

60113

# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF THE

## STATE OF DELAWARE,

FOR THE SESSION OF

### THE GENERAL ASSEMBLY

COMMENCED AND HELD AT

### DOVER,

ON TUESDAY THE THIRD DAY OF JANUARY,

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
THIRTY-SEVEN, AND IN

### THE SIXTY-FIRST YEAR

OF THE

### INDEPENDENCE OF THE UNITED STATES OF AMERICA;

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GEORGETOWN—PRINTED BY JOSEPH MARSH.

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1837.

THE UNITED STATES OF AMERICA  
DO hereby certify that  
[Name] is a citizen of the United States of America  
and is entitled to the rights and privileges of citizenship  
under the Constitution and laws of the United States.  
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the  
Department of the Interior at Washington, D.C., this [Date] day of [Month], 19[Year].  
[Signature]  
[Title]

# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF THE

### State of Delaware.

—\* \* \* \*—

At a session of the General Assembly of the State of Delaware, commenced and held, at Dover, on Tuesday the third day of January, in the year of our Lord one thousand eight hundred and thirty-seven, and of the Independence of the United States of America, the sixty-first.

Messrs. George Lodge, Archibald Hamilton, Abraham Boys, William Booth, John W. Evans, Alexander M. Biddle, and Thomas Deakyne, from New-Castle County;

Messrs. Thomas A. Rees, Charles Marim, William Nickerson, Peter L. Cooper, James S. Buckmaster, and Charles T. Fleming, from Kent County; and

Messrs. William D. Waples, Thomas Davis, William S. Hall, John P. Brinckloe, Stansbury Jacobs, Robert Houston, and Jonathan Waller, from Sussex County, appeared.

A quorum of the members being present, the returns of the election for Representatives of the several Counties of the State, were read;

By the returns of the officers of Newcastle County appointed by law, judges of elections, it appears that on the second Tuesday of November last, at the several and respective places, specified by law, for holding the elections in and for the said County, the following person were chosen to represent the said County, in the House of Representatives of the State of Delaware; viz:—George Lodge, Archibald Hamilton, Abraham Boys, William Booth, John W. Evans, Alexander M. Biddle, and Thomas Deakyne, Esquires.

By the returns of the officers of Kent County, appointed by law, judges of elections, it appears that on the second Tuesday of November last, at the several and respective places, specified by law, for holding the elections, in and for the said County, the following persons were chosen to represent the said County, in the House of Representatives of the State of Delaware; viz:—Thomas A. Rees, Charles Marim, William Nickerson, Peter L. Cooper, James S. Buckmaster, William Johnson, and Charles T. Fleming, Esquires.

By the returns of the officers of Sussex County, appointed by law, judges of elections, it appears that on the second Tuesday of November last, at the several and respective places, specified by law, for holding the elections, in and for the said County, the following persons were

chosen, to represent the said County, in the House of Representatives of the State of Delaware, to wit:—William D. Waples, Thomas Davis, William S. Hall, John P. Brinkloe, Stansbury Jacobs, Robert Houston, and Jonathan Waller, Esquires.

On motion of Mr. Marim,

The House proceeded to elect by ballot, a Speaker, whereupon William D. Waples, Esquire was elected.

The Speaker was then qualified, according to the Constitution of the State, and the act of Congress entitled "An act to regulate the time and manner of administering certain oaths," and then took his seat in the Speaker's Chair.

The Speaker then qualified, in due form, the members present.

On motion of Mr. Marim,

The House proceeded to ballot for a Clerk, Charles G. Ridgely was duly elected, introduced, sworn, and took his seat at the Clerk's table.

On motion of Mr. Marim,

The House proceeded to ballot for a Sergeant at arms, and David M. Smith, was duly elected.

On motion of Mr. Marim,

*Resolved*, That the Clerk proceed to the Senate Chamber and give information, that the House of Representatives was duly organized and ready to receive any communication the Senate might deem proper to make.

On motion of Mr. Hamilton,

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

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WEDNESDAY 10 o'clock A. M. 4th January 1837.

The House assembled pursuant to adjournment.

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

On his motion,

Was read and adopted, viz:

*Resolved*, That the Clerk of the House procure for each of the members, a copy of the acts of the last session of the General Assembly, and also a copy of the amended Constitution, and the revised edition of the laws.

Mr. Hamilton presented the petition of Allan Thompson and James Gardner, executors of the last will and testament of John Fleming, dec'd, praying a law might be passed, confirming the said last will and testament and authorizing the said executors to sell his real estate, according to the provisions thereof and make a good and perfect title to the purchaser or purchasers of the same, which was,

On his motion,

Read and referred to a committee of three members. Messrs. Hamilton, Marim and Houston, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Hamilton presented petitions, signed by 243 individuals of New Castle County, praying that this State's portion of the surplus money in the Treasury of the United States, distributable among the several States, should be invested in permanent and profitable stocks, and that the clear income thereof should be appropriated to the school districts in the several counties of the State for the purpose of maintaining and improving the free schools," which,

On his motion,

Were read and referred to a committee of three members. Messrs. Hamilton, Brinckloe and Buckmaster, were appointed said committee, with leave to report by bill or otherwise.

Joseph P. Comegys, Esquire, Clerk of the Senate, being admitted informed the House, that a quorum of the Senate had assembled, chosen their officers, and were ready to proceed to business,

And he withdrew.

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

On his motion,

Was read and adopted, viz:

*Resolved*, That a committee to consist of three members on the part of the House, and two members on the part of the Senate, be appointed to wait on the Governor, and inform him, that the General Assembly is now convened and ready to receive any communication he may think proper to make.

Messrs. Hamilton, Davis and Nickerson, were appointed on the part of the House.

Before however, the Clerk of the House, could communicate the above resolution to the Senate, Mr. Comegys, Clerk of the Senate, was admitted, and informed the House, that the following resolution had passed the Senate, to wit:

*In Senate Jan: 4, 1837..*

*Resolved*, That a committee of two members be appointed on the part of the Senate, to act jointly with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor and inform him, that a quorum of both Houses of the Legislature have convened and are ready to receive any communication he may wish to make.

"Extract from the Journal,

J. P. COMEGYS, Clerk."

"For Concurrence,"

And the Clerk of the Senate withdrew.

On motion of Mr. Marim,

The resolution of the Senate was concurred in, and the committee originally appointed on the resolution of the House, were retained on the resolution of the Senate.

The committee then withdrew for a short time, when they returned to the House and Mr. Hamilton from said committee, informed the House, that the Governor would in the space of ten minutes make a communication to both Houses of the Legislature.

Robert Frame, Esquire, Secretary of State, being admitted, laid on the table, a written Message of the Governor of the State, with its accompanying documents,

And he withdrew.

On motion of Mr. Brinckloe,

The Clerk read the Message as follows, to wit :

*Fellow Citizens of the Senate,  
and House of Representatives:*

Assembled by constitutional appointment at another biennial session, as the chosen representatives of a free people, upon you devolves the high and responsible trust of exercising the Legislative powers of the State. In the discharge of such grave and important duties, it behoves you to proceed with the greatest caution and deliberation. Frequent and sudden changes in the legal code, cannot but impair its practical force, as a rule of conduct, by rendering the laws less certain and fixed, and divesting it of that respect and veneration which, in all free governments, should constitute one of its highest sanctions. Too much legislation is an evil of the most serious character; and is one to which, it is believed, our own State has been too frequently exposed. By unnecessarily swelling the statute book, the system of the law becomes involved in intricacy and confusion, its symmetry marred, and its authority weakened. A sound and well tried experience of the necessity for new legislative enactments, forms the surest criterion of their fitness and utility: all others may be deemed of doubtful expediency. The truth of these remarks receives confirmation from the consideration that these great fundamental principles of our law, which have been handed down from remote ages past as the rich inheritance and birthright of freemen, and which enter so largely into the regulation and protection of our most sacred rights, derive their origin and much of their value from immemorial usage and custom.

Your earliest attention is invited to certain provisions of the act of Congress, passed at the last session, entitled "An act to regulate the deposits of the public money," providing for the distribution of the surplus revenue of the United States, remaining in the National Treasury, on the first of January, 1837, among the several States. Those provisions are comprised in the thirteenth and fourteenth sections of the said act, and are as follows, viz:—"Section 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States, on the first day of January eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers, or other competent authorities to receive the same on the terms hereinafter specified, and the Secretary of Treasury shall deliver the same to such Treasurer, or other competent authorities, on receiving certificates of deposit therefor signed by such competent authorities in such form as may be prescribed by the secretary aforesaid, which certificate shall express the usual and legal obligations, and pledge the faith of the State, for the same (safe) keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys and every part thereof, from time to time,

whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public treasury, beyond the amount of five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, or (on) the terms before named, the same shall be deposited with the other States, agreeing to accept the same on deposit in the proportion aforesaid: And provided further, That when said money or any part thereof, shall be wanted by the said Secretary to meet appropriations by law, the same shall be called for in rateable proportions, within one year, as nearly as conveniently may be, from the different States, with which the same is deposited, and shall not be called for, in sums exceeding ten thousand dollars, from any one State, in one year, without previous notice of thirty days, for every additional sum of twenty thousand dollars, which may at any time be required."

"Section 14. *And be it further enacted*, That the deposits shall be made with the said states in the following proportions, and at the following times, to wit: one quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be; one quarter part on the first day of April, one quarter part on the first day of July, and one quarter part on the first day of October, all in the same year."

It will be seen that the distribution of the fund by this act directed, is to be made as a deposit with such of the States, as shall by law authorize their treasurers, or other competent authorities to receive the same, upon the terms specified in the act; and that such distribution is to take effect on the first day of the present month, or as soon thereafter as may be. The money is not to be paid to the States absolutely and unconditionally as their own, but they are to receive the same on deposit for safe keeping and repayment according to the terms of the act, whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the public treasury, beyond the amount of the five millions reserved; and certificates of deposit expressing the obligation and pledging the faith of the States to this effect are to be signed by their Treasurers or other legally authorized agents, on receiving the same. Your immediate action on the subject is therefore required, for the purpose of constituting the proper agent or authority on the part of this State, to sign the requisite certificate and receive the State's dividend of this fund. The amount for distribution under this law will, it is supposed, approximate to the sum of forty millions of dollars; of which, this State's share will be about the sum of four hundred thousand dollars, as nearly as can be estimated from the last official statement of the Secretary of the Treasury which has heretofore been submitted to the public.

The magnitude and importance of the measure of our National Government will be conceded by all, in whatever aspect it may be viewed; and the state of things by which it was produced, as well as the consequences that must result from its adoption, presents a subject for the most grave reflection. It opens a new era in the political world, and exhibits a spectacle unexampled in the history of governments. While the other nations of the earth are weighed down under the heavy load of public debt and public burthens, it is reserved to the American People to enjoy the singular and unparalleled prosperity of entire exemption from

public debt, and the possession of a National Treasury overflowing with its surplus millions. When we reflect that this accumulated surplus has not been produced by any unusual or unnecessary calls upon the national resources; nor by any oppressive or burthensome system of taxation upon the people; but that it is the natural growth of those wholesome commercial regulations which the condition of the country renders necessary, and especially of the proceeds constantly arising from the sale of our vast national domain, we discover abundant cause for rejoicing at our unexampled financial prosperity as a nation. Yet it is a prosperity fraught with danger; for the corrupting influences of an overgrown national treasury, the seductive temptations it holds out, and the ready means it supplies to ambition, are incompatible with the purity and safety of all free government. The wisdom, therefore, of distributing this surplus fund and returning it to the possession of the people to whom it rightfully belongs, is most apparent. It is a measure called for by every principle of policy, and indeed of safety to our civil institutions, as well as of common justice to the people themselves.

