favor of a convention, to authorize the call of such convention, the undersigned believe is the opinion of nine-tenths of the people they represent; and that the adoption of any other opinion is of recent date, and rather taken upon trust from other individuals, than formed by the generality of those who profess to entertain it from an examination for themselves of the instrument they pretend to interpret. They believe, also, that this opinion has been manufactured to suit circumstances, and changing according to the exigencies of the moment, has assumed this form only since the failure to obtain the requisite majority at the special election, made it necessary to secure a convention.

The undersigned, in corroboration of their opinion of the meaning of the Constitution, beg leave to refer to a few facts, well authenticated, and in their judgment establishing beyond question the construction for which they contend.

1. It is matter of history, that the convention which formed the old Constitution, rejected a resolution that expressly declared that a majority of the votes cast was sufficient to authorize the call of a convention.

2. It is well understood, that such has been the construction of this article from time immemorial; and in accordance with this interpreta-

tion, the General Assembly, at their session in 1831, in enacting the "Act concerning a Convention," having first counted the ballots, expressly declared in that act, as the foundation of their legislative enactment, "that a majority of all the citizens in the State, having right to vote for representatives did, at the last general election of representatives, vote for a convention."

3. The undersigned, beg leave particularly to refer to the acts and declarations of the members of the convention of 1831, when revising and amending the article, which is now the subject of construction. By reference to the report of the debates of that convention; it will be seen that the amendment to the tenth article of the Constitution, was proposed by Mr. John M. Clayton, a delegate from Kent county. In presenting this amendment, Mr. Clayton distinctly declared that the constitution provided that a majority of all the citizens of the State, having right to vote for representatives, must vote for a convention, and that his amendment was for the purpose of ascertaining this majority, and to obtain the sense of the people, unbiased by any other consideration, he proposed that the time for expressing that sense should be at a *special*, instead of a *general* election, as under the Constitution of 1792.

The opponents of the plan of a special instead of a general election, urged the impropriety of the change, on the ground of the difficulty, if not impossibility of calling a convention under its operation.

Mr. Read, of New Castle county, said that he was opposed to a special election for ascertaining the sense of the people on the subject of a convention. The question was one which ought not to be separated from other questions. "I will say," continued Mr. Read, "*if you wished to devise a plan by which no other convention should be held, it would be in this way.*" "Throw it off to a bye-election and will it not be the same as to say there never shall be a convention at all."

To the suggestions of Mr. Read, it was answered by Mr. Clayton in this language:—"If a mere majority were sufficient, the dominant party could call a convention whenever it chose. If it was a fairly expressed opinion of the majority there could be no objection; *but of more than 9,000 voters in the State, but 2,000 might come out, and 1,200 of these might change the whole organization of government.*"

"The gentleman argues for a full majority for calling a convention; he must then be for a fair ascertainment of that majority."

It has been said that the people would never come out to a special election. I ask if it is right to call a convention, if the evils suffered are so small that the people will not ride to the polls to remedy them?"

How would the members of that convention have been astonished had they been told, that, after this language, the doctrine would be insisted on and would prevail with any General Assembly, that of more than 12,000 voters in the State, but 4,000 might come out to a special election ordered under that constitution, and of these that the votes of 3,000 would suffice to call a Convention!

Judge Hall also opposed the change from a general to a special election. He said that "he did not wish to see another convention. He

did not expect ever to see one, but he did not consider it expedient *that the calling a convention should be made so difficult as the amendment proposed by the gentleman from Kent would make it.*"

The undersigned might quote much more fully from the debates in that convention on this article, but in their judgment the above suffices to exhibit the views of the members of that body in relation to the matter before them. It is manifest that the argument in opposition to the change from a general to a special election, proceeded from a conviction that the proposed amendment would render the calling of a convention difficult, if not well nigh impossible.

The undersigned here beg leave to inquire how it was possible to render it more difficult than heretofore, provided a mere majority of votes cast on the election day was to be taken as the test of the sense of the people? Unless the Constitution contemplated that a majority of all the voters in the State, should vote in favor of a convention, what difference would it make in calling a convention whether the election was general or special? Would not the proposed change have made a convention easier to be obtained on any other supposition? Is not a special election when comparatively few voters come out, a surer mode of obtaining a mere majority of the votes cast, than a general election, when the whole poll of the State is voted?

The exceeding solicitude of Judge Hall and Mr. Read, lest the people would thereafter be deprived of the opportunity of holding conventions, was sheer hypocrisy, unless they believed that the ninth article of the Constitution required the votes of a majority of all the citizens of the State, entitled to vote for representatives. Their argument can be supported on no other hypothesis—their predictions were silly, under any other construction.

With this evidence of the intention of the framers of the Constitution, plainly embodied in the express words of that instrument, the undersigned can come to no other conclusion, than that a clear majority of all the voters of the State, is prescribed as a requisite to the call of a Convention, and failing that majority, this General Assembly has no authority to enact a law calling a convention.

