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OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF DELAWARE,

FOR THE SESSION COMMENCED AND HELD AT DOVER

ON TUESDAY THE SIXTH DAY OF JANUARY,

1835: 1837

AND THE FIFTY-NINTH YEAR

OF THE

INDEPENDENCE OF THE UNITED STATES.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF DELAWARE.



At a session of the General Assembly of the State of Delaware, commenced and held, at Dover, on Tuesday the sixth day of January, in the year of our Lord one thousand eight hundred and thirty-five, and of the Independence of the United States of America, the fifty-ninth,

✓ Messrs. William Herdman, George Lodge, William Booth, John W. Evans, Alexander M. Biddle, Thomas Deakyne, and John Harlan, from Newcastle county:

Messrs. John Raymond, Charles Marim, Robert Frame, Joel Clements, Jacob Boone, Philip D. Fiddeman, and Benjamin Harrington, from Kent county; and

✓ Messrs. Thomas Davis, Kendal M. Lewis, William B. Cooper, Thomas Jacobs, James Parker, William D. Waples, and Joshua Johnson, from the county of Sussex, appeared.

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

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

By the returns of the officers of Kent county, appointed by law, judges of elections, it appears, that on the second Tuesday in November last, at the several and respective places for holding the elections, for said county, the following persons were chosen to represent the said county in the House of Representatives, of the State of Delaware, to wit:—John Raymond, Charles Marim, Robert Frame, Joel Clements, Jacob Boone, Philip D. Fiddeman, and Benjamin Harrington, Esquires.

By the returns of the officers from Sussex county, appointed by law, judges of elections, it appears, that on the second Tuesday in November last, at the several and respective places specified by law, for holding the elections of said county, the following persons were chosen, to represent the said county in the House of Representatives, of the State of Delaware,

to wit:—Thomas Davis, Kendal M. Lewis, William B. Cooper, Thomas Jacobs, James Parker, William D. Waples, and Joshua Johnson, Esquires.

On motion of Mr. Frame,

The House proceeded to choose, by ballot, a speaker, whereupon William D. Waples, Esquire, was duly elected.

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

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

On motion of Mr. Frame,

The House proceeded to ballot for a clerk; Joshua G. Baker was duly elected, introduced, sworn, and took his seat at the clerk's table.

On motion of Mr. Marim,

The House proceeded to ballot for a sergeant at arms, and Matthew Manlove was duly elected.

Mr. Clayton, clerk of the Senate, being admitted, informed the House, that a quorum of the Senate had assembled, chosen their officers, and were ready to proceed to business.

And he withdrew.

On motion of Mr. Frame,

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

On motion of Mr. Marim,

The House adjourn to 3 o'clock this afternoon.



Eodem die, 3 o'clock P. M.

The House assembled, pursuant to adjournment—at the request of the clerk,

Mr. Marim submitted the following resolution; which was,

On motion of Mr. Frame,
Read, and

Adopted,

Resolved, That leave be granted to the clerk of this House to appoint an assistant clerk, whose compensation shall be paid by the clerk on his own account.

The speaker laid on the table the following communication from the Secretary of State, which was,

On motion of Mr. Frame,
Read, to wit:

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR,

I am directed by the Governor to inform the House of Representatives, through you, that a recent afflicting bereavement prevents his attending at the seat of government, at the usual period of an Executive communication to the General Assembly. I have also, the direction of the

Governor, to deliver a written Message to the two branches of the Legislature, which I shall do, at 12 o'clock of this day, or as soon thereafter as the Senate and House of Representatives shall be organized for the transaction of business—

I have the honor to be.

Very Respectfully,

Your ob't serv't,

JAMES ROGERS.

The Secretary of State being announced and admitted, delivered a written communication from his Excellency the Governor—

And he withdrew.

On motion of Mr. Marim,

The Message was read, viz:

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

The second biennial session under the amended Constitution, convokes you with those prosperous circumstances which, by the favor of Providence, have ever attended the previous meetings of the Representatives of our free and happy people. The responsibilities and the trusts confided to your wisdom, are calculated to create anxiety;—but that anxiety is dignified by the privileges you inherit, and the functions you are to exercise.

The propitious omens which auspicate your deliberations render this an epoch of peculiar interest. It is the season of joy—the season of gratitude. The glad voice of domestic felicitation,—the triumphant hail of national rejoicing,—heard in the mingled accents of millions of freemen—form one united shout of congratulation. The universal heart of our common Country is wafted in praise and gratitude to heaven!

Prosperity, unparalleled prosperity is the cause. For this blessing we are indebted, under a benign providence, to a faithful dependence upon our principles and institutions. Through a well founded confidence in their integrity, we enjoy the full and mature benefits of the present,—and are entitled to anticipate the fruition of those yet in the bud of promise. Unshaken attachment to the Constitution and the Union forms the best test, and the brightest token of our ultimate prospects. That which has been our past reliance, must remain our future hope.

It was a Roman custom to deduce auguries of success and fate from the inspection of their sacrificial offerings. *Ours* is a better and more prophetic divination. We infer the future from the past:—and we build our expectations upon the endurance of those eternal principles which the past has seen triumphant. An unyielding adherence to the doctrines of that creed which ushered our national existence, together with a continual supervision of their practical operation, must constitute the only true auspices of our national destiny.

It should be held in everlasting remembrance, that the essential difference between this government and most others, both of ancient and modern times, is that ours is based, primarily, upon the solid foundation of undeviating *principles*, while they have rested on the fluctuating basis of supreme, arbitrary, irresponsible *will* or *expediency*. In order then to avoid their inherent and coincident errors, we should perpetuate an uncompromising allegiance to these *principles* which have elevated and sustained

our distinctive character: for history reveals no truth more emphatic than this, that a nation never ceases to be prosperous, except through a departure from those institutions to which she owes her prosperity.

While the internal condition and the foreign relations of our common country afford just cause of pride and gratitude, the contemplation of our own domestic concerns is a source of more peculiar pleasure.

Limited in territory and wealth, our citizens are rich in comfort and content. The glow of health and the smile of happiness dwell upon every countenance. Our harvests have crowned the seasons with plenty; and the labors of another year are commenced with the glad assurances of fertility and fruitfulness.

Our narrow confines, untenanted by extensive towns, forbid any rapid increase of population. Indeed prior to our independence and so far back as the reign of queen Anne, some portions of our State were even more populous than at present, and so little have we been affected by the mutations incident to the history of other States, that in some instances, land is now held in the same families to whom it was originally granted by the deeds of William Penn.

The People of Delaware are remarkable for a proud affection for the place of their nativity; and although our limited territory and sparse population have sometimes been assailed by invidious comparisons, we are ashamed of neither. For the reputation and character of the State, we will point to the council rolls of the Union, and appeal to the honored names which grace the annals of the nation;—and we can turn to our homes, and looking upon our fruitful fields, extending commerce, and increasing manufactures, rest proudly content with the State which yet retains the territorial limits, and the unconfined and ample spirit it possessed in seventy-six.

But the subjects for congratulation are not limited to the happy condition of our common country, or the peculiar prosperity of our native State. The views and calculations of the philanthropist or the statesman should never be circumscribed by his own sphere of action. We are called upon to rejoice not only for the preservation of the integrity of liberal principles at home, but at their wide and triumphant increase abroad. American doctrines were long since planted in a transatlantic soil,—and the harvest was reaped—but the laborers were skill-less and unworthy, and the produce bitter. The true leaven is now mingling with the politics of Europe, and the convulsive working of revolutionary opinions begins to shake the “Kingly crown,” and the “sceptered sway” of royalty. The *divine right* is no longer sacred. Change and reformation are busy. The era of reason and good government must come at last. The political jugglers who have so long been screened by delusion and ignorance, must now play their puppet-parts before the enlightened eye of popular inspection; and the old world will at length discover by how little wisdom it has been governed.

The members of the General Assembly are already possessed of full information with respect to the existing aspect of affairs between the government of the United States and that of France. These are unfortunately of such a nature as to render it probable, that they will terminate in some measure which may lead to an open rupture;—from which the position we maintain towards the controversy, would not allow us to shrink with honour.

It has been the persevering intention of the present administration of the

general government, to obtain indemnity and satisfaction for the spoliations committed upon our commerce by the existing powers of France, during the space of time between the years 1800 and 1817. The claims of our citizens to restitution for these aggressions had been acknowledged to be just and legal; but, until the accession of the present administration, nothing had been effected towards their adjustment. Negotiations were commenced with the late government of France, and the matter was approximating towards a fair and honourable conclusion, when it was suddenly suspended by the ejection of the King and his cabinet, during the memorable revolution of the "three days of July, 1830."

Soon after the establishment of the present dynasty, this business was resumed, and with such success that on the 4th day of July, 1831, the most auspicious day of our calendar, a treaty was concluded and signed at Paris. This treaty containing mutual stipulations was thereafter, duly ratified and exchanged, and the subject having been submitted to Congress, certain laws, in conformity with the stipulations upon our part, were promptly passed; and the French nation placed in the immediate enjoyment of sundry commercial privileges, assigned to them by the terms of the treaty. Nothing has been since accomplished by the ruling powers of France to provide for the consummation of this important measure. It has been shuffled, with indifference, through several successive sessions of their Chambers, and the requisite appropriations finally refused. Circumstances warrant the supposition that no further action, upon their part, is contemplated. Our government cannot rest inactive. Congress will devise means of redress either at the present or their next session. So far as the interests and duties of this State are connected with the question, the time is immaterial. Your Legislation must be immediate. The General Assembly will not regularly convene until after the preliminary question relating to this subject, shall have been finally disposed of in Congress. We should therefore prepare for the performance of our share in those events which prudence warns us to anticipate.

War is undoubtedly the most solemn subject that can occupy the attention of a nation,—hazards and dangers are its invariable concomitants; whilst the advantages and the result are ever dubious. But when national honour urges onward, it is idle to pause;—it is useless to calculate—advantages we might forego—character we cannot jeopardize. Cost what it may, the government and the people will abide the issue. The ratification of the treaty; the long series of wearisome diplomatic efforts by which that treaty was obtained; the grievances for which it was to be the indemnity, have implicated the character of the Union in its result. We have gone to the verge of negotiation;—there is no further room for pause or hesitation.—We have borne the temporising insults, and the contemptuous indifference of the French ministers and French Chambers,—and for the fourth part of a century we have waited, patiently, almost uncomplainingly, waited the expected satisfaction of our claims. The last act of French Legislation has been an absolute refusal of appropriations for their payment. All that is now left, upon our part, is to maintain the national dignity, and remunerate ourselves, should the course of events render it necessary.

The only tie between this country and France, that yet remains unsevered, is the remembrance of our ancient alliance. This is a bond which the people of the United States have been accustomed to regard as invested with the sanctity of revolutionary associations. But they will never consent that the tie of friendship shall be converted into a chain which

would bind them to the endurance of insult and injury. And however sacredly the popular feelings may have been enlisted in favour of such recollections, it is now manifest, that this has arisen more from the blindness of self-flattery, than from any evidence of French devotion to American interests. The plain unvarnished historic fact is this,—we owe their national interference in the war of the revolution more to their hate of England than a love for us. It is true, there were noble instances of individual devotion to our cause—and there was *one man*, who himself was the brightest and holiest link in that chain of affection which has so long bound us to French interests and French influence; but their land is no longer *sanctified by his presence*.

The future course of the French Government, or the means of redress hereafter devised by Congress, may not, necessarily, lead to hostilities: but a war is probable, and if it be not wise to anticipate evil, it is wisdom to be prepared for the worst. This State is assuredly not so. It is unprovided for its own defence,—it is unprepared to render to the general government that assistance which may be constitutionally demanded.—Although, should there be war, it is most probable that the ocean would be the field of glory and of danger, still let us remember our propinquity to the scene of encounter. Would the legislature, the responsible guardian of the public safety, be willing to expose the state to a similar risk, with its present means for the protection of the property and lives of the people while the memory of those formidable demonstrations against our maritime frontier, during the last war, are so vivid and so admonitory? I know that the citizens of Delaware would rush forward, simultaneously, as they then did, to repel domestic invasion, or to resist any act of aggression upon the territory of their common country. But preparatory organization is necessary to concentrate their energy. I know that the men who have been so conspicuously brave in our former battles, would never prove recreant now. The State which was first to adopt the Constitution, will be the foremost to defend the Union. The spirit of the immortal Delaware line is not buried in the homeless graves of that gallant band.—The reeking turf of Camden, and the blood stained soil of many a battle field, contain their honoured bones, but their spirit still survives to animate their descendants to die like them for the salvation of their country.

In consideration of the circumstances, I earnestly recommend an immediate attention to the militia system, together with the enactment of such provisions as may be adequate to place the state in an attitude of preparation for the probable emergency. Such organization as will best lead to good discipline is more important than an enrolment embracing so large a portion of our citizens as is contemplated by the existing law. I therefore suggest a repeal of the present system,—and that a law be passed for the organization of a regiment of volunteers in each of the counties; and as an inducement to non-commissioned officers and privates, to equip themselves, and punctually to perform such stated duty as may be directed, that they be exempted from taxation, or that a specific sum be paid to each non-commissioned officer and private.

The amended Constitution of the State, has now undergone a probation sufficient to test its practical operation and suitability to the wants and wishes of the people. It is believed to have won the good opinions of our fellow-citizens, generally; and has been found well adapted to their situation and circumstances. The best evidence of this is the easy and unimpeded transition from the old customs and habits to the new state of things

which succeeded its adoption. The most delicate and complicated part of the machinery is that which ordains and regulates the powers of the Judiciary, and prescribes the sphere and orbit of its action. It was feared that the somewhat complex nature of the arrangements connected with this portion of the plan might cause them to prove of lame and impeded practice; but so far they have been managed with facility and success;—and no difficulty in this respect, is apprehended for the future. The change in the judicial system is by far the most important amendment of the Constitution, and the people of the state appear to be satisfied with the new formation of their courts of justice: Therefore, so long as the bench shall be occupied by men of high capacity and inflexible honesty, we may confidently calculate upon the enjoyment of the most eminent blessing under a good government, a wise, impartial and efficient administration of the laws.

But there is a restless spirit of change which seems destined to accompany the progress of reformation—though always overstepping the limits of prudence, and deviating into the crude uncertainties of untried plans and visionary speculations. This discordant influence has threatened to interfere with our settled arrangements, and to mar the unity and effect of the judicial system which has but just received the sanction of popular satisfaction, and the conformation of complete practical success. An effort has been made by a few unsatisfied individuals, to curtail its powers and utility by enlarging the jurisdiction of justices of the peace to sums under the amount of one hundred dollars. This subject was formerly brought before the General Assembly; and from certain partial demonstrations, it is probable that a trial will be made at the present session, to procure the passage of a bill to this purport and effect. I would respectfully suggest that it is doubtful whether any such enactment would be attended with other than the most disastrous consequences. The object avowed by the prosecutors of this scheme is an alleged decrease of expenses together with greater speed and convenience in the collection of debts. The extension of the Justices' jurisdiction with the right of appeal, could, from well known causes, be productive of but one effect:—almost the entire proceedings before these Magistrates would be resolved into systematic appeals, and the self-evident tendency of such an act, would be to increase litigation and the cost of parties. The despatch of business, under the present arrangement of the courts affords the suitors little reason to complain of the *laws' delay*—and it is apprehended that the proposed measure could neither hasten the course of justice, nor mitigate the expenses of suits,—but would unavoidably introduce a disorderly practice and amplify the province of confusion and ignorance.

Popular knowledge is the true and sure basis of republican institutions. To the enlightened sense of the people we owe the establishment of our Liberty:—and it is to education that we must look for its support and preservation. These fundamental truths have been recognized and acted upon throughout a great portion of the Union; and the wise policy of various States has devised separate systems of general instruction. The effect of their legislation has realized the most sanguine expectations.

Active intelligence is of paramount importance to the individual, who is in most cases, necessarily, the architect of his own fortunes, but when considered in reference to the common relations, which every citizen is liable to assume, in connection with the administration of government, and the support of the social system, how infinitely does it ascend in the scale of

utility. It is no mere theoretical hypothesis, that each one of us may be called by the voice of his country to the discharge of public duty, but it is absolutely certain that a majority of the adult male citizens of *this* State, at least, are at some time, actually invested with one or all of the elevated functions of Juror, Magistrate or Legislator.

We have, though somewhat tardily, awakened to the magnitude and importance of this subject. A fund has for some time been accumulating, to be applied to the foundation and support of a system of general education. Free Schools have been established throughout the State, and so far as their condition and operation are known, they are believed to have been productive of some of the beneficial consequences contemplated by their creation. But the system is yet in its infancy, and the plan is too limited to communicate any decided influence to the community. Indeed, the establishment, as now contrived, can scarcely claim the title of a *system*. Schools have been, or are to be erected in various places, but there appears to be nothing of concert or unity in the arrangement. There is no *mental system* yet devised: we have the naked skeleton of the machine—without the *thems* and sinews, or the motive power.

If the people are to derive real and permanent benefit from "School Laws" or a "School Fund," further legislation is necessary—the fund should be increased, and the provisions of the laws amplified: and above all, there should be the adoption and adaptation of some well-digested scheme of mental culture and discipline. *A system of education prescribing the mode*, is as necessary to the success of this, the most important institution of a free government, as the series of laws by which its creation is authorized, and the proper application of the funds directed. The vitality of the principles of our government depends upon the diffusion of knowledge, which must circulate and be kept alive in the minds of the people.—These principles and the institutions which are their offspring bear the universal stamp of *utility*; and all means intended for their support and perpetuation should display the same definite impress. The system of education therefore, ought to be graduated in strict conformity with this national characteristic: and if the nucleus now formed, should be permitted to expand to the simple dimensions of *utility*, the intelligence of our citizens will hereafter promote the high character for moral energy and mental superiority, already won for us in the general estimation, by the many distinguished sons of Delaware.

The most complete and perfect intellectual machinery hitherto devised for national purposes, is that scheme of education for all classes, now in full operation throughout the Prussian Dominions, and in some parts of Germany. This plan is in every respect far more extensive than ours can be expected to become. The instruction of the whole population is there distributed throughout the different Schools, of primary instruction for the lowest classes, of burgher schools for the commercial branches, and the gymnasias and universities for the higher orders. As a system, this plan would be entirely unsuited to our habits and opinions—its administration being essentially despotic, and under the immediate superintendence and strict, but benevolent control of the government, by whom its discipline is conducted with all the regularity and uniformity of military tactics.—But in many of its details it would be found applicable to our situation and views; and some of its formulæ might be adopted as models whereon a portion of our less comprehensive system might be moulded.

But it would not comport with the dignity and character of the State to

limit the means of instruction of its citizens to the primary elements of education. It is equally good policy to extend a fostering hand to the liberal arts. The circle of the Sciences, and the various branches of knowledge which are necessary for the several departments of the learned professions should be included within the sphere of attainment. This may be accomplished by sustaining and assisting the College, incorporated by the Legislature, and recently established at Newark. This institution has commenced its career with flattering prospects, and has already received into its halls a respectable number of students. It is under the direction of a capable Faculty, and there is every reason to expect an increase of patronage. But the construction of the buildings and accommodations requisite for the reception of a limited number of pupils has swallowed up so much of the fund hitherto provided, that the institution will be obliged to appeal to the generosity of the State for a more ample endowment.

This matter, as well as the general subject of education, is submitted to the serious consideration of the Legislature.

I would suggest to the General Assembly whether it might not prove expedient to revise some portions of our Criminal Code. Among the punishments affixed to certain crimes and misdemeanors, are provisions, abhorrent to humanized feelings, irreconcilable to public refinement, and altogether inconsistent with enlightened civilization. The eye of humanity would be shocked, beyond expression, at the awful spectacle of the perpetual *gibbet*, suspending the bleached and rattling bones of some executed criminal; but it could scarcely be more *disgusted* than at the frequent sight of the *standing pillory*, which yet remains, a stigma to our county towns; and a disgrace to the statutes of the State. Can not some more humane provision be adopted, to purge so foul a stain for ever from our records? This punishment has been discarded, elsewhere, with utility and effect; wherefore then should we retain what is so repugnant to our feelings, and reproachful to our character?

The prison regulations now existing in this State, fall far behind the improvements introduced into other parts of the Union, and are in many respects altogether unworthy the professed charity of a moral and benevolent people. Does it not lie fully within our ability, to make some effort towards the adoption of that prison discipline, which in the form of the Penitentiary System, has proved so abundantly successful in other States?

It is to the revolting statistics of crime, misery and degradation, as exhibited in goals like ours, that this grand yet simple plan, founded in wisdom, and fostered by benevolence, owes its origin. This institution, in which Philanthropy and justice are so admirably blended has been established in New-Hampshire, Vermont, Massachusetts, Connecticut, New-York, Pennsylvania, Maryland, District of Columbia, Kentucky, Tennessee, Georgia, Ohio, and Illinois. It is in partial operation in Maine and Virginia, and proposed in New-Jersey, Missouri and Louisiana. Its merits have been eulogised by transatlantic Philanthropists, and recognised by the statesmen of Europe; and agents have been delegated from several foreign governments to investigate "The American Penitentiary System" with the purpose of its ingraftment upon their own institutions.

This system is founded upon the most accurate estimate of the causes of human crime, and is undoubtedly the only philosophical experiment yet tried, for the combined purpose of the *punishment* and *reformation* of vice—a combination most consistent with the spirit of all laws: whose ul-

itimate object is, by the example of the penalty, to forestall the commission of evil. The synopsis of the plan, and principles upon which it is based, is briefly this: crime is evolved and fostered by the intercourse with depravity: the remedy then lies in *isolation*, which induces *silence* and *reflection*. Labor supercedes idleness,—want, the fruitful parent of misdeeds, is obviated by a profession. Moral and religious instruction, together with all the means and motives of reformation, are supplied. Life is protected, and health preserved, while moral suffering atones for the violation of the laws, and affords the best promise of the future regulation of passion and the observance of respect for the interest and ordinances of society, and this plan so simple in theory, has been found perfectly successful in practice. It has been amply proved that under this system our prisons, by the labor of their inmates, are entirely competent to their own support. In New-York, their penitentiaries, instead of proving an expense, are likely to become a source of revenue. Will this State be the last to adopt, or the only one to reject an establishment so suited to the genius of our institutions, and so much in accordance with that *utility* which is their characteristic?

But if mistrust or economy must procrastinate the inception of this scheme until necessity shall forbid further delay, at least permit me to urge the present propriety of devising some means for the improvement of the unorganized condition of our county prisons. Let there be an inspection into their situation and mismanagement, and let regulations be prescribed for their internal governance—at least so far as regards the classification and employment of the prisoners and thus, even from such a beginning, we may be enabled to lay the corner stone of a structure, unequalled in moral grandeur and utility by any of the munificent creations of modern benevolence.

The present age is by nothing more distinctly characterized than by the associate progress of intelligence and philanthropy. They are the twin-stars of the ocean of mental and moral darkness—the harbingers of truth; that illimitable and omnipotent truth which alone can irradiate the real interests of humanity. A temporal welfare conformable to the immortal destiny of man is now clearly revealed. Reason is proclaimed sole monarch of a new empire; the empire of intellect. The throne of Error is shaken to its centre; and his legitimate progeny, Misrule and Intolerance are driven from the fair dominion which ignorance had so long secured to their succession. The Revolution of opinions has shaken to their foundation the old established fallacies of the world. The lever and the fulcrum are found which *have* moved the universe. The whole social system is now in the course of renovation through the agency of these confederate powers, and they have not only mingled with the philosophy and the politics of the age, but have actively ministered to those benevolent plans of charity by which the time is so remarkably distinguished. The practical application of this blended influence to the wants and miseries of mankind is in nothing more eminently conspicuous than in the effort to soothe and console the sorrows of *blindness*, through the instrumentality of education. This calamity which closes the eye of the outward sense, but darkens not the mind, has a claim not only upon the tenderest sympathies, but upon our most elevating recollections. Consecrated by its alliance with genius, it appeals to the mind as well as to the heart. The most interesting intellectual experiment ever tried is the attempt to instruct the blind in the various branches of knowledge and the simple mechanical arts. Its per-

fect success has alleviated the physical privations and elevated the moral condition of those afflicted with a calamity formerly regarded as hopeless. There have been a few instances, at different periods, of individuals labouring under this misfortune, who have made considerable attainments in the arts and sciences—but the plan of systematic instruction is of recent origin. An institution devoted to this object has been lately founded in the city of Philadelphia, and its success has proved most satisfactory. Private charity has afforded the advantages of this school to one more pupils from among us; and considerable exertions have been recently made to obtain an interest in the establishment which may enable us to secure its benefits to all the blind of this State who may be included within the requisites for admission: In order permanently to effect this, it is believed that the charitable assistance of the Legislature will be necessary. The number of our blind who would be beneficiaries of this charity is exceedingly limited; and a trifling sum would be sufficient to afford to all a participation in the advantages of the Institution. An appropriation for this purpose would meet the wishes of many of our citizens who are zealously enlisted in favour of this measure, and it is trusted that the Legislature will be disposed to encourage so humane and benevolent an object.

The subject is well calculated of itself to secure favours, but so far as the earnest approbation of the executive may avail in its behalf, it is heartily recommended to your consideration.

But there is yet another link in the chain of benevolence. The cause of humanity and civilization is harmonious. It presents no insulated and detached projects; but all its objects are united and bound together in one holy bond, proposing but one end and aim—the melioration of the condition and prospects of mankind. The means resorted to for the achievement of this high and consistent purpose are not based upon the dreams of enthusiasm, or the wild visions of fanaticism; but upon the solid and perdurable foundation of precient yet confident wisdom. The prophetic suggestions of the ardent Philanthropist, have been adopted as the prudent deductions of the calculating Statesman—and unity of purpose and of means has produced unity of effect. There is in the course of fulfilment, both at home and abroad, a scheme which has united the efforts of the friends of man and humanity, and which now, after years of toil, is about to crown their labours with rich and grateful success. This object of combined exertion is the abolition of imprisonment for debt, an end worthy of that exertion, and fully commensurate with the labour of its advocates.

This measure will not be attended with the hazards of an experiment. Its results are fairly before us. The consequences have been completely tried. It is satisfactorily proved that where such a law has no existence, credit stands upon a better basis, and debts are collected with more ease and certainty. In the great and populous States of New York, Massachusetts and Kentucky, the voice of humanity has prevailed—the whole system has been abolished without reservation, and the most cheering and beneficial effects have followed this wise policy.

Induced by this example and experience, under the belief that the practical operation of the system of imprisonment for debt is worse than can be imagined by those unfamiliar with the subject, and with a full confidence of the wisdom of its total and unreserved abolishment, I invoke the members of the General Assembly to join in a holy effort to throw from us the burthen of this enormity; I invite them to partake the impulse

which universal opinion has communicated to this measure, and to participate the glory that must crown the efforts of those who accomplish an object which unites the concentrated zeal of wisdom, benevolence and religion.

The energy and prudence of the existing administration of the General Government, have been wisely directed towards the establishment and regulation of a sound and constitutional currency. It is believed by a large majority of the people of the United States, that the measures adopted and proposed, are calculated to secure this important object. But the action of the separate States is necessary for the complete success of one portion of the scheme, and in furtherance of this it is proposed that those States which have hitherto made no legislative provisions upon the subject, should concur in an effort to drive the bills or notes of their own Banks of a smaller denomination than five dollars, entirely out of circulation. Apart from the concert of this plan there can be no question of the original expediency of such a measure, and it has previously been carried into execution in many States.

The circulation of the small notes of our State Banks is entirely confined to our own limits in consequence of their interdiction within the adjoining States of Maryland and Pennsylvania. It is submitted that the effect of a similar enactment by this body, will not only be subservient to the public interests, but would eventually prove beneficial to the Banks themselves, as it is believed that the expense attending the issue of small notes more than counterbalance the utility and convenience of their circulation.

The people of Delaware have participated but little in the doubtful policy that, for a time, encouraged those hydra schemes of internal improvement, which under the protection of the General Government spring up so fruitfully in every quarter of the country. But we continue to receive a full share of the benefit from the appropriations devoted to those objects, which less questionable upon constitutional grounds, have been recognised as works of national importance by every administration since the adoption of the Constitution.

In conformity with a continuous policy which has never been disturbed or disputed, large sums were voted at the last session of Congress, for proceeding with the construction of the Break-water, and for the purpose of rebuilding Fort Delaware.

It is satisfactory to know that two works of admitted national character and general utility, in which the people of this State are largely interested, are prosecuted industriously, and with every prospect of a speedy and successful termination.

Believing that there are many persons who did not avail themselves of the provisions of the act extending the time for recording deeds, passed at the last session of the General Assembly, permit me to recommend that the time be again further extended.

It has been the anxious desire of your executive to infringe upon no topic connected with certain questions relating to the acts and views of the existing administration of the General Government, which might be calculated, unnecessarily to irritate the spirit of party, or awaken any feeling of discord between the separate powers of the State. The remarks and recommendations which it has been deemed proper to submit to your unprejudiced consideration, are believed to be in accordance with the best interest of the people;—they are proposed to the concurrence of both

your Houses in a spirit of harmony and conciliation: and it is trusted that the same disposition may be admitted to preside over your deliberations, and under the benediction of Heaven, to regulate our joint proceedings, so that we may be enabled to legislate and to govern for the true welfare of our Constituents and the prospective benefit of posterity.

C. P. BENNETT.

Jan. 6th, 1835.



On motion of Mr. Herdman,

Resolved, That three hundred copies of the Governor's Message, be printed for the use of the members.

Mr. Frame submitted the following resolution; which,

On his motion,
Was read, and

Adopted, viz:

Resolved, That a committee of three members be appointed to report rules for the government of this House, during the present session.

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

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

On his motion,
Was read, and

Adopted, viz:

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

Messrs. Marim, Cooper, and Raymond, were appointed said committee.

On motion,

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



WEDNESDAY, 10 o'clock, A. M. Jan. 7, 1835.

The house assembled pursuant to adjournment.

Mr. Marim, from the committee appointed to inquire into the constitutional qualifications of the members of this house, made the following report,

Which was.

On motion of Mr. Frame,

Read, and

Adopted, viz:

The committee to which was referred the resolution, authorizing an inquiry into the Constitutional qualifications of the members of this House, report, that, they have made due inquiry, and are fully satisfied that the sitting members are, according to the Constitution of this State, entitled to hold their seats;

Mr. Cooper presented the petition of Mr. Thomas T. Moore;

Which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Cooper, Herdman, and Fiddeman, were appointed said Committee, with leave to report by bill or otherwise.