Two important objects in regard to this State's share of this surplus will claim your serious consideration: the one relates to its investment, the other to the application or use of the income arising therefrom. Without attempting to designate any specific mode of investment, I would nevertheless suggest that, in general, that plan may be deemed the most judicious and advisable, which combines, in the highest degree, the essential ingredients of safety of the principal sum invested; its ready convertibility into money, or the facility of rendering it available as such; its productiveness; and its tendency to supply that demand for additional capital in our state, which has already manifested itself in different quarters. These, I esteem the cardinal considerations involved in the measure of the investment of this fund: the two former are but the dictates of common prudence, confirmed by the fiduciary nature of the fund itself, as being a mere deposit with the State, for safe keeping and repayment, according to the express terms of the act of Congress by which it was directed; while the two latter are as obviously the dictates of sound policy. Upon this branch of the subject, however, I would make the only additional remark, that this fund being payable to the State, in specie, if required, would constitute the safe and efficient basis and means of an increased supply of capital in our state, for the encouragement of the industry, skill and enterprize of our citizens, and the development and employment of our agricultural, manufacturing and other resources.

In regard to the uses to which the income of this fund shall be applied, greater diversity of opinion may be expected to exist, growing out of the conflicting claims for the public favor and bounty in behalf of different objects, all in themselves more or less meritorious. The natural difficulties and obstacles attending the case, admitted to be great, are to be rendered still more embarrassing by this diversity of opinion; and the subject will demand your united prudence, moderation and wisdom for their removal, and for effecting the most proper and beneficial disposition of this income. In directing the application of it, I would, however, earnestly recommend to your favorable consideration, the languishing agricultural condition of the State. Agriculture affords the great source



of support, as it constitutes the chief means of employment, to our fellow citizens. Blessed with a soil naturally kind and fertile in its productions; easy of cultivation, and susceptible of the highest improvements; with a climate congenial to the growth of the great staples of life, we are, nevertheless, pained at the evidences, in so many places visible within our borders, of impoverishment and premature decay. This great primary interest of our State, is truly in a prostrate and suffering condition; and calls loudly for your fostering aid and interposition. I would, therefore, respectfully submit it to your better wisdom, whether some measure of relief may not be judiciously afforded, by the application of the annual income of this fund towards the payment of the County expenses and burthens; which, under our existing system of taxation, are made to fall so unequally and oppressively upon the farmers and landholders of the State.

The people of this State have long suffered from the want of a fixed, uniform standard of weights and measures. In the entire absence of all Legislative provisions upon the subject, we have no other standard for these great regulators of trade and commerce, than such as is furnished by usage and custom; and these, capricious in their very nature, vary and vacillate, it is believed, in different parts of the State. It is not surprising therefore, that, instead of that spirit of confidence, integrity and fair dealing which should characterize all the operations of trade, mistrust, fraud and injustice should ensue. By the Federal Constitution, the power to fix the standard of weights and measures is vested, it is true, in Congress; yet the States still retain a subordinate power over the subject, and many of them have already exercised it, and by legislative enactments, have provided standards of their own:— Judging from the past, it is not probable that Congress will soon come to any definitive legislation on the subject. I would, therefore, invite your serious attention to the matter, and would respectfully suggest whether, without soaring into the boundless region of speculative science, in search of some imaginary standard of perfection, which has hitherto baffled all the researches of philosophy, some standard sufficiently permanent and accurate for all practical and useful purposes may not be adopted, its uniformity established and the observance of it enforced, by legislative enactments.

The revenue derivable from the ordinary resources of the State is confidently believed to be amply sufficient, without the necessity of, at any time, resorting to the aid of taxation, to meet all the ordinary expenses of the government; provided the observances of a proper and strict accountability be enforced on the part of the fiscal agents. A considerable portion of this revenue, and as well of the income of the School fund, arises from the fees exacted for various licences established and required by law to be issued and taken out for various purposes, such as retailers of foreign merchandize, marriage, tavern and other licences. It is made the duty of the Secretary of State to supply to the clerks of the peace of the several counties, blank forms for these licenses, with which the clerks are to be charged. The clerks are required to dispense them to the public as they are wanted; to receive the fees for the same; at stated periods to render to the Secretary of State full and true accounts of all moneys received by them respectively for such fees, and

to pay over to him the amount thereof, which the Secretary in his turn is required to pay into the public treasury. It is moreover expressly enjoined by law upon the Secretary of State, to keep a true account of the licenses thus supplied by him to the several clerks of the peace; and it is obvious that without the accurate keeping of such account, which forms the great commencing link in the whole chain of accountability under this financial arrangement, the revenue of the State and of the School Fund must be exposed to serious detriment. Yet, from an inspection of the books of account in the Secretary's office, it is to be feared that great irregularities have taken place in the performance of this important duty; and in particular, it would appear that, during a period of more than three years next following the month of January, in the year eighteen hundred and thirty-three, no account whatever has been kept, or charges made against any of the clerks of the peace, for blank licenses furnished to them by the Secretary of State. And I have likewise been informed that a loose practice has obtained, by which the clerks, when they happen to have no licenses on hand, instead of procuring and issuing licenses to persons requiring them, are in the habit of substituting temporarily, at least, their own certificates. A practice so entirely without any warrant of law, cannot fail to impair the finances accruing from these sources, and I have felt it my duty to present the subject to your notice, in order that the existing provisions of law in regard to the collecting and accounting for this branch of the public revenue, may receive such modifications as the nature of the case may require.

The citizens of this State, and especially our farmers have encountered most serious embarrassments occasioned by the difficulty of obtaining efficient and responsible hirelings and labourers, in the occupations of the field and household affairs. The community is filled with complaints on this subject, and there is scarcely a farmer or housekeeper among us who has not experienced grievances of this description. The evils thus complained of are mainly attributed to the wretched condition of the colored population, which infests the State. Slavery among us is well nigh extinct. In the counties of New Castle and Kent it has nearly disappeared; and is rapidly diminishing in the county of Sussex. To supply its place, there has multiplied to an alarming degree in our community, an irresponsible, lawless and miserable race of free negroes and mulattoes, upon whom our citizens have mainly to depend for assistance in the cultivation of their fields, and in their domestic concerns. Having no permanent interest to fix them to our soil, and being by their indigence rendered irresponsible to the obligations of a contract, they constitute a migratory tribe, without fixed abode, alternately roving from City to country, as whim or necessity may drive them in their erratic and wayward course. And thus it too often happens, that our farmers are deserted by the laborers they have employed in the cultivation of their crops, at the busiest season of the year. Nor does the evil stop here; for idleness is the parent of vice; and these degraded beings, too indolent to work for a living; are driven by necessity into a predatory course of life, and by pilfering and depredations on society, are compelled to mete out a scanty subsistence, with which, by honest industry, they might be abundantly supplied. The consequence is that

crime is greatly multiplied; our criminal courts and goals are crowded, and the public burthens augmented, from this prolific source. The General Assembly, feeling the force of this evil, so early as the year eighteen hundred and eleven, attempted to provide a remedy by the passage of the act entitled "an act to prohibit the emigration of free negroes or mulattoes into this state, and for other purposes;" and from a careful examination of its provisions, the opinion is entertained that with some slight modifications they would afford adequate relief, if rigidly enforced by the Justices of the Peace and other officers charged with the performance of this duty. By uniform neglect however, on the part of the civil authorities, this law has become a mere dead letter upon the statute book; and I have, therefore, deemed it my duty to recommend the subject to your serious consideration.

Your attention is also invited to the pretensions set up by a certain Henry Gale to the Pea Patch Island in the river Delaware, claiming to derive the title to the same under the State of New Jersey. Amidst the disasters of the late war, the General Assembly, not doubting the title of this State to the island in question, nor supposing it susceptible of doubt, but solicitous for the safety and welfare of our common country, by an act, passed the twenty-seventh day of May, eighteen hundred and thirteen, entitled "An act ceding to the United States of America, the jurisdiction which this State has over the Pea Patch, on certain conditions therein mentioned," gratuitously ceded to the United States, all the right, title and claim of this State to the jurisdiction and soil of the said Island, for the purpose of erecting forts, batteries and fortifications, for the protection of the river Delaware and the adjacent country; upon the condition, nevertheless, that the said forts, batteries and fortification should be erected and kept up at the expense of the United States. Until the time of making this cession, the title and jurisdiction of Delaware over the said Island remained unquestioned and unquestionable. It constituted a part of her undoubted territory, as perfectly and absolutely so, as Reedy Island, Bombay Hook, or indeed any portion of the soil within her chartered limits. It was not until after this cession was made and after the General Government, for the purpose of erecting the contemplated fortifications, had expended large amounts of the public money in the preliminary work of embanking, draining, and otherwise reclaiming this Island which had hitherto existed as a barren and valueless mudflat, subject to the overflow of every high tide, that the present claimant put forth his pretensions, under an alleged title, by grant from the State of New Jersey. Whatever right the State of New Jersey may have been supposed to possess to this Island, whether well or ill founded, it is a matter of regret that she should have seen fit to dispose of it to a private individual, rather than cede to the United States, in furtherance of those great objects of national defence, contemplated by the cession of Delaware, which would redound to her own safety and protection quite as much as that of any other portion of our common country. With the view of placing the question under judicial decision, a suit was instituted on the part of this claimant during the administration of President Monroe, and brought to issue; and the then administration of the General Government, without relying upon the unaided efforts of a district attorney, who, from want of access to the records of the State, it was not to be supposed could be

conversant with the muniments of her title, but actuated by a proper respect for the rights of the State that had thus voluntarily ceded to them its title, retained at the public charge, from the Delaware Bar, learned and able counsel, well informed of the title of this State and of the evidences supporting it, to assist in the defence. The result was such as might have been predicted:—the plaintiff sustained a defeat, and the title of Delaware stood vindicated. Content for the time to retire from a judicial scrutiny which had proved so unpropitious to the object of his pursuit, this claimant next presents himself in the less assuming attitude of a petitioner to the bounty of the government for some compensation for his pretended claims;—and consequently a bill, for this purpose, was brought before Congress at the last session; but this measure also proved unsuccessful. During the past recess of Congress, this party having renewed his action of ejectment against the tenant in possession of this Island, under the United States, in the Circuit Court, for the district of New Jersey, and having prosecuted the same to trial, before a jury of that State, as I discover from the newspapers of the day, has succeeded in obtaining a verdict in his favor. What questions were raised or decided in this cause, or what evidence was exhibited in support of the title of this State, I am not apprized; but it is quite certain that all the evidences on this subject, which the records of our State so amply furnish, could not have been produced in behalf of the defendant in the action; otherwise it is confidently believed that the result would have proved very different. The notifications which I received from the Secretary of War, and from the District Attorney for the district of New Jersey, of the day assigned for the trial of this action, and which are herewith communicated, came to hand at too late a period to enable me to take any measures of co-operation or assistance in the defence of the suit; even supposing it had been my duty to volunteer an appearance on the part of this State, in a cause, the issue of which, result as it might, could have no binding effect upon her rights. The whole subject is now submitted to your consideration, in order that such steps may be taken as, in your judgment, shall be thought necessary and proper for the vindication of the title and jurisdiction of the State over her rightful territory: to which end, I respectfully suggest the propriety of requesting of the United States a retrocession of the Pea Patch Island, so that the State, being vested with her former legal title, may thus be placed in an attitude to assert the same, before the proper tribunals of the country.

