

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Jones, Marshall, Miles, Naudain, Postles, Rodney, Taylor, N. Tunnell, Vaughan, Wilson and Mr. Speaker—18.

*Nays.*—0.

So the bill

*Passed the House.*

*Ordered to the Senate.*

Mr. Collins presented a petition from Thomas J. Cannon and others, praying for an act directing that a copy of Harrington's Reports be furnished to each Justice of the Peace within this State; which,

On his motion,

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

Whereupon,

Messrs. Collins, Caulk, and Vaughan, were appointed said Committee.

Mr. Miles, from the Committee to whom was referred the petition of sundry citizens of New Castle, reported a bill entitled "A further additional supplement to the Act entitled 'An act for establishing the boundaries of the Town of New Castle and for other purposes therein mentioned,' " which,

On his motion,

Was read.

On motion of Mr. Marshall,

The House proceeded to the consideration of the report from the Committee upon the subject of the safe keeping of the public arms.

Mr. Marshall then offered the following Resolution, which,

On his motion,

Was read as follows:—

*Resolved, by the Senate and House of Representatives, in General Assembly met; That the State Treasurer be and he is hereby authorized to pay to the Sheriff of Kent County any sum not exceeding eight hundred dollars for the purpose of building a brick Arsenal in some suitable place near the State Capitol.*

Mr. Marshall moved,

That the Resolution be adopted.

Which motion was

*Lost.*

Mr. Comegys then offered the following Resolution, to be appended to the Report of the Committee, which,

On his motion,

Was read as follows :—

*Resolved*, That when the said basement shall have been prepared for the reception of the public arms, and the same shall have been deposited therein, by the officer who has charge of the same, the said Sheriff shall sell to the highest bidder for cash, on proper notice given in writing, the old building now used as an Arsenal, and the proceeds of the sale, after deducting the expenses thereof not to exceed five dollars, shall be applied towards the payment of such part of the expenses of fitting up an apartment in the said basement, as the aforesaid sum of one hundred and fifty dollars shall be insufficient to satisfy.

On motion of Mr. Comegys,

The Resolution was

*Adopted.*

Mr. Miles moved,

That the report of the Committee as amended be adopted.

Which motion,

*Prevailed.*

*Ordered* to the Senate for concurrence.

Mr. Lofland, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the passage of the bill entitled "An act for the relief of Benjamin Holt."

Also, that the Senate had concurred in the passage of the bill entitled "An act to divorce James Battle and Mary Jane Battle."

Also, that the Senate had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act directing the manner of appointing in this State Electors of President and Vice President of the United States.'"

Also, that the Senate had concurred in the passage of the bill entitled "An act to incorporate the Farmers' Mutual Fire Insurance Company of St. Georges and Appoquinimink Hundreds, in New Castle County."

Also, That the Senate had concurred in the passage of the bill entitled "A Supplement to the act entitled 'An act to incorporate the Cantwell's Bridge Steam Navigation Company.'"

Also, that the Senate had concurred in the passage of the bill entitled "A further Supplement to the act entitled 'An additional Supplement to the act to alter and re-establish the Charter of the Borough of Wilmington.'"

Also, that the Senate had concurred in the passage of the bill entitled "A further Supplement to the act entitled 'An act to alter and re-establish the Charter of the Borough of Wilmington.'" "

And he withdrew.

Mr. Bradford presented a petition from John F. Smith and others, for an act to incorporate the Mechanics' Lodge, No. 1, of the Independent Order of Odd Fellows, of Wilmington, which,

On his motion,

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

Whereupon,

Messrs. Bradford, Postles, and Marshall, were appointed said Committee.

Mr. Taylor from the Committee to whom was referred the petition of Charles T. Fleming, reported a bill entitled "An act to enable Charles T. Fleming to change the water course of Swan Creek, in Milford Hundred, Kent County, and for other purposes therein mentioned;" which,

On motion of Mr. Taylor,

Was read.

Mr. Caulk, from the Committee to whom was referred the petition of Benjamin Ellingsworth, reported a bill entitled "An act to enable Benjamin Ellingsworth, to locate certain vacant land in Dagsborough Hundred in Sussex County, and to complete his title to the same," which,

On motion of Mr. Caulk,

Was read.

The Speaker having announced that the time had arrived for resuming the consideration of the statement of the Committee of Elections,

Mr. Miles offered the following Preamble and Resolution, which,

On his motion,

Were read as follows :—

*Whereas*, from the report submitted to this House by the Committee on Elections, charged with the investigation of the matters contained in the petition of John Matthews, and the petition of William S. Hall, severally claiming seats on the floor of this House, as members, it appears that no conclusion can be arrived at whereby the right of the

matter submitted to them can be shown, but that the investigation will be endless, involving great expense to the State without the possibility of producing any practical result, therefore,

*Resolved*, That the Committee on Elections be and they are hereby discharged from any further consideration of the matters contained in said petitions.

Mr. Miles moved,

That the Preamble and Resolution as read be adopted.

The Speaker decided the motion to be out of order, inasmuch as the House had acted on a Resolution of similar purport, in the morning.

And thereupon, leave being granted, Mr. Miles withdrew the Preamble and Resolution.

Mr. Miles then moved,

That the vote upon the Resolution offered in the morning, for the discharge of the Committee of Elections from any further consideration of the matter, be reconsidered.

Which motion

*Prevailed.*

Mr. Rodney then presented the following communication, which,

On his motion,

Was read as follows ;

The undersigned members of the Committee of Elections, beg leave to be excused from voting on the question of the adoption of the Resolution to discharge the Committee from any further consideration of the subject, and to have the reasons therefor entered upon the Journal.

Under the instructions of the House this morning, the undersigned made a report to the House in which they state their belief that it is impossible to arrive at any correct and satisfactory conclusion in the premises, and ask the House for instruction whether they shall proceed with the investigation. The instruction is requested from those members of the House, who have not participated in the investigation, and whose views and opinions cannot be supposed to be affected by any personal considerations growing out of it.—The position of the undersigned is simply this :—that if they vote to discharge themselves from the performance of a duty, arduous, onerous and embarrassing, they may be supposed to be influenced by personal motives, and to act from a desire to avoid the continuation, of a laborious investigation. If, on the contrary, they vote against the adoption of the Resolution, they vote against the sentiments contained in the report, and for the continuance of an investigation which they have declared in their opinion to be interminable.

(Signed)

T. M. RODNEY,  
JNO. A. COLLINS.

Mr. Cooch moved,

That the Committee be excused from voting on the Resolution.

Which motion was

*Lost.*

On motion of Mr. Marshall,

The Resolution offered by him in the morning was read as follows :

*Resolved*, That the Committee of Elections be discharged from any further consideration of the matter.

The question then being on the passage of the foregoing Resolution, the yeas and nays were ordered, which being taken were as follows :—

*Yeas*.—Messrs. Bellah, Cooch, Jones, Marshall, Miles, Rodney, N. Tunnell, and Wilson—8.

*Nays*.—Messrs. Bradford, Carlisle, Caulk, Collins, Comegys, Naudain, Postles, Taylor, and Mr. Speaker—9.

So the Resolution was

*Lost.*

Mr. Carlisle, from the Committee to whom was referred the petition of Joshua and Amanda Lindale, reported a bill entitled “An act to divorce Joshua Lindale and Amanda Lindale, which,

On his motion,

Was read.

On motion of Mr. Caulk,

The bill entitled “An act to regulate the selling of grain,” was read a second time.

Mr. Vaughan presented a petition from Wm. Cannon and others for an act to incorporate the Delaware Rail Road Company, which,

On his motion,

Was read and referred to the Committee upon that subject.

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

THURSDAY, February 1st, 10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Martin asked, and

On motion of Mr. Collins,

Obtained leave to have his name appended to the statement of the Committee of Elections.

Mr. Tunnell, from the Committee to whom was referred the petition of Eli Davis, reported a bill entitled "An act to enable Eli Davis to locate certain vacant land in Baltimore Hundred, and to complete his title to the same," which,

On his motion,

Was read.

Mr. Rodney presented a petition from Edward Tatnall for an act authorizing him as Trustee to sell certain real estate in New Castle County, which,

On his motion,

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

Whereupon,

Messrs. Rodney, Bradford and Carlisle were appointed said Committee.

Mr. Martin presented a petition from Isaac E. Burton and others for an act authorizing the appointment of an additional Justice of the Peace in Sussex County, which,

On his motion,

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

Whereupon,

Messrs. Martin, Collins, and Comegys were appointed said Committee.

Mr. Bradford presented a petition from Joseph E. Miller and others, for the passage of a law to exempt certain articles from seizure for debt, which,

On his motion,

Was read and referred to the Committee upon that subject.

On motion of Mr. N. Tunnell,

The bill entitled "An act to incorporate a company for the purpose of making a canal to connect the waters of Indian River and Broadkilkiln," was read a third time by paragraphs, and the question being on the final passage of the bill the yeas and nays were ordered, which being taken were as follows :—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Jones, Marshall, Martin, Miles, Naudain, Postles, Taylor, N. Tunnell, W. Tunnell, Vaughan and Mr. Speaker—18.

*Nays.*—0.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Miles offered the following Resolution, which,

On his motion,

Was read as follows :—

*Resolved*, That the Committee on Elections charged with the investigation of the matters contained in the petitions of John Matthews, and William S. Hall, be, and they are hereby discharged from any further consideration of the subject.

Mr. Miles moved,

That the Resolution be adopted.

Whereupon,

Mr. Comegys offered the following Preamble and Resolutions as a substitute, which,

On his motion,

Were read as follows :—

*Whereas*, The report submitted to the House yesterday by the Committee of Elections has made it manifest that the investigation of the contested election cases now pending before said Committee on the several petitions of William S. Hall and John Matthews, Esqrs., cannot be terminated until some period long after the Session of this General Assembly ought, according to former experience to have been closed : and whereas, it is thus plain that if the said investigation should result in establishing the right of the said William S. Hall and John Matthews to seats in this House, no practical benefit can enure to them therefrom in the participation in the business of the Legislation ;

*Wherefore*, In view of these considerations, and of the fact that if the said investigation shall be prosecuted to a final result, great expense must inevitably be incurred ;

*Resolved*, That the House do respectfully recommend to the aforesaid William S. Hall and John Matthews, Esquires, to withdraw their petitions from the files.

*Resolved further*, That a copy of the aforesaid Report of the Committee of Elections and of this Preamble and Resolutions be communicated to the aforesaid William S. Hall and John Matthews.

Mr. Comegys then moved,

That the foregoing Preamble and Resolutions be adopted ; on which motion the yeas and nays being called for and taken were as follows :—

*Yeas.*—Messrs. Bradford, Bellah, Caulk, Collins, Comegys, Cooch, Naudain, Postles, Taylor, Wilson, and Mr. Speaker—11.

*Nays.*—Messrs. Carlisle, Jones, Marshall, Martin, Miles, N. Tunnell, W. Tunnell, and Vaughan—8.

So the Preamble and Resolutions were.

*Adopted.*

Mr. Marshall presented a petition from Shephard P. Houston, for an act authorizing him to sell and convey certain real estate, which,

On motion of Mr. Marshall,

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

Whereupon,

Messrs. Marshall, Taylor, and Martin, were appointed said Committee.

On motion of Mr. Rodney,

The bill entitled “ An act to incorporate a Bank in Delaware City under the name of the Delaware City Bank,” was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered, which being taken were as follows :—

*Yeas.*—Messrs. Bellah, Caulk, Collins, Cooch, Jones, Martin, Miles, Naudain, Postles, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan, and Wilson—15.

*Nays.*—Messrs. Bradford, Carlisle, Comegys, Marshall, and Mr. Speaker—5.

So the bill

*Passed the House.*

*Ordered* to the the Senate for concurrence.

Mr. Collins presented a petition from Hicks D. Hooper and others, for changing the place of holding elections in N. W. Fork Hundred, which,

On his motion,

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

Whereupon,

Messrs. Collins, Jones, and Taylor, were appointed said Committee.

Mr. Jones, from the Committee to whom was referred the petition of



J. D. Rodney and others, reported a bill entitled "An act to vacate part of Love Lane, in the Village of Georgetown, Sussex County, Delaware," which,

On his motion,

Was read.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Bellah gave notice that he would to-morrow ask leave to introduce a bill entitled "An act to incorporate the Philadelphia, Delaware and New York Steamboat Company."

Mr. Marshall presented a petition from Stephen Green and others, for an alteration of the law relative to the emigration of free negroes and mulattoes, which,

On his motion,

Was read and laid upon the table.

On motion of Mr. Marshall,

The bill entitled "An additional supplement to the Act entitled 'An act to prohibit the emigration of free negroes and mulattoes in this State and for other purposes,'" was read a second time.

Mr. Miles presented a petition from George McCrone and others, for a law equalizing taxes, which,

On his motion,

Was read and referred to the Committee upon that subject.

Mr. Wilson, from the Committee to whom was referred the petition of G. Wilson and others, reported a bill entitled "An act to authorize in a certain contingency, a bridge to be erected over Little Duck Creek in Kent County," which,

On his motion,

Was read.

Mr. Bellah, from the Committee to whom was referred the petition

of Susanna Brown, reported a bill entitled "An act to divorce Susanna Brown and Peter Brown," which,

On his motion,

Was read.

Mr. Wm. Tunnell presented a petition from James H. Ellegood and others for an act to incorporate the Howard Division No. 18, Sons of Temperance, which,

On his motion,

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

Whereupon,

Messrs. W. Tunnell, Postles, and Bellah were appointed said Committee.

Mr. Bellah presented a remonstrance from J. Bancroft and others, against taxing bonds and mortgages, which,

On his motion,

Was read and referred to the Committee upon that subject.

Mr. Bellah, from the Committee to whom was referred the Resolution from the Farmers' Convention relative to the more frequent assessment of real estate, reported it inexpedient to legislate upon the subject, which report,

On motion of Mr. Wilson,

Was

*Adopted.*

Mr. Comegys presented a petition from John West for a grant of certain vacant land, which,

On his motion,

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

Whereupon,

Messrs. Comegys, Caulk, and N. Tunnell were appointed said Committee.

Mr. Comegys, from the Committee to whom was referred the petition of H. Todd, reported a bill entitled "A supplement to the Act entitled 'An act concerning the real estates of intestates,'" which,

On his motion,

Was read.

Mr. Vaughan presented a petition from Thos. A. Green and others for an act to release Hiram H. James from the payment of certain school money, which,

On his motion,

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

Whereupon,

Messrs. Vaughan, Miles, and Taylor were appointed said Committee.

Mr. Comegys, from the Committee to whom was referred the petition of John West reported a bill entitled "An act to enable John West to locate certain vacant lands in Broadkilm and Nanticoke Hundreds in Sussex County, and to complete his title to the same," which,

On motion of Mr. Comegys,

Was read.

On motion of Mr. Caulk,

The bill entitled "An act for the preservation of the Presbyterian Grave Yard at Pigeon Run," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered, which being taken were as follows:—

*Yeas.*—Messrs. Bellah, Carlisle, Caulk, Comegys, Marshall, Miles, Naudain, Postles, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—14.

*Nays.*—0.

So the bill

*Passed the House.*

*Ordered* to the Senate.

On motion of Mr. Miles,

The bill entitled "An act to incorporate the New Castle County Mutual Insurance Company," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bellah, Carlisle, Caulk, Comegys, Cooch, Marshall, Miles, Naudain, Postles, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—15.

*Nays.*—0.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

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

FRIDAY, 10 o'clock, *A. M.*, February 2d, 1849.

The House met pursuant to adjournment.

Prayer by the Chaplain.

In conformity with notice given yesterday Mr. Bellah asked, and

On motion of Mr. Comegys,

Obtained leave to introduce a bill entitled, "An act to incorporate the Philadelphia, Delaware, and New York Steam Boat Company," which,

On motion of Mr. Bellah,

Was read.

Mr. Marshall, from the Committee to whom was referred the petition of Shephard P. Houston, reported a bill entitled "An act to enable Shephard P. Houston, Executor of Dr. Joseph Maull, deceased, to sell and convey certain real estate of said deceased," which,

On motion of Mr. Marshall,

Was read.

Mr. Miles gave notice that he would on Monday next ask leave to introduce a bill entitled "A supplement to An Act entitled 'An act more effectually to prevent the profanation of the Lord's Day commonly called Sunday.'"

Mr. Collins presented sundry petitions from citizens of Kent County, for an act to incorporate the Delaware Rail Road Company, which,

On his motion,

Were referred to the Committee on that subject.

On motion of Mr. Miles,

The bill entitled "A further additional supplement to the Act entitled 'An act for regulating Inn Holders, Tavern keepers, and other Public House keepers within this Government, and empowering the Justices to settle the rates of liquors,'" was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Jones, Marshall, Martin, Miles, Naudain, Postles, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—19.

*Nays.*—Mr. Rodney—1.

So the bill

*Passed the House.*

*Ordered to the Senate for concurrence.*

Mr. W. Tunnell presented a petition from George Burton for a divorce from his wife Margaret, which,

On his motion, -

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

Whereupon,

Messrs. W. Tunnell, Wilson and Caulk were appointed said Committee.

On motion of Mr. Collins,

The bill entitled "An act to divorce Jenifer Anderson and Margaret Anderson," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows :—

*Yeas.*—Messrs. Bellah, Collins, Cooch, Jones, Marshall, Martin, Naudain, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan and Wilson—13.

*Nays.*—Messrs. Bradford, Carlisle, Caulk, Miles, Postles, and Mr. Speaker—6.

So the bill

*Passed the House.*

*Ordered to the Senate for concurrence.*

Mr. Taylor presented a petition from Henry Hudson and others, for a supplement to the act incorporating the Mispillion Navigation Company, which,

On his motion,

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

Whereupon,

Messrs. Taylor, Naudain, and Marshall, were appointed said Committee.

Mr. Miles presented a remonstrance from J. C. Mansfield and others, against granting authority to the Town Commissioners of New Castle to open a certain street in said town, which,

On motion of Mr. Miles,

Was read and referred to the Committee on that subject.

On motion of Mr. Martin,

The bill entitled "An act to vacate part of certain lanes in the village of Georgetown in Sussex County," was read a third time by paragraphs, and the question being on the final passage of the bill,

Mr. Miles moved,

To postpone the further consideration thereof, until Monday next.

Which motion

*Prevailed.*

Mr. Miles presented a remonstrance from Thomas Baldwin and others, against any alteration in the road laws, which,

On his motion,

Was read and referred to the Committee on that subject.

Mr. Comegys moved,

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

Which motion,

*Prevailed.*

Whereupon,

Leave being granted, Mr. Comegys then introduced a bill entitled "An act to provide for the examination of the teachers of free schools," which,

On his motion,

Was read.

Mr. Marshall, from the Committee to whom was referred the petition of Joshua Burton and others, asked, and

On motion of Mr. Vaughan,

Obtained further time in which to report.

Mr. Wilson, from the Committee to whom was referred the resolution in reference to lotteries, reported the following Preamble and Resolution, which,

On his motion,

Were read as follows:—

*Whereas, Lotteries are an acknowledged evil of great magnitude, therefore,*

*Resolved, by the Senate and House of Representatives, of the State of Delaware, in General Assembly met; That hereafter no new lottery grant or privilege shall or ought to be granted.*

On motion of Mr. Wilson,

The report was

*Adopted.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Taylor,

The bill entitled "An act to enable Charles T. Fleming to change the water course of Swan Creek, in Milford Hundred, Kent County, and for other purposes therein mentioned," was read a second time.

Mr. Carlisle, from the Committee to whom was referred the petition of Henry and Ellen Bradley, reported a bill entitled "An act to divorce Henry Bradley and Ellen Bradley," which,

On his motion,

Was read.

Mr. Vaughan presented a petition from Peter West and others, for an additional School District in Sussex County, which,

On his motion,

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

Whereupon,

Messrs. Vaughan, Carlisle and Martin, were appointed said Committee.

Mr. Taylor presented a petition from Angelina Jackson, praying for a divorce from her husband, which,

On his motion,

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

Whereupon,

Messrs. Taylor, Marshall, and Naudain, were appointed said Committee.

On motion of Mr. Cooch,

The bill entitled "An act to divorce Susanna Anderson, and Charles Henry Anderson," was read a second time.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Marshall, from the Committee to whom was referred the petition of Richard Paynter and others, reported a bill entitled "An act to authorize the building of a bridge across Ditch Creek near Lewestown in Sussex County," which,

On his motion,  
Was read.

On motion of Mr. Wilson,  
The bill entitled "An act granting five acres of vacant land to the Dona Steam Boat Company," was read a second time.

Mr. Marshall presented a petition from James F. Martin and others, Collectors for Sussex County, praying for an extension of the time in which to return their lists of delinquents, which,

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

Whereupon,  
Messrs. Marshall, Comegys, and Cooch were appointed said Committee.

Mr. Wilson presented a petition from Manlove Hays and others, praying for a law to prevent swine from running at large in School District No. 12, which,

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

Whereupon,  
Messrs. Wilson, Naudain, and N. Tunnell were appointed said Committee.

Mr. Taylor, from the Committee to whom was referred the petition of Henry Hudson and others, reported a bill entitled "A further additional supplement to the Act entitled 'An act to establish a company under the name of the Mispillion Navigation Company,'" which,

On motion of Mr. Taylor,  
Was read.

On motion of Mr. Miles,  
The bill entitled "A supplement to the Act entitled 'An act to incorporate the Delaware Fire Insurance Company,'" was taken up for consideration.



Mr. Miles moved,

To amend the bill, by filling the blank in the thirteenth section thereof with the words "thirty thousand dollars."

Which motion

*Prevailed.*

On motion of Mr. Miles,

The bill was read a third time by paragraphs, and the question being on the final passage of the bill the yeas and nays were ordered, which being taken were as follows :—

*Yeas.*—Messrs. Bellah, Carlisle, Comegys, Cooch, Marshall, Miles, Naudain, Postles, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—14.

*Nays.*—0.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. W. Tunnell, from the Committee to whom was referred the petition of George Burton, reported a bill entitled "An act to divorce George Burton and Mary Burton," which,

On his motion,

Was read.

On motion of Mr. Carlisle,

The bill entitled "An act to divorce Joshua Lindale and Amanda Lindale," was read a second time.

On motion of Mr. Taylor,

The bill entitled "An act to incorporate Chrystal Fount Lodge No. 10, of the Independent Order of Odd Fellows at Milford Delaware," was read a second time.

Mr. Comegys, from the Committee to whom was referred the petition of Andrew Green and others, reported a bill entitled "A further additional supplement to an act entitled 'An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of Meredith's Branch in the forest of Murderkill and Mispillion Hundreds to cut a ditch or drain through the same,' " which,

On motion of Mr. Comegys,

Was read.

On motion of Mr. N. Tunnell,

The bill entitled "An act to enable Eli Davis to locate certain vacant land in Baltimore Hundred and to complete his title to the same," was read a second time.

On motion of Mr. Bellah,

The bill entitled "An act to divorce Susanna Brown, and Peter Brown," was read a second time.

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

SATURDAY, 10 o'clock, *A. M.*, February 3d, 1849.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Taylor, from the Committee to whom was referred the petition of Angelina Jackson, reported a bill entitled "An act to divorce Angelina Jackson and Alfred M. Jackson from the bonds of matrimony," which,

On his motion,

Was read.

Mr. Marshall presented a protest signed by Messrs. Marshall, W. Tunnell, N. Tunnell, Jones, and Martin, against the further prosecution of the investigation of the case of John Matthews *vs.* Samuel D. Vaughan, which,

On motion of Mr. Marshall,

Was read.

Mr. Marshall then moved,

That the communication be recorded in the Journal of the House; on which motion the yeas and nays being called for and taken, were as follows:—

*Yeas.*—Messrs. Jones, Marshall, Martin, N. Tunnell, and W. Tunnell—5.

*Nays.*—Messrs. Bradford, Bellah, Carlisle, Collins, Comegys, Naudain, Postles, Rodney, Taylor, Wilson and Mr. Speaker—11.

So the motion was

*Lost.*

Mr. Collins, from the Committee to whom was referred the petition

of Benjamin Thistlewood, reported a bill entitled "An act to authorize Benjamin Thistlewood to raise his mill dam and for other purposes," which,

On his motion,

Was read.

Mr. Bradford presented sundry remonstrances from citizens of New Castle County against taxing Bonds and Mortgages, which,

On his motion,

Were referred to the Committee on that subject.

Mr. Bradford also presented a petition from J. Robinson and others, for a law exempting certain articles from seizure for debt, which,

On his motion,

Was referred to the Committee on that subject.

Mr. Jones presented a petition from G. White and others, for a charter for the Delaware Rail Road Company, which,

On his motion,

Was read and referred to the Committee on that subject.

Daniel M. Bates, Esq., Secretary of State, being admitted, presented a list of Pardons granted by his Excellency the Governor, since the Session of 1847, together with sundry Resolutions of the Florida Legislature in relation to the question of Slavery.

And he withdrew.