Mr. Frame, chairman of the committee appointed to report Rules for the government of this House, during the present Session, reported the same Rules, which were adopted by the House at the Session in eighteen hundred and thirty-three;

Which Rules were,

On his motion,

Read, and

Adopted, to wit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Frame presented the petition of James Kimmey, praying the Legislature to pass a law, therein, and thereby vesting in, and granting and conveying to him, all the right, title, and claim of the State of Delaware, of, in, and to certain lands, and real, and personal estate, of which Joseph Kimmey died seized, and possessed,

Which was,

On his motion,

Read, and referred, to a committee of three Members; and Messrs. Frame, Lewis and Deakyne, were appointed, said committee. Mr. Marim laid on the table the following Joint Resolution,

Which was

On his motion,

Read, and

Adopted viz:

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

Messrs. Marim, Cooper and Herdman, were appointed said committee on the part of the House.

Ordered, to the Senate for concurrence,

Mr. Frame laid on the table the following Joint Resolution;

Which was,
On his motion,
Read, viz:

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Legislature of this State, will, on Thursday the eighth instant, at four o'clock in the afternoon, in Joint meeting in the Senate Chamber, hold an Election by ballot, for the purpose of choosing a Senator from this State in the Senate of the United States, for the Constitutional term, to commence on the fourth day of March next.

Mr. Cooper moved,
That the Secretary of State be invited to take a seat on the floor of this House, during the time which he may remain at the Metropolis,

Which motion,

Prevailed.

Mr. Frame moved,
That the Resolution which he submitted this morning, for a Joint meeting, of both Houses of the Legislature, for the purpose of electing a Senator to represent this State in the Senate of the United States, be taken up for consideration, and read, a second time;

Which motion,

Prevailed,

And on
His motion,
Said Resolution,
Was

Adopted, nemine dissente.

Ordered, That it be taken to the Senate for concurrence.

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

—•••••

Eodem Die, 3 o'clock P. M.

The House assembled pursuant to adjournment.

Mr. Clayton, clerk of the Senate being admitted, returned the Resolution for a Joint meeting of both Houses of the Legislature, for the purpose of choosing a Senator of the United States, and informed the House, that the Senate had concurred therein.

He at the same time returned the Resolution appointing a Joint committee, to settle with the State Treasurer, and notified the House, that the Senate had concurred therein, and had appointed on their part Messrs. Dilworth and Rodney.

And he withdrew.

Mr. Rogers, Secretary of State, being announced, and admitted, delivered a written communication from his excellency the Governor of this State, with sundry accompanying documents;

And he withdrew.

On motion of Mr. Marim,
The communication and documents from the Governor were read, viz:

Dover, January 7th, 1835.

*To the Senate and House
of Representatives,*

Since the last Session of the General Assembly, I have received for the use of the Legislative, and the Executive Department, various Maps, Books and Documents, and a Schedule whereof, is herewith transmitted,—such of the documents as may call for the action of the Legislature accompany this Message.

The books, and maps will be delivered to the clerks of the respective Houses.

C. P. BENNETT.

Schedule of Maps, Books and Documents, received by the Governor.

3	Volumes	of the Laws of the 2d Session of the 22d Congress.
16	"	of Congressional documents.
16	"	of Maryland Law reports.
6	"	Laws of Pennsylvania.
6	"	" of New Hampshire.
6	"	" of Indiana.
6	"	" of Missouri.
6	"	" of Connecticut.
6	"	" of New York.
5	"	" of Mississippi.
4	"	" of Louisiana.
6	"	" of New Jersey.
6	"	" of Ohio.
2	"	" of Georgia.
4	"	" of Kentucky.
6	"	" of Maryland.
3	"	" of Maine.
2	"	" of Virginia.
1	"	" of Alabama.
2	"	" of Illinois.
1	"	" of North Carolina.
2	"	" of Vermont.
1	"	" of Tennessee.
3	"	" of Legislative Council of Florida.
1	"	4th volume of Gill & Johnson's reports.
3	"	Documents from Department of State.
3	"	Documents, 1st Session of 22d Congress.
2	"	Executive Documents.
2	"	Reports upon Manufacturers.
		Laws of the U. S. 1st Session 23d Congress.
		Report of the Commissioners on the State prison of Massachusetts.
		Journal of the South Carolina Convention.
		Message of Governor Lincoln upon Lotteries.
		Report upon weights and measures.

Map of North Carolina.

Map of Ohio.

Communication from the Governor of Pennsylvania, on the subject of Lotteries.

Resolutions of Georgia, on the subject of Public Lands.

Resolutions of Maryland, on the Organization of the Militia.

Letter from E. Littell, proposing a substitute for all Bank notes.

HOUSE OF DELEGATES, March 15th, 1834.

Mr. Heard, Chairman of the committee on the Militia, delivered the following report:—

The committee on the Militia, to whom was referred a communication from the Governor of New York, transmitting a report and resolutions passed by the Legislature of that state, submit the following report:—

The subject referred to in the report and resolutions above mentioned, relates to some of the provisions of the law of the United States, passed on the 8th May 1792, organizing the Militia of the United States. Under that law, all able bodied free white males citizens, between the ages of eighteen and forty-five, are to be enrolled for the public defence, and when so enrolled they are required to arm and equip themselves at their own expense.

Your committee fully concur in the reasons set forth in the report referred to, shewing why so large an enrolment was necessary at the time of the passage of that law, and also concur in the reason contained in that report which go to prove that so large an enrolment of the Militia is not necessary for the public defence at this time. Your committee are of opinion that an enrolment embracing all able bodied white male citizens, between the ages of twenty-one and forty years, would embody a number of men fully competent to the defence of the nation. The great object of our militia system, being the efficient defence of the country, there is more to be apprehended from the want of proper organization and discipline, than from any deficiency of numbers.

Exempting from enrolment all below the age of twenty-one, and above the age of forty years, will throw out a large number of citizens who can be well spared from militia service, and who would be better employed in the peaceful avocations of life; even in time of war it would be necessary to leave at home some able bodied citizens to take care of the ordinary concerns of life, and none could be better selected than those who will come within the ages proposed to be exempted. Your committee therefore concur in the opinion contained in the report referred to, that the enrolment of the militia, should be confined in future to the able bodied white male citizens between the ages of twenty-one and forty years.

But your committee cannot concur in the sentiment contained in the latter part of the sixth paragraph of the report referred to, which inculcates the idea that the militia are only to be employed on sudden emergencies, and until a more permanent force can be provided. As it is contrary to the policy of free governments to make offensive war, your committee are of opinion that a properly organized and disciplined militia would be adequate to the defence of the country, and should be mainly relied upon as the only safe and efficient resort in the event of hostilities.

It will be necessary for the general government to keep up a military force sufficient to garrison the fortifications erected by that government for the national defence, but when the soil of our country shall be invaded, the militia should be relied upon to defend it, and to expel such invaders.

While the people retain the sword, they can control the destinies of their country, and it will be safe. We have the experience of nations gone before us to prove this position; so long as the citizens of Greece and Rome, defended their country in person, they were free, independent and powerful, and when that high and honorable duty was devolved upon mercenaries, they lost their liberties and became the slaves of those whom they hired to defend them—let us avail ourselves of the sad experience of those nations, and endeavor to avoid those errors which brought upon them such signal misfortunes. There is no truth better substantiated by history than that large standing armies are hostile to, and destructive of free institutions.

Your committee concur fully with the sentiment contained in the report referred to in relation to that provision of the law of '92, which requires every militiaman to arm and equip himself at his own expense; the report says it is wrong in principle and oppressive in practice.

To carry into effect the foregoing views, your committee recommend the adoption of the following resolutions:

Resolved by the General Assembly of Maryland, That our Senators in Congress be instructed, and our Representatives be requested to use their exertions to procure such amendments of the act of Congress, organizing the Militia, as shall relieve the people as far as practicable from the burdens of the system without impairing its efficiency.

Resolved, That his Excellency the Governor, be requested to transmit copies of these resolutions, and report to our Senators and Representatives in Congress, and also to the Governors of the several states, with a request that they may be laid before the Legislatures thereof.

EXECUTIVE DEPARTMENT,

Annapolis, June 5th 1834.

SIR,

In compliance with the request of the General Assembly of this State, I transmit the foregoing copy of a report of a committee of the House of Delegates, and of Resolutions passed by the General Assembly, which I respectfully request that your Excellency will lay before the Legislature of Delaware.

With the highest consideration,

I have the honor to be,

Your Excellency's ob't servant,

JAMES THOMAS.

His Excellency,

The Governor of Delaware.

Philadelphia, 28th November, 1833.

SIR,

I respectfully beg leave to submit to you, and to the Legislature of the State over which you preside, a plan for a substitute for the notes of the bank of the United States, and eventually as a substitute for all bank notes; and an effectual guard against the greatest evils arising from banks,

The proposition is contained in the sixth number of the Dollar Magazine, which is forwarded to you by this days mail.

I have sought for and weighed the objections to the proposed currency, but have discovered none other than such as arise from the possibility of an excessive issue. This danger I think amply guarded against; for it is proposed that it be issued by the General Government, for the exclusive benefit of the State Governments. The former has therefore no interest to induce it to issue too much. On the other hand its interest is so greatly concerned in preventing an issue which would cause the paper to fall below par, that it would become the most watchful and efficient check upon any such imprudence. For if the paper maintain itself at par, such part of it as may be paid to the United States for duties &c., can be used by the Treasury, in common with its other funds, for paying the expenses of the General Government; but if it fall below par, it cannot be so used, and other funds must be provided.

While the States are engaged in extensive understandings for opening trade—and while the subject of a general education of the people attracts more and more of the public attention—a proposal to supply funds to the State Governments, is especially opportune.

If any profits arise from supplying the currency, it belongs of right to the people at large, and not to corporations.

I am Sir, with great respect,

Your ob't. servant,

E. LITTELL.

Hon. CALEB P. BENNETT, Governor of Delaware.

EXECUTIVE DEPARTMENT,

Harrisburg, Pennsylvania, May 18, 1833.

SIR,

In compliance with a resolution of the Legislature of this State, I have the honor of transmitting to you copies of the first and second sections of an act of the General Assembly of Pennsylvania, and of a resolution upon the subject of the "entire abolition of lotteries," with a request that you will lay the same before the Legislature of the State over which you preside, accompanied with the recommendation of such measures as you may deem best calculated to ensure the speedy action of that body upon a subject so vitally important to the welfare and happiness of society.

I have the honor to be,

Very respectfully,

Your obedient servant,

GEO. WOLF.

To his Excellency

The Governor of the State of Delaware.

An Act for the entire abolition of Lotteries.

“Section 1:—Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the thirty-first day of December, one thousand eight hundred and thirty-three, all and every lottery and lotteries, and device and devices in the nature of lotteries, shall be utterly and entirely abolished, and are hereby declared to be thenceforth unauthorized and unlawful.

“Section 2:—And be it further enacted by the authority aforesaid, That from and after the day aforesaid, any person or persons who shall sell, or expose to sale, or cause to be sold or exposed to sale, or shall keep on hand for the purpose of sale, or shall advertise or cause to be advertised for sale, or shall aid or assist, or be in any wise concerned in the sale or exposure to sale of any lottery ticket or tickets, or any share or part of any lottery ticket in any lottery, or device in the nature of a lottery within this Commonwealth, or elsewhere, and any person or persons who shall advertise or cause to be advertised, the drawing of any scheme in any lottery, or be in any way concerned in the managing, conducting, carrying on or drawing of any lottery, or device in the nature of a lottery, and shall be convicted thereof in any court of competent jurisdiction, shall, for each and every such offence, forfeit and pay a sum not less than one hundred dollars, and not exceeding ten thousand dollars, or be sentenced to undergo an imprisonment not exceeding six months, at the discretion of the court.”

Resolution relative to the entire abolition of Lotteries.

Whereas lotteries are an acknowledged evil of great magnitude, vitally injurious to the morals and industry of any community: *And whereas* the public and private injuries resulting from lotteries can only be remedied by their total abolition: *And whereas*, one state cannot effectually suppress the sale of lottery tickets, and the pursuit of this mode of gaming, without the co-operation of the other states of the Union: *And whereas* the state of Pennsylvania has recently enacted that all lotteries shall be totally abolished in said state from and after the thirty-first day of December next, and has prohibited the sale of any ticket or tickets within the same after said period: Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Governor be requested to transmit a copy of the first and second sections of the act of Assembly passed March the first, one thousand eight hundred and thirty-three, entitled “An act for the entire abolition of lotteries,” together with a copy of these resolutions to the Governor of each State, with a request that he will, at the earliest period, lay the same before the Legislature of his State, and request their co-operation in the efforts of this Commonwealth to effect the entire abolition of lotteries.

And be it further resolved by the authority aforesaid, That the Governor be requested to transmit a copy of the said sections, and of these resolutions, to the President of the United States, with a request that he

will, at the earliest period, lay the same before Congress, and use such measures as may in his opinion be best calculated to effect the entire abolition of lotteries within the District of Columbia.

SAMUEL ANDERSON,

Speaker of the House of Representatives.

JESSE BURDEN,

Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and thirty-three.

GEO. WOLF.

SECRETARY'S OFFICE,

Harrisburg, Pennsylvania, May 17, 1833.

This is to certify that the preceding extract is a true copy of sections one and two of "An act for the entire abolition of lotteries," passed the first of March last, and that the above copy of the "Resolution relative to the entire abolition of lotteries," is also true, both having been faithfully compared with the original rolls on file and of record in this office. Witness my hand and seal.

S. M. KEAN.

EXECUTIVE DEPARTMENT, GEORGIA, }
Milledgeville, 1st January 1834. }

SIR,

In compliance with the request contained in a Resolution thereunto appended, I have the honor to transmit to you a copy of a Report embracing the views of the public authorities of Georgia in relation to proposals for disposing of the public lands belonging to the United States.

Very respectfully your obedient servant,

WILSON LUMPKIN.

His Excellency,
Governor of Delaware.

IN SENATE.

The Committee on the State of the Republic, to whom was referred so much of the Governor's Message as relates to the resolutions of the State of Tennessee, and the Report and Resolutions thereon by the Legislature of the State of Massachusetts, on the subject of the Public lands of the United States, have attended to the duty assigned them and beg leave to make the following REPORT:

That without specifically enquiring into the means by which the United States Government became possessed of the public Lands, or the causes which, after the War of the Revolution, induced several of the States to transfer to that Government, all, or a great portion of their unoccupied lands, under certain limitations and restrictions, specified in the several

deeds of cession or relinquishment, your Committee deem it sufficient to state that those deeds and relinquishments, and all other purchases of Lands by the United States Government, were made for the common benefit of the several States, that it is a common fund to be distributed without partiality, and to enure to the equal benefit of all the States. Your Committee cannot perceive that an immediate sale of all the public lands as proposed by the resolutions of the State of Tennessee, would be expedient or beneficial, and however laudable the object the Legislature of Tennessee, had in view in the proposed disposition of the proceeds thereof, as a permanent fund for the purposes of education. Yet your committee are of opinion, that the disposition of the lands would interfere with the true policy of the Government, with regard to its western Territory, (to-wit:) The speedy occupation of that Territory by actual settlers, and further that such an immense body of Lands at once thrown into the market, at reduced prices as is contemplated, by those resolutions, would place it in the power of a combination of wealthy individuals, to purchase up those lands, for the purpose of speculating upon their fellow-citizens, who might wish to become, and who under the present system can become, however poor they may be, the actual settlers of the country.

Your Committee cannot perceive that the Land Bill, introduced into the Senate of the United States by Mr. Clay, and passed by that body, provides for the distribution of the Public Lands in that equitable manner contemplated by the States in their several deeds of cession.

The Government of the United States have already acted upon a liberal policy towards the new States in admitting them into the Union upon an equality with the old States as speedily as their numerical population would warrant their admission; there can therefore be no good reason why those new States should be entitled to any advantages in the distribution of the proceeds of the Public Lands, over the original States by whom these Lands were purchased or ceded.

However acceptable to the people of Georgia the receipt of her dividend from the proposed sales, might be, yet your Committee regret that they perceive in this proposed distribution of a large portion of the revenues of the General Government, among the several States, only another method about to be adopted, to reduce those revenues, and thereby create a necessity and furnish an excuse to the majority in Congress for entailing still longer upon the people of the South, the unjust and odious Tariff system.

Your Committee therefore respectfully recommend the adoption of the following resolutions:

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the General Assembly disapprove of the Resolutions of the General Assembly of the State of Tennessee, of the 21st December, 1831, in relation to the sale and disposition of the Public Lands of the United States.

Resolved, That the General Assembly admit the correctness of the views taken on the subject, in the four first Resolutions of the General Assembly of the State of Massachusetts of the 28th March, 1833, but cannot admit the policy or expediency of a distribution of any part of the revenues of the General Government among the several States so long as any part of those revenues are raised upon the principle of a protective Tariff of duties on foreign imports.

Resolved, That our Senators in Congress be instructed, and our Rep-

representatives requested to oppose the passage of any law, having for its object the distribution of the proceeds of the sale of the Public Lands of the United States among the several States; and that his Excellency the Governor be requested to transmit a copy of this report to the President of the United States, the Governors of each of the States, and to each of our Senators and Representatives in Congress.

In Senate, 20th December, 1833, agreed to.

JACOB WOOD,

President of the Senate,

Attest,

JOHN A. CUTHBERT, *Secretary.*

In the House of Representatives, 20th December, 1833—Concurred in.

THOMAS GLASCOCK,

Speaker of the House of Representatives.

Attest,

JOSEPH STURGES, *Clerk.*

Approved, December 23d, 1833.

WILSON LUMKIN, *Governor.*

Mr. Clements presented the petition, of the possessors of the marsh and low grounds, commonly called the Culbreath Marsh, praying the Legislature, to pass a supplement to a certain act therein mentioned;

Which was,

On his motion,

Read and referred to a committee of three members;

Messrs. Clements, Davis and Booth, were appointed said committee.

Mr. Marim presented the petition of William L. Heveron, and Elizabeth his wife, praying the General Assembly to pass a law, vesting in them a title to one-third part, of the personal estate, of which Joseph Kimmey died seized;

Which was,

On his motion,

Read and referred to the same committee, that was appointed, this morning, on the petition of Mr. James Kimmey.

Mr. Marim presented the petition of the widow, and children of John Cummins, deceased;

Which was,

On his motion,

Read, and referred to a committee of three members;

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

Mr. Cooper submitted the following resolution;

Which was,

On his motion,

Read, and

Adopted, viz:

Resolved, by the House of Representatives of the State of Delaware in General Assembly met, That be, and are hereby appointed a committee, and are hereby authorized to procure, and cause to be erected, at the State House door, two good reflecting lamps, for the purpose of affording light, in the night time, to the members of the Legislature, the Courts of law, and equity, and other public bodies within this State, while passing to and from the said State House, in the performance of their public duties.

Messrs. Cooper, Harlan, and Harrington, were appointed the committee, to fill the blank, in said resolution.

On motion,

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

THURSDAY, 10 O'clock, A. M. Jan. 8. 1835.

The house assembled pursuant to adjournment.

Mr. Cooper, chairman of the committee, to which was referred, the Petition of Mr. Thomas T. Moore, reported a bill, entitled, "An act authorising Thomas T. Moore, of Sussex County, as Guardian of John Solomon Turpin Moore, Julia Ann Moore, Thomas Asbury Moore, Geo. Horsey Moore, and Margaret Emily Moore, minors, under the age of twenty-one years, to purchase for them certain lands, situate in Little Creek hundred, in the County aforesaid;"

Which was,

On his motion,

Read.

Mr. Clements, chairman of the committee to which was referred, the Petition, of the owners and possessors of the marsh and low ground, commonly known by the name of Culbreath's Marsh, and low grounds, reported

A bill, entitled "A supplement to 'An act, entitled "An act to authorise the owners and possessors of the marsh and low grounds, commonly called, and known by the name of 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 was

On his motion,

Read.

On motion,

The house adjourned to three o'clock this afternoon.

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

The House assembled pursuant to adjournment.

Mr. Marijn gave notice, that he should, to-morrow, ask leave to introduce

A bill, entitled a supplement to the act, entitled 'An act to amend the act, entitled 'An act concerning the Auditor of Accounts.'

Mr. Davis laid on the table, the annual Report of the Auditor of Accounts, for examination, by the members.

Mr. Parker presented the Petition, of sundry citizens of Broadkilm hundred, Sussex County, for the purpose of protecting the oyster beds, in Broadkilm creek;

Which was,
On his motion,

Read, and referred to a committee, of three members.

Messrs. Marim, Parker, and Lodge, were appointed said Committee.

Mr. Clayton, clerk of the Senate, being admitted, presented for concurrence, the following Resolution, and

He withdrew.

On motion of Mr. Marim,

The communication from the Senate,

Was read,

As follows, viz:

SENATE CHAMBER, Jan. 7, 1835.

Resolved, by the Senate, and House of Representatives of the State of Delaware, in General Assembly met, That the Auditor of Accounts, be authorized, and he is hereby directed to audit, and adjust the expenses, incurred by the Commissioners, appointed by a Resolution of the General Assembly, to act jointly, with such Commissioners, as may be appointed, by the States of Maryland, and Virginia, to survey, and lay out a suitable Site, or Sites, for such Canal, or Canals, as are mentioned in the said Resolution, adopted at Dover, February the 8th, 1832, and that the State Treasurer be, and he is hereby directed, to pay the same, when audited."

Extract from the Journal.

JAMES H. M. CLAYTON, *Clerk*.

"For concurrence:"

Mr. Clayton, clerk of the Senate, being admitted, informed the House, that the Senate would be ready, to receive them, in the Senate Chamber, in five minutes, pursuant to a joint Resolution, adopted by both Houses of the Legislature, for the purpose of electing, by ballot, a Senator from this State, to the Senate of the United States, for the Constitutional term of six years, commencing on the fourth day of March next;

And, at the expiration of which time,

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

The two houses being thus convened,

On motion of Mr. Marim,

The Resolution, for convening them,

Was read; and

Thereupon,

Mr. Frame moved,
That the General Assembly proceed to the nomination of suitable candidates;

Which motion

Prevailed.

Mr. Hazzard nominated John M. Clayton; and

Mr. Hamilton nominated James A. Bayard;

Whereupon,

Mr. Frame moved,

That the two houses proceed to elect by ballot, a person to represent this State, in the Senate of the United States, for the Constitutional term of Six years, commencing on the fourth day of March next;

Which motion,

Prevailed.

The votes were then received, by the Sergeant-at-Arms of the Senate, and by him taken to the Speaker of the Senate, who read them out, in the presence of both Houses of the General Assembly;

They were tallied by the Clerks of the respective Houses,

And were as follow:

For JOHN M. CLAYTON, 20 Votes.

For JAMES A. BAYARD, 10 Votes.

Whereupon,

The Speaker of the Senate declared,

That JOHN M. CLAYTON,

Having a majority of the whole number of votes,

Was duly elected, a Senator from the State of Delaware, in the Senate of the United States, for the Constitutional term of Six years, commencing on the fourth day of March next.

And thereupon,

Three Certificates of the election of JOHN M. CLAYTON, to the Senate of the United States, for the Constitutional term of Six years, from the fourth day of March next, were made out, agreeably to the Act of the General Assembly, of the State of Delaware, in such case made, and provided;

Which Certificates were signed, by the Speaker of the Senate, and the Speaker of the House of Representatives, and attested by the Clerks, of the respective Houses.

On motion of Mr. Hamilton,

The proceedings of both Houses, in Joint meeting,

Were read, and compared.

Whereupon,

On motion of Mr. Cooper,

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

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

FRIDAY, 10 o'clock, A. M. Jan. 9th, 1835.

The House met, pursuant to adjournment.

Mr. Marim submitted the following resolution;

Which was,
On his motion,
Read, and

Adopted, to wit :

Resolved, That the Message of the Governor, be referred to a committee of five members, to report what parts thereof require, in their opinion, the particular attention, and interference of the Legislature."

Whereupon,

The Speaker appointed Messrs. Marim, Frame, Cooper, Herdman, and Booth, said committee.

Mr. Lodge presented the Petition of sundry citizens, of School district No. 6., in New Castle County, praying that the school house in said district, may be sold, and another built with the proceeds of the same, for the better accommodation of said citizens; which,

On his motion,
Was read,

And referred to a committee of three members,

Messrs. Lodge, Johnson, and Boone, were appointed said committee.

Mr. Marim, from the committee, to which was referred the petition of the widow, and children of John Cummins, deceased; reported a bill, entitled "An act for the relief of the widow, and children, of John Cummins deceased;" which,

On his motion,
Was read.

Mr. Clayton, clerk of the Senate, being admitted, presented for the concurrence of the House, a bill, entitled "An act to incorporate the Wilmington Whaling Company;" together with the petition on which said bill is predicated,

And he withdrew.

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

Mr. Clayton, clerk of the Senate, being again admitted, presented for the concurrence of the House, a Joint Resolution, appointing certain directors, for the Farmers' Bank of the State of Delaware,"

And he withdrew.

On Motion of Mr. Frame,
The communication, from the Senate, was read,

And was as follows, viz:

SENATE CHAMBER Jan. 9, 1835.

•*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:

"For the principal Bank at Dover, Robert Frame, Jonathan Jenkins, and William K. Lockwood:

"For the Branch Bank, at Wilmington, Charles I. Dupont, John J. Milligan, and Joseph C. Gilpin:

"For the Branch at New-Castle, George Pratt, George B. Rodney, and Thomas Stockton:

"For the Branch at Georgetown, William D. Waples, George Hickman, and Henry Little.

"Extract from the Journal."

J. H. M. CLAYTON, *Clerk*.

"For concurrence."

On motion of Mr. Marim,
The above resolution was concurred in,

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

—•••••

Eodem Die, 3 o'clock P. M.

The House assembled, pursuant to adjournment.

On motion of Mr. Cooper,

The bill, entitled "An act authorizing Thomas T. Moore, of Sussex County, as guardian of John Solomon Turpin Moore, Julia Ann Moore, Thomas Asbury Moore, George Horsey Moore, minors under the age of 21 years, to purchase for them certain lands, situate in Little Creek hundred, in the county aforesaid;"

Was read a second time.

On motion of Mr. Clements,

The bill, entitled "A supplement to the act, entitled An act to authorize the owners and possessors, of the marsh and low grounds, commonly called and known by the name of Culbreath's 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.

Mr. Marim, in pursuance of notice given yesterday, asked, and

On motion of Mr. Cooper,

Obtained leave, to introduce a bill, entitled "A supplement to the act, entitled "An act to amend the act, entitled "An act concerning the auditor of accounts;" which

On his motion,

Was read,

Mr. Clayton, clerk of the Senate, being admitted, presented for the concurrence of the House, a bill, entitled "An act to Incorporate the members, of the Water Witch Fire Company, of the city of Wilmington,"

And he withdrew.

On motion of Mr. Marim,

The communication, from the Senate was read,

Mr. Frame, from the committee which was referred the petition of James Kimmey, praying the Legislature to pass a law, therein, and thereby vesting in, and granting and conveying to him, all the right, title and claim of the State of Delaware, of, in, and to certain lands, and real and personal estate, of which Joseph Kimmey died seized, and possessed; and the petition of William L. Heveren, and Elizabeth his wife, praying the General Assembly to pass a law, vesting in them, a title to one third part of the personal estate, of which Joseph Kimmey died seized; reported a bill, entitled "An act vesting in, and granting and conveying to James Kimmey, all the right, title, interest and demand, of the State of Delaware, in and to certain lands, and real estate and personal property, of which a certain Joseph Kimmey, now deceased, died possessed of, or entitled to, therein mentioned;" which

On his motion,
Was read.

On motion of Mr. Marim,
The House adjourned to Monday morning 10 o'clock.

MONDAY, 10 o'clock, A. M. Jan. 12, 1835:

The House met pursuant to adjournment.

Mr. Frame, presented the petition of John P. Rees, and sundry accompanying documents, praying for a law authorizing, and requiring the Sheriff, of Kent County, to repay him a certain sum of money, therein mentioned;

Which was,

On his motion,

Read and referred to a committee of three members.

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

Mr. Marim moved,

That the Resolution, directing the Auditor, to settle, and the State Treasurer to pay the expenses, incurred by the Commissioners appointed, by a resolution of the General Assembly;" be taken up for consideration;

Which motion,

Prevailed: and

On his motion,

The said Resolution was

Concurred in.

Ordered, That it be returned to the Senate.

On motion of Mr. Cooper,

The bill, entitled "An act authorizing Thomas T. Moore, of Sussex

County, as guardian, of John Solomon Turpin Moore, Julia Ann Moore, Thomas Asbury Moore, George Horsey Moore, Margaret Emily Moore, minors under the age of twenty one years, to purchase for them, certain lands situate in Little Creek hundred, in the County aforesaid;" was taken up for consideration, and read a third time and

Passed the House unanimously.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Marim,

The bill, entitled "A supplement to the act, entitled "An act to amend the act, entitled "An act concerning the Auditor of Accounts;"

Was read a second time, and amended.

Mr. Cooper, gave notice,

That he should, to-morrow, ask leave to introduce a bill, to amend the road laws in Sussex County.

Mr. Frame, moved the following Resolution;

Which was

Read viz:

Resolved, That a committee, of three members of this House, be appointed, whose duty shall be, to enquire into the practicability of devising a plan; more effectually calculated, to secure the selecting, and returning of suitable, competent, and impartial Juries, to serve in the Courts of this State; and, that said committee have leave to report, by bill or otherwise:

On motion of Mr. Marim,

The Resolution was

Adopted, and

Messrs. Frame, Davis, and Harlan, were appointed, in pursuance thereof.

Mr. Frame presented the petition of Mrs. Mary Mitchelmore, together with sundry accompanying documents, praying the General Assembly, for a certain law therein mentioned,

Which, was,

On his motion,

Read, and referred to a committee, of three members:

Messrs. Frame, Johnson, and Herdman, were appointed said committee, with leave to report by bill, or otherwise.

Mr. Marim submitted the following Resolution;

Which was,

On his motion,

Read, and

Adopted, viz:

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

Whereupon,

The Speaker appointed,

Messrs. Marim, Parker, and Evans, said committee.

On motion of Mr. Frame,

The bill, entitled "An act vesting in, and granting, and conveying to

James Kimmey, all the right, title, interest, and demand, of the State of Delaware, unto certain lands and real estate, and personal property, of which a certain Joseph Kimmey, now deceased, died possessed of, or entitled to, therein mentioned;" was read a second time.

On motion,

The House adjourned to one o'clock this afternoon.

—•••••

Eodem die, 3 o'clock P. M.

The House met, pursuant to adjournment.

On motion of Mr Clements,

The bill, entitled "A supplement to 'An act, entitled "An act to authorise the owners and possessors of the marsh and low grounds, commonly called, and known by the name of Culbreath's marsh, situate in the forest of Murderkill, and Dover hundreds, in Kent county, to cut a ditch or drain, through the same;" was taken up, read a third time by paragraphs, and

Passed the House unanimously.

Ordered, That it be presented to the Senate for concurrence.

On motion,

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

—•••••

TUESDAY, 10 o'clock, A. M. Jan. 13, 1835.

The house assembled pursuant to adjournment.