I lay before you a communication which I have received from the Honorable John M. Clayton, whereby he has resigned his office as a Senator from this State in the Senate of the United States; and in doing so, I may be allowed to express my sincere regret at the causes which have led to this determination. Our State will be thereby deprived of the services of one of her most faithful, talented and distinguished representatives in the councils of the nation. Though small in territory, it has ever been the pride and the boast of Delaware to maintain, among her sister states, an elevated rank, through the patriotism and talents of her many distinguished sons. Deeply sensible of the importance of keeping full the States representation in the National Congress, I have, in the exercise of the temporary appointing power vested in the Execu-

tive, taken such steps to fill this vacancy, as my duty seemed to require, but without success; and the duty of making the appointment is now devolved upon you by the Federal Constitution.

I also lay before you a certificate from the Wilmington Whaling Company, under their corporate seal and the hand of the President, attested by their Secretary, bearing date the twenty-fourth day of November last, whereby the stockholders of the said Company signify to me their refusal to accept, as a part of their act of incorporation, an act of the General Assembly passed the eighteenth day of June last past, entitled "an act to amend the act entitled an act to incorporate the Wilmington Whaling Company," and their rejection of the same.—

I have received from the Executive of the State of Connecticut certain resolutions adopted by the Legislature of that State, on the subject of domestic slavery; and from the Executive of the State of New York, similar resolutions of the Legislature of that State, upon the same subject; and from the Executives of the States of Ohio and Maine respectively, certain resolutions adopted by the respective Legislatures of those States, proposing certain alterations in the mode of electing the President and Vice President of the United States; and likewise from the Executive of the State of Pennsylvania, a copy of certain resolutions adopted by the Legislature of that Commonwealth, relative to the distribution of the proceeds arising from the sale of the public lands, among the several States—all which I herewith communicate for your consideration.

I subjoin a schedule of sundry books and public documents transmitted to me for the use of the State, from the General Government, and from several of the States, which will be distributed among the different departments by the Secretary of State, according to their respective quotas of the same.

In concluding this communication, I humbly acknowledge the gratitude we owe to the Supreme Ruler of nations for the manifold blessings we are permitted to enjoy, under our free and happy institutions. Under His kind protection, we have grown up indeed a peculiarly favored people in the full possession and enjoyment of all the social, and political rights and privileges of freemen. It was here, in American soil, that our fathers, guided by his Providence, planted the tree of Liberty, which, nurtured by His care, has struck deep in the earth, and spread far and broad over the wide extent of our happy land. Let us be unceasing in our exertions to guard and preserve it, in the hope that its fruits may be enjoyed by our posterity, through countless ages to come.

CHARLES POLK.

Dover, January 4, 1837.

## SCHEDULE,

*Of Books and Public Documents, received at the Executive Department since the last Biennial Session.*

Thirty-six copies of the acts of the first session of the 24th Congress:—

Five vols. of Executive Documents; four vols. of Senate Documents; two vols. Reports of Committees; one copy each of the Journal of the Senate and House of Representatives—all of 2d session of the 23d Congress:—

Three copies of the Journal of the House of Representatives of the 1st Session of the 24th Congress:—

Three copies of the 8th vol. of the Laws of the United States:—

Two copies of the Public acts passed at the 1st Session of the 21st General Assembly of the State of Tennessee:—

Two copies of the acts of the Legislature of Alabama, passed at the November session 1835:—

Two copies of the acts of the Legislature of Mississippi, passed at the Biennial session, 1836:—

Nos. 2d and 3d of vol. 1st of Devereux and Battle's Reports of cases in the Supreme Court of North Carolina:—

Three copies of the Laws of Maryland, passed at the December session, 1835:—

Three copies of the Laws of Pennsylvania, passed at the session of 1835-36:

Two copies of the Laws of Kentucky, passed at the 1st session of the 44th General Assembly:—

One copy of the Laws of Virginia, passed at the session of 1835-36:

Three copies of the Private and Special laws; three copies of the Public laws, and three copies of the Resolves of the State of Maine, passed at the January session, 1836:—

Three copies of the Revised Statutes of the State of Massachusetts:—

Three copies of the Laws of the State of New York, passed at the 59th session:—

Three copies of the revised statutes of the State of Missouri:—

Three copies of the Public statute laws of the State of Connecticut, compiled under a resolution of the General Assembly of May, 1835; and three copies of the acts of Assembly of that State, passed at the May session, 1836:—

Three copies of the Laws of New Hampshire, passed at the June session, 1836:—

The 2d vol. of the Laws of Vermont:—

Three copies of the Laws of New Jersey, passed at the first setting of the 60th General Assembly of that State, and one copy of a Report on the geological survey of said State:—

Three copies of the General Laws, and one copy of the local laws of the State of Indiana, passed at the twentieth session:—

Three copies of the 34th vol. of the Laws of Ohio:—

Two copies of the acts of the Territory of Florida, passed at the 14th session:—



## DOCUMENTS ACCOMPANYING THE MESSAGE.

### TREASURY DEPARTMENT,

*December 19th 1836.*

SIR,

In compliance with your request communicated through R. FRAME, Esq'r, Secretary of State. I have the honor herewith to enclose a form of the receipt required by this Department to be executed by the proper authority of a State upon a deposit made under the 13th Section of the "Act to regulate the deposites of the Public Money."

I am, very respectfully,

Sir, your ob't. servant.

LEVI WOODBURY.

*Secretary of the Treasury.*

*His Excellency,*

*The Governor of Delaware.*

## FORM OF A RECEIPT BY A STATE.

*Whereas*, by the 13th Section of an Act of the Congress of the United States, entitled, "An Act to regulate the deposites of the public money," approved the 23d of June, 1836, it was enacted, "That the money, which shall be in the Treasury of the United States on the first day of January, 1837, reserving the sum of Five Millions of Dollars, shall be deposited with such of the several States in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorise their Treasurer, or other competent authorities to receive the same on the terms hereafter specified; and the Secretary of the Treasury shall deliver the same to such Treasurer or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities in such form as may be prescribed by the Secretary aforesaid.

*And Whereas*, the State of  
Act of its Legislature, passed on the

has by an  
day of

one thousand eight hundred and thirty  
authorized and directed the

of the said State to receive its proportional share of the said surplus monies of the United States on deposite, with the said State upon the terms specified in the said Act of Congress.



*And Whereas*, the Secretary of the Treasury in pursuance of the provisions of the said Act of Congress; and in conformity with the provisions of the said Act of the Legislature of the State of  
has delivered to the  
thereof the sum of

Dollars and Cents, the same being the first instalment or one-fourth part of the rateable proportion of the said State in the surplus money in the Treasury on the first day of January, 1837.

*Now therefore be it known*, that I do hereby certify, that the said sum of  
Dollars and Cents has been deposited by the Secretary of the Treasury with the State of  
and that for the safe keeping and repayment of the same to the United States, in conformity to said Act of Congress the State of  
is legally bound, and its faith is solemnly pledged.

And in pursuance of the authority of the Act of the Legislature aforesaid, for and in behalf of the said State, I hereby affix my signature and seal in testimony of the premises, and of the faith of the said State to pay the said money so deposited; and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purposes and in the manner and proportions set forth and described in the said recited 13th section of the Act of Congress aforesaid, and by a requisition or notice similar in form to that hereto annexed; addressed to the care of the Governor of said State.

*Signed and Sealed this* day of  
*one thousand eight hundred and thirty*

ATTEST,

THE FORM OF A REQUISITION OR NOTICE FOR REPAYMENT  
WILL BE SUBSTANTIALLY AS FOLLOWS.

### TREASURY DEPARTMENT.

183

*To the State of*

Under the provisions of an Act of Congress entitled, "An Act to regulate the Deposites of the public money, passed June 23d, 1836," and an Act of said State passed  
certain sums of money belonging to the United States having been deposited with the State aforesaid for safe keeping and repayment in conformity with the provisions of said act, said State is hereby notified, that a portion of said money, viz: the sum of \$  
is required to be repaid to the United States, by the State aforesaid, for the purposes named in said act, and in conformity with its provisions.

SIGNED,

*Care of His Excellency*

*Secretary of the Treasury.*

*Governor of said State.*



[The repayment of the said sum to the Treasurer of the United States will be, in one of the following modes, which this Department may in any particular case prefer and direct, viz. 1. By a request annexed to the above requisition to place the same to the credit of said Treasurer in the Bank of

at \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_ next, and to take duplicate receipts therefor—one of which receipts sent to the said Treasurer will be a sufficient voucher for the amount of said repayment on the part of said State.

2. Or, by a request written by said Secretary on the back of a common Treasury Warrant directed to the State for payment by said Treasurer, that said State would pay the same, and which warrant with a receipt of payment thereon will be a sufficient voucher as aforesaid.]

# WAR DEPARTMENT,

September 19, 1836.

SIR,

In compliance with a suggestion of the United States District Attorney for New Jersey, I have the honor to inform you, that the case of Henry Gale, against the United States, involving the title to the Pea Patch Island in the river Delaware, is noticed for trial, in the United States Circuit Court at Trenton on the 1st of October next. The Government claims title through the State of Delaware, and I beg leave therefore to request that, if it be in your power, you will make such suggestions to the District Attorney for New Jersey, as will be serviceable to him in the prosecution of his duty as the counsel of the United States.

Very respectfully,

Your obedient servant,

C. A. HARRIS.

*Acting Secretary of War.*

*His Excellency,*

CHARLES POLK,

*Governor of Delaware.*

*To His Excellency, CHARLES POLK, Governor of the State of Delaware.*

DEAR SIR,

In pursuance of the intention formerly made known to you, I hereby resign the residue of my official term as a Senator from the State of Delaware in the Senate of the United States.

In retiring from this high office, permit me to express my deep sense of gratitude for the honour done me by the Legislature, which has twice conferred it upon me, and for the cheering support of the people of the State which has never failed me through all the vicissitudes to which as a public servant I have been necessarily subjected. Eight years have elapsed since I was first elected to this trust, and they embrace the stormiest period of the political history of this nation since the adoption of its constitution. I leave it now because the condition of my domestic relations has so changed as to require me to relinquish public life—but I leave it with the most heartfelt thanks to those who under all the varied and trying circumstances attending it have still put the most charitable construction upon my acts, and with the consciousness that whatever of inadvertent error I may at any time have committed, still—"all the ends I aimed at were my Country's."

With the highest respect,

I have the honor to be,

Your Excellency's ob't humble serv't.

JOHN M. CLAYTON.

*To His Excellency, CHARLES POLK, Governor of the State of Delaware.*

This is to certify, that at a meeting of the stockholders of the Wilmington Whaling Company, duly convened by public notice for that purpose given, on the 12th day of August A. D. 1836, at the town Hall in Wilmington, an act passed by the General Assembly of the State of Delaware on the 16th day of June last past, entitled "An act to amend the act entitled an act to incorporate the Wilmington Whaling Company," was duly submitted to the said stockholders for their acceptance or rejection; and that the said stockholders did then and there decide to reject the said act, and that they would not accept of the same as a part of their act of incorporation; and the said stockholders instructed the Directors of the said Company, to signify their rejection to the Governor under the seal of the Company:

In witness whereof the said Directors have hereunto affixed the corporate seal of said Company the 24th day of November, A. D. 1836.

By order of the Directors,

ATTEST,

D. B. WILSON, President.

Wm. P. BRONSON, Secretary.

EXECUTIVE DEPARTMENT STATE OF CONNECTICUT, &amp;c.

*New-Haven, July 11, A. D. 1836.*

SIR:

In compliance with the request therein contained, I have the honor to transmit to you the accompanying Report and Resolutions on the subject of Slavery.