On motion of Mr. Comegys,

The communications were read as follows:—

RESOLUTIONS OF FLORIDA, *relative to the question of controversy between the North and South.*

*Resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That as friends of the UNION, we view with most serious alarm the course of our Northern brethern in relation to the question of SLAVERY—a course which, marked by unkindness, wrong, insult, and injury, has already, to a most unfortunate extent, weakened the bonds which unite them and us; which, if persisted in, in the same spirit, can only terminate in further alienation, and in the inevitable dissolution of the Confederacy.

*Resolved,* That the recently acquired Territory having been purchased by blood and treasure of which her full proportion was contributed by the South, she and her sons are entitled equally, with any

other portion of the Union, to the enjoyment of the same; this General Assembly, therefore, believing that Congress possesses, under the Constitution, no power to pass such a measure, adopting similar language to that of the Legislature of Virginia, hereby declare it as their opinion, "that, under no circumstances, will the people of this State be willing to recognize as binding any enactment of the Federal Government which has for its object the prohibition of Slavery in any Territory South of the line of the Missouri Compromise, holding it to be the natural and independent right of each citizen of each and every State of the Confederacy, to reside with his property, of whatever description, in any Territory acquired by the arms of the United States, or yielded by treaty with any foreign power."

*Resolved*, That the ABOLITION OF SLAVERY in the DISTRICT OF COLUMBIA, involving, as it does, an exercise of power not granted by the Constitution, and designed, as it is, as a means of affecting the institution of slavery in the States, against which it is aimed as a blow, should be resisted on the part of the South, by whatever means are best adapted to the protection of the Constitution, the defence of herself, and the preservation of the Union.

*Resolved*, That, knowing no *party* names, or political divisions, on questions involving their settlement and consequences the character, property, and lives of those whom we represent, we are ready heart and soul, with a united front, to join Virginia, the Carolinas, and the other Southern States, in taking such measures for the defence of our rights, and the preservation of ourselves, and those whom we hold dear as the highest wisdom of all, may, whether through a Southern Convention or otherwise, suggest or devise.

*Resolved*, That a copy of these resolutions be transmitted to the Governor of each of the slave States, with a request that they be laid before the Legislatures of such as are now in session.

Passed the House of Representatives, January 4, 1849 :

B. A. PUTNAM,  
*Speaker of the House of Representatives.*

WM. B. LANCASTER,  
*Clerk of the House of Representatives.*

Passed the Senate :

E. D. TRACY,  
*President of the Senate.*

C. W. DOWNING,  
*Secretary of the Senate.*

Approved, January 13, 1849 :

W. D. MOSELEY.

**A LIST of Pardons and Remissions granted by WILLIAM THARP, Esq., Governor of the State of Delaware since his Inauguration, on the 19th of January, 1847, with the reasons upon which they were granted.**

1847, February 15.—This day the Governor pardoned William Hemphill Jones, of the Charge of Forgery, of which he stands indicted upon the finding of the Grand Jury of New Castle County, at the May Term of the Court of General Sessions, &c., in the year 1843, on seven bills of indictment.

The offences charged by these indictments consist of the forging of Lewis P. Bush's endorsement upon sundry promissory notes drawn by Mr. Jones in favor of the Union Bank of Delaware.

This pardon was granted upon the earnest solicitation of twenty members of the Grand Jury by which the indictments were found, composing a highly intelligent and respectable body of citizens of New Castle County. Their petition represents that although obliged by their oaths to find true bills against Mr. Jones, yet that to their minds the testimony in the case fully exculpated him of any design in the acts charged to commit a fraud to the damage of either the Union Bank or Mr. Bush, and that in fact no injury had resulted to any party, Mr. Jones having taken up the notes before the forgery was known. That they regard the offence rather as an act of inconsiderate folly than as a wilful attempt to defraud.

Although the Governor, upon this representation, is far from regarding the offence as otherwise than culpable, yet he considers it greatly mitigated; and that a voluntary banishment from his home for the past four years, to the great suffering of his family and the injury of his property is under all the circumstances, an adequate punishment. That to exempt him now from the very severe penalties enacted against forgery will be a proper exercise of Executive clemency and will not operate as an encouragement to crime.

May 2d.—The Governor remitted to Henry Prattis, (negro,) the corporal punishment, being twenty-one lashes on the bare back, imposed by the sentence of the Court of General Sessions, &c., in and for Kent County at its late Session, upon his conviction for larceny. This remission was granted upon the urgent solicitation of numerous respectable citizens who were present at the trial and who strongly represented their conviction of his innocence from the character of the testimony and his previous uniform good conduct.

May 20th.—The Governor remitted to Ann M. Jones, the corporal punishment, being twenty-one lashes on the bare back, imposed by the sentence of the Court of General Sessions, &c., in and for New Castle County, at its present Session upon her conviction for larceny. This remission was granted upon the united recommendation of the Judges,

**Jury and Prosecutor**, representing that the said Ann is a white girl of rather tender age, that the public infliction of the punishment of whipping on the bare back would offend the public sentiment, bring the law imposing it into reproach and tend to deprave the moral sense of society.

*October 15th.*—At the Court of General Sessions, &c., in and for Sussex County, now sitting, William P. Russell was sentenced to pay a fine of fifty dollars, and to suffer one month's imprisonment for an assault on one Sarah C. Vincent. The Governor this day remitted the residue of the term of imprisonment leaving the fine in full force, it being represented by the petition of a large number of respectable citizens of Sussex County present at the trial that circumstances since developed greatly mitigate the offence and render the punishment one of undue severity.

*November 2d.*—At the present Court of General Sessions, &c., in and for Kent County, James Harten was convicted of Kidnapping a free negro named Peter Howard; and was thereupon sentenced to pay to the State a fine of one thousand dollars, to be publicly whipped on the bare back with thirty-nine lashes, to be set on the pillory for one hour and to be imprisoned for the term of one year.

The transactions upon which this indictment was founded, occurred in the year 1840. At the April Term 1841, the indictment was found against Jacob R. Griffen, Robert Saunders and James Harten. The parties charged had left the State. Griffen being considered the principal offender was brought back to the State under a requisition upon the Executive of Virginia, tried and convicted. No measures were taken to bring the others to trial, and after a short time Harten returned to his home in Smyrna. From the first it was the universal belief of the neighborhood in which the transactions occurred that Harten, who had always borne a good character, was innocent of any criminal intent in the matter, that in assisting to take Peter he acted under an impression that the negro was Griffen's property, being imposed upon by a pretended Bill of Sale for him which Griffen had:—so prevailing was this opinion that after his return to the State he was suffered to remain for a number of years without being arrested. He continued in the pursuit of an honest occupation, earning a livelihood for his family and enjoying the respect and confidence of the entire community. By common consent his participation in the affair of the kidnapping was buried in oblivion, and the indictment might have slept forever had not proceedings been moved against him by an individual acting under private resentment. It is represented by the Jury who tried the case that the evidence was of so doubtful a character that they agreed upon their verdict with great difficulty and extreme regret. The conviction excited universal surprise and intense sympathy for the prisoner, and the Governor was immedi-

ately addressed in his behalf by all the Jurors who tried the indictment, by the petition of nearly five hundred respectable persons, and by numerous letters from the most intelligent and well judging citizens of the County. Under all the circumstances the Governor after mature reflection, considered it a proper case for Executive clemency and directed a full pardon to be issued to the said James Harten.

*November 6th.*—At the Court of General Sessions, &c., in and for Kent County now sitting, John Childs was convicted upon two several indictments for larceny; upon one he was sentenced to be publicly whipped with thirty-nine lashes on the bare back and to be set on the pillory for one hour, upon the other, to be publicly whipped with twenty-one lashes and to wear on his back the letter T for six months. The Governor remitted the latter sentence upon the written recommendation of the Court, representing that the two indictments were founded upon one continuous transaction and that the ends of justice would be answered by inflicting the sentence first mentioned.

*November 6th.*—The Governor remitted to Lydia Brincloe, (negro,) the corporal punishment (being twenty-one lashes on the bare back,) imposed by the sentence of the Court of General Sessions, &c., in and for Kent County, at its late session, upon her conviction for larceny.

This remission was granted upon the petition of numerous respectable citizens of Kent County representing that said Lydia was young, had always borne a good character, and was convicted upon doubtful evidence without the common protection of a defence by counsel.

*November 26th.*—At the present November Term of the Court of General Sessions, &c., in and for New Castle County, John R. Williamson, pleaded guilty to an indictment for forgery, and was thereupon sentenced to pay to the State a fine of \$500, to be set on the pillory for one hour, to be imprisoned for three months and to wear the letter F as a badge of his crime for two years.

From all the circumstances of this case as set forth by a petition of numerous citizens of the counties of New Castle and Kent, in behalf of said Williamson, the Governor is induced to spare him the degradation of a public corporal punishment, and therefore has this day remitted to him so much of the said sentence as directs him to be set on the pillory, leaving all the residue of said sentence in full force.

*1848, January 25th.*—At the April Term of the Court of General Sessions in and for Kent County, in the year 1840, Samuel Dickson was convicted of an assault upon William Harrington with intent to kill him; and was thereupon sentenced to pay to the State a fine of \$500, to be set on the pillory for one hour, and to be imprisoned for six months.

On the 7th day of May 1840, Cornelius P. Comegys, Esquire, then Governor of the State, granted a pardon in this case, which as represented by him in a communication addressed to the present Executive,

was intended to be a *full* pardon. Doubts have arisen whether the terms of the pardon then granted have that effect. The Governor, deeming it proper to carry into effect the action of his predecessor according to its real design, directed a full pardon to be issued to Mr. Dickson in this case.

*May 4th.*—At the late April Term of the Court of General Sessions, &c., in and for Sussex County, Lewis S. Jefferson was convicted of the crime of passing counterfeit money, and was thereupon sentenced to pay to the State a fine of \$500, to be set on the pillory for one hour, to suffer imprisonment in solitary confinement for three months, and to wear the letter F as a badge of crime for two years. The Governor this day granted a full pardon of said crime and sentence.

The controlling consideration upon which this pardon was granted is the fact, disclosed in a written statement by nine members of the Jury who tried the case, that up to the rendering of the verdict the Jury *did not and could not agree upon the guilt of the accused*, but that the verdict was the result of an agreement to recommend him to Executive clemency. The Governor considers it to be the constitutional right of every accused person that he shall not be punished upon a criminal charge until his guilt is established *to the satisfaction of twelve Jurors of the country*, and as the Jurors who tried Jefferson were not, upon their own statement, all convinced of his guilt, as the verdict was not in fact founded upon any such conviction, but upon a compromise arising out of an inability to agree upon his guilt, the Governor felt bound to interfere upon this consideration alone.

*October 20th.*—At the present October Term of the Court of General Sessions, &c., in and for Sussex County, James M. Cain was convicted of an assault and battery, and thereupon was sentenced to pay to the State a fine of \$75, and to suffer imprisonment for ten days. The Governor upon the unanimous recommendation of the Jury in this case remitted to Mr. Cain the fine, and so much of the term of his imprisonment as remained unexpired, being but a few hours.

*November 30th.*—At the present Term of the Court of General Sessions, &c., in and for New Castle County, Thomas Malone was convicted of larceny, and was thereupon sentenced to pay two-fold the value of the goods stolen, with the costs of prosecution, to be publicly whipped with twenty-one lashes on the bare back, and to wear the letter T on his back as a badge of his crime.

It is represented by a petition signed by the Grand Jurors of the County and by the Petit Jurors who tried the case, that Thomas Malone is of unsound mind, and upon this consideration the Governor this day granted to him a full pardon.

Respectfully submitted by order of the Governor,

DANIEL M. BATES,

Secretary of State.

Dover, February 2, 1849.



Mr. Bradford presented a petition from the Wilmington Fire Insurance Company, for an act to enable them to make a final settlement of the affairs of the Company, which,

On his motion,

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

Whereupon,

Messrs. Bradford, Carlisle, and Jones were appointed said Committee.

On motion of Mr. N. Tunnell,

The bill entitled "An act to enable Eli Davis to locate certain vacant land in Baltimore Hundred and to complete his title to the same," was read a third time by paragraphs, and *Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Jones presented a petition from John Paradee and others, for a division of School District No. 77, in Sussex County, which,

On his motion,

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

Whereupon,

Messrs. Jones, Taylor, and Naudain were appointed said Committee.

Mr. Wilson, from the Committee to whom was referred the petition of Manlove Hays and others, reported a bill entitled "A further additional supplement to the Act entitled 'An act to restrain persons from suffering swine to go at large within certain limits;'" which,

On his motion,

Was read.

On motion of Mr. Taylor,

The bill entitled "A further additional supplement to the Act entitled 'An act to establish a company under the name of the Mispillion Navigation Company,'" was read a second time.

Mr. Lofland, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the bill entitled "An act to incorporate a Bank in Delaware City under the name of the Delaware City Bank," with amendments in which the concurrence of the House was asked.

And he withdrew.

On motion of Mr. Comegys, .

The amendments from the Senate were read as follows :—

IN SENATE, February 3d, 1849.

Amend the bill by filling the first blank in the 10th section thereof with the word "three."

Also by filling the second blank in the same section with the words "five hundred."

Also by striking out the word "three" in the last line of the same section, and inserting the word "two" in lieu thereof.

*Extract from Journal.*

J. R. LOFLAND,  
*Clerk of the Senate.*

*For Concurrence.*

On motion of Mr. Marshall,  
The foregoing amendments were then

*Concurred in.*

On motion of Mr. Bellah,

The bill entitled "An act to incorporate the Philadelphia, Delaware, and New York Steam Boat Company," was read a second time.

The House then adjourned until Monday next at 3 o'clock, P. M.

MONDAY, February 5th, 3 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Marshall,

The bill entitled "An act to authorize the building of a bridge across Ditch Creek near Lewistown in Sussex County," was read a second time.

Mr. Comegys, from the Committee to whom was referred the petition of J. A. Dunning and others, reported a bill entitled "An act for widening North street in the town of Dover," which,

On his motion,

Was read.

Mr. Carlisle, from the Committee to whom was referred the petition

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of Caleb B. Sipple and others, reported it inexpedient to grant the prayer of the petitioners, which report,

On motion of Mr. Wilson,

Was

*Adopted.*

Mr. Comegys presented a petition from W. K. Lockwood for an act authorizing him to export a certain slave for a specified purpose, which,

On his motion,

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

Whereupon,

Messrs. Comegys, Bradford and W. Tunnell were appointed said Committee.

Mr. Bradford, from the Committee to whom was referred the petition of John F. Smith and others, reported a bill entitled "An act to incorporate Mechanics' Lodge No. 4 of the Independent Order of Odd Fellows, of the State of Delaware," which,

On his motion,

Was read.

Mr. W. Tunnell presented a petition from G. M. Moore and others, for an act to incorporate the town of Laurel, which,

On his motion,

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

Whereupon,

Messrs. W. Tunnell, Wilson, and Naudain were appointed said Committee.

Mr. Marshall offered the following Resolution, which,

On his motion,

Was read as follows:—

*Resolved*, That the portion of the Governor's Message relative to the Revolutionary papers filed in the office of the Secretary of State be referred to a committee of three with leave to report by bill otherwise.

Mr. Marshall moved,

That the Resolution be adopted.

Which motion

*Prevailed.*

Whereupon,

Messrs. Marshall, Carlisle, and Caulk were appointed said Committee.

The Speaker laid upon the table a Resolution from the City Council of Wilmington, recommending the passage of a law to authorize said Council to open Robinson street.

On motion of Mr. Comegys,

The communication was read, and

On motion of Mr. Carlisle,

Referred to the Committee already appointed upon that subject.

Mr. Bellah presented a petition from Samuel Lloyd and others, for an alteration of the License law, which,

On his motion,

Was referred to the Committee on that subject.

On motion of Mr. Marshall,

The bill entitled "An act to enable Shephard P. Houston, Executor of Dr. Joseph Maull, deceased, to sell and convey certain real estate of said deceased," was read a second time by its title.

Mr. Vaughan, from the Committee to whom was referred the petition of Thomas A. Green and others, asked, and

On motion of Mr. Marshall,

Obtained further time in which to report.

Mr. Bradford, from the Committee to whom was referred the petition of J. W. Duncan and others, asked, and

On motion of Mr. Comegys,

Obtained further time in which to report.

On motion of Mr. Wilson,

The bill entitled "An act to authorize in a certain contingency, a bridge to be erected over Little Duck Creek in Kent County," was read a second time.

Mr. W. Tunnell presented a remonstrance from sundry citizens of Sussex County, against releasing H. H. James from the payment of certain School money, which,

On his motion,

Was read and referred to the Committee on that subject.

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

“An additional supplement to the Act entitled ‘An act for the better preservation of certain shell fisheries within this State.’”

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

“A supplement to an act entitled ‘A further supplement to the Act entitled An act for the preservation of certain shell fisheries within this State.’”

“An act to divorce Nancy A. Marvel and Philip Marvel.”

“An act to authorize the recording of the map of the New Castle and French Town Rail Road.”

“A further supplement to the Act entitled ‘An act to survey, lay out and regulate the streets of Smyrna and for other purposes.’”

“An act for recording marriage contracts.”

Also that the Senate had passed and requested the concurrence of the House in a Resolution appointing Directors of the Farmers’ Bank of Delaware.

And he withdrew.

On motion of Mr. Comegys,

The bills from the Senate were read.

Mr. Miles presented a petition from James C. Aikin and others, praying for an act authorizing the Levy Court of New Castle County to purchase the interest of the Stockholders in the Wilmington and Christiana Turnpike, which,

On his motion,

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

Whereupon,

Messrs. Miles, Naudain, and Caulk, were appointed said Committee.

The Speaker laid upon the table a petition from W. Cummins and others, for an act authorizing the erection of a Pivot Bridge over little Duck Creek near the village of Leipsic, which,

On motion of Mr. Bradford,

Was read.

On motion of Mr. Marshall,

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

Whereupon,

Messrs. Marshall, Carlisle and Miles, were appointed said Committee.

Mr. Miles presented a petition from Bryan Jackson and others, for a tax on bonds and mortgages, which,

On his motion,

Was referred to the Committee on that subject.

Mr. Bellah presented a remonstrance from O. K. Barrell and others, against taxing bonds and mortgages, which,

On his motion,

Was referred to the Committee on that subject.

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

**TUESDAY, February 6th, 10 o'clock, A. M.**

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Collins, from the Committee to whom was referred sundry petitions for an act to incorporate the Delaware Rail Road Company, reported a bill entitled "An act to incorporate the Delaware Rail Road Company," which,

On his motion,

Was read.

Mr. Bradford presented a petition from sundry ladies of Wilmington, for restricting the sale of ardent spirits in this State, which,

On his motion,

Was read and referred to the Committee on that subject.

Mr. Bellah also presented similar petitions, which,

On his motion,

Were read and referred to the Committee on that subject.

Mr. Wilson, from the Committee to whom was referred the petitions and remonstrances in relation to the opening of a road from Barker's Landing, reported a bill entitled "An act directing the Clerk of the Peace of Kent County to issue an order to free-holders therein named to determine concerning the necessity of laying out a certain public road," which,

On his motion,

Was read.

On motion of Mr. Comegys,

The bill entitled "An act to vacate part of a street, and part of certain lanes in the village of Georgetown in Sussex County," was taken up, and the question being on the final passage of the bill, the yeas and nays were ordered which being taken were as follows:—

*Yeas*.—Messrs. Jones, Marshall, Martin, N. Tunnell, W. Tunnell, and Vaughan—6.

*Nays*.—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Miles, Naudain, Rodney, Taylor, Wilson and Mr. Speaker—13.

So the bill was

*Lost.*

Mr. Miles presented a petition from J. S. Flint and others, praying for the abolition of slavery in this State; also a similar petition from Anne Semple and others, which,

On his motion,

Were read.

On motion of Mr. Carlisle,

The Resolution from the Senate, appointing Directors of the Farmers' Bank of Delaware, was read as follows:—

*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 of Delaware on the part of the State agreeably to the Act of the General Assembly in such case made and provided;

*For the principal Bank at Dover*.—Samuel Catts, Garret S. Luff, and James L. Heverin.

*For the Branch at Wilmington*.—Hyland B. Pennington, John Flinn, and Edward G. Bradford.

*For the Branch at New Castle*.—Nathaniel Young, William T. Read, and Philip Reybold,

*For the Branch at Georgetown.*—Lewis West, John Rust, and Matthew Rensch.

Mr. Carlisle then moved,

That the House concur in the Resolution.

Which motion

*Prevailed.*

*Ordered*, that the Senate be informed thereof.

Mr. Marshall gave notice that he would to-morrow ask leave to introduce a bill entitled "A supplement to an act entitled 'An act to improve the navigation of Lewes Creek by cutting a canal near Green Bank.'"

On motion of Mr. Cooch,

The bill entitled "An act to divorce Susanna Anderson and Charles Henry Anderson," was read a third time by paragraphs, and the question being on the first section of the bill, the yeas and nays were called for and taken as follows :—

*Yeas.*—Messrs. Bradford, Bellah, Collins, Cooch, Jones, Marshall, Naudain, Taylor, W. Tunnell, Vaughan, Wilson and Mr. Speaker—12.

*Nays.*—Messrs. Carlisle, Caulk, Martin, Miles, Rodney and N. Tunnell—6.

So the first section was

*Passed.*

The question then being on the final passage of the bill, the yeas and nays were ordered and taken as follows :—

*Yeas.*—Messrs. Bellah, Collins, Cooch, Jones, Marshall, Naudain, Taylor, W. Tunnell, Vaughan, Wilson and Mr. Speaker—11.

*Nays.*—Messrs. Bradford, Carlisle, Caulk, Martin, Miles, Rodney and N. Tunnell—7.

So the bill

*Passed the House.*

*Ordered* to the Senate.

Mr. Miles gave notice that he would to-morrow ask leave to introduce a bill entitled, "An act substituting the name 'Alms House,' in place of the name 'Poor House' in this State."

On motion of Mr. Wilson,

The bill entitled "An act to procure a map of this State," was taken up for consideration, and the question being on the final passage of the bill, the yeas and nays were ordered, which being and taken were as follows :—



*Yeas*.—Messrs. Bradford, Bellah, Caulk, Cooch, Martin, Miles, Naudain, Rodney, N. Tunnell, W. Tunnell, and Wilson—11.

*Nays*.—Messrs. Carlisle, Collins, Jones, Marshall, Taylor, Vaughan, and Mr. Speaker—7.

So the bill

*Passed the House.*

Mr. Vaughan presented a remonstrance from Wm. B. Cooper and others, against incorporating the town of Laurel, which,

On his motion,

Was read and referred to the Committee on that subject.

On motion of Mr. Bellah,

The bill entitled "An act to authorize the recording of the map of the New Castle and French Town Rail Road," was read a second time.

Mr. Miles, from the Committee to whom was referred sundry petitions for exempting certain articles from seizure for debt, reported a bill entitled "An act for the relief of poor and destitute families in cases of execution for debt and distress for rent," which,

On his motion,

Was read.

On motion of Mr. Marshall,

The bill entitled "An act to authorize the building of a bridge across Ditch Creek near Lewestown in Sussex County," was taken up for consideration.

Mr. Marshall moved,

To amend the bill by striking out the word "eight" in the last line of the second section, and inserting the word "four" in lieu thereof.

Which motion,

*Prevailed.*

On motion of Mr. Marshall,

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

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Vaughan presented a communication from Mary Burton, *alias* Milby, and Nathaniel Milby, praying that the said Mary be divorced from her former husband, which,

On his motion,

Was read.

On motion of Mr. Naudain,

The bill entitled "A further supplement to the Act entitled 'An act to survey, lay out and regulate the streets of Smyrna and for other purposes,'" was read a second time.

On motion of Mr. Bradford,

The bill entitled "An act to incorporate Mechanics' Lodge No. 4, of the Independent Order of Odd Fellows of the State of Delaware" was read a second time by its title.

On motion of Mr. W. Tunnell,

The bill entitled "An act to divorce George Burton and Mary Burton," was read a second time.

Mr. Miles moved,

To reconsider the vote upon the bill entitled "An act to procure a map of this State."

Which motion

*Prevailed.*

The question then again being on the final passage of the bill,

Mr. Marshall moved,

To postpone the further consideration of the same until this afternoon; on which motion the yeas and nays were called for and taken as follows:—

*Yeas.*—Messrs. Carlisle, Collins, Comegys, Jones, Marshall, Martin, Postles, Taylor, and Vaughan—9.

*Nays.*—Messrs. Bradford, Bellah, Caulk, Cooch, Miles, Naudain, Rodney, [N. Tunnell, W. Tunnell, Wilson and Mr. Speaker—11.

So the motion was

*Lost.*

The question recurring on the final passage of the bill, the yeas and nays were ordered, which being taken were as follows:—

*Yeas.*—Messrs. Bradford, Bellah, Caulk, Cooch, Martin, Miles, Naudain, Rodney, W. Tunnell and Wilson—10.

*Nays.*—Messrs. Carlisle, Collins, Comegys, Jones, Marshall, Postles, Taylor, N. Tunnell, Vaughan and Mr. Speaker—10.

So the bill was

*Lost.*

Mr. Martin, from the Committee to whom was referred the petition of Isaac E. Burton and others, reported a bill entitled, "An act allowing for a limited time, an additional Justice of the Peace in the County of Sussex," which,

On his motion,  
Was read.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Comegys presented a petition from James H. Stephenson and others, for an act to incorporate the Philodemic Lodge, No. 7, of the Independent Order of Odd Fellows, which,

On his motion,

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

Whereupon,

Messrs. Comegys, Naudain and Vaughan, were appointed said Committee.