It is not unknown to the undersigned, that the doctrine has been advanced that, admitting the requirements of the Constitution as demanding a majority of the whole number of voters, the convention had no right or power to bind the people to any given mode of altering the fundamental law of the State; that the right of ultimate sovereignty resides in the people—a right of which they are incapable of divesting themselves, and by which they have power at their pleasure, to alter or abolish the form of government; and that unless this Legislature shall so determine, by passing an act for this purpose, there never can be another convention.

If by this is meant the right of revolution, which overrides the Constitution, rejecting its authority and defying its restrictions, the undersigned have no disposition to deny that such right exists, as the ultimate appeal, whether such appeal is to be sustained by resort to the

peaceable decisions of the ballot box, or the forcible arbitrament of the sword. They admit that the people have the right to determine the form of government under which they will live, and that a people enjoying a republican form of government may, if they will, abrogate such form and erect in lieu thereof, a monarchy. But while the undersigned admit this, they cannot forget that they are members of the General Assembly of the State of Delaware,—members by force of the Constitution—which Constitution they have sworn to support. That the vote which they are called on to give, is to be given in the character they maintain as representatives, elected under its provisions—subject to its authority, which by their obligations they are bound to maintain. As such representatives, they cannot recognize any duty beyond the functions committed to them by its sanction; and that whatever the people, in the exercise of their inherently sovereign power, may or may not do; independently of and contrary to the Constitution, that as members of the General Assembly, they can only act in conformity with its provisions.

The undersigned cannot forbear asking, whence they obtain the authority to dispute the obligation of an instrument from whence they derive all their powers? Can this Legislature, the creature of the Constitution, undertake to sit in judgment on its provisions, and pass a decree of annulment on any of its requirements? “Is the servant greater than his master?” What part of the Constitution, if any, is beyond the reach of this legislative nullification? Is the clause which defines the capacity of an elector? What more right had the convention to define who should be entitled to vote, than how he should exercise the right of suffrage?

The undersigned cannot forbear to record their most emphatic dissent to a doctrine which subjects the Constitution of the State to the whim and caprice of a Legislature, the representatives of party prejudices and party animosities—to be regarded as binding only so far as it happens to agree with their ideas of present expediency, but denied and despised whenever it is deemed requisite for the purpose of party advantage or partizan aggrandizement.

The undersigned have also heard the opinion advanced, that if the people should ratify the Constitution made for and submitted to them by the delegates to be elected in pursuance of the election to be ordered by the General Assembly, that such ratification would cure all previous errors, and validate the instrument thus submitted. The undersigned cannot fully appreciate the force of the argument for the ratification of a *void* act. If the Legislature has no constitutional authority to pass this law, they can confer no legitimate power on the delegates to be elected under its provisions, and although a Constitution made by them, submitted to, and deliberately sanctioned by the people, being acquiesced in, may be held binding, it will not be so upon the principle of ratification, but of the original adoption of an instrument which any other thirty or forty-five men would have an equal right to frame, and propose for their approval. Such adoption by the people, would in no degree absolve this General Assembly, from a violation of the Constitution, and the fact that it might become finally the settled law would render their action

none the less revolutionary. This Legislature might as well draft a Constitution and submit it for ratification at the next general election, and thus save the formality, to say nothing of the expense of a convention.

The undersigned do not deem it necessary to say anything in relation to the manifest errors and imperfections of the bill now before the Legislature. They regard the mode by which the delegates are proposed to be elected, as entirely incompatible with the provision which declares, that they shall be "chosen in the same manner, at the same places, and at the same time as representatives are by the citizens entitled to vote for representatives."

They also consider that in the apportionment among the several districts, gross inequality of representation is manifest—that by no rule of proportion with which the undersigned are acquainted, is it just, that the city of Wilmington, with a voting population of nearly two thousand, should be entitled to no larger representation than Red Lion Hundred, with not quite two hundred.

These, however, are minor considerations, merged, as the undersigned believe, in the greater evil of a flagrant violation of the Constitution; and if this General Assembly is determined to call a convention, despite the provisions of the Constitution, it is of little consequence how far the mere details of the bill may conflict with the rules of propriety.

There are other arguments and considerations which the undersigned might present, without irrelevancy, but the limits to which this report must be confined, requires them to omit such considerations, satisfied that the preceding remarks sufficiently set forth their views; and although the undersigned do not hope to produce any change in the predetermined course of action which may have been resolved on, yet they have performed a duty which they owed to themselves and their constituents, in protesting against what they believe a gross infraction of the Constitution.

In accordance with their opinion, as above expressed, they herewith submit a resolution declaring that according to the return of the votes cast at the special election, communicated to this House, this General Assembly has no authority to call a convention.

CALEB SMITHERS,
FRANCIS B. HARPER.

Mr. Harper offered the following resolution, which,

On his motion,

Was read as follows, to wit:—

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That according to the return of the votes cast at the special election held to ascertain the sense of the people in relation to calling a convention, as communicated by his Excellency, the Governor, this General Assembly has no authority to call a convention.