I am, &amp;c.

HENRY W. EDWARDS.

*To His Excellency,**The Governor of Delaware.***R E P O R T**

*Of Committee on that part of the Governor's Message relating to Domestic Slavery.*

The joint select Committee to whom was referred so much of his Excellency's Message as relates to the subject of domestic Slavery, and the communications received by him from the States of Virginia, North Carolina, South Carolina, Georgia, Kentucky, Mississippi and Alabama, have had the same under consideration, and are unable to agree upon a joint report thereon: Therefore the undersigned, a majority of said committee, beg leave to submit the following Report—

That they have given to the subject the careful and serious consideration which its importance demands. They have attentively perused the communications from our sister States, and reflected upon the evils complained of. It is believed that there is throughout this community a just regard and sympathy for the interests and welfare of the inhabitants of the slave-holding States; and we regard slavery as a State institution, secured by the Constitution of the United States, in which no State where it does not exist, has any right to interfere—that that such interference would be a direct violation of the secured rights of the States, as well as the Constitution of the United States—and that the formation of societies for effecting the abolition of slavery in the slave-holding states, is improper, unjustifiable, and dangerous,—and has a direct tendency to disturb the compromises of the Constitution, and destroy the harmony which should exist between the people of the different States of the Union.

Your Committee are confident that the formation of any society, or the association of any number of individuals for the abolition of slavery does not exist in this State to any considerable extent—and that public opinion is an efficient and proper remedy for the difficulty complained of by our sister States;—hence we have come to the conclusion that there is not at this time any occasion for legislation. They are not aware of any serious grounds of complaint against the people of this State, nor do they apprehend that future efforts are contemplated calculated to excite alarm; and therefore they have not decided what

measures, under different circumstances, might be proper. And did not the Committee feel that entire silence on our part might be construed disrespectful to other States, they would advise that entire silence on this subject should be observed by this General Assembly.—It is with the most respectful deference to the other States, that the Committee suggest that the notice taken of the opinions promulgated by individuals, averse to slavery, tends at once to magnify the importance of their efforts, and to strengthen the power which the slave-holding States so much dread—and they would urge the impolicy and injustice of interfering with slavery in the District of Columbia so long as it exists in the States of Virginia and Maryland, as it is intimately connected with slavery in the States—and any attempt to abolish it is scarcely less calculated to destroy the confidence between the people of the free States and the slave States than an interference of slavery in the States; as the latter naturally regard it as the first step to an interference on the subject of slavery in the slave-holding States. The proceedings of the Abolitionists have no doubt had an injurious effect, and tended to check the amelioration and improvements which were taking place in the condition of the slave population, and subjected the slaves to greater rigors than they had before suffered, whilst they have occasioned much alarm and anxiety to the whites. In some of the slave States the progress of public opinion was gradually changing the relations of the free white population, and giving to the slaves more the character of domestics, or menials, than they formerly possessed;—of course producing more social feeling as well as more mutual confidence between the classes. Public opinion in this country is the supreme law, and whatever may be the legal rights of slave proprietors, they have been restricted and modified by public sentiment.

The subject too of free discussion is one which wise legislators will not unnecessarily meddle with; and when necessary, they will ever approach it with hesitancy and circumspection. Is it not the part of wisdom to leave the Press free, and on public measures to be controlled by public opinion, rather than to cramp it with public censors and Legislative enactments. There is no existing state of things in this community to justify the restrictive and penal enactments solicited by the slave-holding States. It is the very spirit of our institutions and the language of the Constitution itself, to leave every subject, religious or political, open to free examination and discussion; and the experience of the past teaches us that it will be equally novel, impolitic, and impracticable, if not absolutely unconstitutional to change the laws on this interesting subject. Who will undertake to disclose by an exact law what is incendiary? or what may have a tendency to weaken the system of slavery. The dissemination of the Scriptures and other writings, touching the nature of our civil institutions, or our moral duties, will, in the estimation of some persons, have this tendency. It is not possible to disclose by law what will, or will not tend to such a result; and although persons, are often precipitate and over-zealous, (at least in the opinion of those who differ from them in sentiment,) and will at times promulgate dangerous principles, and excite to hurtful actions, yet we hold it to be a settled axiom in our republican government, that in matters of Government, Truth and Justice have nothing to fear from a

Free Press, in an enlightened community. And your Committee would take this occasion to assure our sister States, through this General Assembly, that in their opinion there is no unfriendly feeling existing in this community to their repose and prosperity. On the contrary, they, in common with the other States, and the good people of all the States, have the strongest interest to preserve our social compact inviolate, and would therefore recommend the passage of the accompanying resolutions.

All which is respectfully submitted.

RICHARD NILES,  
WM. P. BURRALL,  
CARLOS CHAPMAN,  
ASA FULLER,  
ETHAN CHAFFEE,  
DANIEL CHAPIN.

May Session, 1836.

*RESOLVED by the General Assembly of the State of Connecticut,*

That we consider the subject of Domestic Slavery in the Southern States as a subject exclusively within the control of those States respectively, and that neither the General Government nor other States, can consistently interfere with their internal policy.

*Resolved,* That we consider the abolition of Slavery in the District of Columbia, as an interference with the rights of the citizens of that District, derived from the implied conditions on which that territory was ceded to the General Government—and for Congress to agitate that question, would be improper and unjust towards the citizens thereof.

*Resolved,* That the Governor be requested to transmit a copy of this Report and Resolutions to the Executives of the several States, that they may be laid before their respective Legislatures.

*House of Representatives, 1836.*

Passed.

WM. P. BURRALL, *Clerk.*

*Senate, 1836.*

Passed.

R. S. HINMAN, *Clerk.*

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## STATE OF NEW-YORK.

### EXECUTIVE DEPARTMENT.

*Albany, June 6, 1836.*

SIR:

In compliance with the directions of the Legislature, I herewith transmit to you a copy of the Report and Resolutions adopted by

that body on the subject of Domestic Slavery, and the proceedings of the Abolitionists; and request that the same may be laid before the Legislature of your State.

I have the honor to be,  
With great respect,  
Your obedient servant,

W. L. MARCY.

To His Excellency,

The Governor of Delaware.

IN SENATE.

May 18, 1836.

Mr. Mack, from the joint committee of the Senate and Assembly, to whom were referred so much of the Governor's message as relates to the constitutional rights and the safety of the States in respect to domestic slavery, and sundry communications from the States of Virginia, Ohio, Maine, &c. upon the same subject, reported as follows, to wit:

Concurring in the views and sentiments which were so fully and ably expressed upon this subject in the message of his excellency the Governor, and witnessing the salutary influence which the patriotic stand thus taken by our Chief Magistrate, and other causes, were exerting upon the public mind to arrest the progress of abolition doctrines and efforts, the committee have not deemed it incumbent upon them to report at an earlier period of the session: Nor do they now consider it their duty to occupy ground which may revive unpleasant and unprofitable controversy, and disturb that healthful state of public sentiment, upon a hitherto exciting topic, which seems so happily to exist.

The committee may repeat, as peculiarly applicable at the present time, the declarations of his excellency the Governor, that "our constituents have expressed their enlightened and deliberate judgment upon the subject under consideration;" that, "with an earnestness and unanimity never before witnessed among us, they have, without distinction of sect or party, in their primary assemblies, and in various other ways, expressed their attachment to the constitution of the federal government; their determination to maintain its guarantees; their disapprobation of the whole system of operations set on foot by the abolitionists; their affection for their brethren of the south; and their fixed purpose to do all that in them lies, consistently with law and justice, to render these sentiments effectual;" and that "*it is not to be believed, that these manifestations of public sentiment have been or will be disregarded by those who have been engaged in, or given countenance to, the abolition proceedings.*"

"I am fully persuaded (observes his excellency,) that the powerful energies of public opinion, as it has been called forth throughout the whole State, have already produced most salutary effects, in disabusing many persons who had inconsiderately concurred in the visionary schemes of the abolitionists."

And he adds:

"Relying on the influence of a sound and enlightened public opinion, to restrain and control the misconduct of the citizens of a free government, especially when directed, as it has been in this case, with unexampled energy and unanimity to the particular evils under consideration, and perceiving that its operations have been thus far salutary, I entertain the best hopes that this remedy, of itself, will remove these evils, or render them comparatively harmless."

The result has demonstrated to every impartial observer, that this reliance upon the virtue, intelligence and patriotism of the people of this State, was founded upon a just estimation of their character.

Public opinion—"enlightened public opinion"—is the conservative principle of free government. Without its sustaining power, the proudest and purest constitution which the wisdom of man could devise, would be as indefinite and unstable as an oral compact; and the strongest and most rigid laws that could be framed in accordance with its restrictions and obligations, would be weak and fragile as spiders' webs. To this tribunal may be appropriately and safely referred all errors and differences of opinion—all mental agitations and discussions which involve religious creeds—abstract political rights; or measures of public policy.

But a just, a liberal and enlightened condition of public opinion, cannot be produced or sustained, except where a free press is recognized and cherished in harmonious alliance with the constitution and the laws. The "liberty of speech and the press" is guaranteed by the Constitution of this State and that of the United States: and it is a most delicate and difficult task of discrimination for legislators to determine at what point this rational and constitutional liberty terminates; and venality and licentiousness begin. It is indeed more safe to tolerate the licentiousness of the press than to abridge its freedom; for a correctiveness of the evil will be generally found in the force of truth and the influence of those moral principles and energies which unrestrained discussion seldom fails to elicit.

It has not, therefore, been at any time the intention of the committee, nor do they believe it would comport with the views of any member of the government, to recommend the adoption of any measure which should "restrain or abridge the liberty of speech or of the press," as secured by the Constitution, and deeply interwoven with the instructions and habits of the people. They are well-persuaded, that the efforts of designing faction, of unchastened ambition, of false philanthropy and misguided zeal, to disturb the peace and endanger the safety of our sister States of the South, and involve us in serious difficulties with them, have so far yielded to rational reflection and the force of public sentiment, as to render legislation upon this subject unnecessary and inexpedient.

But in justice to themselves and to the occasion, the committee must express their accordance with the opinion of his excellency the Governor, "that the Legislature possesses the power to pass such penal laws as will have the effect of preventing the citizens of this State and residents within it, from availing themselves, with impunity, of the protection of its sovereignty and laws, while they are actually employed in

exciting insurrection and sedition in a sister State, or engaged in treasonable enterprises, intended to be executed therein."

What of point obligation, what degree of danger or of necessity, may justify the exercise of this power, and to what extent it may be carried consistently with the letter or spirit of the Constitution, the committee are not now called upon to determine. The crisis which may demand and justify its exercise, they trust is far distant; most fervently do they hope it may never arrive.

The people of this State, by their ready and numerous manifestations upon the subject under consideration, have furnished renewed and honorable evidences of their attachment to the Union. They have "frowned indignantly upon the first dawnings" of an insidious attempt to separate them from those with whom their welfare and prosperity are identified. They have, without religious or political distinction, declared their readiness to forego and to discountenance the exercise of abstract right and the discussion of speculative doctrines, which are calculated to disturb those domestic relations of other States that are recognised and guaranteed by the Constitution, and to endanger the peace, the prosperity, and the lives of their citizens: And should occasion require, they will be found ready, in the same spirit of forbearance, under a deep sense of the obligations which rest upon them as christians and as patriots, to make further sacrifices, and to incur greater responsibilities, to strengthen those bonds which constitute as one the American people, and to cherish and perpetuate our free and happy form of government.

The committee, therefore, find themselves relieved from all painful responsibilities, and respectfully recommend to the Legislature the adoption of the following resolutions.