Mr. Comegys presented a claim from Messrs. Heverin & Brothers, which,

On his motion,

Was read and referred to the Committee of claims.

Mr. Vaughan moved,

That the vote upon the bill entitled "An act to procure a Map of this State," be reconsidered.

The Speaker decided the motion to be out of order.

Whereupon,

Mr. Bradford appealed from the decision of the chair, and the question being, "shall the decision of the chair be sustained," the yeas and nays were ordered and taken as follows:—

*Yeas*—Messrs. Carlisle, Collins, Comegys, Jones, Taylor, and N. Tunnell—6.

*Nays*—Messrs. Bradford, Bellah, Caulk, Cooch, Marshall, Martin, Miles, Naudain, Rodney, W. Tunnell, Vaughan and Wilson—12.

So the decision of the Chair was

*Not Sustained.*

The question then occurring on the motion to reconsider, the yeas and nays were called for and taken as follows :—

*Yeas*—Messrs. Bradford, Bellah, Caulk, Cooch, Marshall, Martin, Miles, Naudain, Rodney, W. Tunnell, Vaughan, and Wilson—12.

*Nays*—Messrs. Carlisle, Collins, Comegys, Jones, Postles, Taylor, N. Tunnell, and Mr. Speaker—8.

So the motion

*Prevailed.*

On motion of Mr. Marshall,

The bill was then recommitted.

On motion of Mr. Jones,

The bill entitled “ An act to vacate part of Love Lane in the Village of Georgetown, Sussex County, Delaware,” was read a second time.

Mr. Cooch offered the following Resolution, which,

On his motion,

Was read as follows :—

*Resolved, by the Senate and House of Representatives in General Assembly met,* That the Clerk of the House of Representatives be, and he is hereby authorized to procure a suitable national flag, and have erected a flag staff for the same on some prominent part of the State House, and that the said flag shall be hoisted on the said staff during the Session of the General Assembly, on each day during their meeting, and hauled down on their adjournment, and that after the adjournment of the Legislature, the said flag be deposited with the Secretary of State, to be by him safely kept until the next meeting of the General Assembly.

Mr. Cooch moved,

That the Resolution be adopted ; pending which,

On motion of Mr. Comegys,

The consideration thereof was

*Postponed.*

On motion of Mr. Taylor,

The bill entitled “ An act to incorporate Chrystal Fount Lodge, No. 10, of the Independent Order of Odd Fellows, at Milford, Delaware,” was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered, which being taken were as follows :—

*Yeas*—Messrs. Bradford, Bellah, Carlisle, Caulk, Comegys, Cooch, Jones, Marshall, Martin, Miles, Naudain, Postles, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan and Mr. Speaker—18.

*Nays*—0.

So the bill

*Passed the House.*

*Ordered to the Senate for concurrence.*

Mr. Comegys presented a remonstrance from Charles Warren and others, against authorizing certain improvements on the Meredith's Branch, which,

On his motion,

Was read.

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

“A further Additional Supplement to the act entitled ‘An act for regulating Inn Holders, Tavern Keepers, and other Public House-keepers within this government, and empowering the Justices to settle the rates of Liquors.’”

“An act to divorce Jenifer Anderson and Margaret Anderson.”

“An act to incorporate the New Castle County Mutual Insurance Company.”

“A further Additional Supplement to the act entitled ‘An act to restrain persons from suffering swine to go at large within certain limits.’”

Also, that the Senate had concurred in the “Preamble and Resolution concerning Lotteries.”

Also, that the Senate had passed and requested the concurrence of the House in a bill entitled “An act for the relief of John Hickman of Michael.”

And he withdrew.

On motion of Mr. Rodney,

The bill from the Senate for concurrence was read.

On motion of Mr. Marshall,

The bill entitled “An act to enable Shephard P. Houston, Executor of Dr. Joseph Maull, deceased, to sell and convey certain real estate of said deceased,” was read a third time by paragraphs, and

*Passed the House.*

*Ordered to the Senate for concurrence.*

Mr. Rodney, from the Committee to whom was referred the petition of Edward Tatnall, reported a bill entitled “An act for the relief of the heirs of Margaret Price, deceased,” which,

On his motion,

Was read.

On motion of Mr. Taylor,

The bill entitled "A further additional supplement to the Act entitled 'An act to establish a company under the name of the Mispillion Navigation Company,'" was read a third time by paragraphs, and  
*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Collins,

The bill entitled "An act to authorize Benjamin Thistlewood to raise his mill dam and for other purposes," was read a second time.

Mr. Carlisle presented a claim from James S. Buckmaster, late State Treasurer, which,

On his motion,

Was referred to the Committee of Claims.

On motion of Mr. Bellah,

The bill entitled "An act to divorce Susanna Brown," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were called for and taken as follows:—

*Yeas.*—Messrs. Bellah, Collins, Cooch, Taylor, W. Tunnell, Vaughan and Wilson—7.

*Nays.*—Messrs. Bradford, Carlisle, Caulk, Comegys, Jones, Marshall, Martin, Miles, Naudain, Postles, Rodney, N. Tunnell, and Mr. Speaker—13.

So the bill was

*Lost.*

In conformity with notice given, Mr. Miles asked, and

On motion of Mr. Bradford,

Obtained leave to introduce a bill entitled "A supplement to an act more effectually to prevent the profanation of the Lord's Day, commonly called Sunday," which,

On motion of Mr. Miles,

Was read.

On motion of Mr. Naudain,

The bill entitled "An act to prevent hogs or swine from running at large within certain limits therein mentioned, in Duck Creek Hundred, in Kent County," was read a second time.

On motion of Mr. Carlisle,

The bill entitled "An act to divorce Henry Bradley and Ellen Bradley," was read a second time.

On motion of Mr. Caulk,

The bill entitled "An act to regulate the selling of grain," was read a third time by paragraphs, and *Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Bellah,

The bill entitled "An act to incorporate the Washington Fire Company of the City of Wilmington," was read a second time.

Mr. Bradford from the Committee to whom was referred the petition of the Directors of the Wilmington Fire Insurance Company, reported a bill entitled "An act to empower the present Board of Directors of the Wilmington Fire Insurance Company to make a final settlement of its business and to authorize a dissolution of the said corporation;" which,

On his motion,

Was read.

Mr. Vaughan from the Committee to whom was referred the petition of Thomas A. Green and others, reported it inexpedient to grant the prayer of the petitioners :—which report,

On motion of Mr. Carlisle,

Was

*Adopted.*

On motion of Mr. Carlisle,

The bill entitled "An act to divorce Joshua Lindale and Amanda Lindale" was taken up for consideration.

Mr. Carlisle then moved,

To amend the bill by adding the word "Junior" after the name Joshua Lindale, where said name occurs in the bill;

Which motion,

*Prevailed.*

On motion of Mr. Carlisle,

The bill as amended, was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows :—

*Yeas.*—Messrs. Bellah, Collins, Jones, Naudain, Taylor, N. Tunnell, W. Tunnell, Vaughan, and Wilson—9.

*Nays.*—Messrs. Bradford, Carlisle, Caulk, Comegys, Cooch, Marshall, Martin, Miles, Postles, Rodney and Mr. Speaker—11.

So the bill was

*Lost.*

Mr. Collins presented a petition from J. C. Tatem and others, for a law preventing the employment of Teachers for Common Schools, who are School Commissioners, which,

On motion of Mr. Collins,

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

Whereupon,

Messrs. Collins, N. Tunnell and Cooch, were appointed said Committee.

Mr. Comegys presented a petition from T. L. Temple and others, for a law authorizing the building of a bridge over Old Duck Creek, which,

On motion of Mr. Comegys,

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

Whereupon,

Messrs. Comegys, Caulk and Marshall, were appointed said Committee.

Mr. W. Tunnell, from the Committee to whom was referred the petition of W. H. Ellegood, asked, and

On motion of Mr. Carlisle,

Obtained further time in which to report.

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

WEDNESDAY, *February 7th*, 10 o'clock, *A. M.*

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Taylor,

The bill entitled "An act to divorce Angelina Jackson, and Alfred M. Jackson from the bonds of matrimony," was read a second time.



Mr. W. Tunnell from the Committee of Enrollment, reported the following bills as being duly and correctly enrolled, viz :—

“ An act to amend the act entitled ‘ An act directing the manner of appointing in this State Electors of President and Vice President of the United States.’ ”

“ A further Supplement to the Act entitled ‘ An Additional Supplement to the act to alter and re-establish the charter of the Borough of Wilmington.’ ”

“ A Supplement to the act entitled ‘ An act to incorporate the Cantwell’s Bridge Steam Navigation Company.’ ”

“ A further Supplement to the act entitled ‘ An act to alter and re-establish the charter of the Borough of Wilmington.’ ”

“ An act to divorce James Battle and Mary Jane Battle.”

Also, as being correctly enrolled, “ The Resolutions for the appointment of a committee to procure the original Charters of this State and dispose of the same.”

Mr. Naudain presented a petition from Jonathan Catlin and others, for the prohibition of Ten-Pin Alleys, which,

On his motion,

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

Whereupon,

Messrs. Naudain, Taylor, and N. Tunnell, were appointed said Committee.

On motion of Mr. Collins,

The bill entitled “An act to authorize Benjamin Thistlewood to raise his mill dam and for other purposes,” was read a third time by paragraphs, and *Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Miles presented a petition from W. F. Southgate and others, for a law for the better protection of Game, which,

On his motion,

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

Whereupon,

Messrs. Miles, Rodney, and Cooch, were appointed said Committee.

On motion of Mr. Cooch,

The vote upon the bill entitled "An act to divorce Joshua Lindale, Jr. and Amanda Lindale," was reconsidered.

The question again being on the final passage of the bill, the yeas and nays were ordered and taken as follows :—

*Yeas.*—Messrs. Bradford, Bellah, Collins, Cooch, Jones, Martin, Naudain, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—14.

*Nays.*—Messrs. Carlisle, Comegys, Marshall, Miles, and Postles—5.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Wilson,

The bill entitled "An act granting five acres of vacant land to the Dona Steamboat Company," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows :—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Cooch, Jones, Marshall, Martin, Miles, Naudain, Postles, Rodney, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—17.

*Nays.*—Messrs. Collins and Comegys—2.

So the bill

*Passed the House.*

*Ordered* to the Senate.

Mr. Bradford presented a petition from E. Worrell, for a law authorizing him to sell certain real estate, which,

On his motion,

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

Whereupon,

Messrs. Bradford, Comegys, and Vaughan were appointed said Committee.

On motion of Mr. Taylor,

The bill entitled "An act to enable Charles T. Fleming to change the water course of Swan Creek in Milford Hundred, Kent County and for other purposes therein mentioned," was taken up for consideration.

Mr. Postles offered the following amendment, which,

On his motion,

Was read as follows:—

Amend the bill by adding the following section, viz:—

Section 4. And be it further enacted that if any person shall sustain any damage by reason or in consequence of the cutting of said Canal, and damming up the aforesaid Creek, they shall have a right to recover the amount of such damage, from the said Charles T. Fleming, together with costs of suit by an action on the case.

On motion of Mr. Postles,

The amendment was

*Adopted.*

On motion of Mr. Taylor,

The bill was then read a third time by paragraphs and

*Passed the House.*

*Ordered*, to the Senate for concurrence.

On motion of Mr. Bellah,

The bill entitled "An act to authorize the recording of the map of the New Castle and French Town Rail Road," was read a third time by paragraphs, and

*Passed the House.*

*Ordered*, to the Senate.

On motion of Mr. Rodney,

The bill entitled "An act for the relief of the heirs of Margaret Price, deceased," was read a second time.

On motion of Mr. Bradford,

The bill entitled "An act to incorporate Mechanics' Lodge No. 4, of the Independent Order of Odd Fellows of the State of Delaware," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Jones, Marshall, Martin, Miles, Naudain, Postle, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan and Mr. Speaker—19.

*Nays.*—0.

So the bill

*Passed the House.*

*Ordered*, to the Senate for concurrence.

In conformity with notice previously given, Mr. Marshall asked, and

On motion of Mr. Comegys,

Obtained leave to introduce a bill entitled "A supplement to an act entitled 'An act to improve the navigation of Lewes Creek by cutting a canal near Green Bank,' " which,

On motion of Mr. Marshall,

Was read.

On motion of Mr. Bradford,

The bill entitled "An act to empower the present Board of Directors of the Wilmington Fire Insurance Company, to make a final settlement of its business, and to authorize a dissolution of the said corporation," was read a second time by its title.

On motion of Mr. Miles,

The bill entitled "An act to establish the Green Hill Cemetery of Christiana Hundred," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Comegys, Cooch, Jones, Marshall, Martin, Miles, Naudain, Postles, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan and Mr. Speaker—18.

*Nays.*—0.

So the bill

*Passed the House.*

*Ordered*, to the Senate.

On motion of Mr. Comegys,

The bill entitled "An act to authorize the Clerk of the Orphans' Court in and for Kent County to procure a new seal of office," was read a second time.

On motion of Mr. Comegys,

The bill entitled "An act for widening North street in the town of Dover," was read a second time.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Comegys, from the Committee to whom was referred the petition

of James H. Stephenson and others, reported a bill entitled "An act to incorporate Philodemic Lodge, No. 7, of the Independent Order of Odd Fellows of Dover, in the State of Delaware," which,

On his motion,

Was read.

Mr. Vaughan, from the Committee to whom was referred the petition of Peter West and others, reported a bill entitled, "An act concerning the division of School Districts, Nos. 36, 40, 41 and 43, in Sussex County," which,

On his motion,

Was read.

On motion of Mr. Marshall,

The bill entitled "An additional supplement to the Act entitled 'An act to prohibit the emigration of free negroes and mulattoes in this State' was taken up for consideration.

Mr. Marshall moved,

To amend the bill by inserting after the word "sale," in the 21st line of Section 1, the words "to any citizen of this State;" which amendment

Was

*Adopted.*

Mr. Marshall moved,

To amend the bill further, by striking out the word "thirty" in the fifth line of the second Section, and inserting in lieu thereof the word "sixty."

Whereupon,

Mr. Miles moved,

To amend the amendment by substituting the words "one hundred and twenty" for the word "sixty,"

Which motion was

*Lost.*

The question then being on the original motion, the yeas and nays were called for and taken as follows:—

*Yeas*—Messrs. Carlisle, Comegys, Marshall, Postles, Taylor, N. Tunnell, W. Tunnell, Vaughan, and Mr. Speaker—9.

*Nays*—Messrs. Bellah, Caulk, Miles, Naudain and Wilson—5.

So the amendment was

*Adopted.*

Mr. Comegys then moved,

That the bill be laid upon the table for further consideration,

Which motion,

*Prevailed.*

Mr. W. Tunnell from the Committee to whom was referred the petition of George M. Moore and others, reported it inexpedient to grant the prayer of the petitioners, which report,

On motion of Mr. Vaughan,

Was

*Adopted.*

On motion Mr. Naudain,

The bill entitled "A further Supplement to the act entitled An act to survey, lay out and regulate the streets of Smyrna, and for other purposes," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were called for and taken as follows:—

*Yeas.*—Messrs. Bellah, Carlisle, Caulk, Comegys, Marshall, Naudain, Postles, Taylor, N. Tunnell, Vaughan, Wilson and Mr. Speaker—12.

*Nays.*—Mr. Miles—1.

So the bill

*Passed the House.*

*Ordered* to the Senate.

On motion of Mr. Caulk,

The bill entitled "An act to enable Benjamin Ellengsworth to locate certain vacant land in Dagsborough Hundred in Sussex County, and to complete his title to the same," was read a second time by its title.

On motion of Mr. Miles,

The bill entitled "An act giving Justices of the Peace in this State, jurisdiction in all cases of replevin wherein the value of the property claimed does not exceed fifty dollars," was read a second time.

On motion of Mr. Comegys,

The bill entitled "An act to enable John West to locate certain vacant land in Broadkilm and Nanticoke Hundreds in Sussex County and to complete his title to the same," was read a second time.

Mr. Caulk, from the Committee to whom was referred sundry petitions upon the subject of equalizing taxation, reported a bill entitled "A further supplement to the Act entitled 'An act for the valuation of real and personal property within this State,'" which,

On his motion,

Was read.

On motion of Mr. Wilson,

The bill entitled "A further additional supplement to the Act entitled 'An act to restrain persons from suffering swine to go at large within certain limits,'" was read a second time by its title.

On motion of Mr. Comegys,

The bill entitled "A further additional supplement to an act entitled 'An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of Meredith's Branch in the forest of Murderkill and Mispillion Hundreds to cut a ditch or drain through the same,'" was read a second time.

On motion of Mr. Naudain,

The bill entitled "An act for recording marriage contracts," was read a second time.

On motion of Mr. Bellah,

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

On motion of Mr. Vaughan,

The bill entitled "An act to incorporate the Washington Fire Company of the city of Wilmington," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas*—Messrs. Bellah, Carlisle, Caulk, Comegys, Cooch, Marshall, Miles, Naudain, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—15.

*Nays*—0.

So the bill

*.Passed the House.*

*Ordered to the Senate.*

Mr. Carlisle presented a petition from J. Anderson and others, for a law prohibiting retail pedlars from other States, from selling their wares in this State, which,

On his motion,

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

Whereupon,

Messrs. Carlisle, Caulk and W. Tunnell, were appointed said Committee.

Mr. Miles, from the Committee of Enrollment, reported the following bill as being correctly enrolled, viz :—

“An act for the relief of John Righter.”

On motion of Mr. Miles,

The bill entitled “A supplement to an act more effectually to prevent the profanation of the Lord’s Day, commonly called Sunday,” was read a second time.

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

THURSDAY, *February 8th, 10 o’clock, A. M.*

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Comegys moved,

That the Rule of the House requiring notice to be given previous to the introduction of a bill, be suspended.

Which motion

*Prevailed.*

Mr. Comegys then ask, and

On motion of Mr. Collins,

Obtained leave to introduce a bill entitled “A supplement to the Act entitled ‘An act authorizing the Governor of this State to appoint Commissioners in other States, to take depositions, the acknowledgement of deeds, &c., and to appoint Notaries Public in this State,’” which,

On motion of Mr. Comegys,

Was read.

Mr. Comegys presented a petition from John Slay and others, praying for a more equal assessment of property on Culbreath’s Marsh Ditch, which,

On his motion,

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

Whereupon,



Messrs. Comegys, Naudain and Marshall, were appointed said Committee.

Mr. Rodney presented the following communication from John Matthews, which,

On his motion,

Was read as follows :—

BROAD CREEK HUNDRED, SUSSEX Co., *February, 1849.*

GENTLEMEN :

I have the honor to acknowledge the receipt of a copy of the Preamble and Resolutions passed by the Honorable the House of Representatives on the 1st. inst., and in reply thereto, I beg leave to say, that I do hereby respectfully decline withdrawing my petition, in which I claim a seat in said House, and I beg that the same may be fully heard.

I addressed a letter to my counsel on the 29th of last month, containing more fully the reasons which influence me in my course of conduct in this case, to which letter I respectfully refer the Honorable Committee, and the House of Representatives.

With high respect,

I am your obedient servant,

JOHN MATTHEWS.

To Hons.

THOMAS M. RODNEY,	} <i>Committee.</i>
E. G. BRADFORD,	
JOHN MARTIN,	
JOHN A. COLLINS,	
PHILIP C. JONES,	

Mr. Collins presented a remonstrance from L. C. Fowler and others, of Kent County, against incorporating the Philadelphia, Delaware, and New York Steam Boat Company, which,

On his motion,

Was read.

On motion of Mr. Comegys,

The bill entitled "An act to enable John West to locate certain vacant lands in Broadkirk and Nanticoke Hundreds in Sussex County, and to complete his title to the same," was read a third time by paragraphs, and  
*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Comegys,

The bill entitled "An act for widening North street in the town of Dover," was read a third time by paragraphs, and *Passed the House.*

*Ordered to the Senate for concurrence.*

On motion of Mr. Comegys,

The bill entitled "An act to authorize the Clerk of the Orphans' Court in and for Kent County to procure a new seal of office," was read a third time by paragraphs, and *Passed the House.*

*Ordered to the Senate for concurrence.*

Mr. Collins, from the Committee to whom was referred the petition of Hicks D. Hooper and others, reported a bill entitled "A supplement to the Act entitled 'An act regulating the General Election,'" which,

On his motion,  
Was read.

On motion of Mr. Rodney,

The bill entitled "An act for the relief of the heirs of Margaret Price, deceased," was read a third time by paragraphs, and *Passed the House.*

*Ordered to the Senate for concurrence.*

On motion of Mr. W. Tunnell,

The bill entitled "An act to divorce George Burton and Mary Burton," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were called for and taken as follows:—

*Yeas.*—Messrs. Bellah, Collins, Cooch, Jones, Marshall, Martin, Nau-dain, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—13.

*Nays.*—Messrs. Bradford, Carlisle, Caulk, Comegys, Miles, Postles, and Rodney—7.

So the bill

*Passed the House.*

*Ordered to the Senate for concurrence.*

Mr. Postles presented a petition from E. Mills and others, for an additional School District in Kent County, which,

On his motion,

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

Whereupon,

Messrs. Postles, Carlisle and Vaughan, were appointed said Committee.

On motion of Mr. Naudain,

The bill entitled "An act for recording marriage contracts," was read a third time by paragraphs, and the question being on the final passage thereof,

On motion of Mr. Marshall,

The further consideration of the bill was postponed until this afternoon.

The Speaker laid upon the table a communication from C. S. Layton, Esq., Counsel of William S. Hall, one of the claimants of a seat in the House; in which he notified the House, for the reasons therein stated, that he declined further to act as said Hall's Counsel.

Whereupon,

Mr. Comegys rose and informed the House that he had this morning received a written communication from said William S. Hall, in which, referring to the matters communicated to him, by order of the House made last week, he stated that the passage of a Resolution by the House, to discharge the Committee of Elections from any further consideration of his petition presented on the 4th ultimo, would meet with his approbation.

Mr. Bradford then offered the following Preamble and Resolution, which,

On his motion,

Were read as follows:—

*Whereas*, The Committee of Elections now engaged in hearing the case of the contested election between Samuel D. Vaughan, and John Matthews, and also the case of the seat made vacant in this House, by reason of a tie vote between William S. Hall, and Thomas Robinson of A., have reported under instructions from this House, in substance, that they have been diligently engaged in the prosecution of the investigation committed to their charge; that upon the requisition to file specifications of illegal voters, they found from lists exhibited to them, nearly or quite a thousand individuals whose right to vote was for divers causes of alledged illegality contested; that they were driven to the conclusion that the said investigation could not terminate until long after the probable time when this General Assembly must conclude its session, if indeed as the Committee extremely doubted, any satisfactory judgment ever could be rendered in the premises; that in view of the probable duration of the investigation, the improbability of arriving at

any just conclusion, the enormous expense to be incurred by the State, the inability in point of fact of determining the case either one way or the other,—the Committee were compelled to request the instruction of the House, whether they should proceed further in the said investigation: and whereas, this House after having heard the above report, refused to discharge the said Committee from the prosecution of the said investigation: and whereas, this House upon that refusal passed a Resolution setting forth the difficulties attendant upon this investigation, and in view of those difficulties,—the great expense to the State, and the inutility of the proceeding as regards the rights or privileges of membership in this House, respectfully recommending the petitioners to withdraw their petitions from the files of the House, and ordering a copy of the said Resolution to be forwarded to the said petitioners, and whereas, the said William S. Hall, in compliance with the aforesaid recommendation, has in substance withdrawn his said petition from the files of the House, but the said John Matthews has declined to withdraw his petition therefrom: and whereas, this House while it holds the right of petition as a constitutional one, and its duty in determining the election of its own members both as regards the rights of the county claiming a full representation, and also those of the petitioners, as one which is imposed by the same instrument; yet it cannot doubt that there are certain limitations and restrictions in the prosecution of those rights, of which it must of necessity be the judge, among which are, a preparation on the part of the petitioner, to proceed with his case with the least practicable delay and expense to the State, and the prosecution of the matter with a view to the rights and privileges of membership and representation (the only object contemplated by the Constitution) and not the punishment of election frauds which is cognizable by another tribunal: and whereas, it is evident to this House from the report of the said Committee of Elections, that the remaining petitioner is not prepared to proceed with his case with the least practicable delay and expense to the State, and is pursuing an object ulterior to that contemplated by the Constitution; therefore

*Resolved*, That in view of the foregoing considerations, the Committee of Elections be discharged from the further hearing and prosecution of the claim of the said John Matthews to a seat upon this floor.

Mr. Bradford moved,

That the Preamble and Resolution be adopted.

Whereupon,

Mr. Rodney moved,

That the consideration thereof be postponed until Tuesday next: on which motion the yeas and nays were called for and taken as follows:—

*Yeas*.—Messrs. Bellah, Carlisle, Caulk, Collins, Miles, Naudain, Postles, Rodney and Taylor—9.