On motion of Mr. Marim,

The bill, entitled "A supplement to the act, entitled "An act to amend the act, entitled "An act concerning the Auditor of Accounts;" was taken up for consideration; and on the question, "shall the bill pass the House;" the House divided, and at the request of Mr. Herdman, the question was decided,

In the affirmative,

By Yeas and Nays; viz:

Yeas.—Messrs. Boone, Clements, Cooper, Davis, Fiddeman, Frame, Harrington, Jacobs, Johnson, Lewis, Marim, Parker, Raymond, and Mr. Speaker.—14 Yeas.

Nays.—Messrs. Biddle, Booth, Evans, Harlan, Herdman, and Lodge.—6 Nays.

Thus the bill,

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

Mr. Lodge presented the Petition, of John Parker, and John Bowden, praying a law, granting to them a title, to certain vacant land, therein mentioned.

Which was,

On his motion,

Read and referred to a committee of three members;

Whereupon,
Messrs. Lodge, Marim, and Fiddeman, were appointed said committee.
Mr. Marim laid on the table, the following Resolution;

Which was,
On his motion,
Read viz:

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

Mr. Marim gave notice,
That he should call up, said Resolution, to-morrow for the purpose of filling the blank therein.

On motion of Mr. Frame,

The bill, entitled "An act vesting in, and granting and conveying to James Kimmey, all the right, title, interest and demand, of the State of Delaware, in and to certain lands, and real estate and personal property, of which a certain Joseph Kimmey, now deceased, died possessed of, or entitled to, therein mentioned;" was read a third time, by paragraphs and

Passed the House, una voce.

Ordered, That it be taken to the Senate, for concurrence.

On motion of Mr. Marim,

The bill, entitled "An act for the relief of the widow, and children, of John Cummins deceased;" was read a second time and amended, to wit:

"SECTION 4. And be it enacted that such act as the Legislature of Maryland may pass or may have already passed, or a copy of said act authenticated by the great Seal of said State, shall together with this act be recorded in the office for recording of Deeds in Kent County aforesaid, and a copy of said record certified under the hand of the Recorder and Seal of said office shall be received as evidence in all the Courts of law and equity and all places whatsoever, in this State, where the said acts themselves would be evidence."

Mr. Clayton, clerk of the Senate, being admitted, presented for the concurrence of the House, two bills, entitled as follow:

"An act to amend the act, entitled "A supplement to the act, entitled "An act to alter and re-establish the charter of the Borough of Wilmington;"

"An act to authorize Peter F. Causey, and Charles Polk, to erect a gate across a public road:"

And he withdrew.

Whereupon,

On motion of Mr. Herdman,

The communication from the Senate was read.

Mr. Davis presented the Petition, of William Porter, administrator of Tilghman Johnson, deceased, with sundry accompanying documents, praying a law to enable him to carry into effect, the last will and Testament of said Tilghman Johnson;

Which was,
On his motion,

Read, and referred to a committee of three members;
Whereupon,

The speaker appointed,
Messrs. Davis, Booth, and Lewis, said committee.

Mr. Cooper gave notice,
That he should to-morrow ask leave, to introduce a bill, for the disposal of sixty-five shares of the Stock of the Bank of the United States, belonging to the School Fund of this State."

Mr. Fiddeman presented the Petition of George T. Martin, praying certain enactments therein mentioned;

Which was,
On his motion,
Read;

And at the suggestion of Mr. Marim,

Mr. Fiddeman asked, and
On motion of Mr. Marim,

Obtained leave to withdraw said petition.

Mr. Cooper, pursuant to notice given by him yesterday, asked, and

On motion of Mr. Marim,
Obtained leave, to introduce a bill, entitled "A supplement to the act entitled "An act concerning the discharging of the road taxes in Sussex County, by work or materials;

Which was,
On his motion,
Read.

On motion,
The house adjourned to three o'clock this afternoon.



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

The House met, pursuant to adjournment.

Mr. Speaker laid before the House, a communication, from the Temperance Society, of the State of Delaware;

Which was,
On motion of Mr Marim,
Read, viz:

To the Hon. the Senate and House Representatives, of the State of Delaware:

The undersigned are a committee appointed, by the Temperance Society of the State of Delaware, for the purpose of laying before your Hon. bodies, the following resolution of the Society:

Resolved, That a committee of three members, one, from each County, be appointed to wait upon the Legislature, and solicit their attendance upon the meeting, of this society, during the remainder of its session,

JAMES S. NAUDAIN,
WM. RINGGOLD,
HENRY F. HALL. } Committee.

January 13th, 1835.

Mr. Marim, presented the Petition of sundry citizens, of Sussex County, praying for an enactment, of the General Assembly, to protect the Oysters in Broadkilm, and Lewes Creeks;

Which was,

On his motion,

Read and referred to the committee, to which was referred the Petition of sundry citizens of said County, praying a law for the protection of the oysters in Broadkilm Creek.

Mr Frame presented the Petition of Hannah Read, praying a law vesting in her, and securing to her, the entire estate and full benefit of all the money and lands remaining in the hands of Robert McFarlin, administrator of her late husband, for distribution;

Which was,

On his motion,

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

Whereupon,

Messrs. Frame, Booth, and Davis, were appointed said committee.

Mr. Marim moved,

That when the House adjourn, it stand adjourned, to ten o'clock to-morrow morning.

Which motion,

Prevailed.

Whereupon,

Mr. Marim submitted the following Resolution,

Which was,

On his motion,

Read, and

Adopted, viz :

Resolved, That the house, do now adjourn forthwith, for the purpose, of affording the members an opportunity, to avail themselves of an invitation, just received from the Temperance Society, of the State of Delaware, now in session at Dover.

—•••••

WEDNESDAY, 10 o'clock, A. M. Jan. 13, 1835.

The House assembled pursuant to adjournment.

On motion of Mr. Cooper,

The bill, entitled "A supplement to the act, entitled 'An act concerning the discharging of road taxes in Sussex County, by work or materials;'"

Was read a second time, and amended.

Mr. Herdman moved,

That the bill, entitled "An act to incorporate the Wilmington Whaling Company,"

Be read a second time,

But pending the question,

On motion of Mr. Frame,

The bill was ordered to lie on the table.

Agreeably to notice given yesterday,

Mr. Cooper asked, and

On motion of Mr. Marim,

Obtained leave to introduce

"A bill, entitled "An act to authorize the Trustee of the School Fund, for establishing schools in this State, to sell 65 shares of the Stock of the Bank of the United States, and for other purposes;"

Which was,

On his motion,

Read.

Mr. Clayton, clerk of the Senate, being admitted, presented for the concurrence of the House,

A bill, entitled "An act for the relief of Charlotte Harker, wife of Jeremiah Harker;" and

He withdrew.

On motion of Mr. Marim,

The Communication from the Senate, was read.

Mr. Lodge, from the committee, to which was referred the petition, of sundry citizens of School District No. 6, in New Castle County, praying that the School House, in said District, be sold, and the proceeds appropriated, to the building of a new one; reported

A bill, entitled "An act authorizing the sale of the School House, and lot, on which it is situated, in School District No. 6, in New Castle County;"

Which was,

On his motion,

Read.

Mr. Marim asked, and

On motion of Mr. Cooper,

Obtained leave to introduce

A bill, entitled "A supplement to the act, entitled, "An act to preserve the public buildings and records, from destruction by fire;"

Which was,

On his motion,

Read.

Mr. Frame moved,

That when the house adjourn, it stand adjourned, to ten o'clock tomorrow morning;

Which motion

Prevailed.

Whereupon,

Mr. Frame submitted the following resolution,

Which was,

On his motion,

Seconded by Mr. Marim,

Adopted, to wit:

Resolved, That this house do now adjourn, for the purpose of affording

the members, an opportunity, to avail themselves, of an invitation, to witness the exhibition, and examination of the pupils, of the Pennsylvania Institute, for the instruction of the blind."

THURSDAY, 10 o'clock, A. M. Jan. 15, 1835.

The House met pursuant to adjournment.

Mr. Frame presented the Remonstrance of James T. Bird, and James Harwood, remonstrating against the passage of any law, granting to Thomas Parker, and John Bowden, the right of this State, to a certain piece of land, situated in the County of New Castle, which, the said Thomas Parker and John Bowden, have represented, to be vacant, by their petition to the General Assembly: And praying the Legislature to pass a law granting to them, any right or claim, which the State may be supposed to have, in, and to said piece of land, upon such terms as may be just and proper;

Which was,

On his motion,

Read.

Mr. Frame then moved,

That two members be added to the committee on the petition of Thomas Parker, and John Bowden;

Which motion

Prevailed.

Whereupon,

Messrs. Frame, and Evans, were appointed said committee; and

On motion of Mr. Frame,

The remonstrance of James T. Bird, and James Harwood, was referred to the committee, on the petition of Thomas Parker, and John Bowden.

Mr. Frame presented a memorial from sundry citizens of New Castle County, relative to the navigation of the Delaware;

Which was,

On his motion,

Read, and referred to a committee of three members.

Messrs. Frame, Cooper, and Booth, were appointed said committee, with leave to report by bill, resolution, or otherwise.

Mr. Clayton, clerk of the Senate, being admitted, presented for concurrence,

A bill, entitled "A further supplement to the act, entitled "An act to enable certain persons therein mentioned, to raise by Lottery, the sum of fifteen thousand dollars, for building a Grand Masonic Hall, within the Borough of Wilmington;"

He at the same time returned

The bill, entitled "A supplement to the act, entitled "An act to amend the act entitled "An act concerning the Auditor of Accounts;" and gave information that the Senate had concurred therein, with the

following amendment, in which the concurrence of the House was requested, viz:

"IN SENATE, Jan. 15, 1835.

"Amend the bill, by striking out the word *"four"* in the fifth line.

"Amend the bill, by striking out the word *"four"* in the twelfth line.

"Insert the word *"two,"* in place of the word *"four,"* in the fifth line of the bill.

"Insert the word *"two,"* in place of the word *"four,"* in the twelfth line of the bill.

"Extract from the Journal,"

J. H. M. CLAYTON, *Clerk.*

"For concurrence."

And he withdrew.

On motion of Mr. Marim,

The Communication from the Senate,
Was read.

Mr. Marim then moved,

That the house concur in the amendment to

The bill, entitled "A supplement to the act, entitled "An act to amend the act, entitled 'An act, concerning the Auditor of Accounts;'"

Which motion

Prevailed.

Ordered, that the Senate be informed of the concurrence of the House in their amendment.

On motion of Mr. Marim,

The house took up for consideration, the Resolution for the appointment of an Auditor of Accounts.

Mr. Marim then moved,

That the house proceed, to ballot for a choice,

Which motion

Prevailed; and

The first ballot stood—

For George S. Adkins,	14 Votes.
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For Blank,	1 Vote.
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For Sheppard P. Houston,	1 Vote.
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For Jacob Biddle,	3 Votes.
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For George S. Adkinson,	1 Vote.
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For Samuel Grace,	1 Vote.
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On motion of Mr. Marim,

The blank, in said Resolution, was filled with the name of GEORGE S. ADKINS,

And the Resolution

Adopted.

Ordered, that it be presented to the Senate for concurrence.

Mr. Marim, chairman of the committee, on the unfinished business of the last session, reported the following bills, which remain on the files of the House, as unfinished;

Which were,

On his motion,

Read, viz:

"An act about the service of subpoenas, to appear, and answer in Chancery;"

"An act to establish a Bank, and incorporate a Company, under the name of the Manufacturer's Bank of Delaware."

"An act to change the location, of the boundry, or division line, between the Counties of Kent and New Castle, in the State of Delaware."

On referring to the Journal of this House, for the last Session, they perceive that a bill, was postponed to the present session, entitled

"An act to repeal an act, entitled 'An act to authorize the owners, and possessors of the swamps, and low grounds, situate on the head waters of Blackwater mill-pond, in Baltimore hundred, in Sussex County, to cut a ditch or drain through the same;' which said bill, your committee have not yet found on the files of the house."

On motion of Mr. Marim,

The following bills were then taken up for consideration, and

Indefinitely postponed, viz:

The bill, entitled "An act to establish a Bank, and incorporate a Company, under the name of the Manufacturer's Bank of Delaware;"

And the bill, entitled "An act about the service of subpoenas, to appear and answer in Chancery."

On motion of Mr. Cooper,

The bill, entitled "A supplement to the act, entitled 'An act concerning the discharging of road-taxes, in Sussex County, by work or materials;' was taken up for consideration, read a third time by paragraphs; and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

On motion of Mr. Cooper,

The bill, entitled "An act to authorize the Trustee of the School fund, for establishing Schools in this State, to sell 65 shares of the Stock of the Bank of the United States, and other purposes;"

Was referred to a committee of three members.

Messrs. Cooper, Marim, and Herdman, were appointed, said committee.

Mr. Clayton clerk of the Senate being admitted, presented for concurrence, a bill, entitled "An additional supplement, to an act entitled 'An act, to extend the time, for recording of Deeds, in this State.'"

He, at the same time, returned the Resolution, appointing George S. Adkins, Auditor of Accounts, and informed the House that the Senate had concurred therein;

And he withdrew.

On motion of Frame.

The bill, from the Senate was read.

Mr. Marim, Chairman of the committee,

On the Governor's Message, submitted the following report;

Which was,

On his motion,

Read, and

Adopted.

The committee to whom was referred the Message of his Excellency, the Governor, have attentively considered the different subjects, therein referred to, and beg leave to report the following resolutions:

Resolved, That so much of the Governor's Message, as relates to the existing relations, between the General Government, and France, and also, the plan proposed by his Excellency, in said Message, for a repeal of the present militia system of this State, and that a law be passed, for the organization of a regiment of volunteers, in each of the counties, and an inducement to non-commissioned officers, and privates, to equip themselves, and punctually to perform such stated duty, as may be directed, and that they be exempted from taxation; or that a specific sum, be paid to each non-commissioned officer and private;" be referred to a committee of three members.

Resolved, That so much of said Message, as relates to the Free School system, and to the further support, and endowment of New-Ark College;" be referred to a committee of three members.

Resolved, That so much of said Message, as relates to the regulations, and discipline of the public prisons, in this State, be referred to a committee of three members.

Resolved, That so much of said Message as relates to the currency of the country, and to issues of notes, by the Banks, in the State, of a less denomination, than five dollars; be referred to a committee of five members.

On motion,

The House adjourned to three o'clock this afternoon.

—•••••

Eodem die, 3 o'clock, P. M.

The House met, pursuant to adjournment.

On motion of Mr. Lodge,

The bill, entitled "An act authorizing the sale of the School house, and lot on which is situated, in School District No. 6, in New Castle County;" was read a second time.

On motion of Mr. Herdman,

The bill, entitled "An act for the relief of Charlotte Harker, wife of Jeremiah Harker;" was read a second time.

Mr. Jacobs presented the Petition, of sundry citizens of Sussex, relative to the Bridge Branch Marsh, and low grounds;

Which was,

On his motion,

Read, and referred to a committee of three members.

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

On motion of Mr. Frame,

The Report of the committee on that part of the Governor's Message which relates to the currency of the country and to issues of notes by Banks, of this State, of a less denomination than five dollars, was taken up for re-consideration and the fourth Resolution amended by striking out the word "three," in the fifth line, of the fourth Resolution, and inserting, in lieu thereof, the word "five," and

On motion of Mr. Marim,

The Report was then

Adopted as amended.

Mr. Frame, presented the Petition of the President, Directors, and Company, of the Farmers' Bank of the State of Delaware, respectfully recommending the General Assembly, to pass a law, effectually prohibiting the circulation within this State, of Bank notes, of a less denomination, than five dollars;

Which was,

On his motion,

Read, and referred to the committee on that part of the Governor's Message, relative to the currency.

Mr. Lewis presented the Petition of 513 citizens, of Sussex County, praying that the law, prohibiting all, but licensed Physicians, from practising medicine, may be repealed or altered, so that any person may be allowed the sale, and practice of vegetable medicine, according to the system prescribed, and published by Samuel Thompson, Patentee, of certain vegetable medicines;

Which was,

On his motion,

Read, and referred to a committee of three members, with leave to report by bill, Resolution, or otherwise.

Messrs. Lewis, Frame, and Booth, were appointed said committee.

Mr. Cooper, chairman of the committee, to which was referred,

"The bill, entitled "An act to authorize the Trustee of the School Fund, for establishing schools in this State, to sell 65 shares of the Stock of the Bank of the United States, and for other purposes;" made the following Report,

Which was,

On his motion,

Read, and

Adopted, viz:

The Committee to whom was referred the bill, entitled "An act to authorize the Trustee of the Fund for establishing Schools in this to State, sell 65 shares, of the Stock of the Bank of the U. States, and for other purposes;" have had the subject under consideration, and instruc-

ted me to report the following alterations, and amendments, to the said bill; to wit:

From the word "Trustee," in the seventh line of the first section of the said bill, strike out the remaining part of the said section, and insert in place thereof, the following, to wit:

Sec. 2nd. And be it further enacted by the authority aforesaid, that the Trustee of the said School Fund, be and he is hereby authorized, and required to re-invest the money, arising from the sale of the said Stock, and also to invest any unappropriated balance, that may be in his hands, belonging to the said fund, in the Stock of the Farmers Bank of the State of Delaware;"

On motion,

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

FRIDAY, 10 O'clock, A. M. Jan. 16, 1835.

The house assembled pursuant to adjournment.

Mr. Marim presented the Petition, of George Bonwell, praying the General Assembly to pass a law, for the relief of his children,

Which was,

On his motion,

Read, and referred to a committee of three members, with leave to report by bill or otherwise,

Whereupon,

Messrs. Marim, Raymond, and Harlan, were appointed said committee.

Mr. Marim laid on the table,

The following Memorial of sundry citizens of New Castle, and Kent, praying the Legislature, for an appropriation in aid, of the Pennsylvania Institute, for the education and relief of the Blind;

Which was,

On his motion,

Read, and referred to a committee of three members, with leave to report by bill or otherwise;

Whereupon,

Messrs. Marim, Herdman, and Davis, were appointed said committee.

On motion of Mr. Marim,

Resolved, That a committee on claims be appointed, consisting of five members;

Whereupon,

Mr. Speaker, appointed,

Messrs. Cooper, Boone, Johnson, Evans, and Lodge, said committee.

On motion of Mr. Lodge,

The bill, entitled "An act authorizing the sale of the School house, and lot, on which it is situated, in School District No. 6, in New Castle County;" was read a third time by paragraphs, and

Passed the House, una voce.

Ordered, to the Senate for concurrence.

On motion of Mr. Cooper,

The bill, entitled "An act to authorize the Trustee of the fund for establishing Schools in this State, to sell 65 shares of the Stock, of the Bank of the United States, and for other purposes;" was read a third time, by paragraphs, and

Passed the House.

Ordered, to the Senate for concurrence.

On motion of Mr. Herdman,

The bill, entitled "An act for the relief of Charlotte Harker, wife of Jeremiah Harker;" was read a third time, by paragraphs, and

Passed the House.

Ordered, to the Senate for concurrence.

Mr. Marim laid on the table, the account of Porters, & Mitchell, for printing,

Which was,

On his motion,

Read, and referred to the committee, on claims.

Mr. Herdman presented two accounts, one of John N. Harker, the other, of Samuel Harker,

Which were,

On his motion,

Read, and referred to the committee on claims.

Mr. Parker laid on the table, the account of James S. M'Calla, printing,

Which was,

On his motion,

Read, and referred to the committee, on claims.

On motion of Mr. Herdman,

The bill, entitled "An act to amend the act, entitled 'A supplement to the act, entitled 'An act to alter and re-establish the charter of the Borough of Wilmington;'"

Was read, a second time.

Mr. Frame, chairman of the committee, to which was referred the Petition of John P. Rees, submitted the following Report,

Which was,

On his motion,

Read, and

Adopted, viz:

The committee, to whom was referred the Petition of John P. Rees, having had the same under their consideration, respectfully submit the following Report:

Your committee have given the subject all the consideration and examination, which the materials furnished, would enable them to bestow upon the case; but your committee would remark that no evidence or proofs whatever, have been laid before them, by which they could judge of the merits of the subject matter of said Petition, and of the justice or reasonableness of the prayer of the Petitioner. The only facts which have been brought before your committee, (if facts they can properly be called),

are such as are to be found in the Petition itself, in the shape of allegations made by the Petitioner *himself*, and without corroborative evidence, to sustain the same, with the exception of the allegation of the pardon, granted to the Petitioner, by the Executive; and the allegation of the Petitioner's having settled, and paid to the Sheriff the fine, and costs imposed upon him, by the sentence of the Court, which pardon, and a copy of the writ under which said costs, and fine were collected, by the Sheriff, your committee have had in their possession.

Looking therefore, to the only source of evidence, with which your committee have been furnished, in support, or illustration of the facts of this case, your committee find the following important facts confessed, and admitted, in said Petition, viz: that the Petitioner has been in due form of law, convicted by a jury of his country, as being jointly concerned with one Collins Stephens, in the commission of "an aggravated" assault and battery, upon the body of one Lewis McPherson,—the result of which, was the infliction of the very serious and severe injury, upon said McPherson, amounting to mayhem; and, in the perpetration of which outrage against the law of the State, the Petitioner was "intimately the companion" of the said Stephens.

It is further conceded by the Petitioner, (and very correctly so conceded, in the judgment of your committee,) that, inasmuch as the pardon of the Governor was not granted until after the said fine was paid, and the Sheriff had fully collected, and received the same, by virtue of the process issued to him, for that purpose, the said pardon became, and is altogether inoperative—the executive having no power to grant such a pardon; or rather, there no longer exists any judgment or sentence of the Court unsatisfied, and unexecuted, upon which the pardon could operate—the same was a mere nullity.

The Petition further discloses, that "many palliating facts in the case, were placed before the Governor,"—upon consideration of which, "his excellency decided, that the Petitioner's, was a case, entitled to the clemency, placed by the Constitution, in the hands of the Chief Magistrate of this State.

These "palliating facts," your committee have not had the benefit or opportunity of considering; and, of course, of examining into the correctness of his excellency's decision,—for those facts have not been laid before them. And, although your committee fully recognize and heartily subscribe to the wisdom of our Constitutional system, which has so harmoniously parcelled out the administration of our Government, into the several Legislative, Judicial and Executive departments;—and in assigning to each its appropriate sphere, has entrusted to the Executive, the pardoning power; yet your committee cannot, however, suppress an expression of their opinion, as to the magnitude and importance of the trust, and the danger of its violation, from the misrepresentation of facts, too easily made to the Executive, on the part of the numerous supplicants, for the extension of his clemency.

Your committee have, therefore, looked with approbation and confidence upon the wholesome safeguard, which has been wisely thrown around the exercise, of this power, by that provision, of our amended Constitution, which requires, that the Governor, "shall set forth fully, in writing, the grounds of all reprieves, pardons, and remissions, to be entered in the Register of official acts, and laid before the General Assembly, at their next session."

The grounds upon which the pardon, in the case now referred to your committee, have not been laid before the General Assembly, as required by the Constitution; and of course, your committee have not had it in their power, to examine the said grounds, and to judge of their sufficiency.

Your committee, therefore, respectfully report the following Resolutions:

Resolved, That his Excellency the Governor, not having laid before this General Assembly, the grounds upon which he was induced to extend the pardoning power, to the case of John P. Rees, this House is consequently, deprived of the Constitutional medium, of examining the sufficiency, of those grounds, and judging of the propriety and justice of said pardon.

Resolved, That this House, being left to the consideration, of the only evidence on the subject, within its possession, and which is contained, in the petition itself, deem it inexpedient to legislate on the subject matter, of said Petition, or to grant the prayer of the petitioner."

On motion of Mr. Frame,

The committee was discharged from all further consideration, of the subject.

Mr. Clayton, clerk of the Senate, being admitted, presented for concurrence,

A bill, entitled "An act for the relief of certain minors therein mentioned;" with the Petition therefor.

He at the same time returned

The bill, entitled "An act vesting in, and granting and conveying to James Kimmey, all the right, title, interest and demand, of the State of Delaware, in and to certain lands, and real estate, and personal property, of which a certain Joseph Kimmey, now deceased, died seized of, or entitled to, therein mentioned;" and informed the House that the Senate had concurred therein.

And he withdrew.

On motion of Mr. Herdman,

The communication from the Senate was read.

Mr. Marim, chairman of the committee, to which was referred sundry Petitions, from a great number of citizens, of Sussex County, for the protection of the oysters in Broackkiln, and Lewes Creeks; reported

A bill, entitled "An act supplementary, to the act, entitled 'An act for the preservation of certain shell fisheries, within this State;'"

Which was,

On his motion,

Read.

On motion,

The House adjourned to three o'clock this afternoon.

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

The House met, pursuant to adjournment.

Mr. Cooper presented the account of John H. Eccleston, Esq. Clerk of the Court of Errors and Appeals;

Which was,

On his motion,

Read, and referred to the committee, on Claims.

Mr. Marim moved,

That when this House adjourn, it stand adjourned, to ten o'clock on Monday morning next,

Which motion

Prevailed.

On motion of Mr. Frame,

The bill, entitled "A further supplement to the act, entitled, "An act to enable certain persons therein mentioned, to raise by Lottery, the sum of fifteen thousand dollars, for building a Grand Masonic Hall, in the Borough of Wilmington, in the State of Delaware;"

Was taken up for consideration,

And read a second time, and

On motion of Mr. Frame, it was

Indefinitely postponed.

On motion,

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

MONDAY, 10 o'clock, A. M. Jan. 19, 1835.

The House assembled pursuant to adjournment.

The Speaker being absent, Mr. Cooper was called to the Chair, as Speaker pro tempore.

On motion of Mr. Herdman,

The bill, entitled "An act to amend the act, entitled "A supplement to the act, entitled "An act to alter and re-establish the charter of the Borough of Wilmington;"

Was taken up,

Read a third time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered that it be returned to the Senate.

Mr. Clements presented the petition, of sundry owners of the marsh, and low grounds, commonly called and known by the name of the Cow Marsh, situated in the forests, of Murderkill and Dover hundreds, Kent County, praying the General Assembly to pass a law, enabling them to cut a ditch or drain through the same;

Which was,

On his motion,

Read and referred to a committee of three members;

Whereupon,
Messrs. Clements, Johnson, and Harrington, were appointed said committee.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

I am directed to present for the concurrence of the House,
A bill, entitled "An act to incorporate the Wilmington Theatre Company;"

And he withdrew.

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

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

I am directed to present for the concurrence of the House,
A bill, entitled "An act for the relief of the Trustees, of the Academy of Newark;"

And he withdrew.

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

On motion of Mr. Herdman,
The House adjourned to three o'clock this afternoon.



Eodem die, 3 o'clock, P. M.

The House met, pursuant to adjournment.

On motion of Mr. Parker,

The bill, entitled "An act supplementary to the act, entitled "An act for the preservation of certain shell fisheries, within this State;" was read a second time.

Mr. Johnson, presented the Petition of Messrs. Wm. S. Hall, and Zadoc Aydelott, together with sundry accompanying documents, praying the General Assembly, to make certain enactments therein mentioned;

Which was,

On his motion,

Read, and referred to a committee of three members.

Messrs. Johnson, Evans, and Marim, were appointed said committee.

Mr. Frame, chairman of the committee, on the petition of Hannah Read reported a bill, entitled "An act for the relief of Hannah Read;"

Which was,

On his motion,

Read.

Mr. Lodge, chairman of the committee, on the Petition of Thomas Parker, and John Bowden, and the remonstrance of James T. Bird,

and James Harwood reported a bill, entitled "An act to enable James T. Bird, and James Harwood, to locate certain vacant land, situate in Pencader hundred, in New Castle County, and State of Delaware, and to complete their title to the same;"

Which was,
On his motion,
Read.

Mr. Frame, chairman of the committee, to which was referred the Resolution, enquiring into the practicability, of devising some more effectual plan, to secure the selecting and returning of suitable, competent, and impartial Juries, to serve in the the Courts of this State; reported a bill, entitled "An act more effectually to secure the selecting and returning of competent, and impartial Juries, to serve in the Superior Courts, and Courts of General Sessions of the Peace, and Goal delivery, in the several Counties in this State;"

Which was,
On his motion,
Read, and amended as follows, viz;

Transpose the 4th, 5th, 6th, and 7th, sections, in such manner, as that the 5th section, shall become the 4th section, and the said 6th section, shall become the 5th section, and the said 7th section, shall become the 6th section, and the said 4th section shall become the 7th, section.

On motion of Mr. Mr. Frame,
Ordered, That the clerk have forty copies of said bill printed, as amended.

Mr. Clements moved,
That the number be increased, to fifty copies,
Which motion,

Prevailed.

Mr. Lewis, presented a Petition, signed by two hundred citizens of Sussex County, praying the General Assembly, to pass "An act for their relief, by repealing the act, and supplement, which prohibit the sale, and practice of vegetable medicine, according to the system, prescribed by Samuel Thompson,

Which was,
On his motion,
Read; and
On motion of Mr. Frame,
Referred to the committee, appointed on a petition of a similar purport, last week.

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

TUESDAY, 10 o'clock, A. M. Jan. 20, 1835:

The House assembled pursuant to adjournment.

On motion of Mr. Fiddeman,
The bill, entitled "An act to authorize Peter F. Causey, and Charles

Polk, to erect a gate across a public road;" was read a second time,
And,

On motion Mr. Frame,

The bill, was amended as follows:

"Proviso to be inserted at the end of the bill, viz:

Provided nevertheless, that it shall be the duty, of the said Peter F. Causey, and Charles Polk, and each of them, their, and each of their heirs, devisees and assignees, of the said lands of said Peter F. Causey, and Charles Polk, to keep the said Gate, in good, and sufficient repair, and in such manner, as shall be most convenient, for the citizens or persons passing, and repassing through the same, to open and shut the same."

Mr. Lewis, chairman of the committee, to which was referred the Petition of about seven hundred citizens, of Sussex County, praying the General Assembly, to pass a law for the relief of such persons, as are disposed to sell, or practice vegetable medicine, according to the system prescribed, by Samuel Thompson; reported a bill, entitled "A supplement, to the act entitled "An act to incorporate a number of the Physicians, of Delaware, and for other purposes, therein mentioned;"

Which was,

On his motion,

Read.

Mr. Frame asked, and

On motion of Mr. Davis,

Obtained leave, to introduce a bill, entitled "An act to repeal the sixth section, of the act entitled, "An act relating to fugitives from labour;"

Which was,

On his motion,

Read.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have passed the bill, entitled "A supplement to the act, entitled "An act concerning the discharging of road taxes, in Sussex County; by work or materials;" with an amendment, in which I am directed to request the concurrence, of the House.

The Senate have passed a Resolution to amend the Constitution of this State, by the Constitutional majority of two thirds;" in which the concurrence of the House is requested;

And he withdrew.

On motion of Mr. Clements,

The communication from the Senate was read, viz:

IN SENATE Jan. 19, 1835.