## STATE OF NEW-YORK.

IN SENATE.

May 19, 1836. }

*Resolved unanimously,* That the views and sentiments contained in the late annual message of the Governor of this State, recognizing the constitutional right of the several States of the Union to regulate and control, within their own limits, the relations of master and slave, and to continue or abolish the same, as the governments of those States may respectively deem consistent with their duty, safety and welfare, meet the full and cordial concurrence of this Legislature.

*Resolved,* That the people of this State, by responding with unexampled unanimity to those views and sentiments, and manifesting their determination to abstain from, and to discountenance, those political agitations and public discussions of the subject of domestic slavery, which were calculated to produce an exciting, an improper, and a pernicious influence within the limits of other States, have given to the Union stronger guarantees than law could furnish, and rendered present legislation upon the subject by their representatives, unnecessary and inexpedient.



*Resolved*, That the Governor be requested to transmit a copy of the foregoing report and resolutions to each of the senators and representatives of this State in Congress; and also a copy to the Executive of each of the States of the Union, with a request that they be submitted to the respective Legislatures thereof.

By order,

J. F. BACON, *Clerk*.

*Ordered*, That the clerk deliver said resolutions to the Assembly, and request their concurrence to the same.

J. F. BACON, *Clerk*.

# STATE OF NEW-YORK.

IN ASSEMBLY, }  
May 23, 1836. }

*Resolved*, That the Assembly do concur with the Senate in the said resolutions.

By order,

P. REYNOLDS, JR. *Clerk*.

STATE OF NEW-YORK, }  
*Secretary's Office* }

ALBANY, 24th MAY, 1836.

The foregoing is a true copy of the original resolutions on file in this office.

JOHN A. DIX, *Secretary of State*.

## EXECUTIVE OFFICE, OHIO,

Columbus 4th March 1836.

SIR:

In compliance with the request of the General Assembly, I have the honor to transmit you the annexed Resolutions, passed by that body, on the 29th ult.

Very Respectfully,

Your Obedient Servant

ROBERT HUAS.

*His Excellency,*

*The Governor of Delaware.*

## RESOLUTIONS

*Relating to the Election of President and Vice President.*

*Be it Resolved by the General Assembly of the State of Ohio, That our Senators in Congress be instructed; and our Representatives requested, to use their exertions to procure an amendment of the Constitution of the United States, so as to prevent any future election of President of the United States, by the House of Representatives; and of Vice President of the United States by the Senate; and so that the election can in no case be taken from the People.*

*Be it further Resolved, That His Excellency, the Governor be requested to forward a copy of the foregoing Resolution to each of our Senators and Representatives in Congress, and to each of the Governors of the several States of this Union.*

WILLIAM MEDILL,

*Speaker, pro tem., of the House of Representatives:*

ELIJAH VANCE,

February 29, 1836.

*Speaker of the Senate.*

I certify that the foregoing Resolutions, is a correct copy of the original Roll remaining on file in this office.

STATE OF OHIO,

SECRETARY'S OFFICE.

} Columbus, March 2, 1836.

## STATE OF MAINE.

## EXECUTIVE DEPARTMENT,

Augusta 5 April, 1836.

SIR:

I have the honor to transmit to you the annexed Resolves relating to the election of President and Vice President,

With considerations of high respect,

Your obedient Servant,

ROBERT P. DUNLAP.

*His Excellency,*

*The Governor of Delaware.*

## STATE OF MAINE.

*RESOLVES relating to the election of President and Vice President.*

*Resolved, That our Senators in Congress be instructed; and our Representatives requested, to use their exertions to procure an amendment of the Constitution of the United States, so as to prevent any future election of President of the United States, by the House of Representatives; and Vice President of the United States, by the Senate; reserving however to each State, its equal voice in the election of President and Vice President, on the succeeding trial, in the event of no election being made on the first; and so that the election can in no case be taken from the people of the States.*

*Resolved*, That the Governor, be requested to forward a copy of the foregoing Resolve to each of our Senators and Representatives in Congress, and to each of the Governors of the several States of this Union.

In the House of Representatives, April 4, 1836. *Read and passed.*

JONA. CILLEY, *Speaker.*

In Senate, April 4, 1836. *Read and Passed.*

JOSIAH PIERCE, *President.*

April 4, 1836. *Approved.*

ROBERT . DUNLAP.



# EXECUTIVE CHAMBER,

*Harrisburg 19th March, 1836.*

SIR:

For the purpose therein mentioned, I have the honor to transmit to you the accompanying resolutions of the Legislature of Pennsylvania, adopted on the 15th instant.

JOS. RITNER,

*Governor of Pennsylvania.*

*To His Excellency,*

*The Governor of the State of Delaware,*

*At Dover.*

*RESOLUTIONS relative to the distribution of the proceeds arising from the sale of the Public Lands, and for others purposes.*

WHEREAS, By the official statement from the Treasury Department of the United States, it appears there will be an unappropriated balance in the treasury, above the ordinary demands of the government, subject to the action of Congress during the present session: AND WHEREAS, it is presumed that the wisdom of Congress will not suffer that fund to accumulate in the Treasury without devising means by which it can be usefully employed for the benefit of the people of this Union: AND WHEREAS, some of our sister States deny to Congress the constitutional power of making internal improvements in the several States, while all seem to admit the power and propriety of distributing the proceeds arising, or which may have arisen, from the sale of the Public Lands, amongst the several States, subject to the control of their respective Legislatures: AND WHEREAS, the proportion to which Pennsylvania would be entitled, should such distribution be made, would enable her to complete her public works, and establish a fund for the support of Common Schools, which would preclude the necessity of taxation for either purpose: AND WHEREAS, it is the policy of our government to guard against the increase of Executive patronage, and especially against the accumulation of large sums of money in the treasury unappropriated: AND WHEREAS, a very large proportion of surplus revenue arises from the sales of the Public Lands, the joint property of all the States, which is regarded as a source of revenue which ought to be applied in the pro-

motion of education, by establishing a system of Common Schools,—to the purposes of Internal Improvement,—or such other purposes as will best promote the interests of the States respectively.

Therefore,

*Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That the Senators in Congress be instructed, and our Representatives be recommended, to use their influence to procure the passage of a law to distribute the proceeds arising, or which may have arisen, from the sale of the Public Lands, amongst the several States, in proportion to the number of members from each State, in the House of Representatives of the United States.

*Resolved,* That our Senators in Congress be instructed, and our Representatives be recommended, to vote for a liberal and judicious expenditure of public money for the completion and construction of fortifications for the common defence.

*Resolved,* That the Governor be requested to forward to each of our Senators and members of Congress from Pennsylvania, a copy of the foregoing preamble and resolutions; and also, to the Governors of the several States, with a request that they shall be laid before their State Legislatures, requesting their co-operation.

NER MIDDLESWARTH,

*Speaker of the House Representatives.*

THOMAS S. CUNNINGHAM,

*Speaker of the Senate.*

APPROVED: the fifteenth day of March, A. D. eighteen hundred and thirty-six,

JOSEPH RITNER.

SECRETARY'S OFFICE,

*Harrisburg, March 16, 1836.*

I HEREBY CERTIFY the above to be a true copy of the original resolutions now remaining on file and of record in this office. Witness my hand and seal of office, the day and year aforesaid.

THOS. M. BURROWES,

*Secretary of the Commonwealth.*

On motion of Mr. Brinckloe,

*Resolved,* That the Clerk of this House, be directed to cause four hundred copies of the Governor's Message, to be printed for the use of the members.

On motion of Mr. Marim,

The House adjourned till 3 o'clock this afternoon.

*Eodem Die, 8 o'clock P. M.*

The House assembled pursuant to adjournment.

Mr Hamilton laid on the table the following resolution, which

On his motion,  
Was read, and,

*Adopted, viz:*

*Resolved*, That the Clerk of the House of Representatives, be hereby authorized to furnish to the members of the House, two daily or semi-weekly papers, at the instance of the several members thereof, during the session.

Mr. Hamilton, presented the petition of sundry citizens of New Castle County, praying an act to incorporate them under the name of "the Franklin Beneficial Society of Wilmington," which was,

On his motion,

Read, and referred to a committee of three members.

Messrs. Hamilton, Fleming and Jacobs, were appointed said committee.

Mr. Hamilton, presented the petition of the Wilmington Whaling Company, praying for an act to increase the number of the Directors of the said Company to twelve, who shall hold their offices for three years, one third of whom shall be elected annually, which was,

On his motion,

Read, and referred to a committee of three members.

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

Mr. Marim, presented the petition of the Stockholders of the Farmers' Bank of the State of Delaware, together with its accompanying document, praying a law to carry into effect the suggestions contained in the said petition and to amend the charter of the said Bank, in manner and form as in said petition is prayed for, which was,

On his motion,

Read, and referred to a committee of three members.

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

Mr. Hamilton, presented the petition of Philip Tolberry, a free man of color, praying to be discharged from the common jail of New Castle County, which was,

On his motion,

Read, and referred to a committee of three members.

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

The Speaker laid on the table a communication from the President of the Bank of Wilmington and Brandywine, requesting the Legislature to permit the money belonging to the General Government, deposited in that Bank, and which will become payable to this State, to remain in the said Bank, to the credit of the agent to be appointed on the part of

this State, to receive the same, on the same terms, on which it is deposited by the General Government until the same can be more advantageously invested by this State, which,

On his motion,  
Was read,

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

On his motion,  
Was read, and

*Adopted, to wit:*

*Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the following persons be and they are hereby appointed Directors of the Farmers' Bank of the State Delaware, on the part of the State, agreeably to an act of the General Assembly in such case made and provided:*

For the principal Bank at Dover.

Hunn Jenkins, John M. Clayton and James S. Buckmaster.

For the Branch at Wilmington.

John J. Milligan, Charles J. Dupont, and John Evans Young.

For the Branch at New Castle.

Thomas Stockton, George B. Rodney, and George Platt.

For the Branch at Georgetown.

William D. Waples, George Hickman, and Henry Little.

On motion of Mr. Marim,

Francis Robinson, was appointed messenger of the House.

Mr. Hamilton asked, and

On motion of Mr. Marim,

Obtained leave to introduce a bill, entitled "a further Supplement to the act entitled an act to enable certain persons therein mentioned, to raise by lottery the sum of fifteen thousand dollars, for the purpose of building a Grand Masonic Hall in the Borough of Wilmington Delaware.

On motion of Mr. Marim,

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

THURSDAY 10 o'clock A. M. 5, Jan. 1837.

The House convened pursuant to adjournment.

William Johnson, Esquire, a member elect from Kent County, appeared, was duly qualified and took his seat.

Mr. Marim, laid on the table, the Auditor's Report.

Mr. Hamilton, presented the petition of the President, Directors and Company of the Bank of Delaware, praying, the Legislature to permit the money belonging to the General Government, deposited in that Bank, and which will become payable to this State, to remain in the said Bank, to the credit of the agent to be appointed on the part of the State to receive the same, on the same terms, on which is it deposited

by the General Government, until the same can be more advantageously invested, which,

On his motion,

Was read, and referred to a committee of three members.

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

Mr. Hamilton, presented the petition of the Wilmington and Susquehanna Rail Road Company, which.

On his motion,

Was read, and referred to a committee of three members.

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

Mr. Hamilton, Chairman of the committee, to which was referred the petition of Allan Thompson and James Gardner, executors of the last will and testament of John Fleming, dec'd, reported a bill entitled "An act to confirm the last will and testament of John Fleming, late of the City of Wilmington deceased, and to authorize and empower his executors to sell and convey his real estate and make good the title to the same;" which was

On his motion,

Read.