*Nays*.—Messrs. Bradford, Comegys, Cooch, Jones, Marshall, Martin, N. Tunnell, W. Tunnell, Wilson and Mr. Speaker—10.

So the motion was

*Lost.*

The question then being on the motion to adopt, the yeas and nays were called for and taken as follows:—

*Yeas*.—Messrs. Bradford, Collins, Comegys, Cooch, Jones, Marshall, Martin, Naudain, Postles, Rodney, Taylor, N. Tunnell, W. Tunnell, Wilson and Mr. Speaker—15.

*Nays*.—Messrs. Bellah, Carlisle, Caulk, and Miles—4.

So the Preamble and Resolution were.

*Adopted.*

On motion of Mr. Comegys,

The Committee of Elections was then discharged from any further consideration of the petition of William S. Hall.

On motion of Mr. Wilson,

The bill entitled "An act directing the Clerk of the Peace of Kent County to issue an order to free-holders therein named to determine concerning the necessity of laying out a certain public road," was read a second time.

Mr. Marshall presented a petition from J. Hayden and others, for a law restricting the sale of ardent drinks, which,

On his motion,

Was referred to the Committee on that subject.

On motion of Mr. Carlisle,

The bill entitled "An act to divorce Henry Bradley and Ellen Bradley," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were called for and taken as follows:—

*Yeas*.—Messrs. Cooch, Jones, Naudain and W. Tunnell—4.

*Nays*.—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Marshall, Miles, Rodney Taylor, N. Tunnell, Wilson and Mr. Speaker—13.

So the bill was

*Lost.*

On motion of Mr. Caulk,

The bill entitled, "An act to enable Benjamin Ellengsworth to locate certain vacant land in Dagsborough Hundred, in Sussex County, and to complete his title to the same," was read a third time by paragraphs, and  
*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Marshall,

The bill entitled, "A supplement to an act entitled 'An act to improve the navigation of Lewes Creek by cutting a canal near Green Bank,'" was read a second time.

Mr. Collins presented a petition from W. Wilkinson and others, for an act of incorporation for the Delaware Rail Road Company, which,

On his motion,

Was read.

Mr. Miles, from the Committee of Enrollment reported the following bill as being duly and correctly enrolled, viz :—

"An act to incorporate the Farmers' Mutual Fire Insurance Company of St. Georges and Appoquinimink Hundreds, in New Castle County."

Mr. Collins presented a petition from P. F. Causey and others, praying the Legislature in incorporating the Delaware Rail Road Company, to require said Company to construct a lateral branch to connect with the town of Milford, which,

On motion of Mr. Collins,

Was read.

Mr. Comegys presented a remonstrance from Daniel Megear and others, against the passage of the bill for prohibiting swine from running at large in Duck Creek Hundred, which,

On his motion,

Was read.

On motion of Mr. Wilson,

The bill entitled "A further additional supplement to the Act entitled 'An act to restrain persons from suffering swine to run at large within certain limits,'" was read a third time by paragraphs, and  
*Passed the House.*

*Ordered* to the Senate for concurrence.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Taylor,

The bill entitled "An act to divorce Angelina Jackson and Alfred M. Jackson from the bonds of matrimony," was taken up for consideration.

Mr. Taylor moved,

To amend the bill by striking out, at the end of the first section, the words "*a vinculo matrimonii*."

Which motion

*Prevailed.*

On motion of Mr. Taylor,

The bill was then read a third time by paragraphs, and the question being on its final passage, the yeas and nays were called for and taken as follows :—

*Yeas*.—Messrs. Bellah, Caulk, Collins, Cooch, Jones, Marshall, Martin, Miles, Naudain, Rodney, Taylor, N. Tunnell, Vaughan, Wilson and Mr. Speaker—15.

*Nays*.—Messrs. Carlisle and Comegys—2.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Bellah,

The bill entitled "A further supplement to the Act entitled 'An act to alter and and re-establish the charter of the Borough of Wilmington,'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate.

On motion of Mr. N. Tunnell,

The bill entitled "An act to divorce Thomas S. Brittingham, and Sally Ann S. Brittingham from the bonds of matrimony," was read a second time.

On motion of Mr. Jones,

The bill entitled "An act to vacate part of Love Lane in the village of Georgetown, Sussex County, Delaware," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were called for and taken as follows :—

*Yeas*.—Messrs. Jones, Marshall, and N. Tunnell—3.

*Nays.*—Messrs. Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Martin, Miles, Naudain, Postles, Rodney, Taylor, and Mr. Speaker—13.

So the bill was

*Lost.*

The Speaker having announced that the time had arrived for resuming the consideration of the bill entitled "An act for recording marriage contracts,"

Mr. Marshall moved,

That the bill be committed to a Committee of three.

Which motion,

*Prevailed.*

Whereupon,

Messrs. Marshall, Comegys and Bradford, were appointed said Committee.

Mr. Postles offered the following Resolution, which,

On his motion,

Was read as follows :—

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Librarian be and he is hereby directed to furnish from the State Library to the Auditor of Accounts for the use of his office, a copy of the Digest, the 8th and 9th volumes of the Laws, and of the pamphlet laws subsequent to the 9th volume of the laws of this State.*

On motion of Mr. Postles,

The Resolution was

*Adopted.*

*Ordered,* to the Senate for concurrence.

Mr. Comegys presented a petition from H. Cowgill and others for a division of certain School Districts in Kent County, which,

On his motion,

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

Whereupon,

Messrs. Comegys, Caulk, and Jones, were appointed said Committee.

Mr. Collins presented a petition from John Green and others, for an additional School District in Kent County, which,

On his motion,



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

Whereupon,

Messrs. Collins, Cooch, and Martin, were appointed said Committee.

Mr. Miles presented the following Preamble and Resolution, which,

On his motion,

Were read as follows :—

WHEREAS, since the year 1829 no returns have been made of the number of effective militia within this State to the President of the United States, as directed by the act of Congress of May 8th, 1792, entitled "An act effectually to provide for the national defence by establishing an uniform militia throughout the United States;" and whereas the number of persons subject to militia service is believed to be considerably increased since the year 1829; yet that the quota of public arms annually distributed to this State under the Act of Congress of April 23d, 1808, being apportioned with reference to the militia returns made as aforesaid in the year 1829, is much less than the true number of militia within this State if properly ascertained, would entitle it to, and is further diminishing in proportion as increased numbers of militia are from year to year returned from other States under the said act of Congress of May 8th, 1792; Therefore

*Resolved*, That a Committee of three be appointed to enquire into the expediency of adopting measures for obtaining a new return of the militia of this State to the President of the United States according to the provisions of the Act of Congress of May 8th, 1792, with leave to report by bill or otherwise.

On motion of Mr. Miles,

The Preamble and Resolution were

*Adopted.*

Whereupon,

Messrs. Miles, Comegys and Rodney, were appointed said committee.

Mr. Carlisle presented a remonstrance from Reuben Bowman and others, against dividing School District, No. 45, which,

On his motion,

Was read and referred to the committee on that subject.

Mr. Comegys gave notice, that he would to-morrow ask leave to introduce a bill, the title of which was read.

On motion of Mr. Miles,

The bill entitled "A supplement to the Act entitled 'An act providing for the recovery of small debts'" was read a second time.

On motion of Mr. Marshall,

The bill entitled "an additional supplement to the Act, entitled 'An act to prohibit the emigration of free negroes and mulattoes in this State, and for other purposes,'" was taken up for consideration.

Mr. Marshall moved,

To amend the bill by striking out the words "or conservator" where they occur in the first Section : which amendment,

Was

*Adopted.*

Mr. Comegys then moved,

That the further consideration of the bill be postponed ; on which motion the yeas and nays being called for and taken, were as follows :—

*Yeas*—Messrs. Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Jones, Marshall, Miles, Naudain, Postles, Rodney, Taylor, N. Tunnell, Wilson and Mr. Speaker—16.

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

So the further consideration of the bill was

*Postponed.*

Mr. Wilson, from the Committee to whom was recommended the bill entitled "An act to procure a map of this State," reported the same with the following amendment, which,

On his motion,

Was read as follows :—

Amend the bill by adding the following proviso to the next to the last section thereof, viz :—

"Provided nevertheless, that no such deduction from the dividends due any School Districts as aforesaid shall be made, if by voluntary contribution the citizens of any School District shall raise the sum of five dollars and pay the same to the said State Treasurer for the use of the State, upon the Clerk of the Peace receiving for such District a copy of said map."

On motion of Mr. Wilson,

The bill was read.

Mr. Jones, from the Committee to whom was referred the petition of John Paradee and others, reported a bill entitled "An act to divide School District No. 77, in Sussex County," which,

On his motion,

Was read.

On motion of Mr. Caulk,

The bill entitled "An act giving Justices of the Peace in this State, jurisdiction in all cases of replevin wherein the value of the property claimed, does not not exceed fifty dollars," was read a third time by paragraphs, and the question being on the final passage of the bill,

Mr. Marshall moved,

That the further consideration of the bill be postponed until Thursday next.

Which motion,

*Prevailed.*

On motion of Mr. Vaughan,

The bill entitled "An act concerning the division of School Districts No. 36, 40, 41, and 43 in Sussex County :'" was read a second time by its title.

On motion of Mr. Naudain,

The bill entitled "An act for the relief of John Hickman of Michael," was read a second time.

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

FRIDAY, 10 o'clock, A. M., February 9th, 1849.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Vaughan presented a petition from Margaret Wootten of Sussex County, for a divorce from her husband James Wootten, which,

On his motion,

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

Whereupon,

Messrs. Vaughan, Postles and Bellah were appointed said Committee.

On motion of Mr. Vaughan,

The bill entitled "An act allowing for a limited time an additional Justice of the Peace to the County of Sussex," was read a second time.

On motion of Mr. Collins,

The bill entitled "An act to incorporate the Delaware Rail Road Company," was read a second time.

Mr. Collins offered the following amendments, which,

On his motion,

Were read as follows :—

Amend the bill by adding to the list of Commissioners in Section 2, the names, Joseph P. Comegys, Samuel M. Harrington, Henry F. Rodney, Alfred Barrett, William M. Godwin, F. A. Raybold, Baldwin N. Fox, Frederic Pentz, Gideon Burton, and Samuel R. Paynter.

Also by adding the following section, viz :—

Section 6 :—"The said Company shall also have power to build, purchase, or procure one or more Steamboats, and to form a line of Steamboats in connection with said road, from Norfolk to Seaford, and from Dona to Philadelphia, or to such other points or places as they shall judge expedient; or to enter into contract with any individual, or other corporation for running such steamboat line or lines in connection with the said road as aforesaid."

Also by adding to the end of section eleven, the words "for any abuse of its franchises, of which the said Company shall have been lawfully convicted, and without such revocation this charter shall be perpetual."

On motion of Mr. Collins,

The foregoing amendments were

*Adopted.*

On motion of Mr. Comegys,

The bill entitled "An additional supplement to the Act entitled 'An act for the better preservation of certain shell fisheries within this State,'" was read a second time.

Mr. Comegys offered the following amendments, which,

On his motion,

Were read as follows :—

Strike out all in the said bill after the word "enacted" in the second section, and insert the following :—

"That it shall not be lawful for any person or persons, to transport in any boat or other vessel, other than an open boat not exceeding twenty-five feet in length, from any of the creeks or ponds of this State, at any one time a quantity of oysters exceeding five bushels; nor shall it be lawful hereafter for any person or persons to carry from the said creeks or ponds at any one time in any wagon, cart or other vehicle, a

quantity exceeding twenty bushels. The penalty for every offence against the provisions of this section, shall be twenty dollars, to be recovered in the same manner as prescribed by the Act to which this is a supplement."

Also add the following additional sections :—

Section 3. And be it further enacted, that any citizen of this State shall have the right and privilege to appropriate to his own use any portion of the bottom of any of the streams or waters of this State, not exceeding in the whole one acre, for the purpose of planting and cultivating oysters; and when he shall have designated the spot selected by him for that purpose by placing stakes or other marks about the same, it shall not be lawful for any other person to use the said spot so selected, for the same purpose, nor to take and carry away any oysters planted or growing therein, under the penalty of twenty dollars to be sued for and recovered with costs of suit, by action of debt before any Justice of the Peace in this State. Provided, that no part of the bottom of any of the waters of this State where oysters are growing, shall be occupied or selected under the foregoing provisions, nor shall such selection and occupation be made so as in anywise to interfere with navigation.—None of the provisions of the foregoing section nor of any of the acts of this State in relation to shell fisheries shall apply to oysters planted under the provisions of this section.

Section 4. And be it further enacted that it shall not be lawful hereafter, for any person or persons not being citizens of this State to take or catch any oysters in the Delaware Bay within the limits of this State unless they shall first have obtained from the Clerk of the Peace, in some one of the Counties, a license therefor under his hand and the seal of his office, which license shall be renewed every year during the month of January, and shall not authorize the employment of more than one vessel by the person obtaining the license. The fee for such license shall be one hundred dollars to be paid to the State Treasurer for the use of the State. When the applicant for such license shall have produced to the Clerk of the Peace a receipt from the said State Treasurer for such payment, it shall be the duty of the said Clerk to issue to such applicant a license in this form, viz :—

Be it known that A. B. (the name of the applicant) having paid the fee required by law, is licensed to catch oysters in the Delaware Bay within the limits of the State of Delaware until the first day of January next.

Witness my hand and the seal of my office this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 18—.

\*\*\*\*\*  
\* L. S. \*  
\*\*\*\*\*

C. D.  
Clerk of the Peace of \_\_\_\_\_ County.

If any person or persons not being citizens of this State shall hereafter catch oysters in the Delaware Bay, contrary to the provisions of this

section, he and they shall severally forfeit and pay the sum of one hundred dollars for every such offence, to be recovered with costs in the same manner as is provided in the foregoing section, one half for the use of the State, and the residue for the use of the person or persons who will sue for the same. Appeals shall be allowed to the Superior Court from all judgments rendered by virtue of the provisions of this Act.

Section 5. And be it further enacted that the Secretary of State shall cause a copy of this Act to be published for the space of one month in two of the newspapers printed in the city of Wilmington.

Mr. Comegys then moved,  
That the amendment as read be adopted.

Which motion

*Prevailed.*

On motion of Mr. Vaughan,

The bill entitled "An act concerning the division of School Districts Nos. 36, 40, 41 and 43 in Sussex County," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Jones, Marshall, Martin, Miles, Postles, Rodney, Taylor, N. Tunnell, Vaughan, Wilson and Mr. Speaker—18.

*Nays*—Mr. Naudain—1.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Bradford,

The bill entitled "An act to empower the present Board of Directors of the Wilmington Fire Insurance Company to make a final settlement of its business and to authorize a dissolution of the said Corporation," was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Jones presented a petition from J. D. Rodney and others, for an act to incorporate the Union Lodge of the Independent Order of Odd Fellows of Georgetown; which,

On his motion,

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

Whereupon,

Messrs. Jones, Caulk, and Taylor were appointed said Committee.

On motion of Mr. Comegys,

The bill entitled "A supplement to the Act entitled 'An act concerning the real estates of Intestates,'" was read a second time.

On motion of Mr. Comegys,

The bill entitled "A supplement to the Act entitled 'An act authorizing the Governor of this State to appoint Commissioners in other States to take depositions, the acknowledgement of deeds, &c., and to appoint Notaries Public in this State,'" was read a second time.

Agreeably to notice previously given, Mr. Bradford asked, and,

On motion of Mr. Miles,

Obtained leave to introduce a bill entitled "An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Delaware," which,

On his motion,

Was read.

Mr. Comegys presented sundry claims from Alexander J. Taylor, Ex-Sheriff of Kent County, which,

On his motion,

Were referred to the Committee of Claims.

Mr. Vaughan presented a petition from Elijah Parsons for a divorce from his wife Mary Ann, which,

On his motion,

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

Whereupon,

Messrs. Vaughan, Collins, and Naudain were appointed said Committee.

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

"An act to incorporate Fairfax Lodge, No. 8, of the Independent Order of Odd Fellows, of the city of Wilmington in the State of Delaware."

"An act to enable Shepard P. Houston, Executor of Dr. Joseph Maull, deceased, to sell and convey certain real estate of said deceased."

"An act to enable Eli Davis to locate certain vacant land in Baltimore Hundred, and to complete his title to the same."

"An act to incorporate Delaware Lodge, No. 1, of the Independent Order of Odd Fellows of the State of Delaware."

"An act concerning the division of School Districts No. 10, 11, 13, and 17 in Kent County."

Also that the Senate had passed and requested the concurrence of the House in the following bills, viz :—

"An act to authorize the erection of a Bridge over Lewes Creek in Sussex County, and for other purposes."

"A supplement to the Act entitled 'An act to improve the navigation of Cedar Creek.'"

"An act to divorce Phoebe Scotten and Jacob B. Scotten from the bonds of matrimony."

"A supplement to an act entitled 'A further supplement to the Act entitled An act for the better regulation of servants and slaves in this Government.'"

Also that the Senate had concurred in the passage of the bill entitled "A supplement to an act entitled 'An act to incorporate the Delaware Fire Insurance Company,'" with an amendment in which the concurrence of the House was requested.

And he withdrew.

On motion of Mr. Rodney,

The amendment from the Senate was read as follows :

IN SENATE, February 5th, 1849.

Amend the bill by adding the following section, viz :—

Section 15. And be it further enacted that the power of revoking or repealing this Act is hereby reserved to the Legislature.

*Extract from Journal.*

J. R. LOFLAND,

*Clerk of the Senate.*

*For Concurrence.*

On motion of Mr. Rodney,

The amendment was

*Concurred in.*

*Ordered* that the Senate be informed thereof.

Mr. Miles, from the Committee to whom was referred the petition of



William F. Southgate and others, reported a bill entitled "An act to repeal an act entitled 'An act for the preservation of game,'" which,

On his motion,

Was read.

Mr. Comegys, from the Committee to whom was referred the petition of sundry persons praying for an act authorizing the erection of a bridge over old Duck Creek, reported a bill entitled "An act authorizing a bridge to be built over Old Duck Creek," which,

On his motion,

Was read.

On motion of Mr. Cooch,

The bill entitled "An act providing for the holding of a special election for the purpose of ascertaining whether a majority of the voters of this State desire a convention to amend the Constitution of the State," was read a second time.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. N. Tunnell,

The bill entitled "An act to divorce Thomas S. Brittingham and Sally Ann S. Brittingham from the bonds of matrimony," was read a third time by paragraphs, and *Passed the House.*

*Ordered* to the Senate.

On motion of Mr. Marshall,

The bill entitled "A supplement to an act entitled 'An to act improve the navigation of Lewes Creek by cutting a canal near Green Bank,'" was read a third time by paragraphs, and *Passed the House.*

*Ordered*, to the Senate for concurrence.

Mr. Comegys presented a claim from R. H. Moore, which,

On his motion,

Was referred to the Committee of Claims.

Mr. Bradford presented a claim from Thomas R. Finsthwait, which,

On his motion,

Was referred to the Committee of Claims.

On motion of Mr. Bradford,

The further consideration of the bill entitled "An act to incorporate the Delaware Rail Road Company," was postponed until Thursday next.

On motion of Mr. Comegys,

The bill entitled "An act to incorporate Philodemic Lodge, No. 7, I. O. O. F. of Dover, in the State of Delaware," was read a second time by its title.

On motion of Mr. Miles,

The vote upon the bill entitled "An act to divorce Susanna Brown and Peter Brown," was reconsidered.

Whereupon,

On motion of Mr. Bellah,

The bill was re-committed.

In conformity with notice given, Mr. Comegys asked, and

On motion of Mr. Collins,

Obtained leave to introduce a bill entitled "A supplement to the Act entitled 'An act concerning guardians and wards, the sale of the real estate of minors, and the investment of money belonging to widows or the estates of deceased persons,' which,

On motion of Mr. Comegys,

Was read.

Mr. Comegys presented a petition from J. M. Hill and others, for restricting the sale of ardent drinks, which,

On his motion,

Was read and referred to the committee on that subject.

On motion of Mr. Miles,

The bill entitled "A supplement to an act more effectually to prevent the profanation of the Lord's Day commonly called Sunday," was taken up for consideration.

Mr. Miles moved,

To amend the bill by striking out, in the eighth line of the first section, the words "or give away;"

Which motion

*Prevailed.*

On motion of Mr. Miles,

The bill was then read a third time by paragraphs, and the question being on its final passage,

Mr. Marshall moved,

To postpone the further consideration of the bill until the 1st of May next, on which motion the yeas and nays being called for and taken, were as follows:—

*Yeas*.—Messrs. Collins, Comegys, Cooch, Jones, Marshall, Postles, Rodney, Vaughan, and Mr. Speaker—9.

*Nays*.—Messrs. Bradford, Caulk, Miles, N. Tunnell and Wilson—5.

So the further consideration of the bill was *Postponed*.

On motion of Mr. Wilson,

The bill entitled “An act directing the Clerk of the Peace of Kent County to issue an order to free-holders therein named, to determine concerning the necessity of laying out a certain public road,” was taken up for consideration.

Mr. Wilson moved,

To fill the blank in the first section of the bill with the names, Joel Clements, John Frazier, James D. Wild, Daniel Megear, and Peter Caloway.

Which motion, *Prevailed*.

On motion of Mr. Wilson,

The bill was then read a third time by paragraphs and *Passed the House*.

*Ordered*, to the Senate for concurrence.

On motion of Mr. Miles,

The bill entitled “An act for the relief of poor and distressed families in cases of execution for debt, and distress for rent,” was read a second time.

Mr. Comegys, from the Committee to whom was referred the petition of William K. Lockwood, reported a bill entitled “An act to authorize William K. Lockwood of Kent County to export, for a certain purpose herein specified, a certain male negro slave,” which,

On his motion,

Was read.

Mr. Collins, from the Committee to whom was referred the petition of John Green and others, reported a bill entitled “An act to create an additional School District in the County of Kent,” which,

On his motion,

Was read.

The House then adjourned until Monday next at 3 o'clock, P. M.

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MONDAY, February 12th, 3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Lofland, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to incorporate a Company for the purpose of making a Canal to connect the waters of Indian River and Broadkilk."

Also, that the Senate had concurred in the amendment to the bill entitled "An act to establish Green Hill Cemetery, in Christiana Hundred."

And he withdrew.

On motion of Mr. Comegys,

The bill entitled "a supplement to the Act entitled 'An act concerning guardians and wards, the sale of the real estate of minors, and the investment of money belonging to minors, or the estates of deceased persons,'" was read a second time.

On motion of Mr. Comegys,

The bill entitled "An act authorizing a bridge to be built over Old Duck Creek," was read a second time.

On motion of Mr. Comegys,

The bill entitled "a supplement to the Act entitled 'An act authorizing the Governor of this State to appoint Commissioners in other States, to take depositions, the acknowledgment of Deeds, &c., and to appoint Notaries Public in this State,'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Comegys,

The bill entitled "a supplement to the Act entitled 'An act concerning the real estates of intestates,'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Comegys,

The bill entitled "An act to incorporate Philodemic Lodge, No. 7, I. O. O. F. of Dover, in the State of Delaware," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas*.—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Jones, Miles, Naudain, Postles, Rodney, N. Tunnell, Vaughan and Mr. Speaker—15.

*Nays*.—0.

So the bill

*Passed the House.*

*Ordered*, to the Senate for concurrence.

On motion of Mr. Comegys,

The bill entitled "An act to authorize W. K. Lockwood of Kent County, to export for a certain purpose herein specified, a certain male negro slave," was read a second time.

Mr. Comegys moved,

To fill the blank in the third Section of the bill with the word "fifteen."

Which motion

*Prevailed.*

On motion of Mr. Bradford,

The bill entitled "An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Delaware," was read a second time by its title.

On motion of Mr. Collins,

The bill entitled "An act to create an additional School District in the County of Kent," was read a second time.

Mr. Miles presented a petition from William Baldwin and others, praying for an act authorizing the Levy Court of New Castle County to purchase the Wilmington and Christiana Turnpike," which,

On his motion,

Was referred to the Committee on that subject.

Mr. Carlisle, from the Committee to whom was referred the petition of J. Anderson and others, reported it inexpedient to grant the prayer of the petitioners; which report,

On motion of Mr. Caulk,

**Was***Adopted.*

Mr. Miles, from the Committee of Enrollment reported the following bills as being duly and correctly enrolled, viz :—

“An act to incorporate a bank at Delaware City, under the name of the Delaware City Bank.”

“An act to enable Shepard P. Houston, Executor of Dr. Joseph Maull, deceased, to sell and convey certain real estate of said deceased.”

On motion of Mr. Jones,

The bill entitled “An act to divide School District No. 77 in Sussex County,” was read a second time.

Mr. Vaughan, from the Committee to whom was referred the petition of Margaret Wooten, reported a bill entitled “An act to divorce Margaret Wooten and James Wooten from the bonds of matrimony,” which,

On his motion,

Was read.

Mr. Bellah, from the Committee to whom was referred the petition of J. H. Ellegood and others, reported a bill entitled “An act to incorporate Howard Division, No. 18, of the Sons of Temperance at Laurel, Delaware,” which,

On his motion,

Was read.