Mr. Smithers moved,

That the resolution be adopted.

On which,

The House being divided, the yeas and nays were called, which on being taken, were as follows :

Yeas.—Messrs. Chambers, Harper, Harrington, C. Smithers and E. Smithers. 5.

Nays.—Messrs. Boulden, Derrickson, Hosea, Lodge, Martin, Newton, Rogers, Satterfield, Waples, Mr. Speaker. 10.

So the resolution was

Lost.

Mr. Chambers moved,

That one hundred copies of the minority report submitted by Mr. C. Smithers, be printed for the use of the House, upon

Which motion,

The House being divided, the yeas and nays were called, which being taken, were as follows :

Yeas.—Messrs. Chambers, Harper, Harrington, C. Smithers, E. Smithers, Mr. Speaker. 6.

Nays.—Messrs. Boulden, Derrickson, Hosea, Lodge, Martin, Newton, Rogers, Satterfield and Waples. 9.

So the motion was

Lost.

On motion of Mr. Newton,

Chapter 57, of the revised code, entitled, "Of Fences," was read a second time by its title.

On motion of Mr. Derrickson,

Chapter 40, of the revised code, entitled, "Of the School Fund," was read a second time by its title.

Mr. Chambers, from the committee to whom was referred chapter 55, of the revised code, entitled, "Fish, Oysters, and Game," reported said chapter with an amendment, which,

On his motion,

Was read and adopted, as follows :

Amend the bill by striking out all after the word "County," in the third line of the thirteenth section, to the word "in," in the fourth line.

Also, amend the bill by striking out in section 16, the word "April," in the thirteenth line, and insert in lieu thereof the word "May."

On motion of Mr. Chambers,

The said bill was read a second time by its title.

On motion of Mr. Derrickson,

From the committee to whom was referred chapter 56, of the revised code, "Of Boundaries,"

Said chapter was read a second time by its title.

Mr. Harper, in pursuance of notice previously given, asked, and

On motion of Mr. C. Smithers,

Obtained leave to introduce a bill entitled, "An act to prevent the sale of lottery tickets in this State, which,

On his motion,

Was read.

Mr. Boulden, from the committee to whom was referred chapter 53, of the revised code, entitled, "Of Taverns, Ale Houses, and Victualling Houses," reported said chapter with an amendment, which,

On his motion,

Was read as follows, to wit:

Amend chapter 53, concerning Taverns, Ale Houses, and Victualling Houses, by striking out all after the 1st section, and insert the following in lieu thereof:—

SEC. 2. The petition for such recommendation shall state the intention of the petitioner to keep a tavern, with or without the sale of spirituous liquors, and the license shall conform thereto. The fees for a license with the privilege to sell liquor, shall be as follows: To any person who owns or occupies a house and premises, whose assessed value shall not exceed in amount the sum of five thousand dollars, the sum of fifteen dollars; to any person who owns or occupies a house and premises whose assessed value is more than five thousand dollars, and less than ten thousand dollars, the sum of twenty-five dollars; to any person who owns or occupies a house and premises whose assessed value is more than ten thousand dollars, and less than fifteen thousand dollars, the sum of forty dollars; and to any person who owns or occupies a house and premises whose assessed value is more than fifteen thousand dollars, the sum of fifty dollars; for a license without such privilege, five dollars.

SEC. 3. No person shall keep an ale house, or victualling house, without a license from the Governor, to be granted on the recommendation of the said Judges, setting forth that he is a fit person and well qualified to keep such house; the fees for such license shall be five dollars.

SEC. 4. At the close of each term, the Court shall send to the State Treasurer by mail, and also to the Secretary of State, a list of the persons recommended for license, stating the sum received from each.—(The license shall have force for one year from the end of the term, and no longer")

SEC. 5. If any person shall keep a tavern, ale house, or victualling house, without a valid license, or if any person, without such license authorizing the sale of spirituous liquor, shall directly or indirectly sell any spirituous liquor or wine, by any measure less than a quart, or any punch or mixed liquor by any measure whatever, such person shall be deemed guilty of a misdemeanor and shall be fined fourteen dollars :

Provided, That if a house be duly licensed, and the tenant be changed during the year, it shall be lawful for the new tenant to keep such house under said license, until the end of the next term of said court in the county.

SEC. 6. If any tavern keeper, or the keeper of any ale house or victualling house, shall suffer any person to continue drinking and tippling in his house at unseasonable hours of the night ; or shall suffer any drunken or disorderly person to remain in his house ; or shall suffer any game upon which any thing is betted or hazarded to be played in his house or its dependencies, he shall be deemed guilty of a misdemeanor, and shall be fined for the first offence ten dollars ; for the second or other offence twenty-five dollars ; and on a third conviction he shall also forfeit his license, and shall not be re-licensed for three years thereafter.