Mr. Hamilton, Chairman of the committee, to which was referred the petition of the Wilmington Whaling Company, reported a bill entitled "A Supplement to the act entitled "An act to incorporate the Wilmington Whaling Company," which was

On his motion,

Read.

On motion of Marim,

*Resolved*, That a committee of three be appointed to draft rules for this House.

Messrs. Marim, Davis and Deakyne, were appointed the said committee.

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

On his motion,

Was read, and

*Adopted*, viz:

*Resolved*, That a committee of three members be appointed to inquire into the constitutional qualifications of the members of this House and report thereon.

Messrs. Marim, Booth and Jacobs, were appointed said committee.

Mr. Hamilton, Chairman of the committee, to which was referred the petition of the Franklin Beneficial Society of Wilmington, reported a bill entitled "An act to incorporate the Franklin Beneficial Society of Wilmington Delaware, for the relief of the members thereof, their widows and orphan children, which was,

On his motion,

Read.

On motion of Mr. Marim,

The House adjourned to 3 o'clock this afternoon.

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

The House convened pursuant to adjournment.

Mr. Hamilton, Chairman of the committee, to which was referred the petition of the Wilmington and Susquehanna Rail Road Company, reported a bill entitled "A further Supplement to the act entitled "An act to incorporate the Wilmington and Susquehanna Rail Road Company," which was,

On his motion,  
Read.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House that the following resolution had passed the Senate, and was presented to the House for concurrence,

And he withdrew.

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

*As follows, to wit:*

*In Senate, Jan. 1837.*

*Resolved, by the Senate and House of Representatives in General Assembly met,* That a committee to consist of two members on the part of the Senate and three on the part of the House of Representatives, be appointed to examine the accounts of the State Treasurer, count the cash on hand, and make report to the General Assembly.

"Extract from the Journal,

J. P. COMEGYS, Clerk.

"For concurrence."

On motion of Mr. Marim,  
The resolution of the Senate was concurred in, and  
Messrs. Marim, Lodge and Davis, were appointed the said committee, on the part of the House.

Mr. Hamilton, Chairman of the committee, to which was referred the petition of Philip Tolberry, a free man of color reported a bill entitled "An act for the relief of Philip Tolberry, a free man of color, which was,

On his motion,  
Read,

Mr. Johnson, presented the petition of Henry Thistlewood, praying to be discharged from the common jail of Kent County, which was,

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

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

On motion of Mr. Evans.  
The House adjourned till 10 o'clock to-morrow morning.



FRIDAY 10 o'clock A, M. 6. Jan. 1837.

The House convened pursuant to adjournment.

Mr. Johnson, Chairman of the committee, to which was referred the petition of Henry Thistlewood, reported a bill entitled "An act for the relief of Henry Thistlewood," which was,

On his motion,  
Read.

On motion of Mr. Johnson,  
The bill, entitled "An act for the relief of Henry Thistlewood,  
Was read, a second time; by special order of the House,  
And on reading the second section, Mr. Brinckloe submitted the following amendment thereto, which was,

On his motion,  
Read, and

*Adopted, to wit:*

Amend the bill, by adding to the bottom thereof,  
"Provided the said Sheriff shall have no other sufficient cause for his detention."

On motion of Mr. Johnson,  
The bill entitled "An act for the relief of Henry Thistlewood, was,  
by the special order of the House, read a third time, by paragraphs, and  
*Passed the House*

*Ordered, To the Senate for concurrence.*

On Motion Mr. Hamilton,  
The bill entitled "An act for the relief of Philip Tolberry, a free man of color,

Was read, a second time,  
Mr. Booth, moved, that the bill, be postponed to this day four weeks  
Which motion, *Was lost.*

Mr. Marim, Chairman of the committee, appointed to inquire into, the constitutional qualifications of the members and make report thereon, submitted, the following report, which,

On his motion,  
Was read, and

*Adopted, viz:*

The committee appointed to inquire into the constitutional qualifications of the members of this House, and report thereon, have performed their duty and report that all the members are constitutionally entitled to their seats.

Mr. Marim, Chairman of the committee, appointed to draft rules for this house, submitted the following report, which,

On his motion,  
Was read, and,

*Adopted, viz:*

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

"2. When the speaker assumes the chair, the members shall take their seats.

"3. Every day before the house proceeds to business, the clerk shall call the name of the members in alphabetical order, shall read the journal of the preceeding day; which may be corrected by the House.

"4. All motions or resolutions (except the reading of bills, the daily adjournment of the House, or any motion to refer any subject, or to postpone the same,) shall, if requested by the speaker or any member, be reduced to writing by the mover, and if seconded, shall be repeated to the House by the speaker, before a decision or debate thereon, and a motion or resolution may be withdrawn by the mover, with the approbation of the member who seconded the same.

"5. Every committee shall report within four days (Sundays excepted) from the time of their appointment, or furnish sufficient reason, why report has not been made.

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

"7. Every bill shall be introduced by motion for leave, by order of the House, or by report of a committee.

"8. Every motion, either in the House, or in committee of the whole, shall be entered on the Journal with the name of the mover, other than motions for the second and third reading of bills, or for adjournment.

"9. No member shall be interrupted when speaking, but by a call to order by the speaker, or by a member through the speaker, nor shall any member speak to any matter or thing more than three times, without leave from the House, except in committee of the whole.

"10. Every bill shall receive three several readings, no two of which shall be on the same day, except by special order of the House.

"11. Before any petition or memorial addressed to this House, shall be received and read at the clerk's table, whether the same shall be introduced by the speaker, or a member, a brief statement of its contents shall be verbally made by the introducer.

"12. All bills shall be amended at the second reading, and no amendment shall afterwards be made so as materially to alter or change their meaning or nature.

"13. No question which has been decided shall be reconsidered, but on a motion made and seconded by a member in the majority, on the original question, except when there was but one majority on the original question, in that case the seconder may be of the minority.

"14. No member shall be referred to by name in debate.

"15. Questions of order either before the House, or committee of the whole, shall in the first place be determined by the speaker or chairman, from whose decision an appeal may be had to the House or committee, on the request of a member, but no debate shall be allowed thereon, till the appeal is taken.

" 16. The rules of proceeding in the House, shall, as far as may be applicable, be observed in committee of the whole.

" 17. All committees unless the House shall otherwise direct, shall be appointed by the speaker.

" 18. The names of the members shall be arranged by the clerk in alphabetical order, which order shall be preserved.

" 19. The speaker or chairman shall put every question, and if necessary for a fair decision, may of his own accord, or at the request of a member, require those in the affirmative to rise; and reverse the question.

" 20. Any question shall be taken by the yeas and nays if requested by the speaker or a member.

" 21. All messages from the House to the Senate, shall be conveyed by the clerk or by a member, as the speaker may direct.

" 22. Messages to the House shall not be admitted while a member is engaged in debate, or while the House is voting upon a question.

" 23. No member shall absent himself from the House, during the session, without leave thereof."

Mr. Marin, Chairman of the committee appointed on the part of the House, to examine jointly with the committee on the part of the Senate, the accounts of the State Treasurer, count the cash on hand and make report to the General Assembly,

Submitted the following report, which,

On his motion,

Was read, and

*Adopted, viz:*

The committee appointed by the House of Representatives to act jointly with the committee of the Senate, to examine the accounts of the State Treasurer and Trustee of the School Fund, count the cash on hand, effect a settlement with that officer, beg leave to make the following report:

On the 16th day of December last, settled with the Auditor of Accounts, at which time there was due from him to the State of Delaware, the sum of

\$1823 76

Since then the Treasurer has received the following,  
viz:—

From D. S. Gregory, Esq. per the hands of the Hon. James R. Black, one the managers of a Lottery, authorized by An act of the General Assembly of the State, passed 11th February 1835, being the proportion of the third instalment due on the first day of October last, from the said Gregory, belonging to the State

648 14½

\$1871 90½

*Amount brought forward,* \$1971 90½

Since which time the Treasurer has made the following payments.

To cash paid James R. Black, Associate Judge, for two quarters' salary, due 18th October last, \$500 00

To cash paid Caleb S. Layton, Associate Judge, one quarter's salary, due on the 4th December last, 250 00

To cash paid Thomas Clayton, Chief Justice, two quarters' salary, due 600 00

1350 00

Balance due the State, \$621 90½

On the 16th day of December last, the Trustee of the School Fund, settled with the Auditor and there was at that time due from the said Treasurer, to the School Fund and to the School districts, the sum of \$12545 19

Since which time the Trustee has received for the use of said Fund, the following:

From D. S. Gregory, Esq. per the hands of the Hon, James R. Black, one of the managers of the Lottery authorized by an act of the General Assembly, passed the eleventh day February 1835, being the proportion of the third instalment, due on the first day of October last, from said Gregory, purchaser of a part of the Scheme of said Lottery, belonging to the School Fund,

648 14½

\$13193 53½

Since December 16th aforesaid, the Trustee has paid,

To Districts Nos. 36 & 39, in Sussex County, \$123 94

do. do. 9 & 27, do. 123 94

247 88

Balance due the Fund and Districts, \$12945 45½

Balance due the State, 621 90½

\$13567 36

The Treasurer is entitled to commissions on the sum of \$648 14½ cents, received for the use of the School Fund, and also on the same sum received for the use of the State.

The committee find the above sum of \$13567 36, deposited to the credit of the Treasurer aforesaid, in the Farmer's Bank at Dover, and Georgetown.

Mr. Johnson, presented sundry remonstrances, signed by many of the citizens of New Castle County, praying the Legislature not to grant the prayer of the Wilmington and Susquehanna Rail Road Company to convert the drawbridge erected by it over the White Clay Creek into a permanent bridge and to keep the draw thereof at all times closed hereafter, or to dispense altogether with the said draw as they may deem proper," which were,

On his motion,

Read.

On motion of Mr. Brinckloe.

The House adjourned to 3 o'clock this afternoon.



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

The House convened pursuant to adjournment.

Mr. Marim asked, and

On motion of Mr. Johnson,

Obtained leave to introduce a bill entitled "An act appointing an agent to receive this State's share of the surplus revenue, in the Treaty of the United States," which was,

On motion of Mr. Marim,

Read.

A Message from the Senate by the Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the Resolution of the House for the appointment of Directors for the Farmers' Bank of the State of Delaware, on the part of the House, with an amendment, in which the concurrence of the House was requested,

And he withdrew.

On motion of Mr. Marim,

The communication from the Senate, was read

*As follows, to wit:*

Amend the resolution by striking out the name of "George Hickman," and inserting that of "Henry F. Rodney,"

Which amendment,

On motion of Mr. Marim,

Was concurred in.

Mr. Marim asked, and

On motion of Evans,

Obtained leave to introduce a bill entitled "An act Supplementary to an act to carry into effect the amended Constitution and for other purposes," which was

On motion of Mr. Marim,

Read.

A message from the Senate by the Clerk,

Mr. Comegys, Clerk of the Senate being admitted informed House that the Senate had concurred in the bill entitled "An act the relief of Henry Thistlewood,"

And he withdrew,

Mr. Hamilton, presented petitions signed by 1273 of the inhabit of New-castle County, praying for the removal of the seat of Justice New-castle County, from the Town of New-castle to the City of Wilmington, provided a majority of the votes of the citizens of the County polled at a special election, to be held at such time, as the Legislature may direct, should be in favour of such removal, which were,

On his motion,

Referred to a committee of three members.

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

On motion of Mr. Johnson,

The bill entitled a further Supplement to the act entitled "An act to incorporate the Wilmington and Susquehanna Rail Road Company, together with the accompanying petitions and memorials relating thereto were recommitted to the same committee, originally appointed on the petition, with the addition of two members thereto.