Mr. Miles offered the following Resolution, which,

On his motion,

Was read as follows :—

*Resolved*, That the use of the Hall of the House of Representatives be granted to Dr. James P. Wilson, this evening, for the purpose of delivering an address on the subject of Education.

On motion of Mr. Miles,

The Resolution was.

*Adopted.*

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

TUESDAY, February 13th, 10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Comegys presented a claim from Daniel M. Bates, Esq., which,

On his motion,

Was referred to the Committee of Claims.

Mr. Bradford presented a claim from Messrs. Evans & Vernon, which,

On his motion,

Was referred to the Committee of Claims.

Mr. Bradford presented a petition from George Craig and others, praying for a law altering the qualification of voters at the City Elections in Wilmington, which,

On his motion,

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

Whereupon,

Messrs. Bradford, Bellah, and Caulk, were appointed said Committee.

On motion of Mr. Comegys,

The bill entitled "an additional supplement to the Act entitled 'An act for the better preservation of certain shell fisheries within this State,'" was taken up for consideration.

Mr. Comegys moved,

To amend the bill by striking out the word "five" in the second Section, and inserting the word "ten" in lieu thereof.

Which amendment was

*Adopted.*

Mr. Comegys then offered the following additional amendment, which,

On his motion,

Was read as follows :—

Amend the bill further by numbering the last Section thereof as Section Sixth, and inserting before it the following as

*Section 5th.* And be it further enacted, that the license for the residue of the present year shall be taken out in the month of April, and the fee therefor shall be seventy-five dollars.

On motion of Mr. Comegys,

The amendment was

*Adopted.*

Mr. Marshall offered the following amendment, which,

On his motion,

Was read as follows :—

Amend the bill by adding the following proviso at the end of Section 3. "Provided, further, that no person shall under the provisions of this Section, be permitted to appropriate for their own use any portion of the bottom of Lewes Creek opposite the Town of Lewes, in Sussex County, exceeding forty feet square."

On motion of Mr. Marshall,

The amendment was

*Adopted,*

And the bill then read a third time by paragraphs, and

*Passed the House.*

*Ordered,* to the Senate.

Mr. Bradford from the Committee to whom was referred the petition of J. W. Duncan and others, reported a bill entitled "An act to lay down Robinson street in the plot of the city of Wilmington as one of the streets in the city of Wilmington," which,

On his motion,

Was read.

Mr. Caulk presented a petition from J. Ocheltree and others, praying for a law taxing bonds and mortgages, which,

On his motion,

Was read.

Mr. Bellah presented a remonstrance from Benjamin Webb and others, against taxing bonds and mortgages, which,

On his motion.

Was read.

Mr. Bellah presented a petition from Mahlon Betts and others, for an act to incorporate the Philadelphia, Delaware, and New York Steamboat Company, which,

On his motion,

Was read.

Mr. Wilson presented a petition from W. Berry and others, for an additional School District in Kent County, which,

On his motion,



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

Whereupon,

Messrs. Wilson, Naudain and Jones, were appointed said Committee.

On motion of Mr. Bradford,

The bill entitled "An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of the State of Delaware," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were called for and taken as follows :—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Cooch, Jones, Miles, Naudain, Postles, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson, and Mr. Speaker—17.

*Nays.*—0.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Bellah presented a petition from the Trustees of the Methodist Episcopal Church in Brandywine Hundred, praying for an act to authorize the sale of certain real estate, which,

On his motion,

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

Whereupon,

Messrs. Bellah, Cooch and N. Tunnell, were appointed said Committee.

Mr. Bradford presented a petition from R. K. Jones and others, for an act to incorporate the Jefferson Lodge, which,

On his motion,

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

Whereupon,

Messrs. Bradford, Collins and W. Tunnell, were appointed said Committee.

On motion of Mr. Miles,

The bill entitled "An act to repeal an act entitled 'An Act for the preservation of Game,'" was read a second time.

On motion of Mr. Collins,

The bill entitled "An act to create an additional School District in the County of Kent," was taken up for consideration.

Mr. Collins moved,

To amend the bill by filling the blanks therein with the figures 52.

Which motion,

*Prevailed.*

On motion of Mr. Collins,

\*The bill was then read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Wilson,

The bill entitled "An act to procure a Map of this State," was read second time.

On motion of Mr. Rodney,

The bill entitled "An act to incorporate the Philadelphia, Delaware and New York Steamboat Company," was taken up for consideration.

Mr. Rodney then offered the following amendment, which,

On his motion,

Was read as follows:—

Amend the bill by adding the following additional Section, viz:—

Section 11. *And be it further enacted*, That the said corporation shall pay into the Treasury for the use of the State, the sum of five thousand dollars as a consideration for the granting of this act; which sum shall be paid in three annual payments, viz:—two thousand dollars on the first day of January 1850, two thousand dollars on the first day of January 1851, and one thousand dollars on the first day of January 1852.

Mr. Rodney moved,

That the amendment be adopted; on which motion, the yeas and nays being called for and taken, were as follows:—

*Yeas*—Messrs. Carlisle, Caulk, Collins, Cooch, Jones, Miles, Naudain, Postles, Rodney, Taylor, and Mr. Speaker—11.

*Nays*—Messrs. Bradford, Bellah, Marshall, N. Tunnell, W. Tunnell, Vaughan, and Wilson—7.

So the amendment was

*Adopted.*

On motion of Mr. Rodney,

Z

The further consideration of the bill was then postponed.

Mr. Marshall presented a petition from R. Wolfe and others, for an act to incorporate the Rehobeth Marsh Company, which,

On his motion,

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

Whereupon,

Messrs. Marshall, Carlisle and Miles, were appointed said Committee.

Mr. Bradford presented a petition from the National Brass Band of Wilmington, for an act of incorporation, which,

On his motion,

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

Whereupon,

Messrs. Bradford, Taylor and Marshall, were appointed said Committee.

On motion of Mr. Vaughan,

The bill entitled "An Act to divorce Margaret Wooten and James Wooten from the bonds of matrimony," was read a second time.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Comegys, from the Committee to whom was referred the petition of John Slay and others, reported a bill entitled, "A further supplement to the Act entitled 'An act to authorize the owners and possessors of the marsh or low ground commonly called or known by the name of the Culbreath's Marsh, situate in the forest of Murderkill and Dover Hundreds, in Kent County, to cut a ditch or drain through the same,' " which,

On motion of Mr. Comegys,

Was read.

Mr. Miles, from the Committee of Enrollment, reported the following bills as being duly and correctly enrolled, viz :—

“An act to incorporate Fairfax Lodge, No. 8, of the I. O. O. F. in the city of Wilmington, State of Delaware.”

“An act to enable Eli Davis to locate certain vacant land in Baltimore Hundred, and to complete his title to the same.”

On motion of Mr. Jones,

The bill entitled “An act to divide School District No. 77, in Sussex County,” was read a third time by paragraphs, and

*Passed the House.*

*Ordered to the Senate for concurrence.*

Mr. Naudain presented a petition from A. Stockley and others, for an act incorporating the Delaware Rail Road Company, which,

On his motion,

Was read.

Mr. Collins presented similar petitions from B. Tharp and others, which,

On his motion,

Were read.

Mr. Comegys presented sundry petitions from J. C. Dunning and others, for the creation of a school tax, which,

On his motion,

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

Whereupon,

Messrs. Comegys, Rodney and Jones were appointed said Committee.

Mr. Collins, from the Committee to whom was referred the petition of J. H. Cannon and others, reported a bill entitled “An act for the further distribution of the reports of legal decisions in this State,” which,

On his motion,

Was read.

On motion of Mr. Caulk,

The bill entitled “A further supplement to the Act entitled “An act for the valuation of real and personal property within this State,” was read a second time.

On motion of Mr. W. Tunnell,

The bill entitled "An act to incorporate Howard Division, No. 18, of the Sons of Temperance at Laurel, Delaware," was read a second time.

Mr. Carlisle, from the Committee of Enrollment, reported the following bill as being duly and correctly enrolled, viz :—

"An act to incorporate a company for the purpose of making a Canal to connect the waters of Indian River and Broadkilkn."

Mr. Caulk from the Committee of Enrollment reported the following bills as being duly and correctly enrolled, viz :—

"An Act to incorporate Delaware Lodge, No. 1, of the I. O. O. F. of the State of Delaware."

"An Act to divorce Jenifer Anderson and Margaret Anderson."

"An Act concerning the division of School Districts, Nos. 10, 11, 13 and 17, in Kent County."

Mr. Miles from the Committee of Enrollment, reported the following bill as being duly and correctly enrolled, viz :—

"A supplement to an Act entitled 'An act to incorporate the Delaware Fire Insurance Company.'"

Mr. Jones presented a petition from J. Stuart and others, for a law authorizing a certain Justice of the Peace in Sussex County, to change the place of his residence in said County, which,

On motion of Mr. Jones,

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

Whereupon,

Messrs. Jones, Postles and Bradford, were appointed said Committee.

On motion of Mr. Comegys,

The bill entitled "An Act to provide for the examination of the teachers of free schools," was taken up for consideration, and read a second time.

Mr. Comegys offered the following amendments to the bill, which,

On his motion,

Were read as follows :—

Amend the bill by filling the first blank in Section 2, with the names "Willard Hall, James P. Wilson, and Joseph Smithers;" the second

blank with the names, "Charles Marim, Daniel M. Bates, and James P. Lofland;" and the third blank with the names, "Elisha D. Cullen, George R. Fisher and Henry F. Hall."

Also, add the following Section to said bill, viz:—

Section 4. *And be it further enacted*, That it shall not hereafter be lawful for the School Commissioners and Clerk in any of the School Districts to employ either one of their number as teacher in said District; and if they shall employ any person as such teacher, who shall not have first produced and shown to them a certificate of qualification, as provided by the first Section of this act, they shall forfeit and pay to the District, the sum of fifty dollars, to be sued for and recovered, with costs of suit by action of debt in the name of the District, by the School Commissioners by whom they shall be succeeded in office, before any Justice of the Peace in the County in which said District shall be situated, in the same manner as debts of the same amount are now recoverable; and appeals shall be allowed from judgments rendered by virtue of this act, in the same manner as in other cases of debt tried before Justices of the Peace.

On motion of Mr. Comegys,  
The amendments as read were

*Adopted.*

Mr. Miles then moved,  
To fill the remaining blank in the second section of the bill, with the words "five dollars."

Which motion

*Prevailed.*

On motion of Mr Comegys,  
The 9th Rule of the House was suspended, for the introduction of a bill.

Mr. Comegys then asked, and,

On motion of Mr. Collins,  
Obtained leave to introduce a bill entitled "A supplement to the Act entitled 'An act concerning wills,' " which,

On motion of Mr. Comegys,

Was read.

On motion of Mr. Comegys,

\* The bill entitled "A supplement to the Act entitled 'An act concerning guardians and wards, the sale of the real estate of minors and the investment of money belonging to minors, or the estates of deceased persons,' " was read a third time by paragraphs, and

*Passed the House.*

*Ordered*, to the Senate for concurrence.

Mr. Bellah, from the Committee to whom was referred the petition of Benjamin Chandler and others, reported it unnecessary at this time to legislate further upon the subject of the petition : which report,

On motion of Mr. Carlisle,

Was

*Adopted.*

Mr. Postles, from the Committee to whom was referred the petition of Edward Mills and others, reported a bill entitled "An act to divide School District, No. 45, in Kent County," which,

On his motion,

Was read.

Mr. Vaughan, from the Committee to whom was referred the petition of Elijah R. Parsons, reported a bill entitled "An act to divorce Elijah R. Parsons and Mary Ann Parsons," which,

On his motion,

Was read.

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

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

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Carlisle from the Committee of Enrollment, reported the following bills as being duly and correctly enrolled, viz :—

"A further additional supplement to the Act entitled 'An act for regulating Inn Holders, Tavern Keepers, and other Public House-keepers, within this government, and empowering the Justices to settle the rates of liquor.' "

"A further additional supplement to the Act entitled 'An Act to restrain persons from suffering swine to run at large within certain limits.' "

Also, as being correctly enrolled, the resolution of the General Assembly, prohibiting any new lottery grants."

On motion of Mr. Marshall,

The bill entitled "An Act to authorize the erection of a bridge over Lewes Creek in Sussex County, and for other purposes," was read.

Mr. Jones from the Committee to whom was referred the petition of J. D. Rodney and others, reported a bill entitled "An Act to incorporate Union Lodge, No. 3, of the Independent Order of Odd Fellows of the State of Delaware, at Georgetown," which,

On his motion,

Was read.

Mr. Bellah from the Committee to whom was referred the petition of the Trustees of the Methodist Episcopal Church in Brandywine Hundred, reported a bill entitled "An act to authorize the Trustees of the Methodist Episcopal Church, to make a deed," which,

On his motion,

Was read.

Mr. Collins presented a remonstrance from William Denny and others, against the passage of a bill authorizing the construction of a bridge at Leipsic, which,

On his motion,

Was read.

Mr. Taylor presented a similar remonstrance from C. G. Temple and others, which,

On his motion,

Was read.

Mr. Carlisle presented a similar remonstrance from J. Hill and others, which,

On his motion.

Was read.

Mr. Rodney, from the Committee to whom was referred sundry petitions upon the subject of the license law ; reported a bill entitled "An Act concerning retailers of goods, wares and merchandize," which,

On his motion,

Was read.

Mr. Comegys, from the Committee to whom was referred the petition of the City Council of Wilmington, reported a bill entitled "An Act to limit the city debt of Wilmington, and to provide for the discharge thereof," which,



On his motion,

Was read.

Mr. Bradford from the Committee to whom was referred the petition of George Craig and others, reported a bill entitled "A further supplement to the Act, entitled 'A further supplement to the Act entitled 'An act to alter and re-establish the charter of the Borough of Wilmington,' " which,

On his motion,

Was read.

On motion of Mr. Vaughan,

The bill entitled "An act to divorce Margaret Wooten and James Wooten from the bonds of matrimony," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were called for and taken as follows:—

*Yeas*—Messrs. Bellah, Cooch, Jones, Marshall, Naudain, Rodney, N. Tunnell, Vaughan and Wilson—9.

*Nays*—Messrs. Bradford, Carlisle, Caulk, Collins, Comegys, Miles, Postles, Taylor, W. Tunnell and Mr. Speaker—10.

So the bill was

*Lost.*

On motion of Mr. W. Tunnell,

The bill entitled "An act to incorporate Howard Division, No. 18, of the Sons of Temperance at Laurel, Delaware," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas*.—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Jones, Marshall, Miles, Naudain, Postles, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson, and Mr. Speaker—19.

*Nays*.—0.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Miles,

The bill entitled "An act providing for holding a special election to ascertain the sense of the people of the State of Delaware, in relation to calling a convention to alter the Constitution of the said State," was taken up for consideration.

Mr. Miles moved,

To amend the bill by inserting the word "fifty," in lieu of the words "forty-nine," in the third line of section 1st, and in the fifth line of section eleven:

On which motion the yeas and nays being called were as follows:—

*Yeas*.—Messrs. Comegys, Jones, Marshall, Miles, Postles, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—10.

*Nays*.—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Cooch, Naudain, Rodney, and Taylor—9.

So the amendment was

*Adopted.*

On motion of Mr. Carlisle,

The further consideration of the bill was postponed until 4 o'clock this afternoon.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Jones presented a petition from D. Cannon and others, praying for a tax on bonds and mortgages, which,

On his motion,

Was read.

Mr. Comegys presented a petition from S. Lockwood and others, praying for the levying of a school tax, which,

On his motion,

Was read and referred to the committee on that subject.

On motion of Mr. W. Tunnell;

The bill entitled "An act to divorce Nancy A. Marvel from her husband Philip Marvel of A.," was read a second time.

Mr. Comegys presented a claim from H. S. Benson, and also one from John Wyatt, which,

On his motion,

Were referred to the Committee of Claims.

Mr. Wilson presented a remonstrance from J. Pratt and others, against dividing School District No. 16, which,

On his motion,

Was read.

On motion of Mr. Comegys,

The bill entitled "A supplement to the Act entitled 'An act concerning wills,'" was read a second time.

On motion of Mr. Bradford,

The bill entitled "A supplement to the Act entitled 'An act concerning defects in legal proceedings,'" was read a third time by paragraphs, and  
*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Comegys,

The bill entitled "An act to provide for the examination of the Teachers of free schools," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Miles, Postles, Rodney, Wilson and Mr. Speaker—12.

*Nays.*—Messrs. Jones, Marshall, Naudain, Taylor, N. Tunnell, W. Tunnell, and Vaughan—7.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Bradford, from the Committee to whom was referred the petition of R. K. Jones and others, reported a bill entitled "An act to incorporate Jefferson Lodge, No. 2, I. O. O. F., of the State of Delaware," which,

On his motion,

Was read.

On motion of Mr. Collins,

The bill entitled "An Act for the further distribution of the reports of legal decisions in this State," was read a second time.

Mr. Marshall, from the Committee to whom was referred the petition of sundry Collectors of Sussex County, reported it inexpedient to grant the prayer of the petitioners; which report,

On motion of Mr. Carlisle,

Was

*Adopted.*

Mr. Bradford, from the Committee to whom was referred the petition of C. F. Day and others, reported a bill entitled "An Act to incorporate the Franklin Building Association of Wilmington," which,

On his motion,

Was read.

The Speaker laid upon the table a communication from Daniel M. Bates, Esq., Secretary of State, accompanying his account of expenditures under resolutions of the last General Assembly.

On motion of Mr. Comegys,

The communication was read as follows, and the account referred to the Committee on Claims.

DOVER, Feb. 14, 1849.

SIR:—I have the honor herewith to submit to the House of Representatives my accounts with the State, for moneys received during the years 1847–8, as fees for lottery licenses, commissions, impressions of the great seal, &c.; also my accounts with the contingent fund of my office, and with the appropriations made by the General Assembly at its last session for furnishing the Secretary's Office and State Library. The vouchers for disbursements of the contingent fund, and of the appropriations referred to, are on file in the Secretary's Office, subject to inspection.

With great respect,  
Your obedient servant,

DANIEL M. BATES,  
*Secretary of State.*

Hon. DANIEL CUMMINS,  
*Speaker of the House of Representatives.*

The Speaker having informed the House that the hour had arrived for resuming the consideration of the bill entitled "An Act providing for holding a special election to ascertain the sense of the people of the State of Delaware in relation to calling a Convention to alter the Constitution of the said State."

Mr. Marshall moved,

That the vote upon the amendment thereto, which was adopted in the morning, be reconsidered;

Which motion,

*Prevailed.*

The question then recurring on the adoption of the amendment, the yeas and nays were called for and taken as follows:—

*Yeas*.—Messrs. Comegys, Jones, Miles, Postles, Wilson and Mr. Speaker—6.

*Nays*.—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Cooch, Marshall, Naudain, Rodney, Taylor, N. Tunnell, W. Tunnell and Vaughan—13.

So the amendment was

*Lost.*

On motion of Mr. Miles,

The bill was then read a third time by paragraphs, and the question being on the final passage thereof, the yeas and nays were ordered, which being taken, were as follows :—

*Yeas*.—Messrs. Bradford, Bellah, Caulk, Collins, Cooch, Miles, Naudain, Rodney, Taylor, and Wilson—10.

*Nays*.—Messrs. Carlisle, Comegys, Jones, Marshall, Postles, N. Tunnell, W. Tunnell, Vaughan and Mr. Speaker—9.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Comegys gave notice that he would to-morrow ask leave to introduce a bill in relation to devises to charitable uses.

On motion of Mr. Miles,

The bill entitled “A further additional supplement to the Act entitled ‘An act for establishing the boundaries of the town of New Castle, and for other purposes therein mentioned,’” was read a second time.

On motion of Mr. Comegys,

The bill entitled “A further supplement to the Act entitled ‘An act to authorize the owners and possessors of the marsh or low ground commonly called and known by the name of the Culbreath Marsh, situate in the forest of Murderkill and Dover Hundreds in Kent County, to cut a ditch or drain through the same,’” was read a second time by its title.

On motion of Mr. Bradford,

The bill entitled “An act to lay down Robinson street in the plot of the city of Wilmington, as one of the streets in the city of Wilmington,” was read a second time by its title.

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

“An act to authorize the building of a bridge across Ditch Creek, near Lewestown in Sussex County.”

"An act to regulate the selling of grain."

"A further additional supplement to the Act entitled 'An act to establish a company under the name of the Mispillion Navigation Company.'"

"An act to divorce George Burton and Mary Burton."

"An act to divorce Angelina Jackson and Alfred M. Jackson from the bonds of matrimony."

"An act to authorize Benjamin Thistlewood to raise his mill dam, and for other purposes."

"An act to empower the present board of Directors of the Wilmington Fire Insurance Company, to make a final settlement of its business, and to authorize a dissolution of the said Corporation."

"An act to enable Benjamin Ellingsworth to locate certain vacant land in Dagsborough Hundred in Sussex County, and to complete his title to the same."

"An act to incorporate Chrystal Fbunt Lodge, No. 10, of the I. O. O. F., at Milford Delaware."

"An act to incorporate Mechanics' Lodge, No. 4, of the I. O. O. F., of the State of Delaware."

Also, that the Senate had passed and requested the concurrence of the House in the following bills, viz :—

"A further supplement to the Act entitled 'An act for the benefit of Sussex County.'"

"A supplement to an Act entitled 'An act providing for the draining of certain marshes and low ground, in slaughter neck.'"

"A further supplement to the Act entitled 'An act fixing the standard of weights and measures, and regulating the same within this State.'"

"An act to authorize the present and future owner or owners of the bridge over Nanticoke River, at Seaford, to demand and receive higher tolls of foot passengers."

"An act to authorize Robert A. Burton and Jacob A. Conwell to erect a gate across the public road."

Also, that he had been directed to present a communication from the Hon. Willard Hall, in relation to free schools.

Also, to present sundry enrolled bills for the signature of the Speaker of the House, and to return others which had received the signature of the Speaker of the Senate.

And he withdrew.

On motion of Mr. Carlisle,

The bills from the Senate for concurrence were read.

On motion of Mr. Comegys,

The communication from the Hon. Willard Hall was read as follows:—

WILMINGTON, February 12, 1849.

Hon. W. W. MORRIS,

*Speaker of the Senate of the State of Delaware,*

SIR:

The act of Assembly for the establishment of free schools, makes it the duty of the superintendent for each county, to report to the General Assembly, the state of the districts, and such matters as he shall deem proper for their consideration.

The reports of the school conventions of this county, which I have forwarded to the members, contain all the information I can give with respect to the districts of this county.

But, having been conversant with this system for seventeen years, during which time I have anxiously watched its progress and hindrances, I have views upon the subject that have been formed upon this acquaintance, which it may, perhaps, be useful to present to the General Assembly. For this purpose I have prepared the accompanying report, and request you to lay it before the Senate.

I should be glad to make a duplicate to be presented to the House of Representatives. I trust the labor will be received as a sufficient excuse for my not doing so, and that this report may be so communicated to them, as shall be acceptable to them, and in accordance with the rules of business of the Senate.

With great respect,

Yours,

WILLARD HALL.

## REPORT.

The reports of the annual school convention of New Castle county, regularly transmitted to the members of the Senate and House of Representatives, have shown the condition of the schools in the districts taking part in this convention. It is believed, that the schools in these school districts will compare advantageously with common schools in country villages and towns in States most favoring popular education. We thus learn the important fact, that the people, if they will take

pains, can manage their own schools, improve them, and with nothing more than a determination to have good schools and willingness to afford reasonable means, raise them to any desirable degree of excellence.

This sanctions the principle adopted as the ground of our school system: that the school fund should be used to incite and help the people to provide convenient and suitable schools for their children. On this ground the original provision was, that a district should draw from the school fund as much as it raised within itself for school purposes, up to the full sum of its dividend; and a strict account was required as to the faithful application. The provision has been modified; but the principle remains, though impaired; and the spirit of our system is, not to stand in the place of parents and guardians with respect to children under their care, so as to provide schools for their education, but to induce parents and those who have the charge of children to be faithful, and themselves supply schools, affording that which to an immortal spirit is its most urgent need and greatest blessing—means to unfold the mind, communicate knowledge of its powers, and impart ability to use and improve them.

We cannot too carefully examine this distinguishing principle of our school system. It is, not that the State shall educate the children; but that the people shall educate their own children, and the State confer upon them power to effectuate this purpose, and encourage and help them to exercise it. Our law constituting the school districts, and enabling the school voters in each to make provisions for a school, confers the power; and distributing to the district the income of the school fund, affords the encouragement and help.