SEC. 7. If a tavern keeper or keeper of an ale house, shall give credit to any minor, or to any sailor shipped or belonging to any vessel, he shall lose the sum so credited, and the same shall not be recoverable, unless such credit was given with the consent of the parent or guardian of such minor, or of the master or owner of such vessel.

On motion of Mr. Boulden,

The said amendment was postponed for further consideration, till to-morrow.

On motion of Mr. Derrickson,

The bill entitled "An act to incorporate the Mutual Insurance Company of Mill Creek Hundred," was read a second time by its title.

Mr. Harper, presented the claim of R. H. Moore, for papers furnished the Court of Errors and Appeals, which,

On his motion,

Was read and referred to the committee on Claims.

On motion,

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

FRIDAY, 10 o'clock, *A. M.*, January 16, 1852.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Boys,

Chapter 63, General provisions, concerning Trade,

“ 64, Limited Partnerships,

“ 65, Of Principal and Surety,

“ 67, Of the sale and inspection of Bread Stuffs,

“ 68, Of Retailers of Goods, and Pedlars,

“ 69, Of Pilotage, Navigation and Vessels,

Of the Revised Code, were read.

On motion of Mr. Boys,

Chapter 66, Of Weights and Measures, was by special order, read by its title.

On motion of Mr. Waples,

Chapter 63, was referred to a committee of three.

Whereupon,

Messrs. Waples, Chambers and Rogers were appointed such committee.

On motion of Mr. Boulden,

Chapter 64, was referred to a committee of three.

Whereupon,

Messrs. Boulden, C. Smithers and Waples were appointed such committee.

On motion of Mr. Harper,

Chapter 65, was referred to a committee of three.

Whereupon,

Messrs. Harper, Sattenfield and Boulden were appointed such committee.

On motion of Mr. Martin,

Chapter 66, was referred to a committee of three.

Whereupon,

Messrs. Martin, Harrington and Derrickson were appointed such committee.

On motion of Mr. Derrickson,

Chapter 67, was referred to a committee of three.

Whereupon,

Messrs. Derrickson, E. Smithers and Martin were appointed said committee.

On motion of Mr. Newton,

Chapter 68, was referred to a committee of three.

Whereupon,

Messrs. Newton, Harper and Waples were appointed such committee.

On motion of Mr. Rogers,

Chapter 69, was referred to a committee of three.

Whereupon,

Messrs. Rogers, Powell and Satterfield were appointed such committee.

On motion of Mr. Chambers,

Chapter 55, of the revised code, entitled "For the Protection of Fish, Oysters and Game," was taken up for consideration,

When Mr. Boulden,

Offered the following amendment, which,

On his motion,

Was read and adopted, as follows :

Amend Sec. 11, by striking out the word "March" in the third line, and insert the word "February;" also, in the fourth line of said section strike out the word "first" and insert the word "fifteenth;" also, in said section fifth line, strike out the word "March" and insert the word "February."

On motion of Mr. Boulden,

Chapter 36, of the revised code, entitled, "Of Notaries Public and Commissioners of Deeds," was read a second time by its title.

Mr. Boulden offered the following resolution, which,

On his motion,

Was read as follows, to wit:

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and he is hereby authorized and required to pay to the order of Daniel Stevenson, (negro) of New Castle county, such sum of money as has been or may be paid into the Treasury of the State, by the Sheriff of said county, on account of the fine imposed by sentence of the Court of General Sessions of the Peace and Gaol Delivery, in and for said county, at the

May term thereof, 1851, upon a certain John Davis (free negro) upon his conviction in said Court, of having burglariously entered the house of the said Stevenson in the night time.

On motion of Mr. Rogers,

The resolution was

Adopted.

On motion of Mr. Rogers,

Chapter 20, of the revised code, entitled "Election of Electors of President and Vice President," was read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Derrickson,

Chapter 40, of the revised code, entitled "Of the School Fund," was read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Boys, Chairman of the Committee, to whom was referred the petition of Wm. H. Gear and others, reported a bill, entitled "An act to incorporate Hope Lodge, No. 21, of the I. O. O. F., of the State of Delaware in the City of Wilmington," which,

On his motion,

Was read.

On motion of Mr. Rogers,

Chapter 31, of the revised code, entitled "Of the Attorney General," was read a second time by its title.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Boys, Chairman of the Committee, to whom was referred the petition of Samuel McClary and others, reported a bill entitled "An act to incorporate the Wilmington Plank Road Company," which,

On his motion,

Was read.

Mr. Newton presented the claim of Nathaniel Farson, which,

On his motion,

Was read, and referred to the committee on claims.

Mr. Waples, from the committee, to whom was referred chapter 26, of the revised code, entitled "General Assembly," moved that the said chapter be re-committed with a view to amendment,

Which motion

Prevailed.

Mr. Boys presented the petition of Moses E. Reeves, praying for a divorce from his wife Rebecca Ann Reeves, which,

On his motion,

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

Whereupon,

Messrs. Boys, Chambers and Martin, were appointed said committee.