Messrs. Johnson and Davis, were appointed the additional members.

On motion of Mr. Hamilton,

The bill entitled "An act to confirm the last will and testament of John Fleming, late of the City of Wilmington, deceased, and to authorize and empower his executors to sell and convey his real estate and make good the title to the same,"

Was read a second time by its title.

On motion of Mr. Rees,

The House adjourned to ten o'clock on Monday morning.

MONDAY 10 o'clock A. M. 9, Jan. 1837.

The House convened pursuant to adjournment.

Mr. Hamilton asked, and

On motion of Mr. Johnson,

Obtained leave to introduce a bill entitled "A Supplement to the act entitled "An act concerning the jurisdiction of Justices of the Peace in certain actions of trespass, and their powers in certain cases of complaints of assaults and batteries," which was,

On his motion,

Read.

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

On his motion,

Read, and

*Adopted, to wit*

*Resolved, by the Senate and House of Representatives of the State Delaware, in General Assembly met,* That the Legislature of this State, will, on this day (Monday) at four o'clock P. M. in joint meeting, in the Senate Chamber hold an election by ballot, for the purpose choosing a Senator from this State, to supply a vacancy in the Senate of the United States, occasioned by the resignation of the Hon. M. Clayton,

*Ordered,* To the Senate for concurrence.

Mr. Hamilton, presented an abstract of the accounts of the Wilmington and Philadelphia Turnpike Company, which was,

On the motion of Mr. Lodge,  
Read.

On motion of Mr. Hamilton,  
The bill entitled : "An act to confirm the last will and testament of John Fleming late of the City of Wilmington, deceased, and to authorize and empower his executors to sell and convey his real estate and make good the title to the same,"

Was read, a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Waller, presented the petition of Caleb Ross of Sussex County, praying the Legislature, to grant unto him, title to certain vacant land mentioned in said petition, which was,

On his motion,

Read and referred to a committee of three members.

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

Mr. Waller, presented the petition of John Hosea of Sussex County, praying the Legislature to grant unto him certain vacant land mentioned in the said petition, which was,

On his motion,

Read and referred to a committee of three members.

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

Mr. Waller, presented the petition of Charles Ralph of Sussex County, praying the legislature, to grant unto him certain vacant land in said petition mentioned, which was,

On his motion,

Read and referred to a committee of three members.

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

Mr. Hamilton, presented petitions signed by 187 additional inhabitants of New Castle County, praying the removal of the seat of Justice of New Castle County, from the town of New Castle, to the City of Wilmington, which were,

On his motion,

Referred to the committee originally appointed on the same subject.

On motion of Mr. Hamilton,  
The bill entitled "A Supplement to the act entitled "An act to  
incorporate the Wilmington Whaling Company,  
Was read, a second time by its title.

On motion of Mr. Buckmaster,  
The House adjourned till 3 o'clock this afternoon.

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

The House convened pursuant to adjournment.

Mr. Hamilton, presented the petition of Matthew Kean, Guardian of Elizabeth Caroline Whitely, (minor) praying the Legislature to pass a law, permitting the said minor to sell certain real estate mentioned in said petition, under such restrictions as might be deemed proper, which was,

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

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

Mr. Marim asked, and

On motion of Mr Hamilton,  
Obtained leave to introduce a bill entitled "An act to amend the act entitled An act directing the time place and manner of holding elections for Senators from this State in the Senate of United States, which was,

On his motion,  
Read.

On motion of Mr. Marim,  
The said bill was by special order of the House, read a second time by its title.

On motion of Mr. Marim,  
The said bill was, by special order of the House, taken up for consideration, read a third time by paragraphs, and

*Passed the House*

*Ordered, To the Senate for concurrence:*

Mr. Marim, presented the petition of the Committee of the Trustees of Newark College, praying, that if the legislature should apply the surplus revenue to be received by this State from the General Government, or the greater part thereof to the purposes of education, this College should receive its proper allotment thereof in common with the primary schools, which was,

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

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

Mr. Marim, presented the memorial of the Brandywine Manufacturing and Banking Company; praying such alteration or modification



their charter as to permit the said company to go into operation upon a subscription for eight thousand shares of fifty dollars each and on the payment of twenty dollars per share thereon; and that the Legislature, until the whole amount of the stock of \$1,000,000, be subscribed according to the act of incorporation, on which the bonus of \$4000, is payable annually to this State, should fix a proportion thereof to be paid in annually, at such lesser amounts as should appear just, which was,

On his motion,

Read and referred to a committee of three members.

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

On motion of Mr. Marim,

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

Was referred to a committee of three, (of which committee Mr. Marim, at his special request, was not appointed member.)

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

A message from the Senate by the Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the bill entitled "An act to amend the act entitled an act directing the time, place and manner of holding elections for Senators from this State in the Senate of the United States," had passed the Senate, with an amendment,

And he withdrew.

On motion of Mr. Marim,

The communication from the Senate, was read

*As follows, to wit:*

*In Senate, Jan. 9, 1837:*

Amend the bill by striking out of the first section, all after the word "null and void" in the seventh line thereof.

"Extract from the Journal,

"J. P. COMEGYS, Clerk.

"For concurrence."

On motion of Mr. Marim,

The House concurred in the amendment.

Ordered, That the said bill be engrossed.

A message from the Senate by the clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the resolution proposing that the Legislature, should at 4 o'clock this afternoon, in joint meeting in the Senate Chamber, hold an election, by ballot, for the purpose of choosing a Senator in the Senate of the United States, to supply the vacancy occasioned by the resignation of the Honorable John M. Clayton, had passed the Senate, with an amendment.

And he withdrew.

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

*As follows, to wit:*

*In Senate Jan. 9, 1837.*

Amend the resolution by inserting in lieu of the words "Senate Chamber," the words "Chamber of the House of Representatives" in fifth line thereof,

"Extract from the Journal,

"J. P. COMEGYS, Clerk,

"For concurrence."

On motion of Mr Hamilton,  
The House concurred in the amendment.

Mr. Marim, Chairman of the committee to which was referred the memorial of the Brandywine Manufacturing and Banking Company reported a bill entitled "A Supplement to an act entitled "A Supplement to an act, to revive and renew the act entitled "An act to incorporate the Brandywine and Christiana Manufacturing Company," and to extend the provisions of the same to the Corporation in and by this act created," which was,

On his motion,  
Read.

On motion of Mr. Marim,  
The Clerk of the House was directed to inform the Senate, that the House would be ready to receive them in the Chamber of the House of Representatives, in five minutes, pursuant to a joint resolution adopted by both Houses of the Legislature, for the purpose of electing by ballot a Senator from this State, to the Senate of the United States, to fill the vacancy occasioned by the resignation of the Honorable John M. Clayton,

At the expiration of which time.

The members of the Senate preceded by their Speaker and attended by their Clerk, proceeded to the Chamber of the House of Representatives and took the seats prepared for their reception.

The Houses being thus convened,

On motion of Mr. Marim,  
The resolution for convening them,  
Was read, and

Thereupon,

Mr. Johnson, moved,

That the two Houses proceed to elect, by ballot, a person to represent this State in the Senate of the United States, and fill the vacancy in the said Senate, occasioned by the resignation of the Honorable John M. Clayton, late a Senator from this State,

Which motion,

*Prevailed.*

The votes were then received by the Sergeant at arms of the Senate, and by him taken to the Speaker of the Senate, who read them out, in the presence of both houses of the General assembly.

They were tallied by the respective Clerks and were

*As follows:*

For Thomas Clayton,	18 votes,
" James A. Bayard,	5 votes,
" Archibald Hamilton,	1 vote,
" Blank,	1 vote,

Whereupon,

The Speaker of the Senate, declared,

That THOMAS CLAYTON, having a majority of the whole number of votes, was duly elected a Senator from the State of Delaware, in the Senate of the United States, to fill the vacancy occasioned by the resignation of the Honorable John M. Clayton:—and therefore, three certificates of the election of Thomas Clayton, to the Senate of the United States, were made out agreeably to the act of the General Assembly of the State of Delaware, in such case made and provided:—which certificates were signed by the Speaker of the Senate, and the Speaker of the House of Representatives, and attested by the Clerks of the respective Houses.

On motion of Mr. Hamilton,

The proceedings of both Houses in joint meeting, were read and compared;

Whereupon,

On motion Mr. Hamilton,

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

On motion of Mr. Booth,

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

—•••—

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

The House convened pursuant to adjournment.

Mr. Hamilton, Chairman of the committee, to which was committed, The bill intitled "A further supplement to the act entitled an act to incorporate the Wilmington and Susquehanna Rail Road Company, together with the accompanying petitions and memorials relating thereto, reported

That the committee had duly considered the subject, and heard the various testimony adduced by the parties interested, and Reported back the bill with the following amendment, to wit:

At the end of the Section 4,

"Provided always and be it further enacted by the authority aforesaid, that if by accident or otherwise the said bridge, shall be broken down or destroyed, it shall be the duty of the said "The Willmington

and Susquehanna Rail Road Company, "and they are hereby required to erect at their own cost and expense, another bridge over the said Creek at the same place and of the same height and dimensions as those of the present bridge."

On motion of Mr. Biddle,

The report of the committee,  
Was read,

Mr. Johnson. then moved,  
That the said Report be laid on the table  
Pending the said motion of Mr. Johnson,

On motion of Mr. Marin;

The further consideration of the question was postponed to this afternoon.

Mr. Marin, laid on the table the following joint Resolution, which was,

On his motion,  
Read, and

*Adopted, to wit:*

*Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the members of the Senate and the members of the House of Representatives, assemble in the Chamber of the House of Representatives, at eleven o'clock A. M. this day, to be present at the opening and publishing according to the constitution of this State, of the returns of the elections holden in the several counties of this State on the second Tuesday of November last for Governor, and that two tellers be appointed; to wit: one on the part of the Senate and one on the part of the House of Representatives, to make a list of the votes as the same shall be published from the said returns.*

*Resolved, That upon opening and publishing the returns of the said elections by the Speaker of the Senate, in the presence of both Houses of the Legislature, assembled as aforesaid, two certificates shall be made according to the following form, to wit:*

*BE IT KNOWN, That the General Assembly of the State of Delaware, having met at Dover, Presley Spruance, Junior, Speaker of the Senate on the tenth day of January in the year of our Lord one thousand eight hundred and thirty-seven, did open and publish in the presence of the members of the Senate and the members of the House of Representatives, according to the constitution of the said State, the returns of the elections, holden in the several Counties of the said State, on the second Tuesday in November, for Governor, and that by said returns it is manifest that*

*was*  
*on the said second Tuesday in November last, duly chosen Governor of the State of Delaware, according to the constitution and laws of the said State, to hold his office during four years from the third Tuesday in January (Instant) agreeably to said constitution, and that the said certificates be signed by the Speaker of the Senate and the Speaker of the House of Representatives: and that one of the said certificates be deposited by the Speaker of the Senate, in the office for recording of Deeds in and for Kent County, and there be recorded by the recorder of deeds for said County, and that the other of said certificates shall be transmitted by the speaker of the Senate to the Gover-*

nor elect with information that the members of the Senate and the members of the House of Representatives will attend him on Tuesday the seventeenth day of January (instant,) while he shall take the oaths of office required by the constitution of the United State and of this State.

*Ordered*, To the Senate for concurrence.

Mr. Johnson, was appointed Teller on the part of the House.