The objection to this principle, is, that it rests too much on the will of the people; trusting to their voluntary agency. They can refuse to make any provision; they can make such inadequate provision as to waste the money used; they can choose for clerk and commissioners, incompetent or selfish men who will employ an unqualified or even an immoral person as teacher, and uselessly expend or dishonestly embezzle the money received for the benefit of the school. Every point of this objection has been sustained by facts in the experience of our school system. It is a most painful reflection, that funds sacredly appropriated to the benefit of the children of a district, for providing a school for them, have been perverted on some occasions in some districts, through the covetousness of those accepting the trust of them, to the defrauding of the children, and the inflicting upon them of an injury lasting as their existence, and extensive as their influence may be for evil, or might have been for good. It is stated, that allowance has been made in one school district, to clerk and commissioners, of ten dollars, each, for their services. This was perversion of the law:—more than six weeks schooling to every child of the district, was thus absorbed by those whose office required them to make the most of the means in their



power, scanty at best, for the benefit of these children. In a social state, especially under free institutions, there must be public spirit : services must be rendered on the ground of social duty ; we owe much to the common good, and we ought to be liberal for promoting it. The mercenary spirit that can do nothing without pay, is not suited to our condition, dependent upon each other and necessary to each other for mutual good offices. The school law carefully guards against the waste of its funds in payment of emoluments. The expressions of sections six and eight of the original school law, establish " no emolument " as the general rule, allowing special circumstances to make an exception. Another abuse of the school law has been perpetrated by the school committee when paying their teacher fifty dollars, taking his receipt for seventy-five dollars. By this contrivance, the requirement of the law, that a district must raise at least twenty-five dollars to receive its dividend, was evaded. It was indeed argued in the case, that as the district would not raise the twenty-five dollars, this course to get the dividend, was justifiable ; for otherwise there could have been no school. That children of a district should have no school, is indeed a misfortune ; it is more, it is a calamity ; but this is no extenuation of the abuse of the law, we are considering. If the school voters of a district will not execute the trust which the law commits to them as the best depositaries of it, to provide a school for their own and their neighbors' children, the children must suffer the consequences, and the school voters meet the retribution. It is an affliction to a child to have his lot cast in such a district ; but the law cannot unmake nor re-make men :—it will not do, in legislating under our institutions, to refuse to rely upon men as citizens, because some, in unyielding selfishness, are incapable of the virtues of citizenship. The law commits to the school voters of the districts, the trust of providing schooling for their own and their neighbors' children, upon the natural supposition, that they are bound by affection and interest faithfully to fulfil it ; but if they set no value on education ; if they will consign all depending upon their care to ignorance and degradation ;—upon the principles of our institutions there can be no remedy. The evil will cure itself ; and the cure, although too slow for our anxieties, will be the best that can be devised, in its ultimate effects. One other abuse has been noticed :—the people of a district paid the twenty-five dollars required to be raised, by furnishing twenty-five loads of woods for the school, at a dollar a load. This case of abuse is less than either of the others. A gentleman who, the year after it moved into this district, was solicited to serve on the school committee. He reproved this abuse, and admonished them, that if he were elected, the law must be fairly executed for attaining its important object—providing a school for the children. They elected him ; manifesting no disposition to persist in wrong. Another abuse has been mentioned :—the clerk and commissioners of a district have been known

to draw the school dividend, and on the spot divide it into three parts, each taking a third :—thus showing, that they did not treat the money as an entire fund appropriated to the school, to be used only in payment of teachers' compensation and contingencies ; but that they would employ it at their individual option, and offset the charge against them on account of it, by items of credit from the teacher's receipts, or other matters as might be convenient. It is obvious, that in such a course the school must suffer. They who will thus appropriate to themselves public money, will discharge themselves of the debt incurred by it, as easily as they can—by driblets, by barter, by accommodation ; regard to which may lead to the employment of an improper teacher, and the result of which must always be in favor of the committee—against the school. Good conscience—common honesty, requires that these dividends should be applied sacredly in the direct payment of school claims, and forbids that school committees should make any other use of them.

Such abuses are greatly to be deplored. The subject which they affect, aggravates them. They are a fraud upon children—those who in the dependence of childhood, not competent to take care of themselves, are thrown upon the care of others :—diminishing their means of schooling, at largest, too small for their need.

At the same time it must be admitted, that a very unreasonable use has been made of these abuses. Persons professing to be zealous for popular education, can tell you all about them, while they can tell you nothing else with respect to our schools. Inquire what they are doing to promote schools, they tell you of these abuses ; ask how you can be of any assistance to help forward the cause, they tell you of these abuses ; if you make no inquiry, they will introduce the subject, to inform you of these abuses. The abuses cannot be defended ; but they are no argument against the system. There are more than two hundred school districts in the State ; they have been in operation for years ; most of them sixteen years at least ; and in one district in one year there was the abuse of the twenty-five loads of wood ; in another district, more than once, the imposition of a receipt of seventy-five dollars, when only fifty dollars had been paid ; in another district we are informed of one case of peculation, it being manifest that the clerk and commissioners, taking each a portion of the school dividend, meant to use it, and make up the account as might be convenient ;—there may have been other such cases ; but they are rare ; and it is confidently believed, that there cannot be found in any part of the Union two hundred school districts in which, in the same length of time, there has not been at least equal ground of complaint for perversion of school money. But this does not extenuate the guilt and shame of the abuses. Considering the general character of our people, and the uprightness that ought peculiarly to characterize transactions relating to the intellectual and moral

improvement of youth, deviation from rectitude is not only inexcusable, but deserving of pointed condemnation.

The objection that takes such notice of these abuses, and makes so much of them, is directed against our school system. The drift, the desire at heart is, to deprive it of support. What then? It will not do to turn against the current of the age, and move backward. Every State in the Union is alive to the subject of popular education: in every one there is unanimity of opinion, that it must be cared for and promoted as indispensable to the public welfare; that it is incumbent on the State to make provision for it, as well for general safety, as the personal benefit of those dependent upon the means it provides; much is being done in accordance with this opinion: on this subject party distinctions coalesce, all concurring in it as a fundamental principle of our polity, that means of good, elementary education shall be placed within the reach of all our youth. It is no small cause of congratulation to us, that our State is divided into convenient school districts, and that we have in operation a school system understood and conducted by the people, through which there is in every district for all the children as good a common school, as the majority choose to have.

At this point the objection arises; it takes for its ground, the majority will not choose to have a suitable school; they will be indifferent, and their indifference will make them fit subjects to be cajoled out of the public bounty to the defrauding of their children of all the benefit designed for them.

The answer has been given—the evil will cure itself. Whatever it may be for a time, it is not greater than would actually be experienced, perhaps more out of sight, in the working of any other plan. The advantage of this course is, the cure will be more certain and efficacious. The child cannot be committed to better care than that of the parent. This is the instruction of philosophy, the teaching of religion, and the voice of nature. Families are instituted, having this great principle for their corner stone. There are conditions and circumstances, in which the principle does not hold; but these are unnatural, and so far from being multiplied and aggravated by our institutions being conformed to them, the opposite course should be promoted by making occasions for the exercise of them. In starting our school system there have been much hinderance and discouragement from these unnatural conditions and circumstances, indifference to the training of children, carelessness about their schooling, unconcern whether any is provided, or what kind is provided, parents and those having charge of children content to do nothing to qualify them to be useful, respectable or prosperous; but the difficulties are giving way: the people self-trained through the information disseminated in the operations of the time, and by the exercise of practical thinking which the progress of things is forcing on every mind, will correct their errors; and while they will practise more economy,

will provide schools better suited to their wants, than would be provided upon any other plan. Our system casting upon the people the charge of providing their own schools, encouraging to faithfulness by liberal assistance, calling them together to consider and determine what shall be done, presenting the questions, "what money they will raise," and "whether it shall be assessed according to the fair and equal provisions of our laws," leads them to estimate the need and worth of schooling and to ponder their duty and responsibility in relation to it. This process imperceptibly, but far more thoroughly than a superficial observer would suppose, operates on the whole community, parents and children, sets in view the fact of mind's being the paramount attribute of man; capable under culture giving it the knowledge and use of its own powers, of effectuating far more than bodily strength in any line or for any purpose of life, but without culture dormant or depressed in animalism and depravity, and produces a common sentiment under which people would as soon think of raising their children without food or clothes, as without schooling. Such a state of public sentiment is stimulus to mind, is an important auxiliary to education; efforts to which it leads, awaken in the children themselves consciousness of their minds, and their capacity of improvement, and some of the most valuable results of education are thus attained. So far as respects the masses, England is the worst educated country of the part of the old world within the pale of civilization. Yet no country is so favored with bountiful provisions made by private beneficence for educating the people. Vast is the income of property appropriated to this purpose by last wills and testaments: but the parents of the children entitled to the benefit of the schools, have nothing to do with the providing or sustaining of them: they have right to send their children; but the charge of the schools belongs to trustees under the wills. The schools generally are starveling, worthless concerns; very little of the income of the property appropriated to them, reaches them; more than nine-tenths, often ninety-nine hundredths of it have been absorbed by individual covetousness; and although upon investigation the enormity of the abuses astonished Parliament, their extent and inveteracy secured them against redress. In Scotland, the poorest of countries, with no public money for schools, the people supporting their own parish schools out of their own scanty means, there is the best educated, and best conditioned people of the old world. In the armies of Europe a Scotch regiment always stands pre-eminent; and a Scotsman, wherever he is, however poor, never fails to make the impression of intelligence. In Prussia the government takes upon itself the entire charge of popular education, provides schools and teachers, pays the outlays from the general taxation, and compels the sending of the children; the parents or those having charge of the children have no part in the matter, except to see to it, that the children be sent. This system is the praise of all

educational philosophers of the old and new world. But what says experience? The Prussian system consisting of well adapted parts and working through the energy imparted by an absolute government, delights the eye of a philosopher. He would not consent to enter the cottage, the workshop, the soldier's tent, to see what the system had made of those trained under it. Yet the only good evidence of the excellence of a school system, must be the character of the scholars; their capacity and worth. We have just seen what the parish schools of Scotland do for that people; and we have the testimony of Dr. Hawkins, an intelligent English traveller, with respect to the Prussian system. He says, in relation to the beneficial effects of this system, "I find it impossible to produce any satisfactory authority. It is in vain to seek for results in the works of those who have only studied the plan in its programme and decrees; who have not looked into the farmhouse, the barrack, the manufactory or the cottage for its realization.—Let me not be understood to speak with disrespect of a noble attempt to advance humanity. I only maintain, that such measures are to be tested by their operation on the mass of society, and that in appreciating political experiments we are not merely to analyze them on paper. I am the last person to attach much weight to my own observations, but in default of the remarks of others I have not succeeded in discovering, that the Prussian peasant or artisan is better informed or more moral than his neighbors; his manners are not superior, nor does he appear to solace his hours of leisure, more than others, with study of books." The common schools of New England before the revolution, and after when I received instruction in them, were inferior to our district schools.—They had nothing in them to satisfy any one who could not make great allowance for awkwardness and slowness, and discouraging appearances. But what traveller speaking of the people, has ever failed to ascribe to these schools surpassing efficacy in enlarging the common capacity and promoting the general intelligence? In these schools were formed the people who could understand the nature and requirements of civil liberty, form for themselves government imbued with energy from their love of order and intelligent appreciation of subordination, and by their skill, industry and enterprise fill that rockbound and barren region with abundant wealth.

I consider that the good effects of the parish schools of Scotland and the schools of New England, are attributable to the fact, that the people support and manage the schools, and in consequence feel the interest which their agency produces; and that the charity schools of England and the schools of Prussia fail of like results, because the people have no part in them, and therefore have no concern about them. It is a law of our nature, that being engaged in any matter, enlists our feelings, and produces the excitement of interest; and that we are indifferent on any subject with which we have nothing to do.

These views present an answer to those who insist, we shall change our system ; for that is the aim of all objections. No one dare say, we shall have no system of popular education ; their drift, therefore, is that we shall have something different—a change. What shall the change be ? The question is not easily answered. Some years ago it was proposed in the House of Representatives of this State to appoint a commission to correspond with other States and countries upon the subject of common schools, to obtain information upon which to make this change. That practical good sense which has always marked the General Assembly, rejected this proposal. What need is there to go out of any one of our school districts for the information, which it was the design of this proposal to obtain ? Let us examine this question, considering this proposal made on the ground, that we must have common schools, and the present system does not afford them : it therefore must be changed ; and we must seek information to enable us to act with judgment and effect. With a view to this examination, in any school district without a good school, ask of any intelligent inhabitant of it, the cause, and he will answer, because the people do not take reasonable pains, nor raise sufficient funds. Why then go abroad for information ? This answer approves itself to the experience of every observant person, and contains all the information that can be desired. We can nowhere learn how to make a good school for people who will not be at the pains or expense of one. In New Castle county the school reports prove, that wherever there is reasonable exertion to have a good school, the school prospers, is supported with ease ; and there is increasing desire for mental improvement : but where the principal object is to get the school dividend by raising the lowest sum, and not consenting to a tax for that, the school drags heavily, an irksome burden ; it is difficult to sustain it even in its cheap, abject condition ; and it serves only to scandalize mental culture. The requisites for a good school are, first, an inviting school house, (pleasant in appearance and situation, and commodious so that the scholars shall be comfortably seated ; ) and second, a qualified teacher (of good moral character, possessing knowledge of the branches to be taught, and conscientious to fulfil his duty.) Without these requisites a good school ought not to be expected : with them there will be no failure. There is not in this State a school district which cannot have these requisites, or in which any inconvenience would be felt from raising sufficient funds, or making the necessary exertion : on the contrary, a district, however poor and feeble, rousing itself to have such a school house and teacher, would find the wealth of its people promoted ; and the benefit to its youth, even to the poorest, better than a fortune. More than fifty years ago the people of a very barren town in Massachusetts, set about establishing a good school. A poor man subscribed twenty dollars. There is not a man in this State, not an absolute pauper, who cannot raise fifty dollars with

less difficulty, than he could that twenty. He had three sons who without the benefit of such a school, would have lived and died under the same pressure of poverty which he suffered. The school was established; his children had the advantage of it: one is in trade in London, worth more than one hundred thousand dollars; another is in one of the most pleasant towns of New England, substantial, independent, respectable; and the other is a man of wealth and distinction in another part of the country. This poor man could give his children nothing but schooling; and it was obviously no small bounty. It is most pernicious sympathy to countenance the people in any part of our country, and especially of any school district of our State, under the facilities of our school system, in the delusion that they are too poor to have a good school. There is not a worse principle of action, nor a more deadly course of conduct, than for the sake of gaining credit with men for helping them, to countenance them in the notion that they are helpless.—There is not a school district in our State in which if the people would cheerfully assess upon themselves for school purposes, according to the fair and equal provisions of our laws, at least as much as their dividend from the school fund, they would not better their own personal condition as well as make a source of prosperity of incalculable advantage to all the children within their limits—present and future generations.—The poorest county of Virginia has produced three Presidents of the United States—Washington, Madison, Munroe. If a district be poor, it is a strong argument for a good school; they can give their children nothing but schooling, and with the advantage of a good school the poorest child may be trained to have as fair a chance for honor, wealth, and usefulness as the child of the most affluent. In this country of high compensation for labor, cheap living, and unrestricted freedom, securing to every one the earnings and produce of his toil, ingenuity and thrift, every one can contribute something to the common stock; and he who, because he has little, refuses to advance anything from that little, acts as much against policy as morals. It is truth of highest authority, sanctioned by common observation, “There is that scattereth, and yet increaseth; there is that withholdeth more than is meet, and it tendeth to poverty.” In some places we see vast outlays from public spirit for the common good; we wonder, that men can advance so much for public purpose; we suppose their wealth to be so abundant that they can discard portions of it as superfluous; but when we examine, we find their wealth has been gathered through the enterprise, energy and good management of the very spirit that prompts these outlays; and that the outlays themselves incite to care, forecast and diligence which more than replaces them. On the contrary, we notice the spirit of selfishness confining itself to its narrow circle, having no sympathy with any form of doing good, and without a care beyond its own interest and wants; and tracing its effects we discover that it makes the poor, poorer, stunts all growth and increase, and converts abundance into a curse.

Dr. Wright in his travels in New England, mentions a particular town as a scandal to the country : houses and fences delapidated ; land unproductive ; people shiftless, slovenly and uncomfortable. A man bought a farm in it ; built a neat house ; made his fences and cultivated his land, exhibiting a specimen of good husbandry ; and Dr. Wright, afterward in his travels passing through the same town, describes it as the most beautiful and flourishing place in Connecticut. It often happens, that individuals and families live in privation, because nothing incites them to aspire to comfort. A pleasant school-house, tasty in appearance, commodious in structure, besides being attractive to scholars, and persuasive to school voters for liberality, will exert a salutary moral influence upon the people : while one of an opposite character will have opposite effects.

The great difficulty in the way of common schools, lies with the people, and arises from their not properly appreciating the advantages of early opening and exercising the mind. A person with a family of children wasting childhood in idleness producing depravity and leading to worthlessness, on being urged to send them to a neighboring school, replied, " Learning is not for every one," and thus threw off all concern for their education. Every one of those children through the careful use of that school, would be placed upon equal footing with the best of the community to attain to usefulness, comfort and respectability. INDIFFERENCE of parents and RELUCTANCE of children are the great hinderances of popular education ; and all the philosophy of the world, can afford no help without these hinderances being first removed ; and being removed, practice will discern what is wanted, and supply it in the best manner ; for it will never cease to be a wise maxim, experience is the best teacher.

The subject then brings our inquiries to this point—how can the common mind be effectually reached, so that a public sentiment shall be produced, felt by all, that *a common school education is a necessary of life*—that all children (not having higher advantages of education,) should have at least that preparation for living. Such a public sentiment being formed, parents and children will be mutually and earnestly desirous, the one to receive and the other to give all the advantages that can be derived from a common school. There will be consequent care and pains to have a good common school in every school district. In New England where great numbers are employed in manufactories, on railroads, and in other public works, on examining the books of the companies and the condition of the persons employed, comparing those who had the advantage of a common school education with those who had not, it has been ascertained upon actual calculation, that the average advantage for acquiring and using means of livelihood, and attaining to comfort and standing of those with a common school education, is more than two to one over those without it. The difference is seen,



marked and clear, in advancement—the obvious result of capacity that appreciates diligence and applies it to good purpose, that understands economy and uses it with effect. Nor is this surprising; for if we look carefully at this matter, we shall see that the benefit of a common school must be great; and that it can be raised, by improving the schools, so as to make a high state of education the common condition of society. From the age of six to that of fourteen, a period of eight years, a child is fit for little else than to learn; while it is the very period of life for learning; learning is easy, and what is learned is incorporated in the mind in its forming process, becoming a part of the mental constitution. The adult of twenty-one has twice the labor in learning, and what is learned has not half the effect. What then is the value of eight years' use of a common school—eight years of education? Most children can devote at least two more years—*ten years of education*. With the proper use of our school system every parent, the poorest, can give his child this education. As instances proving what common schools can do, we can look at Washington, Franklin, Roger Sherman, Rittenhouse, and many more such, who had no other means of education. Great numbers, not so conspicuous, have through the aid of common schools been put in the way of usefulness and comfort. The great mathematician, Bowditch, but for a common school to which he, a poor boy, could go free, would have never risen above the obscure condition of his widowed mother. A late case has occurred of a poor boy in a country school noticing a rule of arithmetic demonstrated by algebra.—He could not rest until he had learned what was thus casually brought to his notice—algebra; having learned that, he persevered in seeking further knowledge, obtained a college education, and was the best scholar of his class. Without the common school, he would not have taken the first step.

The desideratum is, to form a right public sentiment through which the people will engage, and become active to provide good schools for their children. With this public sentiment, nothing else will be necessary; for the people once engaged, will not stop short of anything ascertained to be needful; but without it, nothing else will avail. Beneficent bounties will not, this we see in England: power cannot; this we see in Prussia: the people themselves can accomplish it by putting forth their own efforts, as seen in Scotland and New England. We must depend upon the people to examine and think for themselves, and form their own judgments. This is the only reliable course; and that it may be entered upon and pursued to purpose, there should be intelligence. Information must be disseminated; persuasives of argument and example employed; incitements to action used. This is the only course of intelligent action. The notion has been prevalent, it is still prevalent, that the people are not capable of this intelligent action; that to trust to it, is to incur certain disappointment and mischief; but

the structure of our own institutions, and the movement of nations, are convincing, that this notion is baseless, and that popular will must give shape, direction and vitality to all matters of common concern. In this connection it is believed, that an annual school convention in each county, calling people together to discuss the subject of common schools, compare opinions with respect to hinderances that may be removed, improvements that may be made, and send reports among the people, exhibiting the state of schools, and presenting matters for consideration, is one of the best methods that can be devised for building up our school system so as gradually to form good schools in all the districts. It is believed, that this annual convention in New Castle county has been of great benefit; and that a similar convention would be of equal benefit in the other counties. Probably no better appropriation can be made, than to provide that the sum of thirty dollars shall be set apart from each county's portion of the income of the school fund before dividing it among the school districts, and that the president of the school convention of the county, for the time being, shall be authorized to draw upon the trustee of the school fund, in favor of the printer of the report upon his bill for not more than that sum. This would encourage the convention, make a means of disseminating information, and would relieve individuals from an unreasonable burden.

There is a disposition on the part of some persons to force up our school system by compulsory law. On this point there are many considerations which should be carefully weighed; but as this report is already tedious, we will submit a single suggestion:—when we deal with people on the ground of their capacity and right to think and determine for themselves, giving information, using arguments, and taking pains to form convictions of right and propriety, the process is mutually improving; we become better, so do they; but when we resort to compulsion, whether of law or other means, we foster tempers, in ourselves, arbitrary and overbearing, and in them, perverse and obstinate—both parties are made worse.

On the part of others, there is an inclination to employ agents, as superintendents, lecturers, or otherwise, to go among the people and arouse them to effort. This course is pursued in some States; it has been discussed in our school conventions always with a decided vote against it. Two causes make it popular; although each of these causes is a strong objection to it. First, Intelligent persons seeing the need of common schools, and wishing their improvement, but unwilling themselves to undertake the trouble and labor of helping, desire to substitute an agent in ease of themselves.—Now it is all important, that these persons should take part; there can be no comparison in point of efficacy between their active countenance, and the labors of an employed agent. Second, There are many persons wishing to be employed in such agency for the sake of the emolument. Agencies abound; they

enter into all benevolent operations, and affect the heart and spirit of them. The propriety of having a school for children, will be felt in every school district; there will be consequent action of the people; and it is confidently believed that this action, in the result, will accomplish more without agencies than with them. It is an excellent principle, of universal application, that people must exert themselves to do what is required by their condition, for preserving, elevating, or bettering it. In this way intelligence is produced, and enlightened stable principles are formed. As a test from experience, it may be inquired, whether the temperance reformation, when exclusively in the hands of the people themselves, did not prosper more, than after it received the help of agents, although among these have been some of the most powerful in our country?

Another expedient for promoting our school system, favored by some, is the appointment of a public officer to have the general charge of the schools, or annexing a function for this purpose, to some existing public office. In either case it is contemplated, that a salary shall be paid for the service. This proposition has always been unfavorably received in our school conventions. The example of other States has been adduced as an argument upon this point. It is not material to examine, in this respect, the circumstances and systems of larger States; but it is confidently believed, that there is not a duty, which it is desirable a public officer should perform under our system, for which our law does not make sufficient provision. The duties of the auditor of accounts are plain and important, (*Dig.* 492;) faithfully discharged, what would remain for any other public officer? Under his duty to show how long a school is kept in a district, and the number of scholars, he can require a list of the scholars, and the daily attendance of each, in every district. The last two auditors gave special attention to their duties under the school laws. These duties are far the most important belonging to the office; the firm, strict and impartial discharge of them is necessary to discountenance and guard against the improper use of school money, and to insure the application of it in good faith, to its legitimate purpose. If the same person could hold the office longer than the present practice allows, so as to make it an object with him more fully to qualify himself to discharge its functions, acquire more intimate knowledge of the people and the modes of conducting this business, and establish rules for the transactions, accounts and returns of school committees, it would be productive of very beneficial consequences to the school system.

It is very important that school districts remain as laid out. They are useful divisions in many respects; and their usefulness will be promoted by their stability, or impaired by their instability. With all possible care in forming districts, there will be inconveniences. Besides there is fondness for change, a copious source of mischiefs, against

which it is necessary to guard. These considerations seem conclusive against alterations, without substantial and urgent reasons. But alterations are necessary in some cases. In drafting the original act, a power to make alterations, to be exercised with great caution, was vested in the Levy Court. (*Dig.* 488.) This power has been construed away, and all alterations are made by Legislative authority. The General Assembly, to discourage alterations, have established a rule, that the number of dividends shall not be increased by them; so that if one district be formed into two, or two or more districts divided so that another district shall be laid out, the districts thus formed shall receive only the dividends which they received in their original form. In New Castle county two districts have been divided so as to lay off from them another district, and each of these three districts is larger than the average districts in the county; yet the three districts receive among them only the dividends of the original two. Another district in the same county contains upwards of one hundred and twenty scholars; it consists of a village and adjacent country; the people of the village are the majority; they will not consent to a division, because the dividend would be divided; and in consequence the country scholars, although of sufficient numbers to constitute a large school, are nearly deprived of all school benefit. It is unequal to apportion to districts, each with more scholars than the average districts of the county, one-half the common dividends. It is obvious justice, and it is required by the spirit of our school system, when the scholars in a district, or two or more adjoining districts, are so numerous, and situated that they cannot enjoy the fair advantages of a common school, without an alteration constituting another district out of the same tract, that the new district when formed, if containing a number of scholars equal to the average number of the districts in the county, should stand, with respect to dividend of the public school money, upon an equal footing with them. The General Assembly have looked to this as the ultimate result; and they have regarded the subdivision of dividends as temporary, to continue till a re-division of the counties. We can form no estimate of the confusion and mischiefs that would arise from such a re-division. The more it is thought of, the greater will the difficulties appear; it is believed that all thought of it must be abandoned. In place of it, the following suggestions are submitted. The school districts, generally, should remain as they are; but there are cases in which there should be alterations; these are believed to be few. Justice should be done in cases in which there have been subdivisions, upon the principle just stated, that districts with an average number of scholars should have equal dividends. For the remedy, let a temporary authority, (to continue only two years,) be given to the superintendent of free schools in each county, to examine into all such cases, and report the facts, with his judgment, to the Levy Court of the county, and if upon no-

tice and hearing, two-thirds of all the members concur in a vote confirming the judgment, let it be established, and if a district be formed or ratified, let it take its place among the districts of the county, upon an equal footing—the superintendent to be allowed no compensation for his services. It is supposed, that under such circumstances, there would be no proceedings unless called for by the urgency of the case. It is believed, that the inequality of districts that have been subdivided, is aggravated by the circumstance, that they are generally the most faithful to provide schools. It is also believed, that under a law giving such authority, this subject might be put at rest in two years.