Amend 1st Section by inserting the words; "*under the direction of the Levy Court Commissioners,*" in the seventh line, after the words, "overseer of the Roads," and also,

Amend 1st Section by inserting the words, "*of a subsequent year,*" after the word road tax, in line 32nd.

"Extract from the Journal."

"JAMES H. M. CLAYTON, Clerk."

"For concurrence."

"SENATE CHAMBER, Jan. 16, 1833.

Resolved, By the Senate, and House of Representatives, of the State of Delaware in General Assembly met; two thirds of each House deeming it necessary, and concurring, by and with the approbation of the Governor, That the following amendment be, and it is hereby proposed to the Constitution, of this State, which, after it shall have been duly published, and ratified, according to the ninth article, of the Constitution, shall be valid, to all intents and purposes, as a part of the Constitution of the State of Delaware."

"The third section of the seventh article of the amended Constitution of this State is hereby amended, by striking out the word *"two"* in the third line of the said section, and inserting in place thereof, the word *"four,"* and also, by striking out the word *"four"* in the fifth line, thereof, and inserting in place thereof, the word *"Eight,"* so that, the same will read, The Sheriff, and Coroner of each County, shall be chosen by the citizens, residing in such County. They shall hold their respective offices, for four years, if so long they behave themselves well, and until successors be duly qualified; but no person shall be twice chosen Sheriff, upon election by the citizens, in any term of eight years.

Resolved, That the Secretary of State be, and he is hereby directed, and required to publish the above proposed amendment, in print for the Consideration of the people at least three, and not more than six months, before the next General election of Representatives in the State.

"Extract from the Journal"

JAMES H. M. CLAYTON, *Clerk*.

"For concurrence."

Mr. Frame moved, that the said Resolution be made the order of the day, for Tuesday next.

Which motion,

Prevailed.

Mr. Cooper chairman of the committee, to which was referred, so much of the Governor's Message, as relates to the regulations and discipline of the Public Prisons, in this State, submitted the following report;

Which was,

On his motion,

Read, and

Adopted; viz:

The committee, to whom was referred, so much of the message of his Excellency, the Governor, as relates to the prison discipline in this State, have had the same under their consideration, and, respectfully, beg leave to make the following report:

That after maturely considering the suggestion, of his excellency the Governor, relating to that subject, and a careful examination of the laws prescribing rules, and regulations for the prisons, in the several counties of this State, and comparing them with the punishments directed to be inflicted, by the criminal laws of this State, your committee are led to the conclusion, that, without an entire revision, and alteration of the criminal laws, of this State, and the punishment thereby prescribed, no material change can be beneficially made, in the present existing regulations of the prisons. From this view of the subject, your committee are of opinion that the prison regulations, as they now exist, proximate as near to the

Penitentiary system of discipline, as adopted by other States, as the laws now in force, and inseparably connected with such a system, will admit. From the difficulty inseparable from this subject, and when taken into consideration, in reference to the small number of convictions, recorded in the Courts of criminal jurisdiction, in this State, for violations of the criminal law, your committee are led to the conclusion, that at this time, it is not necessary to make any further legislative provisions, in relation to it.

And your committee therefore, beg leave to report the following resolution to this House:

Resolved, That this House, deem it in expedient, at this time, to make any further Legislative provisions, upon the subject.

Mr. Cooper moved,

That the committee be discharged from any further consideration of the subject; which motion *Prevailed*.

The Speaker laid before the House, the following communication, from the secretary of State; which,

On motion of Mr. Frame,

Was read, to wit:

Secretary's Office, }
January 16, 1835. }

To the Honorable William D. Waples, Speaker of the House of Representatives,

SIR,

I have the honour of transmitting for the information of the House of Representatives, the enclosed certificate.

I am Sir, with
much respect,
your ob't. serv't.

JAMES ROGERS.

Secretary's Office, }
January 16, 1835. }

I Jame Rogers, secretary of the State of Delaware, and as such, keeper of the Register of the official acts of the Governor of the said State, do hereby certify and make known to the House of Representatives of the said State, that the official bond of George S. Adkins, auditor of accounts, with the sureties therein named, was, this day, approved by Caleb P. Bennett, Governor of the said State.

JAMES ROGERS,
Secretary of State.

On motion of Mr. Herdman,

The bill, entitled "An additional supplement to an act entitled 'An act to extend the time, for recording of deeds, in this State, was read a second time.

On motion of Mr. Cooper,

The amendment made by the Senate, to the bill, entitled. "A supplement to the act, entitled 'An act concerning the discharging of road taxes, in Sussex County, by work or materials," was

Concurred in.

Ordered that the Senate be informed of said concurrence.

Mr. Frame submitted the following Resolution;

Which was,

On his motion,

Read, viz:

Resolved. That a committee of five members of this House, be appointed whose duty it shall be, to enquire into the practicability, and, expediency of enacting any Legislative provision, by the General Assembly of this State, for the better regulating of weights, and measures, within this State, and, that said Committee have leave to report, by bill, or otherwise;"

Mr. Fiddeman moved to amend the resolution, by striking out the word "*five*" in the first line and inserting in lieu thereof the word, "*seven*."

Which motion,

Prevailed, and

On motion of **Mr. Frame,**

The resolution, as amended, was

Adopted.

On motion of **Mr. Herdman,**

The bill, entitled "An act for the relief of **Hannah Read;**" was read a second time.

On motion of **Mr. Frame,**

The bill, entitled "An act to enable **James T. Bird,** and **James Harwood,** to locate certain vacant land, situate in **Pencader hundred,** in **New Castle County,** and **State of Delaware,** and to complete their title to the same;" was read a second time.

On motion of **Mr. Marim,**

The bill, entitled, "A supplement to the act entitled, 'An act to preserve the public buildings, and records, from destruction by fire,'" was read a second time.

On motion,

The House adjourned to 3 o'clock this afternoon.

—•••••

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

The House met, pursuant to adjournment.

Mr. Marim chairman of the committee on the part of House, appointed to settle with the State Treasurer made the following Report,

Which was,

On his motion,

Read, and

Adopted, viz.

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

On the 19th of December last, the Treasurer settled with the auditor of

accounts, at which time, there was due from him to the State of Delaware the sum of \$7600,05

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

From the New Castle and Frenchtown Turnpike and Rail Road Company,	750,00
From James Gardner, late Sheriff of New Castle County	41,00
From Joseph Jenkins, Constable	7,18½
From Farmers Bank of the State of Delaware, Dividend on Stock	1593,75
From Thomas Deakyne, Esq. Echeator of New Castle County	55,63
From James Rogers, Esq. Secretary of State	506,49
From James Elliott, late constable of New Castle County	15,52
From Elihu Jefferson, Esq. one of the Sureties of Isaac Dewees, collector of taxes, in New Castle County	48,37
	<hr/> \$10617,99½

Since which time, the Treasurer has made no payment.

On the 19th of December last, the trustee of the school fund settled with the auditor and there was at that time due from said trustee, to the school fund and school Districts, the sum of \$12608,45½

Since which time the said trustee has received for the use of said fund, the following:

From the New Castle and Frenchtown Turnpike and Rail Road Company	750,00
From George R. Fisher, Prothonotary of Sussex County, for licenses granted	15,00
From Farmers Bank of the State of Delaware, Dividend on Stock,	3048,75
From Bank of the United States, for do.	227,50
From John H. Eccleston, prothonotary of Kent County for license granted to export a slave	5,00
From James Rogers, Esq. secretary of State	1500,00
	<hr/> \$18154,70½

Since the 19th of December as aforesaid, the trustee has paid to sundry school districts the sum of 1962,94½

Leaving a balance due the fund and districts of \$16191,76
The sum of \$6458,32½, of this balance, is due to the school fund and the remaining part thereof to sundry school districts.

Recapitulation.

Due from the Treasurer to the State of Delaware	10617,99½
Due from the trustee of the school fund, to said fund and districts	16191,76
	<hr/> \$26809,75½

Which amount of 26,809,75½, your committee find is deposited to the

credit of said Treasurer and trustee in the Farmers Bank of the State of Delaware at Dover.

Mr. Marim then moved,

That the committee be discharged from any further consideration of the subject;

Which motion,

Prevailed.

Mr. Frame presented the Petition of Burton Waples, relative to fire arms;

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

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

A message from the Senate, by Mr. Clayton, their Clerk;

MR. SPEAKER:

The Senate has concurred in the bill, entitled "An act authorizing Thomas T. Moore of Sussex County, as guardian of John Solomon Turpin Moore, Julia Ann Moore, George Horsey Moore, and Margaret Emely Moore, minors, under the age of twenty one years, to purchase for them certain lands, situate in Little Creek hundred, in the County aforesaid;" and,

The bill, entitled "A supplement to the act, entitled "An act to authorize the owners and possessors of the Marsh and low grounds, commonly called and known by the name of the Culbreath's Marsh, situate in the forests of Murderkill and Dover hundreds, in Kent County, to cut a ditch or drain, through the same." I have been directed to return said bills, with their accompanying petitions,

And he withdrew.

On motion of Mr. Marim,

The bill, entitled, "An act for the relief of the widow and children of John Cummins deceased, was taken up, read a third time by paragraphs, and

Passed the House, una voce.

Mr. Marim, chairman of the committee, on the petition of George Bonwell, reported,

That the committee, had the subject under consideration, and had directed him to report, that it was deemed inexpedient, to legislate upon the subject, and that the committee asked leave to be discharged from any further consideration of the subject;

Whereupon,

On his motion,

The committee was discharged.

Mr. Frame moved,

That the bill, entitled "An act to incorporate the Wilmington Theatre company," be taken up for a second reading,

Which motion,

Prevailed,

And on reading the first section Mr. Frame, submitted the following amendment;

Which was,
On his motion,
Read, and

Adopted, viz:

"Amend the first section, by adding the following words at the end of said section, viz:

"Provided always, that the said company shall not hold at any time any other real estate, than the lot of ground on which the Theatre and buildings connected therewith, shall be erected with the curtalige, belonging to the same; and provided further, that the personal property of the said company, shall not, at any time, exceed the sum of five thousand dollars."

The second section being read, Mr. Frame offered the following amendment,

Which was,
On his motion,
Read, and

Adopted; viz:

"Amend the second section of the bill by adding the following proviso, at the end of said section;

"And provided also, that the business and objects of the said Corporation shall be, and the same, hereby are limited, and restricted to the usual, and ordinary business, and objects of Theatre companies or corporations."

Mr. Boone presented the Petition of sundry citizens, of the vicinity and village of Canterbury, praying an act to repeal the Hog law now in force in that village;

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

Messrs. Boone, Harlan, and Jacobs, were appointed said committee.

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

WEDNESDAY, 10 o'clock, A. M. Jan. 20, 1835:

The House assembled pursuant to adjournment.

A message from the Governor, by the Secretary of State.

MR. SPEAKER:

I am directed by the Governor, to present this written Message,

And then he withdrew.

On motion of Mr. Clements,
The communication from the Governor, by the Secretary of State,
Was read, viz:

January 20th, 1835.

To the House of Representatives,

The ninth Section of the third article of the Constitution directs that the Governor, "shall set forth in writing, fully, the grounds of all reprieves, pardons, and remissions, to be entered in the Register of his official acts, and laid before the General Assembly at their next Session."

In obedience to this Constitutional provision, I herewith transmit a copy of the Register of my official acts, setting forth the grounds of such pardons, and remissions, as have been issued since the commencement of my term of Office.

CALEB P. BENNETT.

Extracts from the Official acts and proceedings of Caleb P. Bennet, Esq.
Governor of the State of Delaware.

May 10th, 1830.

At the Court of General Sessions of the Peace and Goal delivery, held at the May Term, for the County of New Castle, Samuel Miller was convicted of larceny, and by the judgment of the Court was sentenced to receive twenty-one lashes.

And it appearing to the Governor, that the said Samuel Miller, was a youth of tender years and of a delicate constitution, and at the time of his conviction, suffering under a severe disorder, so that the life of the said Samuel Miller, would be endangered by the infliction of the said punishment,—the Governor in consideration of these matters, on this day remitted to the said Samuel Miller, the said corporal punishment.

November 20th, 1833.

At a Court of General Sessions of the Peace and Goal delivery, held at Georgetown, in the County of Sussex at the April Term of the said Court, Dr. Wm. B. Derickson, was indicted for an assault and battery upon George Kershaw, and on the 14th day of October, submitted to the Court, and was adjudged to pay a fine of \$200.

A memorial subscribed by more than one hundred persons, citizens of the County of Sussex, including some of the most respectable, and intelligent of the County, representing with other matters, the entire inability of the said Dr. Derickson, to pay the fine imposed, having been received and considered by the Governor,—the matter contained in the said memorial, and a full belief that there existed many circumstances, which if they had been disclosed to the Court, would have induced the Court to have imposed a less fine, induce the Governor, to remit to the said Wm. B. Derickson the said fine.

At the Court of Oyer and Terminer, held at New Castle, in and for the County of New Castle, on the twenty first day of November in the year of our Lord one thousand eight hundred and thirty three, Thomas Welsh was convicted of the murder of a certain Priscilla Thomas, and by the judgment of the said Court, was sentenced to be hanged on the 20th day of December.

The Governor on the said day appointed for the execution of the said Thomas Welsh, issued to him a Pardon, and for the same assigns the following reasons.

1st. Because all the Jury who tried the said Thomas Welsh, and part of the Grand Jury, who found the bill of indictment, recommended him to mercy.

2nd. Because the united voice of a large proportion of the citizens of the County, recommended the said Thomas Welsh as a proper object of Executive clemency.

3rd. Because it manifestly appeared that the said Thomas Welsh, was at the time of the act, under the influence of highly excited feelings, in consequence of the said Priscilla Thomas, having the day before stolen a dress from his wife, who then and often before had been seduced by the said Priscilla Thomas into the most debasing intemperance. And because further, there was an absence of all intention to kill.

The Executive in all instances of recommendation to mercy by the Judges on the bench, has exercised the power of pardon: in this case the recommendation of the said Thomas Welsh, to Executive clemency by the Judges of the Jury Box, sustained as it is believed, by an unanimity of public sentiment without example in this County, and when clearly the homicide was not intentionally, felt by the Executive, equally persuasive to the act of mercy extended to this poor, friendless and unfortunate man.

May 12th, 1834.

At a Session of the Court of General Sessions of the Peace and Goal delivery held at Dover, on the 29th day of April, for the County of Kent, Mary Minus was convicted of felony, and by the judgment of the Court, was sentenced to be whipped with twenty one lashes on her bare back.

And on the third day of May, the said Mary Minus, (being far advanced in pregnancy,) was recommended by the Court for Pardon,—and the Governor did remit to the said Mary Minus, all the Corporal punishment, adjudged against her by the said sentence.

May 13th, 1834.

✓ At a Session of the Court of General Sessions of the Peace, and Goal delivery held at Dover, on the twenty ninth day of April, for the County of Kent, John Laws, was convicted of felony;—upon which conviction no judgment was rendered by the Court.

The Judges being dissatisfied with the verdict, and being of opinion that the facts proved against him on his trial showed that he was a trespasser only, and not guilty of Larceny, recommended him for a General Pardon—and thereupon the Governor did sign, and cause to be delivered to the said John Laws a general Pardon.

October 28th, 1834.

At the April Term, of the Court of General Sessions of the Peace, and Goal delivery, for Kent County, John P. Rees, and Collins Stevens, were convicted of an assault and battery upon Lewis McPherson, and severally fined in the sum of \$250. And adjudged to an imprisonment of three months.

Petitions for the remission of the fine imposed upon John P. Rees, subscribed by a considerable number of respectable citizens of Kent County, having been presented to the Governor,—and it appearing in addition, that the whole cost amounting to the sum of \$454.44, must be paid by the said John P. Rees, in consequence of the inability of the said Collins Stevens, to pay any part of the same,—the Governor in consideration of the premises, remitted the said fine.

November 6th, 1834.

The Governor this day remitted the Corporal punishment, adjudged by the Court, against Fanny Wilmore, who was convicted of Larceny at the October Term, for the County of Kent,—upon the Petition of a considerable number of respectable citizens of Kent County, including the Attorney General.

November 26th, 1834.

The Governor this day remitted a fine of four dollars imposed by Wm. Weldon, Esquire, upon Isaac Hudson, for an assault and battery upon Catharine White.

With the application for remission there appeared to the Governor, evidence sufficient to warrant the belief, that all the acts of violence of the said Isaac Hudson, were lawfully used in defence of his own property.

December, 1834.

The Governor this day remitted to James Shaffer, two sums of \$14, each of which were imposed by the Court of General Sessions of the Peace, and Goal delivery, in and for the County of New Castle, at the November Term of said Court, for selling liquor by small measures without license.

It appeared to the Governor, that the said James Shaffer, had been convicted at the May Term of the said Court, upon an indictment for keeping a Tavern without a license, upon the same testimony as that which was given in evidence in the above cases, producing thereby two punishments for the same acts.

On motion of Mr. Marim,

The bill, entitled, "A supplement to the act entitled 'An act to preserve the Public buildings, and Records from destruction by fire;'" was taken up, read a third time by paragraphs and

Passed the House.

Ordered, to the Senate for concurrence.

On motion of Mr. Fiddeman,

The bill, entitled "An act to authorize Peter F. Causey, and Charles Polk, to erect a gate across a public road;" was read a third time by paragraphs, and

Passed the House, as amended.

Ordered, That the clerk return said bill, and request the concurrence of the Senate in the amendment.

On motion of Mr. Lewis,

The bill, entitled "A supplement to the act entitled "An act to incorporate a number of the physicians of the State of Delaware, and for other purposes therein mentioned;" was read a second time, and

On motion of Cooper,

Seconded by Mr. Lewis,

The bill was amended as follows; viz:

"Strike out the words 'or surgery' wherever they occur, in said Bill."

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate has passed the bill, entitled "An act to incorporate the Wilmington Gas Company, in the City of Wilmington;" and

The bill, entitled "A supplement to the act entitled "An act to incorporate the Wilmington and Susquehanna Rail Road Company;" in which I am directed to request the concurrence of the House,

And then he withdrew.

Mr. Jacobs presented the Petition, of Turpin, Jacob, and Charles Wright, and John Gibbons, praying the General Assembly, to pass a law securing to them a good title, to a certain piece of vacant land therein mentioned,

Which was,

On his motion,

Read, and referred to a committee of three members.

Messrs. Jacobs, Marin, and Biddle, were appointed said committee.

Mr. Boone, from the committee, to which was referred the Petition of sundry citizens of Canterbury, praying the Legislature to repeal a certain Hog law, which they represent to be oppressive to them;

Reported a bill, entitled, "An act to repeal an act entitled a supplement to the act entitled, "An act to restrain swine from going at large, within certain limits;"

Which was,

On his motion,

Read.

On motion of Mr. Herdman,

The bill, entitled, "An act to incorporate the members of the Waterwitch Fire company, of the City of Wilmington;" was read a second time, and

On motion of Mr. Frame,

Amended as follows, viz:

1. Amend the bill by striking out the second section and inserting in lieu thereof the following as the 2d section, to wit:

Section 2. And be it enacted, that the said corporation by the name aforesaid, shall be capable to sue and be sued, plead and be impleaded, answer and defend, be answered and defended, in Courts of law or equity, or in any other place whatsoever, and to purchase, take and hold real estate and personal property, and to dispose of the same—and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever: Provided nevertheless, that the said corporation shall not take, have, hold or possess, at any time, any other real estate or property, house or houses, than what shall and may be necessary for the purposes of the protection, sheltering, housing and taking care of the engines, hose, and, other implements, and property of said Company, connected with the business and objects of the said Company; and provided that the personal property of said corporation shall not, at any time, exceed the sum of fifteen hundred dollars; and provided further, that the business and objects of the said corporation shall be, and the same hereby are, limited and restricted to the usual and ordinary business and objects of such fire Companies.

2d. Amendment, to wit:

Strike out the proviso at the end of the 4th section.

3d. Amendment, to wit: add the following section:

"Section 5. And be it further enacted, That the right and power, at any time hereafter to change, alter, annul or revoke this act, and all and any of the provisions of the same, be and the same are hereby reserved to the Legislature.

On motion of Mr. Frame,

The bill, entitled "An act to repeal the sixth section of the act entitled 'An act relating to fugitives from labour'" was read a second time.

On motion of Mr. Herdman,

The bill, entitled "An act for the relief of Hannah Read," was taken up, read a third time, by paragraphs, and *Passed the House.*

Ordered, to the Senate for concurrence.

On motion of Mr. Frame,

The bill, entitled "An act to enable James T. Bird, and James Harwood, to locate certain vacant land, situated in Pencader hundred, in New Castle County and State of Delaware, and to complete their title to the same;" was read a third time by paragraphs, and passed the House.

Ordered, to the Senate for concurrence.

On motion of Mr. Herdman,

The bill, entitled "An additional supplement to an act entitled 'An act to extend the time for the recording of deeds in this State;" was read a third time, by paragraphs, and *Passed the House.*

Ordered, that it be returned to the Senate.

Mr. Cooper gave notice, that he should to-morrow ask leave to introduce a bill, supplementary to the act relating to the probate of Wills, and granting letters of administration, on the estate of deceased persons.

Mr. Marim, Chairman of the committee, on the unfinished business of the last Session;

Reported the Petition of sundry citizens of Mispillion hundred, praying certain enactments, therein mentioned;

Which was,

On his motion,

Read, and

Referred to a committee of three members;

Whereupon,

Messrs. Marim, Herdman, and Clements, were appointed said committee.

Mr. Davis, Chairman of the committee, to which was referred the Petition of William Porter;

Reported a bill, entitled "An act to carry into effect, the last will and Testament of Tilghman S. Johnson, late of Sussex County, deceased;"

Which was,

On his motion,

Read.

On motion,

The House adjourned to 3 o'clock this afternoon,

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

The House assembled pursuant to adjournment.

Mr. Evans presented the account of Joshua Hutton, High Constable of the City of Wilmington.

Which was,

On his motion,

Read and referred to the committee on claims.

On motion of Mr. Herdman,

The bill, entitled "An act to incorporate the Wilmington Theatre company;" was taken up for a third reading,

The first section was read, and on the question, "shall that be the first section," the House divided, and at the request of Mr. Clements, the question was decided, by yeas and nays, which were as follow:

Yeas.—Messrs. Biddle, Boone, Booth, Cooper, Davis, Deakyne, Evans, Fiddeman, Frame, Harrington, Herdman, Jacobs, Johnson, Lodge, Marim, Parker, and Mr. Speaker;—17 *Yeas*.

Nays.—Messrs. Clements, ~~Herdman~~, Lewis, and Raymond;—4 *Nays*.

The second and third sections and the title were then, severally read, and agreed to by the House.

The question was then taken on the final passage of the bill, and decided by yeas and nays, at the request of Mr. Clements; which were as follow;

Yeas.—Messrs. Biddle, Booth, Cooper, Davis, Deakyne, Evans, Fiddeman, Frame, Harrington, Herdman, Jacobs, Lodge, Marim, Parker, and Mr. Speaker;—15 *Yeas*.

Nays.—Messrs. Boone, Clements, Harlan, Johnson, Lewis, and Raymond;—6 *Nays*.

So the bill passed the House, by the Constitutional majority, of two thirds.

Ordered, That it be returned to the Senate, for concurrence in the amendment.

A message from the Senate, by Mr. Clayton, their Clerk;

MR. SPEAKER:

I have been directed to inform the House, that the amendments to the bill entitled an act to incorporate the Wilmington Theatre Company; and also the amendments to the bill, entitled "An act to authorize Peter F. Causey, and Charles Polk, to erect a gate across a certain road therein mentioned;" have been concurred in, by the Senate, and then he withdrew.

On motion the House adjourned to 10 o'clock to morrow morning.



THURSDAY, 10 o'clock A. M. Jan. 22, 1835.

The House assembled pursuant to adjournment.

On motion of Mr. Frame,

The bill, entitled "An act to repeal the sixth section of the act entitled, 'An act relating to fugitives from labor;'" was read a third time, by para-

graphs, and

Passed the House.

Ordered, to the Senate for concurrence.

Mr. Clements, laid on the table the account of Robert W. Reynolds, Sheriff, for attending the Court of Errors, and appeals;

Which was,

On his motion,

Read, and referred to the committee on claims.

Mr. Frame laid on the table sundry documents, in relation to the Estate, of the Rev. John Mitchelmore dec'd, consisting of a letter from Elisha D. Cullen, Esq. the attorney of Mrs. Mary Mitchelmore widow of said John Mitchelmore, enclosing the affidavits of the Rev. Ezra Stiles Ely, and Lewis West;

Which were,

On his motion,

Read, and referred to the same committee, to which was referred the Petition of Mrs. Mary Mitchelmore.

Mr. Marim laid on the table, the account of Jacob Biddle, Esq.

Which was,

On his motion,

Referred to the committee on claims.

Mr. Harim, gave notice, that he should to-morrow ask leave, to introduce a bill, against the stealing of letters, and interception of intelligence, and correspondence in this State.

Mr. Cooper, laid on the table, the following Resolution;

Which was,

On motion of Mr. Marim,

Read, and ordered to lie on the table for the consideration of the members, viz:

Resolved, By the Senate, and House of Representatives, of the State of Delaware, in General Assembly met; That both Houses of the Legislature adjourn, on Thursday the twenty-ninth instant, sine die.

On motion of Mr. Lewis,

The bill, entitled "A supplement to the act, entitled a supplement to the act, entitled "An act to incorporate a number of the physicians of the Delaware State, and for other purposes, therein mentioned;" Was taken up for consideration, in order to pass the House, and the first section read, and on the question, "Shall that be the first section?"—the yeas and nays were called; at the request of Mr. Frame, and were as follow:

Yeas.—Messrs. Boone, Clements, Davis, Deakyn, Fiddeman, Frame, Harlan, Harrington, Jacobs, Johnson, Lewis, Lodge, Marim, Parker, Raymond, and Mr. Speaker,—16 yeas.

Nays.—Messrs. Biddle, Booth, Evans, and Herdman,—4 nays.

And the question on the final passage of the bill was decided by yeas, and nays, called by request of Mr. Lewis, they were as follow:

Yeas.—Messrs. Boone, Clements, Davis, Deakyn, Fiddeman, Frame, Harlan, Harrington, Jacobs, Johnson, Lewis, Lodge, Marim, Parker, Raymond, and Mr. Speaker,—16 yeas.

Nays.—Messrs. Biddle, Booth, Evans, and Herdman,—4 nays.

Thus the bill,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Herdman,

The bill, entitled "An act to incorporate the members, of the water witch Fire Company, of the City of Wilmington;" was read a third time, by paragraphs, and

Passed the House.

Ordered, That it be returned to the Senate for concurrence in the amendment.

Mr. Frame, Chairman of the committee, to which was referred the Petition, of Mrs. Mary Mitchelmore; Reported a bill, entitled "An act to vest in Mary Mitchelmore, widow of the Rev. John Mitchelmore, deceased, all the right and title, of the State of Delaware, in, and to all the real estate, of which, the said deceased died, siezed, possessed of, or entitled to, in the County of Sussex," in this State;"

Which was,

On his motion,

Read.

Mr. Marim, asked, and

On motion of Mr. Clements,

Obtained leave to introduce a bill, entitled "A supplement to the act entitled "An act to expedite suits against corporations;"

Which was,

On his motion,

Read;

Mr. Marim, Chairman of the committee, to which was referred, so much of the Governor's Message, as relates to free schools, and to the support, and endowment of Newark College, submitted the following report,

Which was,

On his motion,

Read, viz:

The committee, to whom was referred so much of the Governor's message, as relates to the "Free School System," and to the "further support and endowment of Newark College," beg leave to submit the following

REPORT:

Your committee readily concede the truth of his Excellency's remark, that "popular knowledge is the true and certain basis of our republican institutions." The policy of our government renders it indispensably necessary, that the advantages of education, should be as widely disseminated as possible, and that its benign influence should pervade the whole community. This is, truly, a popular government. All its functionaries, either directly or indirectly, take their authority from the people. It becomes therefore, exceedingly important, that the people should be capable of forming a correct judgment upon the merits and qualifications of all their officers. An ignorant people, will either elect an ignorant officer, and bring upon themselves the disadvantages which unavoidably result from an unskilful discharge of duty, or they will be likely to submit to as great, if not a greater evil, in surrendering their power into the hands of

designing men, and be led captive, at their will, until they are made to experience all the evils of aristocracy. Knowledge has been emphatically termed power. It is so. And where a few have all the education, there will be an aristocracy. Where learning is enjoyed, by all, there must be a representative republic. For an evidence of this truth we need only refer to Europe. It is well known, that it contains a greater number of finished scholars and profoundly learned men, in proportion to its population, than is to be found here, but it must, at the same time, be acknowledged that, in this country learning is more generally diffused among the people. This difference harmonizes with that which exists between the respective governments. And it will be found, on examination, that where the people are the most enlightened, they enjoy the most liberty; that they are servile, in proportion to their ignorance; and that the polity of each country is, in a great measure, controlled by the state of learning among the people. Wherever an absolute monarchy exists, there will, uniformly, be found, an ignorant and degraded population. In Russia, for example, the state of learning is most deplorable. No attention is paid to it, except among the wealthy. The peasantry are little more than downright barbarians and the poor serf, in point of intelligence and respectability, is below our most ignorant negroes. This unhappy condition of things, is in precise accordance with the genius of that government; for, were it meliorated in the smallest degree, it would operate against the existing polity, and the effect would be there, as every where else;—by how much the people become enlightened, by so much republicanism is favored.

Fears have been entertained, by some, that our own republic would follow the example of all its predecessors, by degenerating into an aristocracy, and, finally, into an absolute monarchy. If we neglect the diffusion of intelligence, through the medium of common schools; if we provide not for the great mass of the community and leave learning to be solely enjoyed by the few, these evil forebodings may, in the end, be realized. The best security that can be given to the people, for the continuance of their political, civil and religious rights, and the permanency and durability of our present frame of government, is to provide for the instruction of all. It is impossible to enslave an enlightened people. In despotic governments, where the posts of honour are enjoyed by an aristocracy, the ignorance of the people is security to their rulers; but in a free republic, where the honors and offices of the state are open to all, they should be early taught, to comprehend and correctly appreciate, the value of their political privileges, so as to produce an enthusiastic love of country, and a zealous attachment to its laws and constitution.

The necessity, therefore, of some general system of education your committee conceive to be most manifest.