Mr. Boys presented the petition of Thomas J. Chandler and twenty-two others, praying for an act to incorporate Friendship Lodge, No. 22, I. O. O. F., which,

On his motion,

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

Whereupon,

Messrs. Boys, C. Smithers and Waples, were appointed such committee.

Mr. Newton from the committee, to whom was referred chapter 68 of the revised code, reported said chapter with an amendment, which,

On his motion,

Was read and adopted, as follows :

Amend third section, by striking out in the sixth line, the words "fifty dollars" and insert the following, "to a non-resident of the State fifty dollars, and to a *bona fide* citizen eight dollars."

On motion of Mr. Derrickson,

Chapter 56, of the revised code, entitled "Of Boundaries," was read a third time by paragraphs and

Passed the House.

On motion of Mr. C. Smithers,

Chapter 17, of the revised code, entitled, "Election of Assessors and Inspectors," was read a second time by its title.

On motion of Mr. C. Smithers,

Chapter 38, of the revised code, entitled, "Of the Clerk of the Court of Errors and Appeals," was read a second time by its title.

On motion of Mr. Boys,

The bill entitled "An act to incorporate the Odd Fellow's Library Company" was read a second time by its title.

On motion of Mr. Boys,

The bill entitled, "An act to limit the hours of labor, and prevent the employment in factories of children under ten years of age," was read a second time.

On motion of Mr. Newton,

Chapter 27, of the revised code, entitled, "Of the Governor," was read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Martin presented the petition of Benjamin Melson, praying for a division of School Districts Nos. 43 and 44 in Sussex county, which,

On his motion,

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

Whereupon,

Messrs. Martin, Harrington and Harper were appointed said committee.

On motion of Mr. Harper,

The bill entitled "An act to prevent the sale of Lottery tickets in this State," was read a second time by its title.

On motion of Mr. Martin,

Chapter 66, of the revised code, entitled "Of Weights and Measures," was read a second time by its title, by special order.

On motion of Mr. Martin,

Chapter 10, of the revised code, entitled, "Assessors," was read a second time by its title.

On motion,

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

SATURDAY, 10 o'clock, A. M., January 17, 1852.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bradford.

Mr. Boys chairman of the committee to whom was referred the petition of Moses E. Reeves, reported a bill entitled "An act to divorce Moses E. Reeves and Rebecca Ann, his wife, late Rebecca Garrison, from the bonds of matrimony," which,

On his motion,

Was read.

Mr. Martin presented the petition of John R. McFee and sundry other citizens of Sussex county, concerning the "Cape Henlopen Steamboat Company," which,

On his motion,

Was read and referred to a committee of three.

Whereupon,

Messrs. Martin, E. Smithers and Newton were appointed said committee.

On motion of Mr. Boys,

The bill entitled, "An act to limit the hours of labor, and prevent the employment in factories of children under ten years of age," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Boys,

The bill entitled, "An act to incorporate the Odd Fellow's Library Company," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Boys,

The bill entitled, "An act to incorporate Hope Lodge, No. 21, of the I. O. O. F., of the State of Delaware in the city of Wilmington," was read a second time by its title.

There being then no quorum,

The House adjourned until Monday, 2 o'clock, P. M.

MONDAY, 2 o'clock, P. M., January 19th, 1852.

The House met pursuant to adjournment.

The Speaker not being present,

On motion of Mr. Boys,

Mr. Martin was called to the chair,

When there being no quorum,

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

TUESDAY, 10 o'clock, A. M., January 20th, 1852.

The House met pursuant to adjournment.

Mr. Boys from the committee appointed to settle with the State Treasurer, made the following report, which,

On his motion

Was read as follows, to wit :

The committee appointed to act jointly with a committee of the Senate, in the examination of the accounts of William Cannon, Treasurer and Trustee of the School Fund, in settlement with said officer make the following report. That on the 15th day of January, A. D. 1852, the State Treasurer settled with Dr. Luther Swigget, Auditor of Accounts, at which time there was due from him to the State the sum of twenty-six hundred and nineteen dollars and twenty-two cents. \$2619 22

That on the same day the Trustee of the School Fund settled with Dr. Luther Swigget Auditor of Accounts, at which time there was due from him to the said fund, eleven thousand four hundred and ninety-five dollars and twenty-seven cents. 11,495 27

Due Districts in New Castle County,	\$678 79	
“ “ “ Kent “	1015 39	
“ “ “ Sussex “	1972 23	
		3666 41
		\$17,780 90

The committee further report, that the books have been neatly kept, correct and in good order, and they find the sum of seventeen thousand

seven hundred and eighty dollars and ninety cents, deposited to the credit of the State Treasurer in the Farmer's Bank at Dover.

ABRAHAM BOYS,
JOHN W. SCRIBNER,

JANUARY 16, 1852.

On motion of Mr. Rogers,

The above report was

Adopted.