This report, although great pains have been taken to compress it, occupies more space than was intended. The subject does not receive the attention to which it is entitled; its importance is not realized; it cannot be over-estimated. We do not look at it in its true nature and real bearings; but we view it through its inadequate, unsuitable and forbidding instrumentalities. We do not weigh the fact that the common intelligence, the common power of research, discernment and judgment, the moral principle as well as just ability to form sensible and upright opinions and determinations, of the great majority, in a government in which all power for good or evil is vested in the majority, very materially depends upon the common schools; but we have noted the schools themselves often in forlorn neglect, the school-houses in dilapidation, specimens of deformity, teachers most unpromising; and our reflections upon these form our convictions and feelings. We have never seen common schools cherished as they should be by parents and children dependent upon them, as means through which there can be practical manifestation of the truth that there is no power equal to that of mind, and that this power in every one, with the culture that common schools can afford, is superior to any advantage of rank or wealth; while without culture animal propensities will govern, and incompetence and depravity degrade; nor have we yet ranked them among the social necessities, that must be provided and fostered to give to the body of the people mental and moral training, enabling them to form just estimates of men and measures, and to act firmly upon these estimates, without which there can be no guarding against that bane of human freedom and happiness—the artful use of the power of the people to divest them of their rights, and subject them to selfish and arbitrary misrule.

A report of a school district of the town of Norfolk, Massachusetts, a few years ago had this passage:—"With regard to our common schools generally, both primary and grammar, we believe, we may now say with confidence, that they afford as good means of education, as money can buy. Our poorest citizens may feel satisfied, that if they will send their children punctually from the age of six to sixteen, they will enjoy as good privileges as the richest can obtain at any price, and

be as thoroughly educated. Whether on the point of manners or morals, or of studious and orderly habits and literary progress, our public schools in general will compare advantageously with any others, public or private." These common schools are elevated, but no higher than our own will rise, if the people will desire and apply themselves, to make the best use of them, and make them suitable for their use.—The whole subject lies within the will of the people, and depends upon the interest they feel and the pains they take. It is deemed to be of highest concern, that these views should be entertained and acted upon, and that it should be considered that for practical purposes, education in common schools has superior advantages; that attainments are there made, and traits of character there formed more necessary and conducive to success in life, than can be made or formed in higher institutions. The cause approves itself; no one can look toward it without seeing its importance; it will move on; there is a spirit in the age that forces its advancement; but it receives not from men the direct personal help and countenance which it needs; its progress cannot be satisfactory without these, and to engage them, assurance may be given, that benevolence cannot pursue any thing more useful, nor philosophy select an object more exalted, than the promoting of this cause.

WILLARD HALL.

*Wilmington, Feb. 12, 1849.*

Daniel M. Bates, Esq., Secretary of State, being admitted, presented from His Excellency the Governor, sundry resolutions by the Legislatures of South Carolina and Virginia, on the subject of the Wilmot Proviso.

And he withdrew.

On motion of Mr. Comegys,

The Resolutions were read.

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

THURSDAY, *February 15th, 10 o'clock, A. M.*

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Vaughan,

The bill entitled "An act to divorce Elijah R. Parsons, and Mary Ann Parsons," was read a second time.

Mr. Naudain presented a petition from J. V. Moore and others, for a law requiring that Executions shall hereafter take place in the Jail yards, instead of being public as heretofore; which,

On motion of Mr. Naudain,

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

Whereupon,

Messrs. Naudain, Rodney and Jones, were appointed said Committee.

Mr. Rodney presented a similar petition from O. K. Barrell and others, which,

On his motion,

Was referred to the same committee.

Mr. Bradford gave notice, that he would ask leave to-morrow to introduce a bill entitled "An act concerning days of grace."

On motion of Mr. Bradford,

The bill entitled "A further supplement to the Act entitled 'A further supplement to the Act entitled 'An act to alter and re-establish the charter of the Borough of Wilmington,'" was read a second time by its title.

On motion of Mr. Bellah,

The bill entitled "An act to authorize the trustees of Mount Lebanon Methodist Episcopal Church to make a deed," was read a second time.

In pursuance of notice given, Mr. Comegys asked, and,

On motion of Mr. Carlisle,

Obtained leave to introduce a bill entitled "An act in relation to lands conveyed or devised for charitable uses," which,

On motion of Mr. Comegys,

Was read.

Mr. Miles presented a petition from H. Z. Smalley and others, for an act authorizing a draw to be made to the Christiana Bridge, which,

On his motion,

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

Whereupon,

Messrs. Miles, Cooch and Caulk, were appointed said Committee.

Mr. Martin presented a petition from Benjamin Joseph and others, for a division of School District No. 24 in Sussex County, which,

On his motion.

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

Whereupon,

Messrs. Martin, Carlisle and Wilson were appointed said Committee.

On motion of Mr. Postles,

The bill entitled "An act to divide School District, No. 45, in Kent County," was read a second time.

Mr. Postles then moved,

To fill the blank in the bill with the names, "William Hall, James Davis, and James D. Sipple."

Which motion,

*Prevailed.*

On motion of Mr. Comegys,

The Ninth Rule of the House was suspended, for the introduction of a bill.

Mr. Comegys then asked, and,

On motion of Mr. Collins,

Obtained leave to introduce a bill entitled "An act to incorporate the Ocean, Delaware, and Philadelphia Telegraph Company," which,

On motion of Mr. Comegys,

Was read.

Mr. Carlisle presented a remonstrance from James S. Buckmaster and others, against incorporating the "Ocean, Delaware, and Philadelphia Telegraph Company," which,

On his motion,

Was read.

In conformity with notice given, Mr. Miles asked, and,

On motion of Mr. Rodney,

Obtained leave to introduce a bill entitled "An act changing the name of the 'Poor House' to 'Alms House,'" which,

On motion of Mr. Miles,

Was read.

On motion of Mr. Collins,



The bill entitled "An additional supplement to the Act entitled 'An act to prohibit the emigration of free negroes and mulattoes into this State and for other purposes,'" was taken up for consideration.

Mr. Collins offered the following amendment to the bill, which,

On his motion,

Was read as follows :—

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

"That the Act to which this is an additional supplement passed January 28th, 1811, be amended by striking out the words 'six months' where they occur therein, and inserting the words 'sixty days' in lieu thereof; also by striking out the words 'or conservator' wherever they occur therein :—the said original Act shall hereafter be read and construed as amended by this Act."

Mr. Collins then moved,

That the amendment be adopted; on which motion, the yeas and nays being called for and taken, were as follows :—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Miles, Postles, Rodney, Taylor, Wilson and Mr. Speaker—12.

*Nays.*—Messrs. Cooch, Jones, Marshall, Martin, Naudain, N. Tunnell, W. Tunnell and Vaughan—8.

So the amendment was

*Adopted.*

On motion of Mr. Collins,

The bill was then read a third time by paragraphs, and the question being on the final passage thereof the yeas and nays were ordered and taken as follows :—

*Yeas.*—Messrs. Collins, Comegys, Jones, Marshall, Martin, Naudain, Postles, Taylor, N. Tunnell, W. Tunnell, Vaughan and Mr. Speaker—12.

*Nays.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Cooch, Miles, Rodney, and Wilson—8.

So the bill

*Passed the House.*

*Ordered,* to the Senate.

On motion of Mr. Comegys,

The bill entitled "A supplement to the Act entitled 'An act concerning wills,'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered*, to the Senate for concurrence.

On motion of Mr. Comegys,

The bill entitled "A further supplement to the Act entitled 'An act to authorize the owners and possessors of the marsh or low ground commonly called and known by the name of the Culbreath marsh, situate in the forest of Murderkill and Dover Hundreds in Kent County, to cut a ditch or drain through the same'" was read a third time by paragraphs, and  
*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Comegys presented a petition from George Hall, Administrator of Charles Ridgeley, deceased, praying that compensation be made for services rendered by the said Charles Ridgeley in the case of the State *vs.* Phalen and Paine, which,

On his motion,

Was read and referred to the Committee of Claims.

On motion of Mr. W. Tunnell,

The bill entitled "An act to divorce Nancy A. Marvel from her husband Phillip Marvel of A.," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas*.—Messrs. Bellah, Collins, Cooch, Jones, Marshall, Martin Naudain, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan and Wilson—13.

*Nays*.—Messrs. Bradford, Carlisle, Caulk, Comegys, Miles, Postles, and Mr. Speaker—7.

So the bill

*Passed the House.*

*Ordered* to the Senate.

Mr. Carlisle presented a remonstrance from John Smith and others, against the erection of a bridge at Liepsic, which,

On his motion,

Was read.

On motion of Mr. Martin, •

The bill entitled "An act allowing for a limited time an additional Justice of the Peace to the County of Sussex," was read a third time by paragraphs, and the question being on the final passage of the bill the yeas and nays were ordered and taken as follows:—

*Yeas*.—Messrs. Jones, Marshall, Martin, Naudain, Rodney, N. Tunnell, W. Tunnell, Vaughan, and Wilson—9.

*Nays.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Miles, Postles, and Mr. Speaker—10.

So the bill was

*Lost.*

Mr. Carlisle presented a remonstrance from N. Young and others against levying a school tax, which,

On his motion,

Was read and referred to the committee on that subject.

On motion of Mr. Collins,

The bill entitled "An act for the further distribution of the reports of legal decisions in this State," was read a third time by paragraphs, and *Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Comegys,

The Clerk of the House was directed to have one hundred and fifty copies of Hon. Willard Hall's report upon the free school system, printed for the use of the House.

Mr. Marshall presented a remonstrance from J. Arnall and others, against the passage of the bill entitled "A further supplement to the Act entitled 'An act for the benefit of Sussex County,'" which,

On his motion,

Was read.

Mr. Marshall then moved,

That the bill, together with the remonstrance, be referred to a committee of three.

Which motion

*Prevailed.*

Whereupon,

Messrs. Marshall, Jones, and Martin, were appointed said Committee.

On motion of Mr. Bradford,

The bill entitled "A further supplement to the Act entitled 'A further supplement to the Act entitled 'An act to alter and re-establish the charter of the Borough of Wilmington,'" was taken up for consideration.

Mr. Bradford then offered the following amendment, which,

On his motion,

Was read as follows :—

"Amend the bill by inserting after the word 'assessed' in the seventh line of the first section, the words 'upon his real estate:' also by inserting the words 'shall have' in lieu of the word 'has' in the sixth line of said section: also by inserting the words 'said ward' in lieu of the words 'ward in which he resides' in the ninth line of said section.—Also by inserting after the word 'enacted' in the first line of the second section the words 'and declared.'"

On motion of Mr. Bradford,

The amendments were

*Adopted.*

On motion of Mr. W. Tunnell,

The bill entitled "An act to authorize the present and future owner or owners of the bridge over Nanticoke River at Seaford, to demand and receive higher tolls for foot passengers" was read a second time.

On motion of Mr. Wilson,

The bill entitled "An act to procure a Map of this State," was read a third time by paragraphs, and the question being on the final passage thereof, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bradford, Bellah, Caulk, Cooch, Martin, Miles, Nau-dain, Rodney, Taylor, W. Tunnell, Vaughan, and Wilson—12.

*Nays.*—Messrs. Carlisle, Collins, Comegys, Jones, Marshall, Postles, N. Tunnell, and Mr. Speaker—8.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Miles,

The bill entitled "An act to repeal an act entitled 'An act for the preservation of game,'" was read a third time by paragraphs, and the question being on the final passage of the bill,

Mr. Cooch moved,

That the further consideration of the bill be postponed; on which motion the yeas and nays being ordered and taken, were as follows:—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Comegys, Cooch, Jones, Marshall, Martin, Miles, Postles, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—18.

*Nays.*—0.

So the further consideration of the bill was

*Postponed.*

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Miles presented a petition from J. R. Clements and others, for a law restricting the sale of ardent drinks, which,

On his motion,

Was read.

On motion of Mr. Rodney,

The bill entitled "An act concerning retailers of goods, wares and merchandize," was read a second time.

Mr. Jones presented a petition from W. F. Robinson and others, for an act to incorporate the Delaware Rail Road Company, which,

On his motion,

Was read.

Mr. Marshall from the Committee to whom was referred the bill entitled "An act for recording marriage contracts," reported the bill, with the following amendment, which,

On his motion,

Was read as follows:—

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

"That all and every instrument of writing, entered into after the passage of this Act, concerning lands, tenements and hereditaments in this State, belonging to persons or either of them between whom a marriage is intended to be had and solemnized, whereby the liability of the said lands tenements and hereditaments for debts or contracts shall be affected, and all post-nuptial contracts for the same purpose, shall be lodged for record in the office for recording of Deeds in the County wherein said property or any part thereof may be situated, within one year after the said instrument or contracts shall have been made and entered into; and unless the same shall be so lodged within the said period, they shall not be recorded, neither shall they avail against any person or persons who had no notice of the execution of the same. The authentication of all papers recorded under the provisions of this Act, and the effect of the same, and of the record itself as evidence, shall be as provided for deeds and other instruments now authorized to be recorded in said offices. A good and sufficient book shall be provided by the Recorder of Deeds in which to record the aforesaid papers—the expense of procuring which shall be paid by the County in which his

office is situated. The fees of the recorder for recording the aforesaid papers, and for exemplifications thereof, shall be the same as in other cases."

On motion of Mr. Marshall,  
The amendment was

*Adopted.*

Mr. Bradford, from the Committee to whom was referred the petition of N. Barlow and others, reported it inexpedient to grant the prayer of the petitioners, which report,

On motion of Mr. Caulk,  
Was

*Adopted.*

On motion of Mr. Taylor,  
The bill incorporating the Ocean Telegraph Company was committed to a committee of three.

Whereupon,

Messrs. Taylor, Bradford, and Marshall, were appointed said Committee.

On motion of Mr. Wilson,

The bill entitled "An act to authorize in a certain contingency a bridge to be erected over Little Duck Creek in Kent County," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bradford, Bellah, Collins, Cooch, Jones, Marshall, Martin, Miles, Naudain, Rodney, Taylor, N. Tunnell, Vaughan, and Wilson—14.

*Nays.*—Messrs. Carlisle, Caulk, Comegys, Postles, W. Tunnell and Mr. Speaker—6.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Comegys,

The bill entitled "An act to limit the City debt of Wilmington and to provide for the discharge thereof," was read a second time.

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

"An act concerning the division of School Districts, Nos. 36, 40, 41 and 43 in Sussex County."

"An act to incorporate Philodemic Lodge, No. 7, I. O. O. F. of Dover, in the State of Delaware."

"A supplement to the act entitled 'An act concerning the real estates of Intestates.'"

"A supplement to the act entitled 'An act authorizing the Governor of this State to appoint Commissioners in other States, to take depositions, the acknowledgment of deeds, &c., and to appoint Notaries Public in this State.'"

"An act to create an additional School District in the County of Kent."

"An act to divorce Joshua Lindale, Jr., and Amanda Lindale."

"An act to incorporate the Grand Lodge, I. O. O. F. of the State of Delaware."

"An act to authorize the Clerk of the Orphans' Court, in and for Kent County, to procure a new seal of office."

"An act to enable John West to locate certain vacant lands, in Broadkilm and Nanticoke Hundreds, in Sussex County, and to complete his title to the same."

Also, that the Senate had concurred in the Resolution directing the State Librarian to furnish the Auditor of Accounts with certain volumes of the Laws of this State.

Also, that the Senate had passed and requested the concurrence of the House in the following bills, viz :—

"An act to allow the owner or owners of Thorn Point Hotel, to catch and take oysters out of Mispillion Creek, during the prohibitory season."

Also, that the Senate had concurred in the bill entitled "An act for the relief of the heirs of Margaret Price, deceased;" with an amendment, in which the concurrence of the House was requested.

Also, that the Senate had concurred in the bill entitled "a supplement to an Act entitled 'An act to improve the navigation of Lewes Creek by cutting a Canal near Green Bank,'" with an amendment in which the concurrence of the House was requested.

Also, that the Senate had concurred in the bill entitled "An act to enable Charles T. Fleming to change the water course of Swan Creek in Milford Hundred, Kent County, and for other purposes therein mentioned," with an amendment in which the concurrence of the House was requested.

And he withdrew.

On motion of Mr. Carlisle,

The Senate bills presented for concurrence were read.

On motion of Mr. Rodney,

The amendment from the Senate to the bill for the relief of the heirs of Margaret Price, deceased, was read as follows :—

IN SENATE, February 13th, 1849.

Amend the bill, by adding, after the word "husband" in the sixth line of Section 1, the name "William P. Brobson;" also by adding after the words "personal estate" in the eighth line of said Section, the words "or any part or parts thereof of either."

Extract from Journal,

J. R. LOFLAND,  
*Clerk of the Senate.*

*For concurrence.*

On motion of Mr. Rodney,

The amendment was

*Concurred in.*

*Ordered*, that the Senate be informed thereof.

On motion of Mr. Marshall,

The amendment from the Senate to the bill relative to the cutting of a Canal near Green Bank, was read as follows :—

IN SENATE, February 14th, 1849.

Amend the bill by striking out in the first Section, all after the words "so amended," and inserting the following in lieu thereof:— "By striking out the words 'said State' where they occur in the fifth line of Section 9, and inserting the word 'the inhabitants of the Town of Lewes, in the County of Sussex.' And to amend the said Section further, by striking out the words 'dead' where it occurs between the words 'other' and 'timber' in the tenth line of said Section, and the said original act shall hereafter be read and construed in conformity with the amendments."

*Extract from Journal,*

J. R. LOFLAND,  
*Clerk of the Senate.*

*For Concurrence.*

On motion of Mr. Marshall,

The amendment as read was

*Concurred in.*

*Ordered*, that the Senate be informed thereof.

On motion of Mr. Taylor,

The Senate's amendment to the bill authorizing certain improvements on Swan Creek, was read as follows :—

IN SENATE, Feb. 13th, 1849.

Amend the bill by striking out all after the enacting clause in the fourth Section thereof, and inserting the following :—



"That if any owner or owners of real estate, shall sustain any damage from back water in consequence of the cutting of said Canal, and changing the water course of said Creek as aforesaid, by reason of the waters of said Creek not having free course through said Canal, or that the said Canal shall not be of a sufficient depth or width to vent said waters, the said Charles T. Fleming, his heirs or assigns when notified of this fact by the owner or owners aforesaid, shall remedy the same by cleaning out said Canal, or cutting the same deeper or wider, as the case may require; and if he or they shall neglect or refuse so to do, after notice as aforesaid, the said owner or owners are hereby authorized and empowered to go upon the premises, and do the same and recover from the said Charles T. Fleming, his heirs or assigns, double the amount of all such expenses incurred in cleaning out said Canal, or cutting the same deeper or wider, as aforesaid, with such damages as shall be adjudged, with cost of suit, as debts of a like amount are recoverable by the laws of this State."

*Extract from Journal.*

J. R. LOFLAND,  
*Clerk of the Senate.*

*For Concurrence.*

On motion of Mr. Taylor,  
The amendment as read was

*Concurred in.*

*Ordered* that the Senate be informed thereof.

On motion of Mr. Postles,

The Ninth Rule of the House was suspended, for the introduction of a bill.

Mr. Postles then asked, and,

On motion of Mr. Collins,

Obtained leave to introduce a bill entitled "An act to enable the owners and possessors of the marsh and low grounds on Mispillion Creek in Cedar Creek Hundred, Sussex County, opposite the new wharf on said Creek, to embank, drain, and reclaim the same," which,

On motion of Mr. Postles,

Was read.

On motion of Mr. Collins,

The bill entitled "An act to incorporate the Delaware Rail Road Company," was taken up for consideration.

Mr. Collins then moved,

That the bill be re-committed to a committee of three;

Which motion

*Prevailed.*

Whereupon,

Messrs. Collins, Cooch and N. Tunnell, were appointed said Committee.

Mr. Martin presented a petition from J. W. Short and others, for an additional School District in Sussex County, which,

On his motion,

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

Whereupon,

Messrs. Martin, Carlisle and Naudain were appointed said Committee.

On motion of Mr. Marshall,

The bill entitled "An act to authorize the erection of a bridge over Lewes Creek in Sussex County, and for other purposes," was read a second time by its title.

On motion of Mr. Bellah,

The bill entitled "An act giving Justices of the Peace in this State jurisdiction in all cases of replevin wherein the value of the property claimed does not exceed fifty dollars," was taken up for consideration, and the question being on the final passage thereof the bill was

*Defeated.*

*Ordered* that the Senate be informed thereof.

Mr. Marshall presented a petition from P. B. Norman and others, for an act to incorporate the Atlantic Lodge I. O. O.F. at Lewestown, which,

On his motion,

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

Whereupon,

Messrs. Marshall, Postles and Bellah, were appointed said Committee.

Mr. Marshall offered the following Preamble and Resolution, which,

On his motion,

Were read as follows:—

*Whereas*, Robert C. Rogers, a native citizen of this State, and passed Midshipman in the U. S. Navy, has distinguished himself in the discharge of his duty; and as a volunteer during the existence of the last

war with Mexico, became conspicuous on account of his daring and successful attempts to burn the Spanish brig Creole under the guns of the Castle of San Juan de Ulloa ; his exploration of the magazines of Vera Cruz during which he was taken prisoner ; his escape from the city of Mexico under the most alarming circumstances ; and his joining the army and rendering efficient service as an aid to one of the commanding Generals in the storming of Chapultepec, Molino del Rey, and the capitulation of Mexico, therefore

*Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met ;* That the sum of one hundred dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of procuring and presenting to Robert C. Rogers, a native citizen of this State, a sword, with suitable inscriptions, as a testimonial of respect which this Legislature entertains, of his gallant and meritorious conduct in the war just terminated with Mexico.

*Resolved,* That the Governor of this State is hereby authorized to cause to be procured as soon as practicable for the purpose aforesaid, a sword with such suitable devices as he may deem proper, inscribed thereon ; and the State Treasurer is hereby authorized and directed to pay to the order of the said Governor, the aforesaid sum of one hundred dollars, out of any money in the Treasury not otherwise appropriated.

Mr. Marshall then moved,

That the consideration of the foregoing Preamble and Resolutions be postponed until Thursday next.

Which motion

*Prevailed.*

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

FRIDAY, February 16th, 1849, 10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

In pursuance of notice given, Mr. Bradford asked, and

On motion of Mr. Bellah,

Obtained leave to introduce a bill entitled "An act concerning days of grace," which,

On his motion,

Was read.

On motion of Mr. Bradford,

The Ninth Rule of the House was suspended, for the introduction of a bill.

Mr. Bradford then asked, and,

On motion of Mr. Caulk,

Obtained leave to introduce a bill entitled "An act concerning the acknowledgement of deeds and other instruments of writing, by Corporations," which,

On motion of Mr. Bradford,

Was read.

Mr. Comegys presented a remonstrance from Dr. James Couper, against granting a charter to the Ocean Telegraph Company, except on certain specified conditions, which,

On his motion,

Was read and referred to the Committee to whom the bill was committed.

On motion of Mr. Bradford,

The Ninth Rule of the House was suspended, that he might introduce a bill.

Mr. Bradford then asked, and,

On motion of Mr. Miles,

Obtained leave to introduce a bill entitled "A supplement to an act entitled 'An act relating to fugitives from labor,'" which,

On motion of Mr. Bradford,

Was read.

Mr. Marshall, from the Committee to whom was referred the petition of Joshua Burton and others, reported a bill entitled "An act to amend the Act entitled 'A supplement to an act to restrain persons from suffering swine to go at large within certain limits,'" which,

On his motion,

Was read.

Mr. Miles, from the Committee to whom was referred the petition of H. L. Smalley and others, reported a bill entitled "An act authorizing the Levy Court of New Castle County to construct a draw, to the Christiana Bridge at the Village of Christiana," which,

On his motion,

Was read.

Mr. Bellah presented an abstract of the accounts of the "Wilmington and Great Valley Turnpike Company," which,

On his motion,

Was read as follows :—

Abstract of the Accounts of the Wilmington and Great Valley Turnpike Company from 1 mo. 11th, 1838, to 1 mo. 10th, 1848, as required by Sec. 16, of the "Act of Incorporation."