The question next arises, as to whether the present system, in this state, is adequate to the purpose for which it is intended. And here, your committee are met, in the outset, by an objection, heretofore urged and indirectly repeated by the Governor, that the school fund was touched too soon; that it needed further augmentation previously to its application for the purposes of education; and that, "if the people are to derive real and permanent benefit from the school laws, the fund should be increased." With the most respectful deference to the opinions of those who maintain this position, your committee are not of opinion that the fund was appropriated too early; nor can they perceive that, to the

advantageous progress of the school system, its further enlargement is at all indispensable. It would, perhaps, be better, for some of the districts, if its dividends were larger; but still, your committee are of opinion, that it is amply sufficient for all the purposes, anticipated from its establishment. It never was designed to have a system of schools entirely supported by this fund. Its only object was to aid and encourage the people; and, if it were much smaller than it is, your committee would not recommend a repeal of the law on that account. The amount which each district annually receives, from the income of this fund, is nearly double the sum which is apportioned, from a similar fund, to each district in the State of New York. And that noble state, with a school income of but little rising 300,000 dollars, points to her 500,000 children, annually, educated in her public schools, as among the noblest monuments of her glory and wisdom. Shall the efforts of Delaware relax, in the face of so powerful an example? Your committee think not. It must be conceded, that, at the time our existing law was passed, the state of learning amongst us, was rapidly on the wane. It had been suffered to decline, for years, and was still declining. The people took but little interest in the instruction of their children; and the condition of this state, upon this all important subject, was growing worse. Something was necessary, to check this retrograde march of intelligence, and to give a successful impulse to the cause of education; and, perhaps, if the subject had not been taken under consideration, precisely when it was, that the design, of the original founders of the school fund, never would have been carried into execution. Some, who had been friendly to a general system of instruction had begun to despair of a realization of their wishes, and were well nigh disposed to advocate a division of the fund to any other, than the laudable purpose for which it was, originally, designed.

Another objection to the present system has been urged, which, on first view, seems quite plausible. The objection is, that the fund is sufficient, of itself, to educate all those children, whose parents are unable to school them, without any subsidiary aid from the people. This, your committee are disposed to think, a correct supposition; but still, as an argument against the system, it cannot fail to fall to the ground, when every circumstance is viewed, which should be taken into consideration. If this fund were to be applied solely to the education of poor children, the question would arise, as to the most suitable way of applying it. There would be only one of two plans which could be adopted: either to establish charity schools for the exclusive education of poor children; or else, permit such children to be taught in private schools, and make an allowance to the teachers for their instruction. The first of these plans, it is evident, would be utterly impracticable. It would not be possible to organize charity schools throughout the state, so as to meet the wants of all the indigent children, because they are not confined to particular places, but are scattered in every direction. There is no district of country in the state, within the compass of four miles square, (and it would be useless to have the districts larger,) which could furnish a sufficient number, of such children, for even a tolerable school. The plans might, perhaps, be rendered operative in some of the towns and villages, but this would be of but partial advantage. The other plan, therefore, would have to be acted on, namely: to permit such children to be taught in private schools, and make an allowance to the teachers for their instruction. This has been tried already, and its effect has been witnessed. Hundreds of

dollars have been drawn from the school fund, for this purpose, and but little good has resulted from such appropriations. Not one poor child in ten ever received any benefit whatever; because, in many instances, there were no schools in the vicinity of children thus circumstanced, and because, moreover, there were many parents, who, although too poor to school their children, were too proud to send them to a school of this mongrel description. Besides, there were other persons too indifferent, in relation to the subject of education, to avail themselves of the benefit of a charitable system. These reasons have prevented many a parent from profiting by the privilege vouchsafed to him.

Another, and, indeed, the principal objection to the present system or, more particularly, to that part of it which provides for taxation, is, that it is most unjust, to compel those who have no children of their own and those who have children, but are able to school them, to contribute to the education of those of their neighbors. Although this objection is urged by many honest men, whose opinions are entitled to respect, yet, it is too mercenary, to merit much consideration. Such persons do not give to the subject that reflection which its importance demands. They take a totally different view from the correct one. The subject should be considered as not to benefit a few, but all—as not to partially operate, for the exclusive instruction of the poor man's child, but for the child of every man in the state. It should be considered as a general state concern; as a means, by which the condition of the whole community will be meliorated, and the prosperity of the state advanced. The framers of the act, establishing the school fund, were not influenced by an exclusive desire to educate *poor* children. They, doubtless, had in view *other* children, in the state, whose parents are able, if they were *willing*, to school them. They took into consideration the state of society in general; the good of the community at large, and were actuated by a desire to impart energy to our character, strength to our political system, and to improve the moral and intellectual condition of the great body of the people, whose collective will controls and regulates the energies of the country. This object cannot be achieved, in any other way, than by having a public school system, supported partly by the school fund, and partly by the subsidiary aid of the people.

Your committee are of opinion, that the provision in the existing law, which requires the levying and collecting a tax, in those districts where the people so decide, has, in many instances, produced a most salutary operation, in coercing parents, who would be otherwise careless, on the subject of schooling their children, to discharge a bounden duty, which they not only owe to themselves and their offspring, but to the community in which they live. There are many parents, in this State, well able to school their children who have neglected to do it. These are principally, uneducated persons, who, as they cannot appreciate the advantages of education themselves, are indifferent on the subject, in relation to their offspring. There is, also, among the adult poor—among those, really unable to school their children—in many instances, a total want of education. The indifference of such persons would, no doubt, prevent them from availing themselves of an entire charitable system. And hence, your committee are of opinion, that a system, supported exclusively by the school fund, would not have the effect to educate the great mass of the people. Upon cases, of the description to which your committee have alluded, the taxing principle has exerted a powerful influ-

ence. Such parents, on being compelled to pay their proportion of the expenses of maintaining a school, are influenced by a desire to reap some portion of its advantages; and hence, their action, on a mere selfish principle, is rendered a public benefit.

It is contended by some, that the principle of taxation is, in its operation, oppressive upon poor young men who have no children, in as much, as the sum drawn from such persons, in some of the districts, for the support of schools, greatly exceeds the amount of their proportion of the tax, for the whole expenses of the county. That this is the effect of the system, in some places, your committee believe; but, that it constitutes a sufficient reason for altering the basis of taxation, they are not prepared to admit. The objection urged, can only be removed, by changing the present mode of taxing land at its *rental* value, to its *gross* value. But this alteration, while it reduced the tax on poll and personal rates, would, at the same time, necessarily add an additional burthen to the *land*, which is already heavily pressed with the public assessments. If real and personal property could *all* be estimated and the expenses of county and state taxation, thrown equally on both, the change would be just and equitable; but, under existing circumstances your committee, think, it would have an unequal and oppressive operation. In fact the present arrangement may be considered, a compromise between the owners of real and personal estates. It was adopted after mature deliberation; and your committee conceive it to be nearer perfection in principle, than any other method, which could be devised by the Legislature. The proper plan of testing the merits of any law, is by considering its general effect upon society; and not its particular operation upon any certain class of individuals. It would be a fruitless effort, on the part of this, or any other legislature, to attempt the construction of a law, the general operation of which, would not, in some few instances, be liable to objection. The province of the Legislature, in the enactment of every law, should be, to consult the general good and not, simply, individual interests. If the basis of the law be perfect, the superstructure may with safety be reared.

Your committee do not wish it to be understood, that they are the advocates of an unconditional system of taxation, contrary to the wishes of the people. They conceive that the incorporation of such a feature into the present system, at this particular crisis, would create much dissatisfaction and thereby, perhaps, lead to its eventual prostration. For although the subject has, in some parts of the State, excited very considerable partiality, yet, it must be conceded, that there are other districts, in which it is exceedingly unpopular, or at all events, where the sentiments of the people are hostile to the principle of taxation. Yet, it is nevertheless true, that in many of the districts in which the taxing feature is reprobated, the system is kept in successful operation, by the aid of voluntary contributions, in connexion with the dividend arising from the school fund. Many persons contribute liberally, who are at the same time opposed to a tax for the purpose. Much good is effected by this method, and although it, not unfrequently, throws the burthen of support unequally on those who contribute, yet, it may well be doubted, whether it would be a prudent policy, on the part of this Legislature, to attempt an equalization of this burthen by means of uniform taxation. Such an attempt, as before remarked, might cause the total downfall of the whole system. Your committee are, therefore, of opinion, that if the principle of taxation con-

time to form any part of the machinery, for the advancement of general education that that principle should be retained in its least objectionable shape. It should never be put in operation, except by the uncontrolled volition of the people.

Your committee agree in opinion with his Excellency, that the present system is yet in its infancy—but they cannot, with all due deference, subscribe to his opinion, that it is “too limited, to communicate any decided influence to the community.” That, from its peculiar arrangement, it is calculated to exert an *immediate* general influence, your committee do not deny. Indeed, this was not supposed at the time of its formation; but, that it will, in the course of time, expand itself to the wants and wishes of society, and, in the end, be productive of general utility, may confidently be expected. The Legislature have provided a *skeleton* and have left the “*thews and sinews and the motive power*” (to adopt the language of the Governor) to be supplied by the people. And your committee conceive, that no plan could be put into immediate action, so as to pervade the whole community and operate, simultaneously, in every part of the State, by any other means than unconditional taxation. As this means cannot prudently be adopted, your committee consider that the most judicious policy will be, to forego the advantages, which would result from a general movement in this behalf, until the further action of the people is awaited. There are 193 districts in this state. By the last report of the auditor of accounts, it seems, that schools in 127 of these, have gone into operation. The subject is constantly acquiring additional interest, and its progress, under the present arrangement, cannot fail to be onward. It will, doubtless, meet with some opposition, for a considerable time to come; but it may be hoped, that this opposition will finally be vanquished and that the present plan, if suffered to remain, will answer all the purposes anticipated by its projectors—that it will acquire new impetus, from the intelligence which it disseminates, and in the end, be brought into complete and successful operation, in every district in the State.

On the subject of the “further support and endowment of Newark College” your committee are not, as yet, prepared to express any definite views. They, therefore, pray the indulgence of further time in which to make a report.

They, in conclusion, recommend the adoption of the following resolution:

Resolved, That this house deem it inexpedient, at this time, to make any legislative alteration of the free School System, in this State.

All which is most respectfully submitted.

On motion of Mr. Frame,
The Report was unanimously

Adopted.

Whereupon,

Mr. Frame moved,
That the clerk be directed, to have one hundred copies of said Report printed, for the use of the members, but pending the question,

Mr. Herdman moved,
To increase the number to two hundred;
Which motion,

Prevailed.

On motion of Mr. Herdman,
The bill, entitled, "An act to incorporate the Wilmington Whaling company;" was read a second time, and

On motion of Mr. Frame,
Amended as follows; viz:

"Amend the bill as follows;

Strike out the tenth Section, and in lieu thereof, insert the following as the *tenth section*; viz:

Section 10. And be it further enacted, That the right, and power, at any time hereafter to impose a tax upon the said corporation, at a ~~rate not~~ exceeding one quarter, of one per cent, annually, upon the whole capital stock of three hundred thousand dollars, of the said corporation, shall be, and the same hereby are reserved to the Legislature; which tax shall be paid by the said corporation, in such manner, and for such uses, and at such time, as the Legislature shall provide, and direct: and that the right and power, at any time hereafter, to alter, change, or repeal this act, and any of the provisions of the same, and to revoke all or any of the corporate rights, powers, and privileges in this act granted, shall be, and the same hereby are reserved to the Legislature."

On motion of Mr. Frame,
The above amendment was

Adopted.

Mr. Marim, submitted the following Resolutions, which

On his motion,
Were read, to wit:

Resolved, By the Senate, and House of Representatives, of the State of Delaware, in General Assembly met: That
Of the Senate and

of the House of Representatives, be, and they are hereby appointed a committee, on the part this General Assembly, whose duty it shall be, to meet at Dover, on the first Tuesday of January, in the year of our Lord one thousand eight hundred and thirty-six, for the purpose of settling the accounts of the State Treasurer, and of receiving the report of the auditor of accounts for the current year.

Resolved, That it shall be the duty of said committee, after their settlement with the State Treasurer, as aforesaid, to cause a statement of such settlement, under their hands, or the hands of a majority of them, to be published in two of the newspapers, printed in this State, for the space of one month, from the time of effecting the same.

Resolved, That said committee have full power, and authority, to audit the accounts of the clerk of the Senate, and the clerk of the House of Representatives, for superintending the printing of the Journals, of the two houses of the Legislature, during the present session and for making indexes, and to make such allowance for said services, as they may think just and proper, which said allowances shall be paid by the State Treasurer, upon orders drawn by the chairman, of the committee, in favour of said clerks.

Resolved, That said committee shall receive the same compensation, as is by law, allowed to members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the chairman, of said committee.

tee, out of any money in the hands of said State Treasurer; not otherwise appropriated.

Mr. Marim moved,

That the blank be filled, with the names of Messrs. Joseph Smithers, and Henry F. Rodney, Esquires,

Which motion,

Prevailed; and

On motion of Mr. Marim,

The second blank was filled with the names of Robert Frame, William Herdman, and Thomas Davis, Esquires.

Mr. Marim then moved, for the adoption of the Resolution, as amended,

Which motion,

Prevailed.

Ordered; to the Senate for concurrence.

Mr. Clements, chairman of the committee of enrolment, reported bills, of the following titles, as duly, and correctly enrolled, and ready for the signature of the Speaker; viz:

“A supplement to the act entitled “An act to authorize the owners and possessors of the marsh and low grounds, commonly called, and known by the name of the Culbreath’s Marsh, situate in the forest of Murderkill, and Dover hundreds, in Kent County, to cut a ditch or drain through the same.”

2. “An act vesting in and granting and conveying to James Kimmey all the right, title, interest and demand of the State of Delaware, in and to certain lands, and real estate, and personal property, of which a certain Joseph Kimmey, now deceased, died possessed of, or entitled to, therein mentioned,”

3. An act authorizing Thomas T. Moore, of Sussex County, as guardian of John Solomon Turpin Moore, Julia Ann Moore, Thomas Asbury Moore, George Horsey Moore, and Margaret Emily Moore, minors under the age of twenty one years, to purchase for them certain lands situate in Little Creek hundred, in the County aforesaid.”

On motion,

The House adjourned to 3 o’clock this afternoon.

Eodem Die, 3 o’clock, P. M.

The House assembled pursuant to adjournment.

Mr. Frame, chairman of the committee, to which was referred so much of the Governor’s Message, as relates to the currency of the country, and the Petition of the President, Directors, and Company, of the Farmers Bank of the State of Delaware, reported

A bill, entitled “An act to prohibit the circulation of small notes in this State;”

Which was,

On his motion,

Read.

Mr. Frame asked, and

On motion of Mr. Lodge,

Obtained further time for the committee, to make such further report as the importance of the subject, committed to them, may in their opinion be deemed necessary.

Mr. Cooper presented the Petition, of sundry persons, at, and in the vicinity of Cannon's Ferry, in Sussex County, praying that the General Assembly would pass a law granting them, an additional Justice of the Peace;

Which was,

On his motion,

Read, and referred to a committee of three members:

Messrs. Cooper, Boone, and Deakyne, were appointed said committee.

Mr. Marim presented the memorial, of sundry citizens of Kent County, in relation to the gross weight of Hay;

Which was,

On his motion,

Read, and referred to a committee, of three members;

Whereupon,

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

On motion of Mr. Marim,

The bill, entitled "An act supplementary to the act entitled "An act for the preservation of certain shell fisheries, within this State," was taken up for consideration,

Mr. Marim proposed certain amendments, but on the question, for their adoption,

The House divided, and the further consideration of the bill, was postponed 'till monday next.

Mr. Cooper, from the committee on the Petition of sundry citizens of Cannon's Ferry, and its vicinity. for an additional Justice of the Peace;

Reported a bill, entitled "An act granting to Sussex County, an additional Justice of the peace:"

Which was,

On his motion,

Read.

A message from the Senate, by Mr. Clayton, their Clerk;

MR. SPEAKER:

The Senate have passed bills, entitled as follow:

"An act to incorporate the members of the Phoenix Fire Company, in the city of Wilmington."

"An act to provide for the removal of the seat of Justice, for New Castle County, from the town of New Castle, to the city of Wilmington;"

In which,

I am directed to request the concurrence of the House.

The Senate, have passed

The bill, entitled "An act for the relief of the widow and children of

John Cummins deceased;" which I now return, with the Petition therefor.

The Senate have postponed 'till next Session,

The bill, entitled "An act to authorize the Trustee, of the fund for establishing Schools in this State, to sell 65 shares of the Stock of the United States Bank, and for other purposes;"

And then he withdrew.

On motion of Mr. Marim,

The communication from the Senate was read.

On motion of Mr Evans,

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

—*—*—

FRIDAY, 10 o'clock A. M. Jan. 23, 1835.

The House assembled pursuant to adjournment.

Mr. Evans presented the account of Joshua Hutton, high Constable of the city of Wilmington;

Which was,

On his motion,

Read, and referred to the committee on claims.

Mr. Frame asked, and

On motion of Mr. Marim,

Obtained leave, to introduce a bill, entitled, "An additional supplement, to the act entitled "An act fixing the time of holding the Courts, of law and Equity in this State;"

Which was,

On his motion,

Read.

Mr. Davis presented the Petition of sundry of citizens of Sussex County, praying the General Assembly, to pass a supplement, to the act entitled "An act to incorporate a company, for the purpose of cutting, and making a canal, between the waters of the Nanticoke river, and Broadkirk Creek, in the County of Sussex, and for other purposes;"

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Messrs. Davis, Harrington, and Biddle, were appointed said committee.

Mr. Frame moved,

That the bill, entitled "An act to carry into effect the last Will and Testament of Tilghman S. Johnson, late of Sussex County, deceased;" be taken up for consideration; and

On motion of Mr. Frame,

The bill was,

Indefinitely postponed.

On motion of Mr. Frame,

The bill, entitled "An act to vest in Mary Mitchelmore, widow of the Reverend John Mitchelmore, deceased, all the right, and title, of the State of Delaware, in and to, all the real estate, of which the said deceased, died seized, possessed, or entitled to, in the County of Sussex in this State;" was read a second time.

Mr. Herdman moved,

That the bill, entitled "An act to provide for the removal of the seat of Justice for New Castle County from the town of New Castle, to the city of Wilmington;" be taken up for consideration, but pending the question,

On motion of Mr. Booth,

Seconded by Mr. Biddle.

The reading was dispensed with, and the House agreed to make the Bill, the special order of the day for Friday next.

Mr. Herdman moved,

That the bill, entitled "An act to incorporate the members of the Phoenix Fire Company, in the city of Wilmington;" be read a second time; But pending the question;

On motion of Mr. Frame,

The Reading was dispensed with, and the bill ordered, to lie on the table.

Mr. Jacobs, chairman of the committee, to which was referred the Petition, of Turpin, Jacob, and Charles Wright, and John Gibbons, relative to vacant land, reported

A bill, entitled "An act to enable Turpin, Jacob, and Charles Wright, and John Gibbons, to complete their title to a piece of vacant land; in North West Fork hundred;"

Which was,

On his motion,

Read;

Mr. Clements, from the committee of enrolment,

Reported sundry bills, as duly, and correctly enrolled, and ready for the signature of the speaker; viz:

1. "A supplement to the act, entitled "An act concerning the discharging of road taxes; in Sussex County, by work or materials;"

2. "A supplement to the act entitled "An act to amend the act entitled, "An act concerning the Auditor of Accounts;" and,

3. A Resolution, appointing George S. Adkins, Auditor of Accounts.

Mr. Boone, presented the Petition of sundry inhabitants of Kent County, praying an enactment, for the preservation of the oysters, in Murderkill, and St. Jones Creeks;

Which was,

On his motion,

Read, and referred to a committee of three members, with leave to report, by bill or otherwise;

Messrs. Boone, Lodge, and Parker, were appointed said committee.

Mr. Clements, from the committee, to whom, was referred the Petition

of sundry citizens, owners, and possessors of the marsh and low grounds, commonly called, and known by the name of the Cow marsh;

Asked, and

On motion of Mr. Parker,

Obtained further time in which, to make a report.

On motion of Mr. Herdman,

The bill, entitled "An act to incorporate the Wilmington Whaling company;" was read a third time, by paragraphs, in order to pass the House, and

On the final passage, the question was decided, by yeas and nays, called by Mr. Harrington, which were as follow:

Yeas.—Messrs. Biddle, Boone, Booth, Clements, Deakyne, Evans, Fiddeman, Frame, Harlan, Herdman, Jacobs, Johnson, Lewis, Lodge, Marim, Parker, Raymond, and Mr. Speaker.—18 yeas.

Nays.—Messrs. Cooper Davis, and Harrington.—3 nays.

And thus the bill

Passed the House.

Ordered, to the Senate for concurrence, in the amendment.

Mr. Marim, agreeably to notice given yesterday,

Asked, and

On motion of Mr. Herdman,

Obtained leave to introduce a bill, entitled "An act against the stealing of letters and interception of intelligence and correspondence in this State;"

Which was,

On his motion,

Read.

A message from the Senate by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have passed a bill, entitled "An act for the preservation of certain records, in the Orphans' Court of Sussex County;" In which, I am directed to solicit the concurrence of the House.

The Senate have concurred in bills entitled as follow:

1. "An act for the relief of Hannah Read."

2. "An act to enable James T. Bird, and James Harwood, to locate certain vacant land, situate in Pencader hundred, in New Castle County and State of Delaware, and to complete their title to the same;"

And then, he withdrew.

On motion,

The House adjourned to 3 o'clock this afternoon.



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

The House assembled pursuant to adjournment.

Mr. Frame presented the Petition of sundry citizens of New Castle

County, in relation to the currency of the country;

Which was,

On his motion,

Read, and referred to the committee, to which was referred so much of the Governor's Message as relates to the currency, and the memorial of of the Farmer's Bank of the State of Delaware.

Mr. Boone presented the Petition, of sundry inhabitants of Frederica, praying the General Assembly, to pass a law to repeal the act restraining swine from running at large in said village;

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Messrs. Boone, Biddle, and Lewis, were appointed said committee.

Mr. Parker presented the Petition, of the members of the Levy Court of Sussex County, praying the General Assembly, to pass a law, to recognize the new building, recently erected by the direction, of the Levy Court of said County, for a Goal, and for other purposes, therein mentioned;

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Messrs. Parker, Marim, and Herdman, were appointed said committee.

Mr. Johnson, from the committee, to which was referred the Petition of William S. Hall, and Zadock Aydelott; Reported a bill, entitled "An act authorizing Zadock Aydelott administrator of George Truitt, deceased, to sell, and convey certain lands, therein mentioned;"

Which was,

On his motion,

Read.

Mr. Marim, from the committee, to which was referred the memorial, of sundry inhabitants of various parts of this State, relative to the blind; Reported a bill entitled "An act to provide for the instruction of the indigent blind, of this State;"

Which was,

On his motion,

Read,

Mr. Davis, submitted the following Resolution;

Which was,

On his motion,

Read; viz:

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

Mr. Davis, gave notice, that he should call up said Resolution on Tuesday next, in order to fill the blank therein.

Mr. Herdman, moved,
That when the House adjourn, it stand adjourned till 10 o'clock on Monday next,

Which motion

Was lost.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate has concurred in the amendment, made by the House, to the bill, to incorporate the Wilmington Whaling Company.

The Senate has concurred in the bill, entitled, "A supplement to the act, entitled "An act to preserve the public buildings, and records from destruction by fire," with an amendment, in which the concurrence of the House, is requested;

And then he withdrew.

On motion of Mr. Marim,

The communication from the Senate,

Was read, viz:

"SENATE CHAMBER, Jan. 23, 1835.

Amend the bill, by inserting after the word, "Supplement" in the fifth line, in the 1st Section the following to wit:

"Which require every officer to extinguish, or cause to be extinguished the fires, in his office, or the room occupied by him."

On motion of Mr. Marim,

The House disagreed to the amendment.

On motion of Mr. Frame,

The bill entitled "An act to incorporate the members of the Phoenix Fire Company, in the City of Wilmington;"

Was taken up for consideration, and read;

Mr. Frame then proposed the following amendment,

Which was,

On his motion,

Read, and

Adopted viz:

1. Amend the bill, by striking out the 2nd Section, and inserting in lieu thereof the following, as the second Section; viz:

Sec. 2. And be it enacted that the said corporation, by the name aforesaid, shall be capable to sue, and be sued, plead, and be impleaded, answer and be answered, in the courts of law, and equity, or in any other place whatsoever, and to purchase, take, and hold real estate, and personal property, and to dispose of the same, and to receive, and make all deeds, contracts, articles, and conveyances, whatsoever; provided nevertheless; that the said corporation, shall not take, receive, have, hold or possess, at any time, any other real estate, or property, house or houses, than what shall and may be necessary, for the purposes, of the protection, sheltering housing, and taking care, of the Engines, hose, and other implements, and property of the said company, connected with the business, and objects, of the said company, which said business and objects, are hereby declared to be and the same are hereby expressly restricted, and limited to the usual, and ordinary business, and objects, of such fire Companies; and provided also, that the personal property of the said company, "shall not at any time, exceed the sum of fifteen hundred dollars."

2. Amendment viz:

'Strike out the proviso at the end of the fourth Section.'

On motion of Mr. Boone,

The bill, entitled "An act to repeal an act entitled 'A supplement to the act entitled "An act to restrain swine to go at large, within certain limits;" was read a second time, and

On motion of Mr. Frame,

Amended.

Mr. Marim, one of those who voted in the majority on the question for adjournment, this afternoon, moved to reconsider the vote,

Which motion,

Prevailed.

Whereupon,

Mr. Herdman moved,

That when this House adjourn, it stand adjourned, 'till 10 o'clock on Monday morning next,

Which motion,

Prevailed.

Mr. Marim, laid on the table, the following Resolution,

Which was on his motion,

Read, and

Adopted viz:

"Resolved, That a committee be appointed to consist of five members whose duty it shall be, to enquire whether any, and what Legislative alterations are necessary, in the law regulating the General Elections,"

Whereupon,

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

On motion,

The House adjourned 'till 10 o'clock on Monday morning next.

MONDAY, 10 o'clock A. M. Jan. 26, 1835.

The House assembled pursuant to adjournment.

Mr. Clements asked, and

On motion of Mr. Frame,

Obtained leave to introduce a bill, entitled "A further additional supplement to the act, entitled "An act for the establishment of Free schools;"

Which was,

On his motion,

Read.

Mr. Marim, presented the memorial of sundry inhabitants of Kent County relative to the weighing of Hay;

Which was,

On his motion,

Read and referred to the committee to which a petition of a similar purport had been referred.

Mr. Marim, Chairman of the committee, to which had been referred the petition of the Levy Court of Sussex County, relative to a New Gaol,

Reported a bill entitled "An act concerning the New Gaol, in Sussex County, and other matters, therein mentioned,"

Which was,

On his motion,

Read,

Mr. Frame asked, and

On motion of Mr. Clements,

Obtained leave to introduce a bill, entitled "A supplement to the act entitled An act concerning the Auditor of accounts;"

Which was,

On his motion,

Read.

On motion of Mr. Herdman,

The bill, entitled "An act to incorporate the members of the Phoenix Fire Company, in the City of Wilmington;" was read a third time, by paragraphs, and

Passed the House.

Ordered, That, it be returned to the Senate for concurrence in the amendment.

On motion of Mr. Herdman,

The bill, entitled "A supplement to the act entitled 'An act to incorporate the Wilmington and Susquehanna Rail Road Company;" was read a third time, by paragraphs, as amended, and

Passed the House.

Ordered, That it be returned to the Senate for concurrence in the amendment.

On motion of Mr. Frame,

The bill, entitled "An additional supplement to the act entitled 'An act fixing the time of holding the courts of law and Equity in this State,'" was read a second time.

On motion of Mr. Boone,

The bill, entitled "An act to repeal an act entitled a supplement to the act entitled 'An act to restrain persons from suffering swine to go at large, within certain limits;" was read a third time, and

Passed the House.

Ordered, to the Senate for concurrence.

On motion of Mr. Frame,

The bill, entitled "An act to vest in Mary Mitchelmore, widow of the Rev. John Mitchelmore, deceased, all the right and title, of the State of Delaware, in and to, all the real estate of which the said deceased, died seized, possessed of, or entitled to, in the County of Sussex in this State;" was read a third time by paragraphs, and

Passed the House, nemine contradicente.

Ordered, to the Senate for concurrence.

On motion,

The House adjourned to three o'clock this afternoon.

Eodem Die 3 o'clock P. M.

The House assembled pursuant to adjournment.

Mr Marim, moved,

That the bill, entitled "An act supplementary to the act entitled, 'An act for the preservation of certain shell fisheries within this State' be taken up for consideration,

Which motion,

Prevailed.

Whereupon,

On motion of Mr. Marim,

The further consideration, of the bill, was postponed 'till Monday next.

On motion of Mr. Herdman,

The bill, entitled "An act for the relief of certain minors therein mentioned," was read a second time,

Mr. Frame presented the Petition of sundry citizens of Mispillion, praying for a supplement to a certain ditch law therein mentioned;

Which was,

On his motion,

Read and referred to a committee of three members;

Whereupon,

Mrssrs. Frame, Jacobs and Lodge, were appointed said committee,

Mr. Frame asked, and

On motion of Mr. Herdman,

Obtained leave, to introduce a bill, entitled a supplement to the act entitled 'An act providing for the recovery of small debts;'

Which was,

On his motion,

Read.

Mr. Marim moved,

That a committee of conference be appointed, on the part of the House, to consist of three members, whose duty shall be, to confer with such committee as may be appointed, on the part of the Senate, on the disagreement to the amendments of the bill, entitled "A supplement to the act entitled, 'An act to preserve the public buildings, and records, from destruction by fire.

Whereupon,

Mrssrs. Marim, Herdman, and Cooper, were appointed said committee on the part of the House,

Ordered, That the Senate be informed thereof.

On motion of Mr. Marim,

The bill, entitled "An act against the stealing of letters and interception of intelligence and correspondence in this State;" was read a second time.

Mr. Cooper, Chairman of the committee, to which was referred the petition of Mr. Burton Waples, reported a bill, entitled "An act for the relief of Burton Waples, of Sussex County;"

Which was,
On his motion,
Read.

Mr. Cooper, presented the petition of sundry citizen of Sussex County, praying the General Assembly to pass a law, for the construction of a Rail Road, from or near Millsborough to the waters of Lewes Creek;"

Which was,
On his motion,
Read and referred a committee of three members;

Whereupon,

Messrs. Cooper, Marim, and Evans, were appointed said committee.

On motion of Mr. Cooper,

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

Mr. Clayton, Clerk of the Senate being admitted, informed the House, that the committee of conference appointed by the Senate, to confer with the committee on the part of the House on the disagreement to the amendment to the bill, entitled "A supplement to the act to preserve the public buildings, and records from destruction by fire;" are Messrs. Spruance, and Smithers,

On motion of Mr. Jacobs,

The bill, entitled "An act to enable Turpin, Jacob, and Charles Wright, and John Gibbons, to complete their title to a piece of vacant land, in North West Fork Hundred;" was read a second time.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the bill, entitled "An act to repeal the sixth section of the act entitled; 'An act relating to fugitives from labour;'"

And then he withdrew.