Mr. Boys from the committee to whom was referred the petition of Thomas J. Chandler and others, reported a bill entitled "An act to incorporate Friendship Lodge, No. 22, of the I. O. O. F., which,

On his motion,

Was read.

Mr. Boys gave notice, that on to-morrow he should ask leave to introduce a bill entitled "An act to incorporate Plymouth Tent, No. 1, of the Sons of Washington."

Mr. Newton presented the petition of James B. Henry and others, prying an amendment to the "Act incorporating Delaware City," which,

On his motion,

Was read and referred to a committee of three.

Whereupon,

Messrs. Newton, Harper and Scribner were appointed said committee.

Mr. Boys from the committee to whom was referred chapter 18, of the revised code, entitled, "Of the General Election," reported the same with the following amendments, viz: by filling up the blanks in the first section, fixing the places of holding the General Elections in the several hundreds in this State, which,

On his motion,

Were read, and

Adopted.

When,

On his motion,

The chapter was read a second time by its title.

Mr. Boys presented the proceedings of the Town meeting held January 7, 1852, together with a resolution of the City Council, in favor of funding the floating debt of the City of Wilmington, which,

On his motion,

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

Whereupon,

Messrs. Boys, Chambers and Martin were appointed said committee.

Mr. Pride presented the petition of James Steel and others, praying for a law to create a new School District out of districts Nos. 54, 62 and 63 in Sussex county, which,

On his motion,

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

Whereupon,

Messrs. Pride, Powell and Rogers were appointed said committee.

On motion of Mr. Martin,

Chapter 16, of the revised code, entitled, "General provisions respecting Elections," was read a second time by its title.

Mr. Newton from the committee to whom was referred chapter 57 of the revised code, entitled, "Of Fences," reported said bill with an amendment, which,

On his motion,

Was read, and

Adopted.

As follows :

"Amend the bill by inserting in the sixth line of section 42, immediately after the word Sheep, the word 'Hogs.'"

Mr. Boys presented the petition of John Ewing and thirty-nine others, relative to the *ten hour* system of labor in factories, in certain cases, which,

On his motion,

Was read and referred to the committee already raised on that subject.

On motion of Mr. Harper,

Chapter 65, of the revised code, entitled, "Of Principal and Surety," was read a second time by its title.

On motion of Mr. Boulden,

Chapter 36, of the revised code, entitled, "Of Notaries Public and Commissioners of Deeds," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Boys,

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

Mr. Pride presented the petition of B. J. Hart and others, praying for a law authorizing them to erect gates across a certain public road in Sussex county, which,

On his motion,

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

Whereupon,

Messrs. Pride, E. Smithers and Boulden were appointed said committee.

On motion of Mr. Waples,

Chapter 63, of the revised code, entitled, "General provisions respecting trade," was read a second time by its title.

On motion of Mr. Boulden,

Chapter 53, of the revised code, entitled, "Concerning Taverns, Ale Houses and Victualling Houses," was taken up for consideration, when,

On his motion,

The amendment offered and read on the 16th instant,

Was

Adopted

On his motion,

The said chapter was read a second time by its title,

On motion of Mr. Boys,

The bill entitled, "An act to incorporate Hope Lodge, No. 21, of the I. O. O. F., of the State of Delaware and City of Wilmington," was read a third time by paragraphs, and

Passed the House unanimously,

By yeas and nays, as follows, to wit:

Yeas.—Messrs. Boys, Boulden, Chambers, Derrickson, Harper, Harrington, Hosea, Martin, Newton, Pride, Powell, Rogers, Scribner, E. Smithers, C. Smithers, Waples and Mr. Speaker. 17.

Nays.—None.

Ordered to the Senate for concurrence.

William Huffington, Esquire, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in the passage of the following chapters of the revised code, viz:

Chapter 7, Of the Revenue of the State,

" 9, Clerk of the Peace,

" 11, Of the Valuation of Property,

" 12, Of Collectors,

" 13, Of County Treasurer,

And he withdrew.

On motion of Mr. Boys,

The communications from the Senate were read.

On motion of Mr. Martin,

Chapter 7, was referred to a committee of three.

Whereupon,

Messrs. Martin, Harrington and Derrickson were appointed such committee.

On motion of Mr. Boys,

Chapter 9, was referred to a committee of three.

Whereupon,

Messrs. Boys, Sattenfield and Harper were appointed said committee.

On motion of Mr. Pride,

Chapter 11, was referred to a committee of three.

Whereupon,

Messrs. Pride, E. Smithers and Rogers were appointed such committee.

On motion of Mr. Chambers,

Chapter 12, was referred to a committee of three.

Whereupon,

Messrs. Chambers, Waples and Boulden were appointed such committee.

On motion of Mr. Newton,

Chapter 18, was referred to a committee of three.

Whereupon,

Messrs. Newton, C. Smithers and Pride were appointed such committee.