Balance in Treasury, 1 mo. 11th, 1838,	-	-	\$522 20
Receipts of Toll from 1 mo. 11th, 1838, to 1 mo. 10th, 1848,	16,574	27	
			<hr/> \$17,096 47

#### DISBURSEMENTS.

Amount of Dividends same time,	-	-	\$8,418 90
Expended for Repairs, Salaries, &c.	-	-	7,807 98
			<hr/> 16,226 88

Leaving a balance in the Treasury of	-	-	-	\$869 59
Errors excepted.				

SAMUEL HILLES, President.

Attest,—JOSEPH TATNALL, Secretary.

*Brandywine, 1 mo. 12th, 1848.*

On motion of Mr. Bradford,

The bill entitled "An act to incorporate the Franklin Building Association of Wilmington," was read a second time by its title.

Mr. Martin presented a petition from Matthew Green and others, for a law to prevent frauds at elections, which,

On his motion,

Was read.

On motion of Mr. Bradford,

The bill entitled "An act to incorporate Jefferson Lodge, No. 2, I. O. O. F. of the State of Delaware," was read a second time by its title.

Mr. Marshall, from the Committee to whom was referred the petition of P. B. Norman and others, reported a bill entitled "An act to incorporate the Atlantic Lodge, I. O. O. F. at Lewes, Delaware," which,

On his motion,

Was read.

Mr. Martin, from the Committee to whom was referred the petition of B. Joseph and others, reported a bill entitled "An act to divide School District, No. 24, in Sussex County," which,

On his motion,

Was read.

On motion of Mr. Bradford,

The ninth rule of the House was suspended, for the introduction of a bill.

Mr. Bradford then asked, and

On motion of Mr. Miles,

Obtained leave to introduce a bill entitled "An act amendatory of the Act for the establishment of Free Schools," which

On motion of Mr. Bradford,

Was read.

Mr. Marshall, from the Committee to whom was referred so much of the Governor's Message as relates to the Revolutionary papers asked, and

On motion of Mr. Vaughan,

Obtained further time in which to report.

Mr. Jones presented a remonstrance from P. Smith and others, against refunding to N. Connaway certain money, which,

On his motion,

Was read and referred to the Committee of Claims.

On motion of Mr. Bellah,

The bill entitled "An act to incorporate the Philadelphia, Delaware, and New York Steamboat Company," was read a third time by paragraphs, and the question being on the final passage of the bill,

Mr. Marshall moved,

That the further consideration thereof be postponed; on which motion, the yeas and nays being called for and taken, were as follows:—

*Yeas.*—Messrs. Cooch, Marshall, Martin, Rodney, Vaughan and Wilson—6.

*Nays.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Collins, Comegys, Jones, Miles, Naudain, Postles, Taylor, N. Tunnell, W. Tunnell, and Mr. Speaker—14.

So the motion was

*Lost.*

The question then recurring on the final passage of the bill, the yeas and nays were called for and taken as follows :—

*Yeas*.—Messrs. Bellah, Cooch, Marshall, Miles, Naudain, and Rodney—6.

*Nays*.—Messrs. Bradford, Carlisle, Caulk, Collins, Comegys, Jones, Martin, Postles, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—14.

So the bill was

*Defeated.*

Mr. Collins from the Committee to whom was committed the bill entitled "An act to incorporate the Delaware Rail Road Company," reported the following as a substitute for the original bill, which,

On his motion,

Was read as follows :—

A supplement to the Act entitled "An act to incorporate the Delaware Rail Road Company."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, two-thirds of each branch of the Legislature concurring, that the Act to which this is a supplement, be, and the same is hereby amended in the following particulars, namely :—

1st. By substituting for the Commissioners named in the first Section of said Act, the following persons, to wit :—Samuel M. Harrington, Joseph P. Comegys, Daniel M. Bates, Edward W. Wilson, Caleb H. Sipple, Ayres Stockley, Ebenezer Cloak, Peter F. Causey, William Tharp, James P. Lofland, Samuel R. Paynter, Henry B. Fiddeman, Charles Wright, William H. Ross, Peter N. Rust, William Cannon, John A. Collins, Henry F. Rodney, F. A. Raybold, William M. Godwin, Alfred Bennett, Baldwin A. Fox, and Frederic Pentz. By changing the word "*November*" to "*March*" where it occurs in said Section, and by striking out the word "*thirty*," and all of said Section after the word "*stock*" in the twenty-fourth line thereof.

2d. By changing the word "*twenty*" to "*five*" in the second line of Section 2. Also, in the second line of Section 3, the words "*thirty-eight*," to "*fifty*" in said Section, and also in the third line of Section 4.

3d. By striking out Section 12, and inserting the following in lieu thereof, viz :—

Sec. 12. *And be it further enacted*, That the said Company be, and they are hereby authorized to locate and construct a Rail Road from Dona River to the Nanticoke, at or near Seaford, with a branch thereof to Milford, and such other branches as the said Company shall think fit, to any point in Kent or Sussex County ; and for that purpose to enter

upon any lands necessary for locating, laying out or making the same, or to procure sand, gravel, earth or wood, for such use, and to obtain title or right to the same as hereinafter provided.

4th, By striking out the last sentence of Sections 14 and 15, respectively.

5th. By striking out Sections 21 and 23, and numbering the other Sections correspondingly.

Sec. 2. *And be it enacted*, That the said Act as hereby amended, shall be re-published among the Acts of this Session.

Mr. Comegys offered the following Preamble and Resolutions, which,

On his motion,

Were read as follows:—

WHEREAS it has become known to the members of this Legislature that M. Alexandre Vattemare, a distinguished citizen of the French Republic who has consecrated his time and abilities to the meritorious object of establishing among civilized nations a general system of international exchanges, is now on a visit to this capital for the purpose of invoking the attention of this General Assembly, to that interesting subject. Therefore,

*Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That a Committee of five members, two on the part of the Senate and three on the part of the House of Representatives be appointed to wait upon M. Vattemare and invite him to deliver an address on the subject of his mission before the members of the two Houses, in the Hall of the House of Representatives, at such time during his stay here as may comport with his convenience.

*Resolved further*, That the said Committee extend to the above named gentleman an invitation to take a seat on the floor of each House, at his pleasure.

On motion of Mr. Comegys,

The Preamble and Resolutions were

*Adopted.*

Whereupon,

Messrs. Comegys, Bradford and Marshall were appointed said Committee.

*Ordered*, to the Senate for concurrence.

Mr. Collins moved,

That the vote upon the bill entitled "An act to divorce Margaret Wooten and James Wooten from the bonds of matrimony," be reconsidered.

Which motion,

*Prevailed.*



The question then again being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Collins, Jones, Marshall, and Vaughan—4.

*Nays.*—Messrs. Bradford, Bellah, Carlisle, Caulk, Comegys, Cooch, Martin Miles, Naudain, Postles, Rodney, Taylor, N. Tunnell, W. Tunnell, Wilson and Mr. Speaker—16.

So the bill was

*Defeated.*

On motion of Mr. Marshall,

The bill entitled “An act to authorize Robert Burton and Jacob A. Connewell to erect a gate across the public road,” was read a second time.

On motion of Mr. Bellah,

The bill entitled “An act to authorize the Trustees of the Mount Lebanon Methodist Episcopal Church to make a deed,” was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Lofland Clerk of the Senate being admitted, informed the House that the Senate had concurred in the Resolution for the appointment of a committee to wait upon M. Alexandre Vattermare, and that Messrs. Fiddeman and Temple were appointed said committee on the part of the Senate.

And he withdrew.

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Jones,

The bill entitled “An act to incorporate Union Lodge, No. 3, I. O. O. F., of the State of Delaware at Georgetown,” was read a second time.

On motion of Mr. Postles,

The bill entitled “An act to divide School District No. 45, in Kent County,” was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas*—Messrs. Jones, Martin, Postles, and N. Tunnell—4.

*Nays*—Messrs. Bellah, Carlisle, Caulk, Collins, Comegys, Cooch, Marshall, Miles, Naudain, Rodney, Taylor, Vaughan, and Wilson—13.

So the bill was

*Defeated.*

On motion of Mr. Wilson,

The bill entitled "An act to prevent hogs or swine from running at large within certain limits herein mentioned in Duck Creek Hundred, in Kent County," was read a third time by paragraphs and

*Passed the House.*

*Ordered,* to the Senate.

Mr. Comegys, from the Committee to whom was referred the petition of William O. Redden, reported a bill entitled "An act to regulate the compensation for certain services performed by Clerks of the Peace," which,

On his motion.

Was read.

On motion of Mr. Collins,

The bill entitled "A supplement to the Act entitled 'An act regulating the General Election,'" was read a second time.

On motion of Mr. Marshall,

The bill entitled "An act to authorize the erection of a bridge over Lewes Creek in Sussex County, and for other purposes," was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate.

Mr. Miles, from the Committee to whom was referred the resolution from the Farmers' Convention relative to cattle running at large, presented the following report, which,

On his motion,

Was read as follows:—

The Committee appointed on a resolution passed at the Convention of Farmers of this State on the subject of preventing cattle from running at large in the several Hundreds of New Castle County, respectfully report:

That they have had the subject under consideration, and have come to the conclusion from the information they have obtained, that in some sections of the County, such a law might be salutary and desirable: but in other sections it would be deemed oppressive to the poor, and other-

wise objectionable : and in view of the whole subject they deem it advisable not to report a bill.

On motion of Mr. Rodney,

The report was

*Adopted.*

Mr. Martin, from the Committee to whom was referred the petition of J. W. Short and others, reported a bill entitled "An act to create an additional School District in the County of Sussex," which,

On his motion,

Was read.

On motion of Mr. Caulk,

The bill entitled "a further supplement to the Act for the valuation of real and personal property within this State," was taken up for a final reading, and the question being on the passage of the first Section thereof, the yeas and nays were ordered and taken as follows :—

*Yeas.*—Messrs. Caulk, Collins, Cooch, Jones, Martin, Miles, Naudain, Postles, Taylor, and Wilson—10.

*Nays.*—Messrs. Bradford, Bellah, Carlisle, Comegys, Marshall, Rodney, N. Tunnell, W. Tunnell, Vaughan, and Mr. Speaker—10.

So the first Section was lost, and the bill was

*Lost.*

Mr. Bellah presented a remonstrance from Charles I. Du Pont and others, against taxing bonds and mortgages, which,

On his motion,

Was read.

On motion of Mr. Marshall,

The bill entitled "A further additional supplement to the Act entitled 'An act for establishing the boundaries of the Town of New Castle, and for other purposes therein mentioned,'" was taken up for consideration.

Whereupon,

Mr. Miles presented the proceedings of a Town Meeting, held in New Castle on the 12th instant, in relation to the opening of a new street in said Town, which,

On his motion,

Were read.

Mr. Marshall then moved,

That the bill be indefinitely postponed,

Which motion

*Prevailed.*

On motion of Mr. W. Tunnell,

The bill entitled "An act to authorize the present and future owner or owners of the bridge over Nanticoke River, at Seaford, to demand and receive higher tolls of foot passengers," was taken up for consideration and committed to a committee of three.

Whereupon,

Messrs. W. Tunnell, Jones, and Taylor, were appointed said Committee.

On motion of Mr. Bradford,

The bill entitled "A further supplement to the Act entitled 'A further supplement to the Act entitled 'An act to alter and re-establish the charter of the Borough of Wilmington,''" was read a third time by paragraphs, and *Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Vaughan,

The bill entitled "An act to divorce Elijah R. Parsons and Mary Ann Parsons," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bellah, Collins, Cooch, Jones, Marshall, Martin, N. Tunnell, W. Tunnell, Vaughan, and Wilson—10.

*Nays.*—Messrs. Bradford, Carlisle, Caulk, Comegys, Miles, Naudair, Postles, Rodney, Taylor, and Mr. Speaker—10.

So the bill was

*Defeated.*

On motion of Mr. Marshall,

The bill entitled "An act for recording marriage contracts," was read a second time.

On motion of Mr. Comegys,

The bill entitled "An act to limit the City Debt of Wilmington and to provide for the discharge thereof," was read a third time by paragraphs, and *Passed the House.*

*Ordered,* to the Senate for concurrence.

On motion of Mr. Rodney,

The bill entitled "An act concerning retailers of goods, wares and merchandize," was read a third time by paragraphs, and the question

being on the final passage of the bill, the yeas and nays were ordered and taken as follows :—

*Yeas.*—Messrs. Bradford, Bellah, Caulk, Cooch, Martin, Miles, Rodney, N. Tunnell, and W. Tunnell—9.

*Nays.*—Messrs. Carlisle, Collins, Comegys, Jones, Marshall, Naudain, Postles, Taylor, Vaughan, Wilson and Mr. Speaker—11.

So the bill was

*Defeated.*

On motion of Mr. Comegys,

The bill entitled “An act in relation to lands, conveyed or devised for charitable uses,” was read a second time.

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

### SATURDAY, February 17th, 10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Rodney offered the following Preamble and Resolution, which,

On his motion,

Were read as follows :—

WHEREAS, the members of this General Assembly have heard with feelings of deep regret of the mournful death of Charles M. Clayton, the son of our distinguished Senator the Hon. John M. Clayton, and

WHEREAS, his remains have been brought from a foreign land to be interred in the place of his nativity, and

WHEREAS, under the circumstances of peculiar affliction in which his friends and relatives are placed by his untimely fate, this General Assembly, deems proper to tend their tribute of respect to his obsequies, therefore,

*Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That both Houses of this General Assembly be and they are hereby adjourned until Monday next, at three o'clock, P. M.

On motion of Mr. Carlisle,

The Preamble and Resolution were unanimously

*Adopted.*

*Ordered* to the Senate for concurrence.

Mr. Lofland, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the Joint Resolution for adjournment in respect to the obsequies of Charles M. Clayton.

And he withdrew.

In pursuance of the preceding Resolution, the Speaker then announced that the House stood adjourned until Monday next, at 3 o'clock, P. M.

MONDAY, *February 19th*, 3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Bradford presented a petition from E. Hollingsworth and others, for an act to incorporate the Philadelphia, Delaware and New York Steamboat Company, which,

On his motion,

Was read.

Mr. Martin presented a petition from R. D. Stephenson and others, praying for an additional School District in Sussex County, which,

On his motion,

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

Whereupon,

Messrs. Martin, Collins, and Bellah were appointed said Committee.

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

“A supplement to the Act entitled ‘An act concerning guardians and wards, the sale of the real estate of minors and the investment of money belonging to minors or the estates of deceased persons.’”

“An act to divide School District No. 77, in Sussex County.”

Also that the Senate had refused to concur in the bill entitled “An act to authorize and empower the Levy Court of New Castle County to purchase the Wilmington bridge.”

Also that the Senate had refused to concur in the bill entitled “An act directing the Clerk of the Peace of Kent County to issue an order

to free-holders therein named to determine concerning the necessity of laying out a certain public Road."

Also that the Senate had concurred in the bill entitled "A further additional supplement to the Act entitled 'An act to restrain persons from suffering swine to go at large within certain limits,'" with an amendment in which the concurrence of the House was asked.

Also that the Senate had concurred in the bill entitled "An act for widening North street in the town of Dover," with an amendment in which the concurrence of the House was asked.

Also that the Senate had passed and requested the concurrence of the House in a Resolution fixing a day for the adjournment of the Legislature.

An he withdrew.

On motion of Mr. Martin,

The amendment from the Senate to the bill in relation to swine running at large, was read as follows:—

IN SENATE, February 16th, 1849.

Amend the bill by adding the following additional section, viz:—

Section 2. *And be it further enacted*, That the Act to which this is a further additional supplement, shall also extend to and be in force within the following limits:—Beginning in the road from Denny's Cross Roads to Leipsic about half a mile from said Cross Roads, and running thence in a south east direction and passing a little north of the buildings on lands formerly of Charles Hamm now of the heirs of Nicholas Ridgely, deceased, also passing a little south of the buildings on land of the said heirs formerly of Joseph Harper, deceased, to the run of Muddy Branch, thence down said branch and Green's or Simon's Creek with the several courses thereof and with the line of School District No. 11, in Kent County, until said line intersects or strikes the main south west branch of Duck Creek; thence up the said Creek with the several courses of the same until it intersects the lines embracing "certain limits," over which the provisions of the Act aforesaid were extended by a supplement thereto, passed at Dover, Feb. 10th, 1835, and running with the several lines thereof to the southerly prong of the main south west branch of Duck Creek, in said supplement mentioned, thence up said prong with the several courses of the run of the same, until it crosses the road from Naudain's Landing to Denny's Cross Roads aforesaid, and thence along said road and the road from said cross roads to Leipsic, to the place of beginning.

*Extract from Journal.*

*For Concurrence.*

J. R. LOFLAND,  
*Clerk of the Senate.*

On motion of Mr. Wilson,

The amendment was then

*Concurred in.*

On motion of Mr. Martin,

The amendment from the Senate to the bill for widening North street in the town of Dover, was then read as follows :—

IN SENATE, February 15th, 1849.

Amend the bill by striking out all after the enacting clause, and inserting the following, viz :—

That the Commissioners of the town of Dover be authorized and empowered to cause North street of said town to be made wider by opening the same from Front street to West street of the said town, so that the said North street, shall be of an uniform width, not exceeding thirty-five feet ; provided that the said Commissioners, in carrying this Act into effect, may at their discretion suffer to remain as at present located any building or buildings which they may deem it inexpedient to cause to be removed.

Sec. 2. *And be it enacted*, That the damages to be occasioned to any person by the widening of said street shall be assessed by two free holders, one of whom shall be chosen by the said Town Commissioners, and the other by the party suffering such damage ; and it shall be paid out of the town funds, or duly tendered before the property of any person in whose favor the damages are assessed shall be appropriated for the widening of said street under this Act.

*Extract from the Journal,*

J. R. LOFLAND,  
*Clerk of the Senate.*

*For concurrence.*

On motion of Mr. Martin,

The Resolution from the Senate fixing a day for adjournment, was read as follows :—

IN SENATE, Feb. 14th, 1849.

*Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That both Houses of the Legislature will adjourn on Friday the 23d day of February, instant, *sine die*.

*Extract from Journal,*

J. R. LOFLAND,  
*Clerk of the Senate.*

*For Concurrence.*

Mr. Rodney presented a petition from William B. McCrone and others, praying for the opening of a certain road in New Castle County, which,

On his motion,



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

Whereupon,

Messrs. Rodney, Collins and Bellah, were appointed said Committee.

On motion of Mr. Bradford,

The bill entitled "An act to incorporate Jefferson Lodge, No. 2, I. O. O. F. of the State of Delaware," was read a third time by paragraphs, and the question being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bradford, Bellah, Carlisle, Collins, Cooch, Jones, Marshall, Martin, Miles, Rodney, Taylor, N. Tunnell, W. Tunnell, Vaughan, Wilson and Mr. Speaker—16.

*Nays*—0.

So the bill

*Passed the House.*

*Ordered*, to the Senate for concurrence.

On motion of Mr. Collins,

The bill entitled "a supplement to the Act entitled 'An act to incorporate the Delaware Rail Road Company,'" was read a second time.

Mr. Marshall presented a petition from H. Hall and others, for an act to incorporate "Siloam Division, No. 24, Sons of Temperance," which,

On his motion,

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

Whereupon,

Messrs. Marshall, Carlisle, and Vaughan, were appointed said Committee.

On motion of Mr. Martin,

The bill entitled "An act to create an additional School District in the County of Sussex," was read a second time.

On motion of Mr. Bradford,

The bill entitled "An act amendatory of the act for the establishment of Free Schools," was read a second time.

Mr. Rodney, presented a petition from S. Higgins and others, for a division of School District, No. 62, in New Castle County, which,

On his motion,

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

Whereupon,

Messrs. Rodney, Caulk, and Naudain, were appointed said Committee.

Mr. Miles presented a remonstrance from J. Allen and others, against the construction of a Draw to the Christiana Bridge, which,

On his motion,

Was read.

On motion of Mr. Bradford,

The bill entitled "An act concerning Days of Grace," was read a second time.

Mr. Collins presented a remonstrance from John Rust and others, against authorizing an increase of tolls for foot passengers over a certain bridge near Seaford, which,

On his motion,

Was read and referred to the Committee to whom the bill on that subject was committed.

Mr. Jones, from the Committee to whom was referred the petition of James Stuart and others, reported a bill entitled "A supplement to an Act entitled 'An act allowing an additional Justice of the Peace and Constable to the County of Sussex for a limited time,' " which,

On his motion,

Was read.

On motion of Mr. Bradford,

The bill entitled "An act concerning the acknowledgement of deeds and other instruments of writing, by Corporations," was read a second time.

On motion of Mr. Postles,

The bill entitled "An act to enable the owners and possessors of the marsh and low grounds on Mispillion Creek in Cedar Creek Hundred, Sussex County, opposite the new wharf on said Creek, to embank, drain and reclaim the same," was read a second time.

Mr. Comegys presented a claim from J. M. Smith, and also the account of Messrs. Miller and Burloch, and of John Draper, which,

On his motion,

Were referred to the Committee of Claims.

On motion of Mr. Comegys,

The vote upon the bill entitled "An act to divorce Elijah R. Parsons and Mary Ann Parsons," was reconsidered.

The question then again being on the final passage of the bill, the yeas and nays were ordered and taken as follows:—

*Yeas.*—Messrs. Bellah, Collins, Cooch, Jones, Marshall, Martin, Nau-dain, Taylor, N. Tunnell, W. Tunnell, Vaughan and Wilson—12.

*Nays.*—Messrs. Bradford, Carlisle, Caulk, Comegys, Miles, Postles, and Mr. Speaker—7.

So the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Miles presented a remonstrance from H. Todd against the passage of the bill in relation to Clerks of the Peace, which,

On his motion,

Was read.

On motion of Mr. Bradford,

The bill entitled "A supplement to an act entitled 'An act relating to fugitives from labor,'" was read a second time.

On motion of Mr. Marshall,

The bill entitled "A supplement to an act entitled 'A further supplement to the Act entitled 'An act for the preservation of certain shell fisheries within this State,'" was read a second time.

On motion of Mr. Marshall,

The bill entitled "An act for recording marriage contracts," was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate.

On motion of Mr. Comegys,

The Ninth Rule of the House was suspended, for the introduction of a bill.

Mr. Comegys then asked, and,

On motion of Mr. Carlisle,

Obtained leave to introduce a bill entitled "An act extending the authority of the Superior Court to obtain evidence," which,

On motion of Mr. Comegys,

Was read.

Mr. Bradford, from the Committee to whom was referred the petition

of Isaac Doughton, reported it inexpedient to grant the prayer of the petitioner, which report,

On motion of Mr. Comegys,

Was

*Adopted.*

Mr. Miles presented a claim from Messrs. Jeandell & Vincent, which,

On his motion,

Was referred to the Committee of Claims.

On motion of Mr. Marshall,

The bill entitled "An act to incorporate Atlantic Lodge No. 15, I. O. O. F. at Lewes Delaware," was read a second time by its title.

On motion of Mr. Comegys,

The bill entitled "An act in relation to lands conveyed or devised for charitable uses," was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Comegys,

The bill entitled "An act for the relief of John Hickman of Michael," was read a third time by paragraphs, and

*Passed the House.*

*Ordered*, to the Senate.

Mr. Bradford, from the Committee to whom was referred the petition from the members of the National Brass Band, reported it inexpedient to grant the prayer of the petitioners; which report,

On motion of Mr. Caulk,

Was

*Adopted.*

On motion of Mr. Martin,

The bill entitled "An act to divide School District No. 24 in Sussex County," was read a second time.

Mr. Jones presented a remonstrance from John Sordan and others, against changing the place for holding elections in N. W. Fork Hundred in Sussex County, which,

On his motion,

Was read.

Mr. Carlisle gave notice that he would to-morrow ask leave to introduce a bill for chartering Division No. 23 Sons of Temperance.

Mr. W. Tunnell, from the Committee of Enrollment reported the following bills as being correctly enrolled, viz:—

“An act to create an additional School District in the County of Kent.”

“An act to authorize the building of a bridge across Ditch Creek, near Lewestown, in Sussex County.”

“An act authorizing Benj. Thistlewood to raise his mill dam and for other purposes.”

“An act concerning the division of School Districts, Nos. 36, 40, 41, and 43 in Sussex County.”

“An act to incorporate Mechanics’ Lodge, No. 4, I. O. O. F., of the State of Delaware.”

On motion of Mr. Vaughan,

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

TUESDAY, February 20th, 10 o’clock, A. M.

The House met pursuant to adjournment.

The Speaker being absent,

On motion of Mr. Rodney,

Mr. Comegys was elected Speaker of the House *pro tempore*.

Prayer by the Chaplain.

On motion of Mr. Bradford,

The bill entitled “An act amendatory of the Act for the establishment of free schools,” was read a third time by paragraphs, and

*Passed the House.*

*Ordered to the Senate for concurrence.*

Mr. Rodney, from the Committee to whom was referred the petition of W. B. McCrone and others, reported a bill entitled “An act to open a certain Road in New Castle County,” which,

On his motion,

Was read.

In conformity with notice given, Mr. Carlisle asked, and,