Mr. Marim, asked, and

On motion of Mr. Hamilton,

Obtained leave to introduce a bill entitled "An act to amend the act entitled "An act authorizing a lottery for the benefit of Delaware College, and for other purposes therein mentioned," which was,

On his motion,

Read,

Mr. Brinckloe, presented the petition of the heirs of Col. Armwell Long, late of Sussex County, deceased, praying the Legislature to pass a law, releasing the right of this State to certain Lands in said petition described, which was,

On his motion,

Read and referred to a committee of three members.

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

A message from the Senate by the Clerk,

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the joint resolution respecting the returns of the election of Governor of this State, and that Mr. Dilworth, was appointed teller on the part of the Senate,

And he withdrew.

The Clerk of the House was then directed to inform the Senate, that the House would be ready in the course of five minutes to receive the members of the Senate, in the Chamber of the House of Representatives, for the purpose of being present at the opening and publishing of the returns of the election for Governor.

At the expiration of which time, the members of the Senate, preceded by their Speaker and attended by their Clerk, came into the Chamber of the House of Representatives and took the seats prepared for their reception.

The two Houses being thus convened,

On motion of Mr. Naudian,

The resolution for convening them,

Was read,

The Speaker of the Senate, thereupon, opened and published the Official returns of the election in the several Counties of this State: from which it appeared, that on the second Tuesday in November, in the year of our Lord one thousand eight hundred and thirty-six, there were given,

For CORNELIUS P. COMEGYS,	in Newcastle county,	1672 votes
	in Kent county,	1205 votes
	in Sussex county,	1816 votes

Total	4693 votes.
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For NEHEMIAH CLARK,	in Newcastle county,	1823 votes.
	in Kent county,	1057 votes.
	in Sussex county,	1396 votes.

Total	4276 votes.
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For DR. ARNOLD NAUDAIN,	in Newcastle county,	1 vote.
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Majority for Cornelius P. Comegys,	417 votes.
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Cornelius P. Comegys, having the highest number of votes, was declared by the Speaker of the Senate, to have been duly elected Governor of the State of Delaware, on the second Tuesday in November last, for the constitutional term of four years from the third Tuesday, in January, (instant).

The Speakers of the Senate and of the House of Representatives, then signed two certificates of the election of Governor.

On motion of Mr. Rees,

The joint proceedings of both Houses were read and compared: and

On motion of Mr. Hazzard,

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

On motion of Mr. Marim,

The House adjourned till 3 o'clock this afternoon.



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

The House convened pursuant to adjournment.

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

On his motion,

Was read, to wit:

*Resolved*, By the House of Representatives of the State of Delaware by and with the concurrence of the Senate that  
be, and he is hereby appointed Auditor of Accounts.

Mr. Marim asked, and

On motion of Mr. Hamilton,

Obtained leave to introduce a bill entitled "An act fixing the salary of the State Treasurer, which was,

On his motion,

Read.

On motion of Mr. Marim,

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

On motion of Mr. Marim,

The said bill, was by special order of the House, taken up for consideration,

Read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence:

Mr. Fleming, gave notice that he would call up this afternoon or tomorrow morning, the resolution which he had submitted this afternoon respecting the appointment of an Auditor of Accounts.

Mr. Brinckloe, Chairman of the committee to which was referred the petition of the heirs of Col. Armwell Long, late of Sussex County, dec'd, reported a bill entitled "An act to confirm the title of the heirs of Col. Armwell Long, late of Sussex County, deceased, to certain lands, situate, lying and being in Baltimore hundred in the said County, and releasing all the right title, interest, claim and demand of this State, of in and to, the said lands, to the said heirs," which was,

On his motion,

Read.

Mr. Hamilton, Chairman of the committee, to which were referred the memorials of sundry citizens of New Castle County, praying the removal of the seat of Justice of the said County from the town of New Castle to the City of Wilmington, reported a bill entitled "An act to provide for the removal of the seat of Justice for New Castle County, from the town of New Castle, to the City of Wilmington," which was,

On his motion,

Read.

On motion of Mr. Marim,

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

Was read, a second time,

Mr. Hamilton asked, and

On motion of Mr. Brinckloe,

Obtained leave to introduce a bill entitled "An act for fixing the compensation of the members of the General Assembly and their officers.

On motion of Mr. Marim,

*Resolved,* That one hundred copies of the bill entitled "An act for the removal of the seat of Justice for New Castle County, from the town of New Castle to the City of Wilmington," be printed for the use of the members of this House.

On Motion Mr. Hamilton,

The bill entitled "A Supplement to the act entitled "An act to incorporate the Wilmington Whaling Company,"

Was read a third time by paragraphs, and

*Passed the House.*

*Ordered.* To the Senate for concurrence.

Mr. Hamilton presented the petition of sundry persons of the town of New Castle, praying the aid of the Legislature in favor of Beniah Parvin, a blind and indigent youth of the said town, now at the Pennsylvania Institution for the instruction of the Blind, and supported by that Institution," which was,

On his motion,

Read and referred to a committee of three members.

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

Mr. Johnson laid on the table a remonstrance, signed by sixty-five persons, against the petition of the Wilmington and Susquehanna Rail Road Company.

On motion of Mr. Hamilton,

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

Was read, a second time.

Mr. Booth, moved,

That the said bill be postponed till the fourth day of July next,

On which motion,

The House divided, and at the request of Mr. Davis, the motion was decided,

*In the negative,*

By Yeas and Nays, viz:

*Yeas:*—Messrs. Biddle, Booth, Boys, Brinckloc, Buckmaster, Hall, Jacobs and Mr. Speaker—8 yeas.

*Nays:*—Messrs. Cooper, Davis, Deakyne, Fleming, Hamilton, Houston, Johnson, Lodge, Marim, Nickerson, Rees and Waller—12 nays.

Mr. Hamilton, Chairman of the committee, to which was referred the petition of sundry citizens of the town of New Castle, praying the aid of the Legislature in favor of Beniah Parvin, a blind and indigent youth of the said town, reported a bill entitled "An act to extend the provisions of the act entitled "An act to provide for the instruction of the indigent blind of this State," to the case of Beniah Parvin, an indigent blind boy, which was,

On his motion,

Read.

On motion of Mr. Fleming,

The House took up for consideration, the resolution for the appointment of an Auditor of accounts.

Mr. Fleming, then moved,

That the House proceed, to ballot for a choice,

Which motion,

*Prevailed:*

And the first ballot stood,

For George S. Adkins, 18 votes,

" Blank, 2 votes,

Whereupon,



The Speaker, then declared that **GEORGE S. ADKINS**, having received the majority of the whole number of votes, was duly elected Auditor of Accounts.

On motion of Mr. Fleming,  
The blank, in said resolution, was filled with the name of George S. Adkins,

And the Resolution,

On the motion of Mr. Marim,

*Prevailed.*

*Ordered*, To the Senate for concurrence.

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

On his motion,

Was read, and

*Adopted*, to wit:

*Resolved*, That a committee of three members be appointed, whose duty it shall be to examine into the unfinished business of the last Session and report thereon.

Messrs. Hamilton, Fleming and Houston, were appointed the said committee.

Mr. Davis, laid on the table the Report of the committee, appointed at the last Session of the Legislature of this State to examine the accounts of the Wilmington Bridge Company, which was,

On his motion,

Read and referred to a committee of five members.

Messrs. Davis, Jacobs, Booth, Marim and Biddle, were appointed the said committee.

*A message from the Senate by their Clerk.*

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the resolution of the House appointing an Auditor of Accounts.

And he withdrew.

*Ordered*, That the said Resolution be engrossed.

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

On his motion,

Read, and

*Adopted*, to wit:

*Resolved*, by the House of Representatives of the State of Delaware, with the concurrence of the Senate, That  
be and he is hereby appointed State Treasurer.

*A message from the Senate by their clerk.*

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the bill "entitled "An act fixing the salary of the State Treasurer," had passed the Senate,

And he withdrew.

*Order d*, That the said bill be engrossed.

On motion of Mr. Marim,

The resolution for appointing a State Treasurer, was taken up for consideration.

On motion of Mr. Marim;

The House proceeded to ballot for a choice.

The first ballot stood:

For PETER S. PARKER,	18 votes,
" BLANK,	2 votes,

The Speaker then declared that Peter S. Parker, having received a majority of all the votes was duly elected State Treasurer.

Mr. Marim, moved,

That the blank in the said resolution be filled with the name of Peter S. Parker,

Which motion,

*Prevailed, and*

On motion of Mr. Marim,

The Resolution,

*Was adopted.*

The Speaker laid on the table, the remonstrance of a meeting of the citizens of St. George's Hundred, in New Castle County, against the removal of the seat of Justice of the said County, from the town of New Castle to the City of Wilmington, which was,

On motion of Mr. Hamilton,  
Read.

A message from the Senate by the Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the resolution appointing a State Treasurer,

And he withdrew.

*Ordered,* That the said resolution be engrossed.

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



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

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,

The deposition of the witnesses taken before the committee, to which was referred the bill entitled "A further Supplement to an act entitled 'An act to incorporate the Wilmington and Susquehanna Rail Road Company,'" were read.

Were read.

On motion Mr. Hamilton,

The bill entitled "A further Supplement to an act entitled 'An act

to incorporate the Wilmington and Susquehanna Rail Road Company,"

Was taken up for consideration, and:

On motion of Mr. Marim,

Read a second time.

Mr. Hamilton, then,

Submitted an amendment, to the said bill, which,

On his motion,

Was,

*Adopted.*

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

On his motion,

Read.

On Motion Mr. Hamilton,

The bill entitled "An act for the relief of Philip Tolberry, a free man of color," was taken up, read a third time by paragraphs, and on the question, "shall the bill pass,"

The House being divided,

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

And they were as follows, to wit:

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

*Nays*:—Messrs. Biddle, and Booth,—2 nays.

So the bill,

*Passed the House.*

*Ordered.* To the Senate for concurrence.

A message from the Senate by the Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled "An act to confirm the last will and testament of John Fleming, late of the City of Wilmington deceased, and to authorize and empower his executors to sell and convey his real estate and make good the title to the same," and

That the Senate had passed a bill entitled "An act fixing the salary of the Auditor of Accounts," in which the concurrence of the House was requested,

And he withdrew.

*Ordered,* That the bill entitled "An act to confirm the last will and testament of John Fleming, late of the City of Wilmington, deceased, and to authorize and empower his executors to sell and convey his real estate and make good the title to the same," be engrossed.

On motion of Mr. Marim,

The communication from the Senate,

Was read.

Mr. Buckmaster, presented the petition of Michael Lowber, praying the Legislature to pass a law, authorizing him to place a gate over a public road, which was,

On his motion,

Read and referred to a committee of three members,

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

On motion of Mr. Marim,

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

Was read, a second time,

Mr. Marim, then,

Submitted an amendment to the said bill, which was,

On his motion,

Read, and

*Adopted.*

Mr. Hamilton asked, and

On motion of Mr. Biddle,

Obtained leave to introduce a bill entitled "A act to amend the act entitled a further Supplement to the act entitled "An act respecting the partition of lands and tenements among joint tenants and tenants in common," which was,

On his motion,

Read.

Mr. Johnson, laid on the table the following Resolution, which was,

On his motion,

Read.

*Resolved*, That the Sergeant at Arms, be authorized and he is hereby authorized and directed to procure cushions for the chairs of this House.

On motion of Mr. Marim,

The resolution was amended by adding thereto, the words "and window blinds for the windows of this House."

On motion of Mr. Hamilton,

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

Read, a second time:

Mr. Marim, then,

Submitted an amendment to the said bill, which was,

On his motion,

Read, and

*Adopted.*

On motion of Mr. Brinckloe,

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