On motion of Mr. Rogers,

Chapter 31, of the revised code, entitled "Of the Attorney General," was read a third time by paragraphs, and

Passed the House.

Ordered to be returned to the Senate.

On motion of Mr. Waples,

Chapter 46, of the revised code, entitled, "To prevent the spread of infectious diseases," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Rogers, in pursuance of notice previously given, asked, and

On motion of Mr. Boys,

Obtained leave to introduce a bill, entitled, "An act to authorize the Recorder of Deeds in and for New Castle county, to transcribe the mortgage index of his said office and to procure a new seal of office," which,

On his motion,

Was read.

On motion of Mr. Newton,

Chapter 8, of the revised code, entitled, "Of the Levy Court," was read a second time by its title.

On motion of Mr. Boys,

The bill entitled "An act to divorce Moses E. Reeves and Rebecca Ann his wife, late Rebecca Ann Garrison from the bonds of matrimony," was read a second time.

On motion of Mr. Derrickson,

Chapter 67, of the revised code, entitled, "Concerning the sale and inspection of Breadstuffs," was read a second time by its title.

Mr. Boys gave notice, that at some future time he should ask leave to introduce a bill, entitled, "A supplement to an act entitled "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate, for the purposes of taking care of the temporalities of their respective congregations."

Mr. Newton, chairman of the committee, to whom was referred the petition of William Chandler and others, reported a bill, entitled, "An act authorizing the payment of three hundred dollars to Samuel Canby, one of the committee appointed to procure a block for the Washington National Monument," which,

On his motion,

Was read.

Mr. Boys presented the petition of Nelson Cleland and one hundred and two others, praying a repeal of the Exemption Law of the last session, which,

On his motion,

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

Whereupon,

Messrs. Boys, C. Smithers and Scribner, were appointed such committee.

On motion of Mr. Derrickson,

The bill entitled, "An act to incorporate the Mutual Insurance Company of Mill Creek Hundred," was read a third time by paragraphs, and

Passed the House unanimously,

By yeas and nays, as follows :

Yeas.—Messrs. Boys, Boulden, Chambers, Derrickson, Harper, Harrington, Hosea, Martin, Newton, Pride, Powell, Rogers, Satterfield, Scribner, C. Smithers, E. Smithers, Waples and Mr. Speaker. 18.

Nays.—None.

Ordered to the Senate for concurrence.

On motion of Mr. C. Smithers,

Chapter 17, of the revised code, entitled, "Of Fences," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Martin,

Chapter 10, of the revised code, entitled, "Assessors," was read a third time by paragraphs, and

Passed the House,

Ordered that the Senate be informed thereof.

On motion of Mr. Harper,

Chapter 43, of the revised code, entitled, "Of Delaware College," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Huffington, Clerk of the Senate being admitted, informed the House, that the Senate had passed and requested the concurrence of the House, in the passage of the following chapters of the revised code, viz:

Chapter 32, Of Sheriffs,

" 48, Concerning Alms-Houses and the Poor,

" 59, Of Ditches,

" 61, Concerning Mills,

" 49, Of the Insane.

On motion of Mr. Boys,

The communications from the Senate were read.

On motion of Mr. C. Smithers,

Chapter 48, was referred to a committee of three.

Whereupon,

Messrs. C. Smithers, Martin and Derrickson were appointed said committee.

On motion of Mr. Scribner,

Chapter 49, was referred to a committee of three.

Whereupon,

Messrs. Scribner, Chambers and Boulden, were appointed such committee.

On motion of Mr. Rogers,

Chapter 59, was referred to a committee of three.

Whereupon,

Messrs. Rogers, E. Smithers and Satterfield were appointed such committee.

On motion of Mr. Newton,

Chapter 61, was referred to a committee of three.

Whereupon,

Messrs. Newton, Powell and Waples were appointed said committee.

On motion of Mr. Boys,

Chapter 32, was referred to a committee of three.

Whereupon,

Messrs. Boys, Harrington and Pride were appointed said committee.

On motion,

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

WEDNESDAY, 10 o'clock, A. M., January 21, 1852.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Handy.

Mr. Rogers reported chapter 69, of the revised code, entitled, "Of Pilotage, Navigation and Vessel Property" without amendment, which,

On his motion,

Was read a second time by its title.

Mr. Newton gave notice, that at some future day he should ask leave to introduce a bill, entitled, "An act to incorporate the Board of Trustees of the Forrest Presbyterian Church at Middletown."

On motion of Mr. C. Smithers,

Chapter 38, of the revised code, entitled, "Of the Clerk of the Court of Errors and Appeals," was read a third time by paragraphs and

Passed the House.

Ordered to be returned to the Senate.

Mr. Rogers from the committee, to whom was referred chapter 54, of the revised code, entitled, "Of Jails and Work-houses," reported said chapter with an amendment, which,

On his motion,

Was read and adopted, as follows :

Amend the fourth section by striking out in the sixth line the word "keep" and in the seventh line of same section the words "tavern nor."