On motion of Mr. Johnson,

The bills entitled "An act authorizing Zadock Aydelott, administrator of George Truitt, deceased, to sell, and convey certain lands therein mentioned;" was read a second time.

Mr. Marim, Chairman of the committee of conference, on the part of House, on the disagreement to the amendments of the bill entitled "A supplement to the act to preserve the public buildings, and records from destruction by fire;"

Submitted the following Report;

Which was,
On his motion,
Read, and

Adopted viz:

The committee of conference appointed on the part of the House, to confer with a like committee, from the Senate, on the disagreement of the House, to the amendment, proposed by the Senate, to the bill, entitled "A supplement to the act entitled 'An act to preserve the public buildings, and records, from destruction by fire;'"

Report—That the House shall recede from its disagreement, and that the bill, be further amended, by inserting the word "*exclusively*" between

the word "shall," and "use" in the sixth line of the first section, of said bill."

On motion of Mr. Marim,

The bill entitled 'An act to provide for the instruction of the Indigent blind, of this State, was read a second time;

Whereupon,

Mr. Frame, submitted the following amendments:

Which were,

On his motion,

Read, and

Adopted viz:

"Amend the bill as follows; viz:

1. "Between the word "blind" and the words "the Governor," in the fourth line of the first section, insert the following: "*So far as it may concern the instruction of the indigent blind of this State, in said institution.*"

2. Between the words 'be' and 'paid' in the 10th line, of the first Section, insert the word "*Annually.*"

3. "Strike out the word 'every' in the 11th line of the 1st Section; and in lieu thereof, insert the word 'each'

4. Between the words "Pennsylvania" and 'one' in the 12th line, of the 1st Section; insert the words following: "*taught in said Institution.*"

5. Between the words, 'date' and 'provided,' in the 15th line, of the 1st Section; insert the following, "to be applied by said Institution to and for the maintenance, and instruction in the said Institution, of such indigent blind pupil, and pupils for whose benefit, the said warrant shall be so drawn."

Mr. Marim, then submitted the following amendment;

Which was,

On his motion,

Read, and

Adopted viz:

"Amend the third section as follows; to wit; between the words "*Dela-ware,*" and "be," in the second line insert "*and their successors.*"

On motion,

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



TUESDAY, 10 o'clock A. M. Jan. 27, 1835.

The House assembled pursuant to adjournment.

Mr. Frame, presented the petition of sundry citizens of the Town of Milford, praying certain enactments, therein mentioned;

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Messrs. Frame, Parker, and Harlan, were appointed said committee.

Mr. Frame, presented the Petition of sundry citizens of Milford, praying certain enactments relative to the school fund;

Which was,

On his motion,

Read, and laid on the table, for the consideration of the members.

On motion of Mr. Clements,

The bill, entitled "A further additional supplement to the act entitled "An act for the establishment of Free schools;" was read a second time.

Mr. Clements, then moved,

That the blanks therein be filled with the words, "thirty nine."

But pending the Question,

On motion of Mr. Frame,

The blank was ordered to be filled, with the words, "thirty seven."

Mr. Boone, presented the Petition of sundry citizens of Cedar Neck, in Sussex County, relative to the protection of the oysters, in Mispillion Creek;

Which was,

On his motion,

Read, and referred to the committee, to which had been referred sundry Petitions of like purport.

On motion of Mr. Herdman,

The bill, entitled "An act for the relief of certain minors, therein mentioned;" was read a third time by paragraphs, and

Passed the House.

Ordered, That it be returned to the Senate.

On motion of Mr. Cooper,

The Resolution for adjournment was taken up for consideration, and

On motion of Mr. Frame,

It was read,

Mr. Cooper then moved,

For the adoption of the Resolution;

Which motion,

Was lost.

On motion of Mr. Marim,

The bill, entitled "An act for the instruction of the indigent blind, of this State;" was read a third time, by paragraphs, and

Passed the House una voce.

Ordered, to the Senate for concurrence.

Mr. Frame, submitted the following Resolution;

Which was,

On his motion,

Read, viz:

Resolved, That a committee of three members of this House, be appointed to enquire into the practicability of devising some suitable, and efficient plan, for the Reporting, and publishing the decisions, of the several courts, of law and equity, of this State;"

On motion of Mr. Marm,

The Resolution was

Adopted;

Whereupon,

Messrs. Frame, Cooper, and Booth, were appointed, in pursuance thereof.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have passed a bill, entitled "An act to incorporate a company, for the purpose of making a Canal, or Canals, from the head waters of Lewes Creek, to connect the same, with the waters of Rehoboth Bay, and Indian River, and to clear out and improve the sounds along the Sea coast, of the States of Virginia, Maryland, and this State, and for other purposes;" in which, I am directed to request the concurrence of the House,

And then he withdrew.

On motion of Mr. Marim,

The communication from the Senate, was read.

On motion of Mr. Clements,

The bill, entitled "A supplement to the act entitled, "An act providing for the recovery of small debts;" was read a second time, and

On motion of Mr. Marim,

Ordered, to lie on the table, for further consideration.

On motion of Mr. Clements,

The bill, entitled "An additional Supplement to the act entitled "An act fixing the time of holding the Courts of Law and Equity in this State;"

Was read a third time by paragraphs, and

Passed the House.

Ordered, to the Senate for concurrence.

On motion of Mr. Clements,

The bill, entitled "A supplement to the act entitled "An act concerning the Auditor of Accounts," was read a second time.

Mr. Davis, presented the Petition of sundry citizens of Kent and Sussex Counties, praying the General Assembly, to repeal a certain Hog law, which they represent as being oppressive to them;

Which was,

On his motion,

Read, and referred to a committee of three members:

Whereupon,

Messrs. Davis, Boone, and Herdman, were appointed said committee.

On motion of Mr. Evans,

The bill, entitled "An act for the relief of the Trustees of the Academy of Newark;" was read a second time.

A message from the Senate, by Mr. Clayton, their Clerk;

MR. SPEAKER:

The Senate have passed a bill, entitled, "A further supplement to the act entitled, "An act respecting the partition of lands, and tenements, among Joint tenants, and tenants in common;" in which, I am directed, to request the concurrence of the House.

And then he withdrew.

On motion,

The House adjourned to 3 o'clock this afternoon.

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

The House assembled pursuant to adjournment.

Mr. Marim, submitted the following Resolution;

Which was,
On his motion,
Read, and

Adopted viz:

Resolved, That a committee of three members be appointed to enquire, into the expediency of enlarging the chamber, of the House of Representatives, and the construction, of a room for the Library of the General Assembly; with leave to report thereon;

Whereupon,

Messrs. Marim, Davis, and Herdman, were appointed, in pursuance thereof.

Mr. Frame presented the Petition of Robert Ewing, of Philadelphia;

Which was,
On his motion,
Read, and referred to a committee, of three members;

Whereupon,

Messrs. Frame, Lewis, and Deakyne, were appointed said committee.

On motion of Mr. Frame,

The House proceeded to the special order of the day, viz:

The consideration of the Resolution, to amend the Constitution of this State;

Mr. Frame proposed the following amendment:

Which was,
On his motion,
Read, and

Adopted: viz:

Amend the Resolution as follows: viz:

“Strike out the word “*same*” in the *fourteenth* line of the Resolution and in place thereof, insert the following, viz:

“Two first sentences of the said third section of the said seventh article “as hereby amended.”

Mr. Frame then moved,

The adoption, of the Resolution, as amended,
But pending the question,

On motion of Mr. Cooper,

The further consideration, of the Resolution was postponed 'till Monday next.

On motion of Mr. Clements,

The bill, entitled “A further supplement to the act entitled “An act respecting the partition of lands and Tenements, among Joint tenants and tenants in common;”

Was read.

On motion of Mr. Davis,
The Resolution for the appointment of State Treasurer, was taken up
for consideration,

And read;

Whereupon,

On motion of Mr. Frame,

The House proceeded to ballot for a choice.

The first ballot stood

For PETER S. PARKER,	16 votes.
For HENRY F. RODNEY,	2 votes.
For JOSHUA CLAYTON,	1 vote.
For JACOB M. HILL,	1 vote.

Whereupon,

The Speaker declared Peter S. Parker, duly elected State Treasurer.

Mr. Marim moved,

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

Which motion,

Prevailed, and

On motion of Mr. Marim,

The Resolution was

Adopted, nemine dissentiente.

Ordered, to the Senate for concurrence.

Mr. Frame asked, and

On motion of Mr. Clements,

Obtained leave, to introduce a bill entitled "An act to amend the act, entitled "An act concerning the Orphans' Court;"

Which was,

On his motion,

Read.

Mr. Marim, chairman of the committee, to which had been referred the Petitions, relative to the Gross weight of Hay;

Reported a bill, entitled, "An act regulating the weight of Hay;"

Which was,

On his motion,

Read.

A message from the Senate by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the Resolution, appointing Peter S. Parker, State Treasurer;"

And then he withdrew;

Mr. Frame, chairman of the committee, to which was referred the memorial, of sundry citizens of New Castle, relative to the Port, and Harbor of New Castle; submitted the following Preamble, and Resolutions,

Which were,

On his motion,

Read, and

Adopted, viz:

Whereas the Port of New Castle, presents a most eligible situation for a harbour, and is a point of paramount importance to the commercial interests concerned in the navigation of the waters of the Delaware, and as a winter port of safety is essential to the protection of the lives and property of citizens from the force and collision of floating ice which renders the navigation of the River Delaware so difficult and dangerous during the winter season, and which is at all times formidable from the intricacies of its channel. And whereas on the long range of coast between the Breakwater and Philadelphia, a space of one hundred and twenty miles, there is not at present, a single harbour adequate even to the partial protection of vessels:—

And whereas by An act of the General Assembly of the State of Delaware, passed on the eleventh day of January, in the year of our Lord one thousand eight hundred and three, the public piers before that time erected off the town of New Castle, in the River Delaware aforesaid, and the sites thereof, and the sites of all piers which might thereafter be erected under the provisions of An act of Congress, passed the sixth day of April, in the year of our Lord one thousand eight hundred and two, entitled “An act authorizing the erection of certain light-houses and for other purposes,”—were ceded to, and vested in, the U. S. of America, fully and absolutely, and also the lands and tenements belonging to the said piers, and sites of piers together with the jurisdiction of, in, and over the same: And whereas for a long time after that period, the harbour of the said town of N. Castle remained amply adequate to the reception of at least 50 sail of vessels, of the largest class, and fully competent to their protection from the damages of floating ice: And whereas the attention of the General Government was again directed to the said port of New Castle, in consequence of a gradual formation of a deposit of mud which threatened a serious inconvenience; and a further cession of a site for piers in the River Delaware at the said town of New Castle, was made to the United States, by virtue of An act of the General Assmblly of the State of Delaware, passed on the first day of February, in the year of our Lord one thousand eight hundred and twenty seven, entitled “An act ceding to the United States, the sites for piers at New Castle;”—And whereas an appropriation was made by Congress for the improvement of the said harbour, and one Engineer was appointed to direct and superintend the construction of new piers and wharves for that purpose:—And whereas when the plan for the construction of such new piers, and wharves was announced,—it became self-evident to all those who were experienced in the peculiar action of the current and set of the tides of the River Delaware, at New Castle, and the consequent formation of deposits, that such plan, if carried into effect, would destroy the said harbour: And whereas the said plan was persevered in, notwithstanding the representations of a committee delegated to Washington and charged with remonstrances to this effect: And whereas in consequence of the perseverance in the said plan and in utter disregard of such remonstrances, the erection of the new wharves has rapidly accelerated the deposits of mud, before partially forming; whereby the said harbour is now completely closed up, destroyed, and scarcely affords adequate safety and protection for a single vessel: And whereas it is believed, that the wisdom and justice of an ample appropriation for the construction of a permanent, substantial and capacious harbour at the town of New Castle, so important for the protection and safety of the commerce of the Delaware, will accord with the disposition of Congress.

Therefore Resolved by the Senate and the House of Representatives of the State of Delaware, in General Assembly met, That our Senators and our Representatives in Congress be, and they are hereby particularly requested to urge an appropriation from the General Government for the construction of a permanent, substantial and capacious harbour on the River Delaware at the town of New Castle.

Resolved, That copies of the foregoing Preamble and Resolution be signed by the Speaker of the Houses respectively and transmitted by them to each of the Senators, and the Representative of this State, in the Congress of the United States.

Mr. Booth presented a memorial, from sundry citizens of St. Georges and Appoquinimink Hundreds, against the removal of the seat of Justice, of New Castle County, from the town of New Castle, to the city of Wilmington, and praying the General Assembly, to extend the boundary line of Kent County, up, so far as, to make all that part of New Castle County, South of the Chesapeake and Delaware Canal, a part of Kent County;

Which was,
On his motion,
Read,

On motion of Mr. Jacobs,

The bill, entitled "An act to revive "An act, entitled "An act to enable Turpin, Jacob, and Charles Wright and John Gibbons, of Sussex County to locate certain vacant lands, in North West Fork hundred, in said County, and complete their title to said lands;" was read a third time, by paragraphs, and

Passed the House.

Ordered, to the Senate for concurrence.

On motion of Mr. Marim,

The bill, entitled "An act against the Stealing of letters, and interception, of intelligence, and correspondence, in this State;"

Was taken up, for a third reading, in order to pass the House,

The first, and second Sections were read, and agreed to, by the House: the title was also read, and the question, "shall that be the title of the bill,"—the House divided; and the question was decided by yeas and Nays, called by Mr. Frame;

Which were as follow, to wit:

Yeas.—Messrs. Clements, Davis, Fiddeman, Frame, Jacobs, Lewis, Lodge, Marim, Parker, and Mr. Speaker—10 yeas.

Nays.—Messrs. Biddle, Boone, Booth, Cooper, Deakynce, Evans, Harlan, Harrington, Herdman, and Johnson.—10 nays.

And thus, the bill

Was lost.

On motion,

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

WEDNESDAY, 10 o'clock A. M. Jan. 28, 1835.

The House assembled pursuant to adjournment.

The speaker, laid before the House, a letter, from the Secretary of State, with sundry accompanying accounts;

Which were,

On motion of Mr. Marim,

Read, viz:

Secretary's Office,
Dover, Jan. 28th, 1835. }

To the Hon. Wm. D. Waples,

Speaker of the House of Representatives:

SIR,

I have the honor of transmitting herewith, to be laid before the House of Representatives, accounts of the State and the school funds received and paid over by me—and of the contingent expenses of this office, numbered 1, 2, 3, 4, & 5.

I am very respectfully,

Your obedient servant,

JAMES ROGERS.

The State of Delaware in Account with James Rogers, Sec'y of State.

DEBTOR.

1834:		Dolls. Cts.
	Rec'd December 19th, 1834, of James Rogers, Esq. Secretary of State, Two thousand thirty-four Dollars and seventy cents, for the use of the State of Delaware	2,034 70
	C. P. COMEGYS, State Treasurer.	

CREDITOR.

1835.		Dolls. Cts.
January 18.	By cash of David Hazzard, Esq. for impression of great seal to patent	1 00
25:	By cash of Dr. R. H. Griffith, by the hands of G. A. Ewing, for impression of great seal to patent	1 00
	Fee from J. P. W. Kollock, for com. of Recorder of Sussex County	10 00
Feb. 23.	For impression of G. S. for Mr. Whitney,	1 00
March 17.	Fee for Registers com. of Kent County, from H. M. Ridgely, Esq.	10 00
April 1.	Fee from Jacob Staats, for Constables commissions for App'k. Hundred	5 00
	Cash from T. S. Hillyard for commissions of Clerk of the Peace and oyer and Terminer of Kent County	20 00

Amount carried forward, \$48 00

1833.	<i>Amount brought forward,</i>		<i>Dolls. Cts.</i>
April	1. Cash from Cannon Dawson, Constables commission for N. W. Fork Hundred Sussex County	48 00	5 00
	13. Rec'd of G. R. Fisher, Pro. of Sussex County for 20 copies of the Digest sold by him, commission deducted	19 00	1 00
	24. Impression of G. Seal, for Joshua Jackson,	1 00	
	26. Rec'd of J. S. Layton, Clerk of the Peace of Sussex County for constables fees	95 00	
May	10. Rec'd of Charles Boden, for Lottery License	100 00	
	Rec'd of Z. B. Glazier, for Lottery License	100 00	
June	5. Rec'd of T. S. Hillyard clerk of the Peace of Kent County 1 Pedlar License, sold Cash for 2 impressions of G. Seal of Robert Porter	35 00	2 00
	12. Fee from John Wiley, Esq. for commission of Justice of the Peace, New Castle County	10 00	
	26. Fee from Philip C. Jones for Constables commission Sussex County	5 00	
July	15. Rec'd of G. R. Fisher, Pro. of Sussex County for 5 copies of Digest sold, commission deducted,	4 75	
	Fee from John Elliot, commission of Justice of the Peace New Castle County	10 00	
	27. Rec'd of T. S. Hillyard, Constables commission to James Cranor,	5 00	
Aug.	16. Rec'd of G. R. Fisher, proceeds of sale of laws, under resolution of General Assembly, statement and certificate filed	19 21	
	27. Fee from Thos. H. Tatlow, for commission as Justice of the Peace New Castle County, For 2 impressions of G. seal from Mr. Cooper,	10 00	2 00
Oct.	1. For impression of G. seal from J. P. W. Kollock,	1 00	
	10. Fee from Charles Foster, Constables commission New Castle County,	5 00	
	17. Fee from G. P. White, Constables commission Sussex County	5 00	
	18. Rec'd of G. R. Fisher, Pro. for 9 copies Digest sold, commission deducted	8 55	
	Rec'd of J. S. Layton, for one constables fee	5 00	
	22. For impression of G. Seal from J. P. W. Kollock,	1 00	
	23. Rec'd of T. S. Hillyard, for retailers License sold from April 2nd, to Oct. 3d, commission deducted	294 87	
	25. For impression of G. Seal for J. Craig	1 00	
Nov.	5. Rec'd of James Gardner, for commission of Sheriff of N. C. County and writ of assistance	20 00	
	Rec'd of Robert W. Reynolds, for commission of Sheriff of Kent County & writ of assistance	20 00	
	12. Fee for constables commission to Samuel Harrington for Kent County	5 00	

*Amount carried forward,*886 88

1833.		<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>		836 88
Nov.	19. Fee from Wm. Thompson, for coroners commission New Castle County	10 00
Dec.	5. For impression of G. Seal from J. Wales	1 00
	8. Rec'd of G. R. Fisher, Pro. of Sussex County for Session Acts sold, commission deducted	13 50
	12. Rec'd of J. H. Eccleston, Pro. of Kent County for laws sold per statement filed	42 30
	15. Rec'd of J. S. Layton, for balance of retailers Licenses per statement	139 62
	23. For impression of G. Seal from A. C. Gray	1 00
	31. Fee from Wm. Ringgold, for commission of Justice of the Peace Kent County	10 00
1834.		
Jan.	17. By check of this date from G. R. Fisher, Pro. of Sussex County for 11 copies of Digest sold, commission deducted	10 45
Feb.	3. Fee from Samuel Redden, commission of Justice of the Peace Kent County	10 00
	13. For impression of great seal from George Jones	1 00
	14. For impression of great seal from J. Wales	2 00
	20. Fee from Wm. Weldon, for commission of Justice of the Peace New Castle County	10 00
March	5. Fee from Joseph Kimney, commission of Justice of the Peace Kent County	10 00
	24. For impression of great seal from A. Macbeth,	1 00
April	1. From Z. B. Glazier, Lottery License	100 00
	17. Fee from Peter Lowber, commission of Justice of the Peace Kent County	10 00
	21. Rec'd of G. R. Fisher, for sale of 7 copies Digest, commission deducted	6 65
	26. For impressions of great seal from Mr. Wales and Mr Gray	2 00
May	2. Fee from Samuel Smith, Contables commission New Castles County	5 00
	12. From John Moore, Lottery License	100 00
	24. For impression of great seal from T. Fleming	1 00
June	11. From Howard Ogle, commission of Justice of the Peace New Castle County	10 00
	12. For impression of great seal from Mr Smith,	1 00
	Fee from H. Todd, commission of Recorder of Kent County	10 00
July	12. Fee from Andrew Thompson, commission of Justice of the Peace Sussex County	10 00
	15. Fee from Samuel Carpenter, commission of Justice of the Peace New Castle County	10 00
	17. Rec'd of George R. Fisher, for 6 copies Digest sold, commission deducted	5 70
	Fee for commission of Justice of the Peace from Potter Griffith, Kent County	10 00
<i>Amount carried forward,</i>		<u>\$1380 10</u>

		<i>Dolls. Cts.</i>
1834.	<i>Amount brought forward,</i>	1380 10
Sept.	24. Fee for commission of Justice of the Peace for New Castle County from Wm. Thompson,	10 00
Oct.	8. Rec'd of T. S. Hillyard, for retailers Licenses	100 00
	13. Fee for commission of Justice of the Peace for Sussex County from Joshua A. Ellegood,	10 00
	31. Rec'd of George R. Fisher, for 6 copies of the Digest sold, commission deducted	5 72
Nov.	14. Fee from George Frame, for commission of sheriff of Sussex County and writ of assistance	20 00
	Rec'd of John Day, for coroners commission for Sussex County	10 00
	15. Fee from R. W. Reynolds, for commission of sheriff of Kent County, and writ of assistance	20 00
	Rec'd of Denny Stevenson, for coroners commission for Kent County	10 00
	25. Rec'd of Eli Crozier, for Coroners commission of New Castle County	10 00
Dec.	5. Cash rec'd by check of T S Hillyard, Clerk, of the Peace Kent County	323 88
	Rec'd of J. S. Layton, Clerk of the Peace Sussex County for 23 Constables commission	115 00
	10. Rec'd of Peter Vandever, for commission of Sheriff of New Castle County and writ of assistance	20 00
		<hr/> \$2034 70 <hr/>

Auditors Office, December 19, 1834.

I this day have examined the above and foregoing Accounts of the State of Delaware and find it correct.

J. BIDDLE, Auditor.

DEBTOR.

		<i>Dolls. Cts.</i>
1835.		
Jan'y.	7. To my check to C. P. Comegys, State Treasurer, for	124 09
	To my check to the same for	32 40
	To my check to the same for	350 00
	22. To my check to the same for	300 00
		<hr/> \$806. 49 <hr/>

CREDITOR.

		<i>Dolls. Cts.</i>
1835		
Jan.	7. Cash rec'd of J. S. Layton, for retailers Licenses dispensed	124 09
	Cash rec'd from J. H. Eccleston, Pro. of Kent County laws sold	32 40
	Cash rec'd of Thomas Stockton, clerk of the Peace on the 3d inst. \$1850 To the credit of this account	350 00
	15. Cash rec'd of Thomas Stockton, \$600 To the credit of this account	300 00
		<hr/> \$806 49 <hr/>

Auditor's Office, Dover, January 23, 1835.

I this day have examined the above account of the State of Delaware and find it correct.

GEORGE S. ADKINS, Auditor.

—•••••—

The Fund for establishing Schools in the State of Delaware in account with James Rogers, Secretary of State.

DEBTOR.

		<i>Doll. Cts.</i>
1833		
July	1. To my check in favour of C. P. Comegys, Esq. State Treasurer	439 03
1834.		
July	3. To my check to C. P. Comegys, Esq. State Treasurer	1247 00
	Rec'd Dec. 19, 1834, of James Rogers, Esq. secretary of State, Six hundred and eighty-one Dollars, being the balance due the school fund, this day.	681 00
	C. P. COMEGYS, Trustee.	

—•••••—

CREDITOR.

		<i>Doll: Cts.</i>
1833.		
March	20. By check of Robert O. Pennewell, for \$235 on account of Tavern and mar- riage Licenses from the 26th of April last to the 20th of Sept. last, as per letter filed.	235 00
April	12. Rec'd of Joshua S. Layton, on account of marriage licenses,	200 00
	<i>Amount carried forward,</i>	<hr/> \$435 00 <hr/>

1833.		<i>Dolls: Cts.</i>	
	<i>Amount brought forward,</i>		435 00
June	5. Rec'd of T. S. Hillyard check for \$239 00 on account of marriage licenses \$60 1 Hawker, \$55 Tavern licenses, \$144 To the credit of this account		204 00
July	27. Rec'd of T. S. Hillyard, check for \$55 On account marriage licenses \$50 Fee from J. Cranor, Constable \$5 To the credit of this account,		50 00
Oct.	18. Rec'd of J. S. Layton, check for \$400 For 13 Tavern Licenses at April Term \$156 Fee Constables commission, \$5 On account of marriage Licenses, \$239 To the credit of this account,		395 00
Nov.	5. Rec'd of T. S. Hillyard, for Tavern Li- censes at Oct. Term,		72 00
Dec.	12. Rec'd of T. S. Hillyard, for Marriage Licenses from July 29th, to October 23d		86 00
	15. Rec'd of J. S. Layton, check for \$228 62 Bal. of Retailers' Licenses 139 62 2 Tavern Licenses Oct'r Term 24 00 On acc't of Marriage Licenses 65 00 To credit of this account		89 00
1834.			
May	28. Rec'd of T. S. Hillyard, for Tavern Li- censes		156 00
April	2. Rec'd of T. S. Hillyard, for Mar. Licenses		200 00
June	18. Rec'd of J. S. Layton, on account of Marriage Licenses		200 00
Aug.	25. Rec'd of T. S. Hillyard, on account of Marriage Licenses		100 00
Oct'r	30. Rec'd of T. S. Hillyard, for Tavern Licenses		60 00
Dec'r	5. Rec'd of J. S. Layton, check for \$435 00 For Constables commissions 115 00 For 15 Tavern Licenses 180 00 On account of Marriage Licenses 140 00 To the credit of this account		320 00
			<hr/> \$2367 00 <hr/>

Auditor's Office, Dover, Dec. 19th, 1834.

I this day have examined the above account of the Fund for establishing
Schools in the State of Delaware, and find it correct.

J. BIDDLE, Auditor.

DEBTOR.

1835.		Dolls.	Cts.
Jan'y 7.	To my check in favour of Cornelius P. Comegys, State Treasurer for	1500	00
	To my check in favour of C. P. Comegys, State Treasurer for	500	00
		<u>\$2000</u>	<u>00</u>

CREDITOR.

1835.		Dolls.	Cts.
Jan'y 3.	Rec'd of Thomas Stockton, Clerk of the Peace New Castle County	\$1850	00
	To the credit of this account	1500	00
	Residue to the State account		
15.	Rec'd of Thomas Stockton, Clerk of the Peace of New Castle County	\$800	00
	To the credit of this account	500	00
	Residue to the State account	<u>\$2000</u>	<u>00</u>

Auditor's Office, January 23, 1835.

I have this day examined the above account of the Fund for establishing Schools in the State of Delaware, and find it correct.

GEORGE S. ADKINS, Auditor.

The Contingent expenses of the Secretary's Office in account with James Rogers, Secretary of State.

DEBTOR.

1833,		Dolls.	Cts.
Jan'y 17.	Cash paid Thomas Saxten, for 1 doz. glass for Sec'y office and glazing the same—per rect	1	20
Feb'y 1.	Printing 2 quires of circulars, on the South Carolina ordinance—per rect	2	00
	Do 48 circulars to Governors of States on South Carolina resolutions for calling a Convention—per rect	2	00
8.	Do: resolutions, &c. to Maryland, as to junction of Eastern Shore—per rect	2	00
	Cash for quills—per rect	1	10
	Do: for tape—per rect	1	65
	Cash for a new Register to record execution acts bound in Russia—per rect	7	00
	Copy of the act for payment of claims, due from the State, and the School Fund and certificate—per rect filed	1	09
	<i>Amount carried forward,</i>	<u>\$16</u>	<u>04</u>

1833.

Dolls. Cts.
\$18 04*Amount brought forward,*

	For 3 copies of the Lottery act & certificates furnished printers for publication—per accts filed	2 40
	For 2 copies of act, extending the time for recording deeds, per acct filed	1 46
March 20:	Cash paid for Stationary—per rect.	6 37½
	Cash paid J. N. Harker, printing Lottery act, blank forms, 1 ream of Marriage Licenses and blank com's—per rect.	22 00
	Cash paid Peter B. Porter, for stationary, per rect.	8 50
	Cash paid Porter and Mitchell, for publication of Lottery acts, and supplement of act for recording deeds, per rect.	20 00
	Cash paid D. A. J. Upham, for publication of Governor's proclamation, and 4 reams Marriage Licenses—per rect.	31 00
	Cash paid Aug: M. Schee, for fifty copies of Governor's Message for the Executive Department—per rect.	3 00
23.	Cash paid J. Catts, Post Master at Dover, for postage—per rect.	1 87½
May 21.	Cash paid Edward Williams, for two boxes to send acts of 1833 to Kent and Sussex	2 00
	Cash paid for copying the Laws, Resolutions and Index for the press—per rect.	49 89
July 1.	Cash paid N. G. Williamson, Esq. for postage on Executive act, on documents &c., transmitted to the Governor—per rect	30 00
	For copying report in the Senate and resolutions on South Carolina ordinance—Resolutions as to a convention of the States—resolutions as to the Militia—resolutions respecting the Eastern Shore of Maryland—resolutions as to the public lands, and respecting protection system, to be sent to Governors, and our Senators and Representative, per rect, filed	7 50
Dec'r 1.	Postage on box con'ts map of North Carolina—per rect	25
1834:		
Jan'y 1.	Cash paid Mrs. Ritchie, postage from January last—per rect	14 06
3.	Cash paid for printing 2 rm's of Mar: Licenses—per rect	14 00
March 17.	Cash paid N. G. Williamson for postage of Governor on Executive com'ns—per rect	10 02
June 30.	Cash paid N. G. Williamson, for postage of Governor on Executive com'ns—per rect	7 80
	<i>Amount carried forward,</i>	<u>\$250 18</u>

1835.

		Dolls.	Cts.
<i>Amount brought forward,</i>		\$250	18
Jan'y 1.	Cash paid N. G. Williamson, postage of Governor, on Executive com'ns—per rect		9 70
3.	Cash paid Porter and Mitchell, for publication of Governor's proclamation—per rect		3 00
8.	Cash paid Edward Williams, for 4 boxes to send books &c. to Dover, per receipt		4 00
	Cash paid Mrs. Ritchie, for postage from Jan'y 1834, per receipt		21 82
		<u>\$288</u>	<u>70</u>

CREDITOR.

1833.

		Dolls.	Cts.
Jan'y 18.	By balance received from C. S. Layton, Esq. as per account, fol: 60.		32 99
Feb'y.	By this sum received from C. P. Comegys, Esq. State Treasurer—appropriation for Contingent expenses of Secretary's office,		200 00

1834.

	By this sum received of C. P. Comegys, State Treasurer, appropriation for contingent expenses of Secretary's Office,		200 00
		<u>\$432</u>	<u>99</u>

Auditor's Office, Dover, Jan 23, 1834.

I have this day examined the above and foregoing account of contingent expenses of the Secretary's Office, and ascertained that there is now a balance remaining in the hands of the Secretary of State, amounting to one hundred and forty four dollars and twenty-nine cents. \$154 29

GEORGE S. ADKINS, Auditor.

On motion of Mr. Frame,

The accounts of the Secretary of State, were referred to a committee of three members:

Messrs. Frame, Booth, and Johnson, were appointed that committee.

Mr. Clements, from the committee of enrolment,

Reported sundry bills, as duly and correctly enrolled and ready for the signature of the speaker:

1. "An act for the relief of the widow and children of John Cummins, dec'd."

2. "An act for the relief of Hannah Read."

3. "A Supplement to the act, entitled 'An act to preserve the public buildings and records from destruction by fire.'"

4. "An act to enable James T. Bird, and James Harwood, to locate certain vacant lands, situate in Pencader hundred in New Castle County, and State of Delaware, and to complete their title to the same."

5. "An act to repeal the sixth Section of the act, entitled 'An act relating to fugitives from labor.'"

M. Frame, chairman of the committee to which was referred the Petition, of sundry inhabitants of Milford, praying the General Assembly, to make certain enactments therein mentioned;

Reported a bill, entitled "An additional supplement to the act entitled 'An act directing the manner of choosing commissioners to regulate, and repair the Streets of Milford, and for other purposes;'"

Which was,
On his motion,
Read.

Mr. Frame, chairman of the committee, to which was referred the Petition of Robert Ewing, of Philadelphia;

Reported a bill, entitled "An act to enable John D. Ewing, and Eliza G. Ewing, to sell and convey a certain piece of land, therein mentioned;"

Which was,
On his motion,
Read.

Mr. Jacobs, chairman of the committee to which was referred the Petition of the owners, and possessors of the marsh, and low grounds, commonly called, and known by the name of the Bridge Branch;

Reported a bill, entitled "A 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 Bridge Branch, situate in North West Fork hundred, Sussex County, to cut a ditch, or drain through the same;'"

Which was,
On his motion,
Read.

On motion of Mr. Clements,

The bill, entitled a further additional supplement to the act, entitled "An act for the establishment of free Schools;" was read a third time, by paragraphs, and *Passed the House.*

Ordered, to the Senate for concurrence.

On motion of Mr. Marim,

The bill, entitled "An act regulating the weight of Hay;" was read a second time.

On motion of Mr. Cooper,

The bill, entitled "An act concerning the New Gaol, in Sussex County, and other matters, therein mentioned;" was read a second time, and amended.

Mr. Davis, chairman of the committee to which was referred the Petition, of sundry citizens of Sussex, relative to the Nanticoke, and Broadkilkn Canal;

Reported a bill, entitled, "A supplement to the act entitled, "An act to incorporate a company for the purpose of cutting, and making a Canal, between the waters of the Nanticoke River, and Broadkilkn Creek, in Sussex County, and for other purposes;"

Which was,

On his motion,

Read,

Mr. Boone, chairman of the committee to which was referred the Petition, of sundry inhabitants of Frederica, in relation to a certain Hog law; reported

A bill, entitled "An act, entitled "An additional supplement to the act, entitled "An act, to restrain persons, from suffering swine to go at large, within certain limits;"

Which was,

On his motion,

Read.

Mr. Marim, presented the Petition, of sundry citizens of Leipsic in Kent County, praying a law to prevent swine from running at large, in said village;

Which was,

On his motion,

Read, and referred to a committee of three members:

Messrs. Marim, Lodge, and Parker, were appointed said committee.

On motion of Mr. Frame,

The bill, entitled "An act to amend the act entitled "An act concerning the Orphans' Court," was read a second time.

On motion of Mr. Frame,

The bill, entitled "A supplement to the act, entitled "An act concerning the Auditor of Accounts;" was read a third time by paragraphs, and

Passed the House.

Ordered, to the Senate for concurrence.

On motion of Mr. Frame,

The bill, entitled a supplement to the act entitled "An act providing for the recovery of small beets;"

Was taken up for a third reading,

In order to pass the House;

The first and second sections were read, and agreed to by the House, Whereupon,

Mr. Herdman proposed,

An amendment,

And moved,

That the rule, which requires amendments, to be made on the second reading of bills, be suspended;

Which motion,

Was negatived.

The question was taken on the title, and final passage of the bill, and carried in the affirmative;

Thus the bill,

Passed the House,

Ordered, to the Senate for concurrence.

Mr. Frame gave notice,

That he should, this afternoon, call up, for consideration, the bill, entitled "An act to prohibit the circulation of small notes, in this State."

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the bill, entitled "An act to vest in Mary Mitchelmore, widow of the Rev. John Mitchelmore dec'd, all the right, and title, of the State of Delaware, in, and to all the real estate, of which the said deceased, died seized, possessed of, or entitled to, in the county of Sussex in this State;

The Senate have concurred in the Preamble, and Resolutions relative to the port and harbour at New Castle; with an amendment;

And he withdrew.

On motion,

The House adjourned to three o'clock this afternoon.



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

The House assembled pursuant to adjournment.

Mr. Jacobs presented the Petition, of sundry citizens, of Sussex County, relative to the draw, in the bridge over the Nanticoke River, at Seaford;

Which was,

On his motion,

Read, and referred to a committee of three members;

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

On motion of Mr. Frame,

The amendment to the Preamble and Resolutions, relative to the port and harbour of New Castle, be concurred in;

Which motion,

Prevailed.

On motion of Mr. Booth,

The bill, entitled, "An act for the relief of the Trustees of the Academy of New Ark;" was taken up, read a third time by paragraphs, and
Passed the House, with an amendment.

Ordered, That it be returned to the Senate for concurrence in the amendment.

On motion of Mr. Johnson,

The bill, entitled "An act authorizing Zadoek Aydelott, administrator

of George Truitt, deceased, to sell, and convey certain lands, therein mentioned; was read a third time by paragraphs, and

Passed the House;

Ordered, to the Senate for concurrence.

Mr. Jacobs, chairman of the committee, to which was referred the Petition, relative to the bridge over the Nanticoke River, at Seaford, reported

A bill entitled, "An act, to amend the act entitled "An act to incorporate a company, to erect a draw bridge, over the Nanticoke River, at Seaford, and for other purposes therein mentioned;"

Which was,

On his motion,

Read.

On motion of Mr. of Cooper,

The bill, entitled "An act allowing an additional Justice of the Peace in Sussex County;"

Was taken up for a third reading,

In order to pass the House;

The first section was read,

And on the question,

"Shall that be the first section," it was negatived,

And thus the bill

Was lost.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

I am directed to present for the signature of the speaker of the House of Representatives sundry enrolled bills which have received the signature of the speaker of the Senate.

An additional supplement to an act entitled an act to extend the time for recording of deeds.

An act, to incorporate the Wilmington Theatre Company.

An act to amend the act entitled a supplement to the act entitled an act, to alter and re-establish the charter of the borough of Wilmington.

An act, to incorporate the Wilmington Whaling Company.

An act, for the relief of Charlotte Harket, wife of Jeremiah Harker.

An act, to authorize Peter F. Causey, and Charles Polk, to erect a gate across a public road.

On motion of Mr. Cooper,

The bill entitled "An act for relief of Burton Waples, of Sussex County;" was read a second time.

On motion of Mr. Frame,

The bill, entitled "An act to prohibit the circulation of small notes," in this State;" was read a second time.

Mr. Frame, then moved,

Seconded by Mr. Herdman,

That the blanks be filled with the words, fourth day of July, respectively,

Which motion,

Prevailed.

On motion of Mr. Frame,

The bill, was further amended by striking out the word "*twenty*," in the forty seventh line, of the 1st section, and inserting in lieu thereof, the word "*ten*."

Mr. Cooper, chairman of the committee, to which was referred the Petition of sundry citizens of Sussex County, praying the General Assembly to make certain enactments, therein mentioned; reported a bill, entitled "An act to incorporate the Lewes and Millsboro' Rail Road Company;

Which was,

On his motion,

Read.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the bill, entitled "An act authorizing the sale of the schoolhouse and lot on which it is situated, in school District No. 6. in New Castle County," with an amendment, in which I am directed to requested the concurrence of the House:

And then he withdrew.

On motion of Mr. Lodge,

The communication from the Senate was read, and ordered to lie on the table 'till to-morrow, viz:

"IN SANATE Jan. 28, 1835.

Amend the bill by striking out the first section, all after the enacting clause; also strike out the second section thereof, and in lieu thereof, substitute the following to wit: That Harry Williamson, Thomas Robinson, and Abner Cloud, all of Brandywine hundred be, and they are hereby authorized and empowered to enter upon, view and affix a value on a certain piece or parcel of land with a school house erected thereon, situate in Brandywine hundred, New Castle County, in this State, which said land was conveyed by a deed of trust from a certain Curtis Talley, & Mary his wife, of the hundred, & County aforesaid, unto Amer Talley, Jesse Plankenton, and Joseph Talley, for certain purposes, mentioned in said deed, reference to which may be had, by applying at the Roll's office, at New Castle in and for the County aforesaid, in Book H. vol. 3d. folio 81. &c. and further, it shall and may be lawful for the aforesaid appraisers to sell, and convey, to the said Curtis Talley, his heirs or assigns, the aforesaid house and lot, or parcel of land, at the valuation which they or a majority of them, shall agree on—which said valuation, shall be made on the oath or affirmation of the said appraisers taken before some justice of the peace, in and for said County, and if the aforesaid Curtis Talley, his heirs or assigns, shall refuse, or neglect to take the aforesaid house, and lot, at the valuation, or shall not make payment for the same to the said appraisers, within sixty days after said valuation shall have taken place, then the said Harry Williamson, Thomas Robinson, and Abner Cloud—are hereby authorized to make public sale thereof, by giving ten days notice, by having advertisements posted in at least six of the most public places, in the said hundred, and the said appraisers are hereby authorized & empowered, to make any legal conveyance, that may be necessary to confirm the title, of any purchaser, to the said house and lot; and the said appraisers are hereby required to pay over, as soon as may be

practicable, the proceeds of said sale or valuation, unto the school committee, of district No. 6. in N. Castle County, after deducting the sum of one dollar each for each and every day which they may be engaged in, and about these premises, and also, all incidental expenses, that may accrue, by, and in consequence of carrying the provisions of this act into effect, and the said committee are hereby authorized, to receive, and receipt for the same, and the said sum shall be, and remain, to the credit, and for the use of said school district, and be appropriated, according to the laws of this state, in that behalf made and provided. And it is hereby further provided, that the acts, and doings, of a majority of the said appraisers, shall be as valid, to all intents and purposes, as the acts of the whole.

“Extract from the Journal,

“J. H. M. CLAYTON, Clerk.

“For concurrence.”

On motion,

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

THURSDAY, 10 o'clock A. M. Jan. 29, 1835.

The House assembled pursuant to adjournment.

Mr. Marim, presented the petition of sundry citizens, of Little Creek neck, Kent County, praying the General Assembly, to pass a law, authorizing a gate to be erected, across a certain road, therein mentioned;

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Messrs. Marim, Evans, and Johnson, were appointed said committee.

Mr. Harrington, presented the petition, of sundry citizens of Milford and Mispillion hundreds, praying the General Assembly, to pass an act, to re-unite said hundreds;

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Messrs. Harrington, Biddle, and Lewis, were appointed said committee.

On motion of Mr. Frame,

The bill, entitled “An act to enable John D. Ewing, and Eliza G. Ewing, to sell and convey a certain piece of land, therein mentioned; was read a second time.

On motion of Mr. Frame,

The bill, entitled, “An additional supplement, to the act entitled ‘An act, directing the manner of choosing commissioners, to regulate and re-

pair the streets of Milford, and for other purposes;" was read a second time.

On motion of Mr. Cooper,

The bill, entitled "An act for the relief of Burton Waples, of Sussex County," was read a third time, by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

A message from the Senate by Mr. Clayton, their Clerk.

MR. SPEAKER:

I am directed to present for the concurrence of the House bills entitled as follow:

An act concerning certain Records, in the office for Recording of deeds, in and for Kent County,"

"A supplement to the act, entitled 'An act to prevent the use of fire arms, by free Negroes and free Mulattoes and for other purposes,' and,

"A supplement to the act, entitled 'An act the more effectually to prevent swine from running at large in the village of Middletown, and its vicinity;'"

The petitions for these bills are herewith submitted.

The Senate have concurred, in the bill, entitled "An additional supplement to the act, entitled "An act fixing the time of holding the Courts of law, and equity, in this State;"

And then he withdrew.

On motion of Mr. Herdman,

The communication from the Senate,
Was read.

On motion of Mr. Marim,

The bill, entitled "An act regulating the weight of Hay," was read a third time by paragraphs, and

Passed the House;

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Cooper,

The bill, entitled "An act concerning the New Jail, in Sussex County, and other matters therein mentioned;" was read a third time, by paragraph, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

Mr. Marim, presented a communication from Messrs. Geo. Read, jr. Kensey Johns, Andrew C. Gray, Geo. B. Rodney, Thomas Stockton, James Booth, Wm. H. Rogers, James Rogers, and Thomas W. Rogers, for, and in behalf of the citizens of New Castle,

Which was,

On his motion,

Read, viz:

*To the Honorable
The House of Representatives
Of the State of Delaware.*

The Communication of the undersigned, for and in behalf of the citizens of Newcastle against the passage of a bill entitled, "An act to provide for the removal of the Seat of Justice for Newcastle county, from the town of Newcastle to the city of Wilmington," respectfully sets forth:

That the citizens of Newcastle reposing confidently in the Justice of the Legislature, upon whom, as the appointed guardian of the common welfare, devolves the sacred duty of extending a protecting arm over the equal rights of every section of the State, were suddenly startled from their security by the intelligence that the Senate, after most brief consideration, had consented that the act, above entitled, should become a law. Unprepared as they were for such an event, the people of this town would be disposed most uncomplainingly to submit to any sacrifice, which in their belief would secure the general good of the county, or inure to the public benefit of the State. But fully convinced that this enactment, involving the proscription of their rights, and the destruction of their interests, can have no such effect or tendency, they feel constrained to invoke this Honorable Body to interpose between them and their ruin, and to save them from the consequences of this cruel and disastrous legislation. They come before you, confiding in the Justice of their cause, and deprecating the effect and operation of a law which they believe not only unjust but unconstitutional.

Before advancing to the particular character of this Bill, and the necessary and probable results of its adoption, your remonstrants would briefly advert to the peculiar complexion of this controversy. The question hereby raised, presents no general aspect; nor is it, except *pro forma*, allied to any broad object of public convenience or utility. It originates solely in a partial and partisan application in behalf of those who are selfishly rapacious of the enjoyment of a coveted benefit, at any expense and whatever cost. It is in this form that the scheme has been presented and urged by its prosecutors; but it is *not* in such contracted spirit, that your remonstrants intend to advance their objections. It is true the subject is of vital importance to their welfare, and to the interests of those whom they represent. It is true, the citizens of Newcastle are contending, literally, for their "altars and their fires,"—for their most sacred rights—their property—their homes—their dearest and most cherished interests. But with the sense of justice, which elevates them *above* the petty objects of selfishness, they have the better consciousness, that they are defending the principles of the Government, and the doctrines of the Constitution.

The new elements of legislation which form the component parts of this most extraordinary Bill, are to us novel and original both in their character and tendency. They are in direct hostility to those maxims of political science which have hitherto found credence among us, and which are so "visibly characterized and engraved" upon our Institutions. They are calculated to confound those just and wholesome distinctions which constitute the conservative barriers between our *Republican* system and the Democratic Governments of ancient times. They would disturb the harmony, so nicely adjusted, between conflicting principles, and tend to the utter and absolute subversion of the well-poised balance of power between the co-ordinate branches of Government—unsettling the defined

boundaries of their separate spheres, disturbing the distribution of their several prerogatives—and resolving the whole fabric of the constitution into the original materials, from which it has been so wisely, and so carefully constructed.

In order properly to consider the peculiar character and tendency of this Bill, it will be necessary to bear in mind the precise and evident distinctions between our Republican form of government and a Democracy.

The custom of reverting to the similarities between us, and the ancient States, whose forms we may in part have imitated, and the common name of Republic, which has usually been applied to every species of popular government, are apt to mislead the mind into false analogies. These errors are easily avoided by turning to familiar and definite distinctions. In a Democracy the people, collectively, exercise the supreme power, and all legislation, receives its ultimate sanction immediately from their will. Under the Republican system, these functions are delegated by the people to their representatives, and they can not thereafter interfere with the execution of those powers, except in the mode, and under the forms prescribed by the Constitution. The people, in the exercise of an undoubted right, may *alter* the forms by themselves established, whenever they shall deem it proper, but until they do so—*they*, and those to whom they have transferred their original powers, must conform to the existing institutions: and any departure either by the people, or the bodies politic invested with the powers of government, would be revolutionary.

The people of this State have determined that their legislative power shall be vested in General Assembly, to consist of a Senate and House of Representatives. Herein they have declared that the inceptive and final authority of establishing laws, which originally belonged to themselves, shall be exercised exclusively by this, the body to whom they have delegated universal discretion over this highest act of sovereignty. This is no ministerial function, but original, supreme power,—which is to be *exercised*, but cannot in case, or in any event, be *transferred*. The people may *resume* this authority; but if the Legislature attempt to *transfer* it, such an act would amount to a virtual abdication of their trust. It would resolve the constitution into its original elements, and refer back to the people, the whole system of government, to be reconstructed from the primary principles of power which revert to them immediately from its dissolution.

Such would be the obvious and direct effect of the passage of the Bill in question. It proposes to leave to a *portion* of the people the decision of a matter which can be determined only by the Legislature. It attempts to refer legislative discretion and legislative power to the citizens of a single County, to delegate to *them* an authority, which if resumed by the whole body of the people, would unequivocally constitute a revolution, and actually abrogate the Constitution, and put an end to the existence of every branch of the government. The Legislature are called upon to determine the propriety and necessity of a law; and they refer the subject to the *people*; they *transfer* to the citizens of the county of Newcastle all legislative power over the matter, and calmly await the intervention of a popular vote. As easily could they delegate their authority to the councils of Wilmington, or to the French Chambers, or to the Sublime Porte at Constantinople!—as easily could they refer *any other* matter of legislation to the same arbitrament, and constitute in *every case* before them an intermediate and ultimate umpire, making *any other body or individual* what-

ever, the *Legislature of this State!* These consequences are too palpable for argument.

Therefore, be it remembered, that it is not simply the question of the removal of the seat of justice which alone is referred to the people—but *with it*, the Legislature must throw back to their discretion the scheme of Government under which we live and receive protection: and thereby resolve the whole social system into the unshapen chaos of natural rights, and the conflicting elements of original power.

Again, the passage of this Bill would not only work a departure from the principles of the Constitution, but would of itself, absolutely change the form of Government. And this not merely by removing the legislative functions from their true and legitimate orbit, but by altering the office and duty of the Legislature. It would amalgamate with our Republican system the forms of the Democracies of ancient times. In those States the laws were prepared and framed by particular executive bodies, and afterwards submitted to the confirmation of the people. In the early times of the Roman Republic, the Senate was the body to whom was committed the *initiative* power of devising laws, which were subsequently sanctioned by the final action of the people. In some modern Republics, the same power has been delegated to a select assembly, in accordance with which this particular prerogative of suggesting laws, and putting the legislative power into motion, is exercised by these bodies previous to the submission of such laws to the popular sanction. Such would be the manifest effect and tendency of the measure proposed by this bill. It seems superfluous to declare that such a power, and such an office are conspicuously inconsistent with the spirit and genius of our Constitution. The consequence is most apparent and absurd. It would cast us back to evils of primeval polity; and assimilate our institutions to the exploded and worn out systems of antiquity. But there are results to be engendered by the operation of such a measure of infinitely deeper importance. The immediate and inevitable effect is to concentrate all power in that body which possesses the *initiative* prerogative of legislation; thus creating an *oligarchy* of the most dangerous and monopolizing character, and laying the foundation of doctrines which strike at the root of our institutions, and tend to raze and prostrate the very bulwark of the constitution.

But further;—although the legislative power is perpetual, surviving in the laws it creates, yet the time of its *action* is necessarily limited to the duration of some established period. In accordance with this the operations of the Legislature are confined to the time of its session; and although some of its privileges, and the power of appointing committees to act as commissioners during recess, still exist, the *aggregate authority* of the *body politic terminates with the adjournment*. The Legislature then, have *no power* to pass an act, which is to *commence to be a law*, at some future time after the dissolution of the legislative existence. They have the unquestioned and customary power of passing laws which are to *bear date* from some prospective period, or which are to operate, or to be null and void upon the happening or otherwise of some contingency:—of these, there are numerous familiar instances, such as many of the federal laws respecting the collection of duties and imposts—or some of those in our own Statute Book, concerning corporations, where there is some condition accompanying the act: in such cases the laws are, when passed, perfect and substantial, only their operation is restricted to a contingency, or they are to be null and void upon failure of the prescribed condition: but

this Bill presents the unprecedented instance of a *hollow form*, bearing the empty semblance of law, which is *none* in *reality*, and has no *inception as a law*, until the popular vote shall have invested it with the requisite attributes and proper sanction.

In every view in which this Bill can be considered, it must be regarded as a mere *nullity* ineffective and inoperative;—or if consummated, it is an act which transfers the legislative power back to the source from which it issued,—and thus elevates itself above the control of the constitution, and confounds and nullifies the principles and powers of the government.

But this Bill further sets forth that the “Corporation of the City of Wilmington has offered to provide a Court House, fire proof Offices and a Gaol for the use of the said County, at the proper charge of the said City.” Even in this respect, the Bill and the offer to which it alludes, are utterly imperfect and inconclusive. The offer imports no obligation, and can not be enforced. What guarantee, and what assurance has this Legislature that the offer of the Corporation of the City of Wilmington will be complied with? They have subscribed to *no legal obligation*. This proffer has no binding power upon their successors. The City does not propose to *convey* the property to the county; and if hereafter the corporation of the City of Wilmington should think proper to unhouse your Courts of Justice and their officers of these offered accommodations; or to demand from the County the payment of the rent for the same, *what* and *where* is the remedy?

But your Remonstrants would additionally urge, that conceding the passage of this Bill to be a legitimate and unequivocal exercise of constitutional power on the part of the Legislature,—the effect of such a measure would be, in the extreme, impolitic and unjust, opposed to the interests of the county, and the prosperity of the State. The injustice of leaving this question to a popular vote, when the majority may so easily be swayed by the prosecutors of this scheme, is apparent. But there are evils of a more public and general nature, which a wise and prudent Legislature, in such a case, would never consent to hazard. The passage of the present Bill will operate as an actual repeal of many existing statutes of the State. Besides others, the series of laws regulating the General Elections, having no provisions to meet a case like this, will be thrown into utter and irremediable confusion. But greater evils will ensue. The submission of this matter to the vote of the people would tend to the disorganization of the social system, inasmuch as it is eminently calculated to disturb such an election, by bribery and corruption, with their attendant train of consequential abuses. But above all, by the passage of this Bill, the public faith, upon which our citizens depend for the security and protection of their property would be dishonored and violated; and the people of the State would lose all confidence in those institutions which they have been accustomed to regard with unshaken confidence and affection.

To the town of Newcastle this measure is fraught with utter desolation. To sum the evils in one brief and sad catalogue of calamity—besides the immediate loss to all property-holders by the depreciation of real estate—the certain effect, would be to blight the prospects of merchants and tradesmen, to ruin our Hotels, or leave them to depend upon the miserable casualties of a precarious custom; to render altogether valueless the most extensive public library in the State; to cut off the operations of one of the most

successful and useful of our Banking institutions, in which the State itself, is largely interested: to impair the support of one church, and to consign another, the most venerable and creditable among us, to silence and decay: to desecrate the Halls which have re-echoed the eloquence of those patriots and orators whose reputation is our chief boast; and hopelessly and wantonly to destroy and depopulate an ancient and flourishing town; and it may be to drive into unmerited exile, some of your most valuable citizens, whose prosperity this Legislature is bound to protect and cherish.

GEO. READ, Jr.
KENSEY JOHNS,
ANDREW C. GRAY,
GEORGE B. RODNEY,

T. STOCKTON,
JAMES BOOTH,
WM. H. ROGERS,
JAMES ROGERS,
THO. W. ROGERS.

On motion of Mr. Booth,

Seconded by Mr. Frame,

Ordered, That the Clerk have two hundred Copies of the Communication printed, for the use of the members.

On motion of Mr. Frame,

The bill, entitled "An act to amend the act, entitled "An act concerning the Orphan's Court;" was read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Boone,

The bill, entitled "An act entitled "An 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 .

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have passed bills, entitled as follow; viz:

"An act to repeal the act, entitled 'An act to form two hundreds of what was heretofore Broadkiln Hundred in Sussex County,'" and

"An additional supplement to the act, entitled "An act providing for the election of constables, and concerning elections of Inspectors, and Assessors; in which I am directed to request the concurrence of the House.

The petitions for said bills, are herewith submitted.

The Senate have concurred in the bill, entitled "An act to provide for the instruction of the Indigent Blind, of this State;" and the bill, entitled "A supplement to the act entitled 'A supplement to the act, entitled 'An act to incorporate a number of the physicians, of the Delaware State, and for other purposes, therein mentioned.'"

And then he withdrew,

On motion of Mr. Frame,

The bill, entitled "An act to prohibit the circulation of small notes in this State," was taken up for a third reading in order to pass the House, the first section was read and agreed to, by the House.

The question on the final passage of the bill was decided by yeas and nays, called at the request of Mr. Frame; they were as follow, viz:

Yeas.—Messrs. Biddle, Boone, Booth, Cooper, Deakyne, Evens, Fiddeman, Frame, Harlan, Harrington, Herdman, Lewis, Lodge, and Parker—14 yeas.

Nays.—Messrs. Clements, Davis, Jacobs, Johnson, Marim and Mr. Speaker.—6 nays.

And thus the bill

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Cooper,

The bill, entitled "An act to incorporate the Lewes and Millsboro' Rail Road Company;" was read a second time.

Mr. Clements, Chairman of the Committee of enrolment, reported bills of the following titles as duly, and correctly enrolled, and ready for the signature of the Speaker, viz;

1. "An act to incorporate the Wilmington Theatre company."
2. An additional supplement to an act entitled "An act to extend the time for recording of deeds."
3. An act for the relief of Charlotte Harker, wife of Jeremiah Harker.
4. "An act to amend the act entitled, "A supplement to the act entitled "An act to alter and re-establish the charter of the Borough of Wilmington."
5. "An act to authorize Peter F. Causey, and Charles Polk, to erect a gate across a public road."
6. "An act to incorporate the Wilmington Whaling Company."

On motion,

The House adjourned to three o'clock this afternoon.



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

The House assembled pursuant to adjournment.

On motion of Mr. Herdman,

The last communication, made by the clerk of the Senate, this morning,

Was read.

Mr. Clements moved,

Seconded by Mr. Booth,

That the vote on the Report and Resolutions of the committee, on the Petition of John P. Rees, be reconsidered,

Which motion,

Was lost.

On motion of Mr. Frame.

The amendment made by the Senate, to the bill entitled "An act authorizing the sale of the School house and lot on which it is situated in school district No. 6, in New Castle County;"

Was read,
And
On motion of Mr. Lodge,
The amendment,

Was concurred in,

Ordered, That the Senate be informed thereof.

Mr. Clements, chairman of the committee, to which was referred the Petition of the owners and possessors, of the marsh and low grounds, commonly called, and known by the name of the Cow marsh; reported

A bill, entitled "A supplement to the act, entitled "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of the Cow marsh, situated in the forest of Murderkill hundred, in Kent County, and State of Delaware, to cut a ditch or ditches, drain or drains, through the same, and to keep said ditches, and drains open, and in good repair;"

Which was,
On his motion,
Read.

Mr. Davis, chairman of the committee, to which was referred the Petitions, of sundry citizens of Kent and Sussex, relative, to Hogs; reported

A bill, entitled "An act to repeal the act, entitled "An additional supplement to "An act to restrain persons from suffering swine to go at large within certain limits;"

Which was,
On his motion,
Read.

Mr. Marim, chairman of the committee, to which was referred the Petition of sundry citizens, of Little Creek Neck, praying the General Assembly to pass a law, authorizing the construction of a Gate, across a certain road therein mentioned; reported

A bill, entitled "An act to authorize Clement Nowell, and John A. Banning, to erect a Gate across a public road;"

Which was,
On his motion,
Read.

Mr. Johnson moved,
That the bill, entitled "An act to incorporate a company for the purpose of making a Canal or Canals, from the head waters of Lewes Creek, to connect the same with the waters of Rehoboth Bay, and Indian River, and to clear out and improve the sounds along the sea coast of the States, of Virginia, Maryland and this State, and for other purposes;"

Be read a second time,
But pending the question,
On motion of Mr. Marim,
Seconded by Mr. Erame,

The bill was read a second time by its title.

On motion of Mr. Jacobs,

The bill, entitled "A 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 Bridge Branch, situate in North West Fork hundred, in Sussex County, to cut a ditch or drain through the same;" Was read a second time.

Mr. Marim submitted the following Resolutions,

Which were,
On his motion,
Read, and

Adopted, viz:

Resolved, by the Senate and House Representatives of the State of Delaware in General Assembly met, That the Secretary of State cause to be bound up, so as to correspond with the other bound volumes, of the laws, as many copies of the seventh volume of the laws of this State, with the table of private acts and the general index to the same, as are to be found in his office, & as can be procured from the offices of the different Prothonotaries, in the State and from the cases of the Senate and House of Representatives; —Provided, that the number of copies so to be bound, shall not exceed in the whole, one hundred copies.

Resolved, by the authority aforesaid, That the Secretary of State, shall be, and he is hereby authorized, and directed to close the eighth volume of the laws of this State, with the acts passed at the present Session.

Resolved, By the authority aforesaid, that the Secretary of State be, and he is hereby directed, to make out a table of private acts, and a general index, to the said eighth volume; that he cause two hundred copies of the said table of private acts, and general index, to be printed; thirty-three copies whereof, he shall lodge with the Prothonotary of each County, to be distributed gratis, to such citizens, as may call for the same, and the remaining one hundred and one copies, he shall retain in the Secretary's office.

Resolved, by the authority aforesaid, that the Secretary of State, cause to be bound up, to correspond with the other bound volumes of the laws, one hundred copies of the aforesaid eighth volume, with the table of private acts, and a general index to the same."

Resolved, by the authority aforesaid, that, when the aforesaid seventh and eighth volumes, shall have been bound, the Secretary of State, shall retain in his office, ten copies of each and deliver to the Senate nine copies of each, to the House of Representatives twenty-one copies of each, and to the following officers in each County, one copy of each, of said volumes for the use of their respective Courts; namely, to the Register for the Probate of Wills, Register in Chancery, Clerk of the Orphans' Court, Prothonotary of the Superior Court, and Clerk of the Peace; and the remainder, he shall equally divide between the respective Counties, placing them in the hands of the different Prothonotaries who are authorized to sell the same at one dollar per copy, and make return thereof as the law directs;"

Ordered, that they be presented to the Senate for concurrence.