On motion of Mr. Waples,

Chapter 26, of the revised code, entitled, "Of the General Assembly," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Newton chairman of the committee, to whom was referred the petition of James B. Henry and others, reported a bill, entitled, "An act to amend the act entitled an act for the better regulation of the streets of Delaware City and for other purposes," which,

On his motion,

Was read.

On motion of Mr. Harper,

Chapter 45, of the revised code, entitled, "Other Schools and Literary Institutions," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Boys,

The evidence taken before the Court of Chancery in New Jersey, in the divorce case of Moses E. Reeves, was read for the information of the House.

On motion of Mr. Boys,

The bill entitled, "An act to divorce Moses E. Reeves and Rebècca Ann, his wife, late Rebecca Ann Garrison from the bonds of matrimony," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Derrickson,

Chapter 67, of the revised code, entitled, "Concerning the sale and inspection of Breadstuffs," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Scribner,

Chapter 6, of the revised code, entitled, "Of Judicial Reports," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Lodge,

Chapter 41, of the revised code, entitled, "Sabbath Schools," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Newton,

Chapter 57, of the revised code, entitled, "Of Fences," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Rogers gave notice, that at some future time he should ask leave to introduce a bill, entitled, "An act authorizing the Register for the Probate of Wills and granting Letters of Administration in and for New Castle county, in the State of Delaware, to procure a new general Index Book, and to transcribe or copy the general Index now in said Register's office therein, and to collate the same."

He also gave notice, that at some future day he should ask leave to introduce a bill, entitled, "An act authorizing the Levy Court and Court of Appeal in and for New Castle county, to compensate the Clerk of the Orphan's Court and Register in Chancery, in and for said county, for arranging the papers belonging to the respective offices."

Mr. Boys, in pursuance of notice previously given asked, and

On motion of Mr. Rogers,

Obtained leave to introduce a bill, entitled, "An act to incorporate Plymouth Tent, No. 1, of the Sons of Washington, of Wilmington, Delaware," which,

On his motion,

Was read.

On motion of Mr. Boys,

The following chapters of the revised code, viz :

Chapter 70, "General Provisions respecting Corporations,"

" 71, "Of Banks,"

" 72, "Of Canals, Railroads, Turnpikes and Toll Bridges,"

Were read.

On motion,

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

Same day, 3 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Derrickson,

Chapter 70, was referred to a committee of three.

Whereupon,

Messrs. Derrickson, Harper and Pride were appointed said committee.

On motion of Mr. Scribner,

Chapter 71, was referred to a committee of three.

Whereupon,

Messrs. Scribner, Harrington and Rogers were appointed said committee.

On motion of Mr. Chambers,

Chapter 72, was referred to a committee of three.

Whereupon,

Messrs. Chambers, Satterfield and Lodge were appointed said committee.

On motion of Mr. Rogers,

The bill entitled, "An act to authorize the Recorder of Deeds in and for New Castle county, to transcribe the mortgage index of his said office, and to procure a new seal of office," was read a second time by its title.

Mr. Huffington, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the adoption of the resolution, rescinding so much of the resolution of the last session as prohibited any other business coming before this General Assembly, than that appertaining to the subject of a Convention and the revised code.

And he withdrew.

Mr. Lodge gave notice, that at an early day he should ask leave to introduce a bill, entitled, "An act for the benefit of Public Schools in Wilmington."

On motion of Mr. Boulden,

Chapter 53, of the revised code, entitled, "Of Taverns, Ale Houses and Victualling Houses," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Chambers from the committee, to whom was referred the petition of William Tharp and others, reported a bill, entitled, "An act di-

recting the Levy Court and Court of Appeal of Kent county, to make an appropriation to open a certain road," which,

On his motion,

Was read.

Mr. Boys, in pursuance of notice previously given asked, and

On motion of Mr. Boulden,

Obtained leave to introduce a bill entitled, "A supplement to an act entitled an act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate, for the purpose of taking care of the temporalities of their respective congregations," which,

On his motion,

Was read.

On motion of Mr. Scribner,

Chapter 39, of the revised code, entitled, "Of Religious Societies," was read a second time by its title.

On motion of Mr. Boulden,

Chapter 64, of the revised code, entitled, "Of Limited Partnerships," was read a second time by its title.

Mr. Boys from the committee, to whom was referred the "Proceedings of the Town meeting and resolutions of the City Council of the city of Wilmington," reported a bill, entitled, "An act authorizing the funding of the floating debt of the City of Wilmington," which,

On his motion,

Was read.

On motion of Mr. Boys,

The following chapters of the revised code, viz :

Chapter 74, Of Marriage,

" 75, Of Divorce,

" 76, Of Husband and Wife,

" 77, Of Parents and children, and of the maintenance of Bastard children,

" 78, Of Guardians and Wards,

Were read.

On motion of Mr. Waples,

Chapter 74, was referred to a committee of three:

Whereupon,