On motion,
The House adjourned, to ten o'clock to morrow mornig.

FRIDAY, 10 o'clock, A. M. Jan. 30, 1835.

The House assembled pursuant to adjournment.

Mr. Clements, from the committee of enrolment, reported three copies of the Preamble, and Resolutions relative to the Port and Harbour, of New Castle, as duly and correctly enrolled and ready for the signature of the speaker.

On motion of Mr. Cooper,
The bill, entitled "An act to incorporate the Lewes and Millsboro' Rail Road Company;"

Was read a third time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate, for concurrence.

Mr. Marim, presented a Memorial, signed by twenty-three hundred Citizens, of New Castle County, praying certain enactments, relative to the removal of the Courts, from the town of New Castle, to the city of Wilmington;

Which was,
On his motion,
Read.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate has indefinitely postponed the bill, entitled "An act to prohibit the circulation of small notes in this State;"

The Senate has passed a bill, entitled "An act to enable the Trustees of the Delaware College, to raise a sum, not exceeding one hundred thousand dollars, for the purpose of raising funds, for the use of the Delaware College;"

And then he withdrew.

Mr. Cooper presented the Remonstrance of one thousand and ninety-one citizens of New Castle County, Remonstrating against the removal of the Courts, from the town of New Castle, to the City of Wilmington;

Which was,
On his motion,
Read.

Mr. Booth moved,
That the House do now resolve itself, into a committee of the whole, to take into consideration the bill for the removal of the Courts from the town of New Castle, to the City of Wilmington, and the Petition for, and the remonstrance against said bill;

But pending the question,

On motion of Mr. Marim,
The further consideration of the subject was postponed, to three o'clock this afternoon.

On motion of Mr. Marim,
The communication made by the clerk of the Senate, this morning,
Was read.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the Resolutions, directing the Secretary of State, to have bound one hundred copies each, of the 7th and 8th volumes of the Delaware laws,

And in

The bill, entitled "A supplement to the act entitled, "An act concerning the Auditor of Accounts;"

And then he withdrew.

On motion of Mr. Marim,
The bill, entitled "An act to authorize Clement Nowell, and John A. Banning, to erect a Gate, across a public road;"

Was read a second time.

On motion of Mr. Boone,
The bill, entitled, "An act, entitled "An additional supplement to the act, entitled "An act, to restrain persons from suffering swine to go at large within certain limits;"

Was read a third time by paragraphs. and

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Marim,
The bill, entitled "An additional supplement to the act, entitled "An act directing the manner of choosing commissioners to regulate and repair the Streets of Milford, and for other purposes;"

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Marim,
The bill, entitled "An act to enable John D. Ewing, and Eliza G. Ewing, to sell and convey a certain piece of land, therein mentioned;"

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

On motion of Mr. Parker,

The bill, entitled, "An act to repeal the act, entitled "An act to form two hundreds, of what was heretofore Broadkilm hundred, in Sussex County;"

Was read a second time.

The speaker laid before the House, the following communication from the Secretary of State,

Which was,

On motion of Mr. Davis,

Read, viz:

SECRETARY'S OFFICE, }
Dover, Jan. 30, 1835. }

To the Hon. Wm. D. Waples,

Speaker of the House Representatives:

SIR,

In obedience to an act of the General Assembly, I herewith transmit a certificate of the approval by the Governor, of the obligation of the State Treasurer, and the sureties therein named, and have the honor of requesting the same, to be laid before the House of Representatives.

I am very Respectfully,

Your ob't. servant,

JAMES ROGERS.

SECRETARY'S OFFICE, }
Dover, Jan. 30, 1835. }

I James Rogers, Secretary of the State of Delaware, and as such keeper of the Register, of the official acts and proceedings of the Governor, of the said State, do hereby certify, that Caleb B. Bennett, Governor of the said State, did on the 28th inst. approve the official Bond of Peter S. Parker, State Treasurer, and the Sureties therein named.

JAMES ROGERS,

Secretary of State.

On motion of Mr. Cooper,

The bill, entitled "An act for the preservation of certain Records, in the Orphans' Court;"

Was read a second time.

Mr. Fiddeman, presented a communication from William Maston, Esq. of Mispillion hundred, relative to the re-union of Mispillion, and Milford hundreds,

Which was,

On his motion,

Read, and referred to the committee on that subject.

On motion of Mr. Davis,

The bill, entitled "A supplement to the act, entitled "An act to incorporate a company for the purpose of cutting, and making a Canal, between the waters of Broadkill Creek, and the Nanticoke River, in Sussex County, and for other purposes;"

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

On motion of Mr. Clements,

The bill, entitled "A supplement to the act, entitled "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of the Cow marsh, situated in the forest of Murderkill hundred, in Kent County, and State of Delaware, to cut a ditch or ditches, drain or drains, through the same, and to keep said ditches, and drains open, and in good repair;"

Was read a second time.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate has concurred the bill, entitled "A further additional supplement to the act, entitled "An act for establishment of Free Schools," with an amendment, in which I am directed to request the concurrence of the House,

And then he withdrew.

On motion of Mr. Herdman,

The communication from the Senate,

Was read, viz:

"IN SENATE Jan. 29, 1835.

"Strike out of the first Section in the eighth line the word "seven" and substitute in lieu thereof, the word "six," in the thirteenth line of the same Section, strike out the word "after" and supply the same by the word "upon," in the same Section, eighteenth line, strike out the word "seven" and in lieu thereof, substitute the word "six,"—add to the bill Section two."

Section 2. And be it further enacted, by the authority aforesaid. That the time for School committees to settle their accounts before the Auditor, shall be extended until the next attendance of the said officer in their Counties respectively, according to law, and no forfeiture shall be incurred by any School district for any passed omission, on the part of their school committee or School committees, unless a certificate shall be made by the Auditor of accounts, for a failure hereafter to settle the accounts of such districts."

Sec. 3. And be it enacted, that Willard Hall be, and he is hereby authorized to procure to be published, for distribution, 'An edition of the act for the establishment of free schools, and the supplement thereto; the original act as amended, omitting the parts of the supplements, directing amend-

ments, and omitting the parts not deemed material for common use—with marginal notes, and an index; and such forms and remarks, as may be deemed useful, the addition to the consist of eight hundred copies, two hundred and fifty for Kent county, and the residue equally for Newcastle and Sussex, to be sent to the clerk of the Peace in each county, who is to deliver one to each member of a school committee, when called for, and such member shall deliver the same to his successor in office. And the said Willard Hall, is authorized, to defray the actual expenses herein arising by an order drawn by him on the State Treasurer, in favor of the person, to whom the money shall be due; and the State Treasurer is required, to pay such order out of any money in the Treasury, not otherwise appropriated.

“Extract from the Journal,

J. H. M. CLAYTON, Clerk.

“For concurrence.”

On motion of Mr. Clements,

The House disagreed to the first amendment,
And

On motion of Mr. Marim,
The House agreed to the second amendment.

Mr. Marim, then moved,

That the House non-concur in the amendment which is named as the 3d. section, to said bill,

Which motion,

Prevailed.

Ordered, That the Senate be informed thereof.

On motion,

The House adjourned to three o'clock this afternoon.

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

The House assembled pursuant to adjournment.

On motion of Mr. Marim,

The House proceeded to the order of the day, which being the consideration of the bill, entitled “An act to provide for the removal of the Seat of Justice for Newcastle County, from the Town of New Castle, to the city of Wilmington;”

Mr. Frame, proposed the following amendments,

Which were,

On his motion,

Read, viz:

Amend the bill as follows viz:

1. Strike out the words, "*provide for*" in the title of the bill, and in lieu thereof insert "*enable the citizens of New Castle County to vote upon the question of.*"

2. Strike out the *preamble* of the bill, and insert the following, as the preamble, viz:

"Whereas, the question has been made, and agitated by the citizens of Newcastle county, in regard to the expediency, and propriety, of the removal of the Seat of Justice, for said county, from the town of New Castle, to the City of Wilmington, and this General Assembly has been called upon, to legislate upon the subject; And whereas the said question is one involving divers distinct and important considerations, a due regard to which, severally and collectively, is necessary for a rightful, just and proper decision of the same; and that among others, the wishes of the citizens of the said county upon the matter, constitutes one, in the opinion of this General Assembly, entitled to its proper weight, and influence.— But it not appearing to this General Assembly how the wishes of the said citizens may be, on this subject; and this General Assembly deeming it the most certain and unexceptionable mode for ascertaining those wishes, to enable said citizens to express the same, by a legalized vote upon the question.

Therefore:

3. Strike out all that part of the bill which follows next after the word "*ballots*" in the *eighteenth* line of the *first* section, to the end of the bill—and add the following sections to the bill; viz:

"*Sec. 2.* And be it further enacted, that the provisions contained in the 3d, 7th, 14th, 15th, 16th, 17th, 19th, 20th, 21st, 23d, and 24th, sections of the said act entitled "An act regulating the General Election," so far as the same are applicable to the nature and objects of the said election, by this act authorized, are hereby expressly extended to the said election:— And that to modify, and the better to apply some of the said provisions, to the case of the said election, it shall be the duty of the sheriff, of said county, at least ten days before the said election, to deliver to the said inspector of each hundred, in said county, the alphabetical lists, ballot boxes, and forms of tally lists, (which tally lists shall be so formed as to suit the case of said election)—of the certificates of election—of the oath or affirmation—of certificates of the administration of such oath or affirmation—with the directions, in the third section of the said act specified: And it shall be the duty of the clerk of the Peace of said county to make out, and certify said alphabetical lists, as in said third section mentioned, and deliver the same to the said sheriff, at least twenty days before the said election.

Immediately after the votes shall have been read out, the lists of the polls and the tally lists shall be signed by the judges, and clerks, which together with the said alphabetical lists and the certificates of the election shall be deposited in the box, in which the ballots shall have been put when read out, & the lid of said box, shall thereupon be secured by tape, crossed and sealed, in sealing-wax, by one of the freeholders; and it shall be the duty of each inspector, within twenty-four hours next thereafter to deliver the said box, so containing the said ballots, lists and certificates of his hundred, sealed as aforesaid, into the office of the said clerk of the Peace; and it shall be the duty of the said clerk of the Peace to securely and safely keep the same, unbroken and unopened, until the next biennial Session of the Legislature, & then to return the said boxes, with their said

contents therein, as aforesaid, to the Legislature, on the first day of the said Session, in order that the Legislature may open, examine, consider and act upon the same, in such manner, as in the wisdom of the Legislature, shall seem just and proper.

Sec. 3. And be it further enacted, that the provisions contained in the ninth and tenth sections of the said act, entitled "An act regulating the General Election" are hereby expressly declared to be inapplicable to the case of the aforesaid election."

Mr. Frame, then moved,

That the bill, be read according to the proposed amendments.

Which motion,

Prevailed.

Whereupon,

Mr. Booth moved,

That the bill be indefinitely postponed;

And on the question,

"Shall the bill be indefinitely postponed,"

The yeas and nays were called for by Mr. Herdman,

They were as follow; viz:

Yeas.—Messrs. Biddle, Booth, Cooper, Davis, Deakynce, Fiddeman, Harrington, Jacobs, Johnson, and Lewis—10 yeas.

Nays.—Messrs. Boone, Clements, Evans, Frame, Harlan, Herdman; Lodge, Marim, Parker, and Mr. Speaker,—10 nays.

And thus the bill

Was not Indefinitely postponed.

Mr. Frame, then moved,

For the adoption of his amendment,

And the question

Was decided in the negative, by yeas and nays,

Ordered by the speaker, which were as follow, viz:

YEAS.—Messrs. Boone, Clements, Frame, Harlan, Herdman, Lewis, Lodge, Marim, and Parker.—9 yeas.

NAYS.—Messrs. Biddle, Booth, Cooper, Davis, Deakynce, Evans, Fiddeman, Harrington, Jacobs, Johnson, and Mr. Speaker.—11 nays.

And thus the amendment,

Was lost.

On motion of Mr. Marim,

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

Mr. Marim then moved,

That the bill be taken up, by Special order.

And read a third time by paragraphs,

In order to pass the House;

Which motion,

Prevailed.

Whereupon,
 The first section,
 Was read,
 And on the question,
 "Shall that be the first section,"

The House divided,
 And the yeas and nays were ordered by Mr. Speaker,
 They were as follow; viz:

Yeas.—Messrs. Evans, Harlan, Herdman, and Lodge,—4 yeas.

Nays.—Messrs. Biddle, Boone, Booth, Clements, Cooper, Davis, Deakyne, Fiddeman, Frame, Harrington, Jacobs, Johnson, Lewis, Marim, Parker, and Mr Speaker—16 yeas.

And thus the bill,

Was lost.

Mr. Marim, laid on the table,
 The following communication from John Randel, jr.
 Which was,
 On his motion,
 Read, viz:

*To the Honorable
 The House of Representatives
 Of the State of Delaware.*

The Petition of John Randel, jr. respectfully Sheweth,

That your Petitioner feeling a deep interest in a bill, entitled "A supplement to the act, entitled "An act to expedite suits against Corporations,"

Now pending, in the House of Representatives, and being desirous that ample time should be afforded for a due consideration of the same, your Petitioner therefore, respectfully requests, that the same may be postponed, to some day of the ensuing week.

JOHN RANDEL, Jr.

Dover, 30th January, 1835.

Whereupon,

On motion of Mr. Marim,

The further consideration of the bill, entitled "A supplement to the act, entitled "An act to expedite suits against corporations,"

Was postponed 'till next Friday, (this day week.)

On motion,

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

SATURDAY, 10 o'clock A. M. Jan. 31, 1835.

The House assembled pursuant to adjournment.

On motion of Mr. Parker,

The bill, entitled "An act to repeal the act, entitled 'An act to form two hundreds of what was heretofore Broadkill hundred in Sussex;'"

Was read a third time, by paragraphs, and

Passed the House.

Ordered, That it be retuned to the Senate.

Mr. Clements moved,

Seconded by Mr. Frame,

That the Rule which requires bills to be amended,

On the second reading,

Be suspended, to give him the privilege, of offering an amendment to

The bill, entitled "A supplement to the act, entitled "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of the Cow marsh, situated in the forest of Murderkill hundred, in Kent County, and State of Delaware, to cut a ditch or ditches, drain or drains, through the same, and to keep said ditches, and drains open, and in good repair;"

Which motion,

Prevailed.

Mr. Clements, then proposed on amendment;

Which was,

On his motion,

Read, and

Adopted.

Mr. Frame laid on the table a communication from Elijah Gordy;

Which was,

On his motion,

Read, and referred to a committee of three members:

Messrs. Davis, Parker, and Herdman, were appointed said committee.

Mr. Marim, presented the account of Daniel Godwin;

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Mr. Speaker appointed,

Messrs. Marim, Johnson, and Lodge, said committee.

Mr. Deakyné presented the petition of sundry persons of Newcastle County, relative to the granting of tavern licenses,

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

Messrs. Herdman, Biddle, and Davis, were appointed said committee.

Mr. Harrington, laid on the table two remonstrances from sundry citizens of Milford and Mispillion hundreds, remonstrating against the re-union of said hundreds;

Which were,
On his motion,
Read, and referred to a committee on that subject.

A message from the Senate by Mr. Clayton, their Clerk.

MR. SPEAKER:

I am directed to present for concurrence a bill, entitled "A supplement to the act, entitled "An additional supplement to the act, entitled 'An act to enable the president, Derector's, and company, of the commercial Bank of Delaware, to close the concerns of that Bank."

The Senate have concurred in the bill, entitled "An act to repeal an act entitled 'A supplement to the act entitled "An act to restrain persons from suffering swine to go at large within certain limits,""

And in

The bill, entitled "An act to revive an act, entitled 'An act to enable Turpin, Jacob, & Charles Wright, and John Gibbons, of Sussex County, to locate certain vacant lands, in North West Fork hundred, in said county, and complete their title to the same."

And then he withdrew.

On motion of Mr Jacobs,

The bill, entitled "A 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 Bridge Branch, situate in North West Fork hundred, Sussex County, to cut a ditch or drain through the same:"

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

On motion of Clements,

The bill, entitled "A supplement to the act entitled "An act to authorize the owners, and possessors, of the marsh and low grounds, commonly called, and known by the name of the Cow-marsh, situated in

the forest of Murderkill hundred, in Kent County and State of Delaware to cut a ditch or ditches, drain or drains, through the same, and to keep said ditches, and drains open, and in good repair;"

Was read a third time, by paragraphs, as amended, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

On motion of Mr. Marim,

The bill, entitled "An act to authorize Clement Nowell, and John A. Banning, to erect a gate across a public road;"

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

On motion of Mr. Davis,

The bill, entitled "An act to repeal the act, entitled 'An additional supplement to an act, to restrain persons from suffering swine to go at large, within certain limits;'"

Was read a second time.

On motion of Mr. Herdman,

The bill, entitled "A supplement to the act, entitled 'An act the more effectually to prevent swine from running at large in the village of Middletown, and its vicinity;'"

Was read a second time.

On motion of Mr. Herdman,

The bill, entitled "A supplement to the act, entitled 'An act to prevent the use of fire arms, by free Negroes, and free Mulattoes and for other purposes,'"

Was read a second time.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

I have been directed to present for concurrence,

A bill, entitled "An act authorizing Isaac G. Colesberry, guardian of Elizabeth Reynolds, a minor, to sell and convey the interest of the said minor, in certain real estate, in New Castle County."

The Senate have passed the bill, entitled "A supplement to the act entitled 'An act providing for the recovery of small debts,'"

With an amendment, in which I am directed to request the concurrence of the House.

And then he withdrew.

On motion of Mr. Herdman,

The communication from the Senate,

Was read, viz:

"IN SENATE Jan. 30, 1835.

Amend the bill, by striking out the 2d section, and inserting the following,

Sec. 2: Be it further enacted that no garnishee summoned on any execution attachment or other attachment issued or to be issued according to any of the provisions, of the said act, to which this is a supplement shall be liable or bound to answer or plead to the same touching or in regard to any monies or rights arising from any contract or agreement for personal labour, hire, or service, of the defendant, which shall come to or in the hands, or possession of such garnishee at any time, after or since, he was or shall be so summoned, as such garnishee, and that such attachment shall not relate to or affect any monies or rights arising from any contract, or agreement for personal labour, hire or service, of the defendant, which shall, or may come to, or in the hands, or possession of any such garnishee at any time after he was, or shall be so summoned, as aforesaid."

"Extract from the Journal,

"J. H. M. CLAYTON, Clerk.

"For concurrence."

On motion of Mr. Frame,
The amendment was amended; viz:

Amend the amendment made by the Senate, as follows, viz:

1. Between the words "enacted" and "that," in the first line of said amendment, insert the words, "and declared."
2. Between the words "any," and "monies," in the 7th and 14th lines of said amendment, insert the word "credits."

Mr. Frame then moved,
That the amendment,

As amended,

Be concurred in;

Which motion,

Prevailed.

Mr. Marim, chairman of the committee to which was referred so much of the Governors message as relates to the Free School system and to the further support, and endowment of the New Ark College,

Asked, and

On motion of Mr. Herdman,

Obtained leave for the committee to be discharged from all further consideration of the subject.

Mr. Marim, chairman of the committee, to which was referred the Resolution, to enquire into the expediency of enlarging the Chamber, of the House of Representatives, submitted the following Report,

Which was,
On his motion,
Read, and

Adopted, to wit:

The committee, who were instructed by the Resolution of this House, to enquire into the expediency of enlarging the Chamber of the House of Representatives, and the construction of a room for the Library of the General Assembly; beg leave to report:

That they have had the subject under consideration, and have examined the building in reference to its capabilities of enlargement, or improvement, so as to effect the objects contemplated by the resolution; and they are of opinion that the design is practicable on either of the following plans.

1st. By removing a part of the south gable end of the building from the top thereof to the floor of the present Chamber of the House, and extending the outer walls, about $16\frac{1}{2}$ feet to the line of John M. Clayton, Esq. This would increase the length of the Chamber about 15 feet retaining its present width, making a room $39\frac{1}{2}$ feet, by $21\frac{1}{2}$ feet and would also furnish a Library room on the same floor, 15 by 14 feet. The lower floor would furnish one large, or two small offices, with a passage between them and the present Prothonotary's, and Recorders offices. This plan would require 72 feet of outer wall. The objections to it are, that it would destroy the symmetry and uniformity of the building; darken the Prothonotary's and Recorders offices; stop up the alley south of the Court House, and materially injure the owner of the adjoining lot by blocking up the access to his back buildings. These objections, particularly the first, suggested another plan.

2nd. That of extending the building at both ends about $16\frac{1}{2}$ feet, turning arches over both alleys and dropping shed roofs. This would make the same Chamber for the House and Library rooms as in the first plan, and would give two rooms at the north end on the same floor with the Senate Chamber; but it would be liable to the same objection of darkening the public offices and also the Senate Chamber, and Levy Court room. It would require double the length or about 144 feet of outer wall.

Your committee, regarding these objections, as entitled to considerable weight, though not perhaps insurmountable, thought themselves authorized by the spirit of the resolution, to enquire if some other plan could not be devised, which would better effect the object of the House, without confining themselves to an alteration of its present Chamber. And they are satisfied that any alteration of the present building for the purposes contemplated by the resolution, can be effected with less expense and danger to the stability of the House itself, by taking out a portion of the back wall and running a building directly back from the centre, of such dimensions as may be suitable for a new chamber for the House. They therefore recommend the following plan:

3d. From the back of the Court House erect a building of the width of the Court room, and about 35 or 40 feet in length, with a square roof

falling north and south at right angles with the Court House. This will require from 100 to 113 feet of new outer wall. It will furnish a Chamber for the House of 40 by 33 feet with a Library room on the first floor 33 by 24 (or a Library room and Secretary's office) a passage of 6 feet, and an addition of 10 feet to the Court room which is necessary on account of light, but which in itself is desirable. In addition to this the present Chamber of the House is saved for other purposes, which in either of the other plans suggested, is used.

The entry to the proposed Chamber, would be from the centre of the semi-circle, at the back of the building, and on the second floor; the entry to the gallery, from the water room on the south, or the Levy Court rooms on the north, or both; and a room of 40 by 33, would afford a handsome lobby of 10 feet wide, which would be on each side of the entrance. The communication with the Library room should be, by stairs from the Chamber, and also through the Court room; that with the Secretary's office, externally through the entry, or the Court room.

Your committee believe the plan to be practicable, and expedient. They do not think proper to detain the House, with any arguments for the necessity of doing something, to render the sittings of this body, convenient and comfortable, to save from destruction and decay the valuable books and papers, the property of the State, and to make them accessible to the Legislature the Courts and public officers. The members have daily experience of the unsuitableness of their present Chamber for the accommodation of this body; they are aware of the inconveniences arising from a want of some suitable place for their own books and papers, and those of the Senate, but they may not all be aware of the fact that there is in the Secretary's office a much larger collection of books, maps and valuable papers embracing all the archives of the State, in a state of rapid decay and destruction, many of which are boxed up, and all of them rendered comparatively useless for want of suitable means of access to them.

With a view to remedy these evils your committee ask leave to report a bill.

Mr. Booth moved,
That the House adjourn to ten o'clock on Monday morning next.
Which motion,

Was lost.

On motion of Mr. Marim,
The House adjourned to three o'clock this afternoon:

— 11:20 —

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

The House assembled pursuant to adjournment.

On motion of Mr. Frame,

The bill, entitled "An act to incorporate a company, for the purpose of making a Canal or Canals, from the head waters of Lewes Creek, to connect the same, with the waters of Rehoboth Bay, and Indian Riv-

er, and to clear out and improve the sounds along the Sea coast, of the States of Virginia, Maryland and this State, and for other purposes;"

Was read a third time, by paragraphs, and

Passed the House, nemine dissente.

Ordered, That it be returned to the Senate.

On motion of Mr. Frame,

The bill, entitled "An act to incorporate the Wilmington Gas company, in the City of Wilmington;"

Was read a second time,

And amended, as follows; to wit:

"Amend the bill, by adding the following proviso, to the end of the eighth Section, viz:

"Provided nevertheless, that the Capital stock, of the said company, shall not exceed the sum of thirty thousand dollars, and that the stock, from time to time subscribed, shall be paid in by the subscribers to the same."

Mr. Frame, chairman of the committee, to which was referred the Petition of the owners and possessors, of the marsh and low grounds, on, and contiguous to Ingram's Branch, situate in Mispillion hundred, reported

A bill, entitled "An act for the relief of the owners and possessors of the marsh and low grounds, on, contiguous, and adjacent to Ingram's Branch, situate in Mispillion hundred, Kent County;"

Which was,

On his motion,

Read.

On motion of Mr. Herdman,

The bill, entitled "An act to incorporate the Wilmington Gas company, in the City of Wilmington;"

Was by special order, read a third time by paragraphs, and

Passed the House, as amended, nemine dissente.

Ordered, That it be returned to the Senate for concurrence, in the amendments.

On motion,

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

—•••••

MONDAY, 10 o'clock, A. M. Feb. 2, 1835.

The House assembled pursuant to adjournment.

Mr. Lodge presented a Remonstrance from sundry citizens of Mis-

pillion and Milford hundreds, remonstrating against the re-union of said hundreds into one election district;

Which was,
On his motion,
Read and referred to the committee on that subject.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the amendment made by the House, to the amendment of the Senate to the bill, entitled "A supplement to the act, entitled "An act providing for the recovery of small debts.

The Senate have concurred in the amendment, made by the House to the bill, entitled "An act to incorporate the Wilmington Gas company, in the City of Wilmington."

The Senate have concurred in the bill, entitled "An act to incorporate the Lewes and Millsboro' Rail Road company."

And in

The bill entitled, "An act concerning the new Jail in Sussex County, and other matters therein mentioned."

The Senate have appointed Messrs. Hazzard, and Smithers, as a committee of conference on the part of the Senate to confer with such committee, as the House of Representatives may appoint, on the bill, entitled "A further additional supplement to the act entitled "An act for the establishment of Free Schools."

I have been directed to present for the signature of the Speaker, sundry enrolled bills, which have received the signature of the speaker of the Senate, entitled as follow, viz:

1. "An act for the relief of the Trustees of the Academy of New Ark.
2. "A supplement to the act, entitled "An act to incorporate the Wilmington and Susquehanna Rail Road company."
3. "An act to incorporate the members of the Phoenix fire company in the city of Wilmington;" and
4. "An act for the relief of certain minors therein mentioned."

And then he withdrew.

On motion of Mr. Marim,
The bill, entitled "An act supplementary to the act entitled "An act for the preservation of certain Shell Fisheries, within this State;"
Was taken up for consideration.

Mr. Marim then moved,
That the rule which requires amendments to be made on the second reading of bills be suspended,

Which motion,

Prevailed.

Mr. Marim then proposed sundry amendments,

Which were,
On his motion;
Read, and

Adopted.

Mr. Boone, then proposed the following as the fourth Section of the bill,

Which was,
On his motion,
Read, viz:

Section 4. And be it enacted that it shall not be lawful for any person, or persons whatsoever, to use a dredge, rake or tongs, or any other instrument whatsoever in gathering or collecting oysters in the waters of Murderkill, or St. Jones Creeks, in Kent County, at any time between the first day of May and the first day of October in this, or any year hereafter.

“Make Section 4, Section 5.”

On motion of Mr. Boone,
The amendment was

Adopted

And

On motion of Mr. Marim,
The bill was then read a third time by paragraphs,

As amended, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

On motion of Mr. Herdman,
The bill entitled a supplement to the act, entitled “An act to prevent the use of fire arms by free negroes, and free mulattoes, and for other purposes,”

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be returned to the Senate.

On motion of Mr. Herdman,
The bill, entitled “A supplement to the act entitled “An act the more effectually to prevent swine from running at large in the village of Middletown and its vicinity,”

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be returned to the Senate.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have adopted a "Resolution to adjourn on the 10th inst. without day," in which I am directed to request the concurrence of the House.

The Senate have concurred in the bill, entitled "An act for the relief of Barton Waples, of Sussex County."

And then he withdrew.

Mr. Clements moved,

That a committee of conference, to consist of three members, be appointed on the part of the House to confer with the committee on the part of the Senate on the disagreement to the amendments to the bill entitled "A further additional supplement to the act entitled, "An act for the establishment of Free Schools,"

Which motion,

Prevailed,

Whereupon,

Messrs. Clements, Marim, and Herdman, were appointed said committee.

Mr. Fiddeman presented the Petition of the owners and possessors of the Big Marsh of Marshy Hope,

Which was,

On his motion,

Read, and referred to a committee of three members,

Messrs. Fiddeman, Herdman, and Davis, were appointed said committee.

On motion of Mr. Davis,

The bill entitled "An act to repeal the act, entitled "An additional supplement to "An act to restrain persons from suffering swine to go at large, within certain limits,"

Was read a third time, by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

Mr. Frame, chairman of the committee to which was referred so much of the Governor's message as relates to the existing relations between this Government and France, the repeal of the present Militia system, and the raising of volunteer companies by offering inducements to non-commissioned officers, and privates, reported

The following Resolutions,

Which were,

On his motion,

Read, and

Adopted, to wit:

Resolved, That the intercourse and relations, between the United States and all foreign countries having been wisely and exclusively entrusted by the Federal Constitution to the management and control of the General Government, this General Assembly, by Legislating on the subject of our existing relations with France, would be stepping beyond its legitimate and Constitutional sphere of action.

Resolved, That this House highly commends the wisdom, moderation and sound policy which dictated the report of the committee of Foreign Relations in the Senate of the United States, on the present state of our French affairs; and cordially approves of the action and resolution of the Senate thereon.

Resolved, That this House can discover no present occasion, for a re-organization of the Militia system of this State; and that any Legislation on that subject, is deemed inexpedient.

On motion of Mr. Frame,

Seconded by Mr. Marim,

The committee was discharged,

Mr. Frame then moved,

Seconded by Mr. Marim,

That the committee to which was referred so much of the Governor's Message as relates to the currency of the country and to issues of notes by Banks, in this State of a less denomination than five dollars;"

Be discharged;

Which motion,

Prevailed.

On motion,

The House adjourned to three o'clock this afternoon.

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

The House assembled pursuant to adjournment.

On motion of Mr. Frame,

The bill, entitled "A further supplement to the act entitled "An act vesting the Partition of lands and tenements, among Joint Tenants and Tenants in common,"

Was

Indefinitely postponed.

Ordered, That the Senate be informed thereof.

On motion of Mr Johnson,
The bill entitled "An act for the preservation of certain records in the Orphans' Court, in Sussex County;"

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be returned to the Senate.

Mr. Frame asked, and

On motion of Mr. Davis,

Obtained leave, to introduce a bill entitled "An act to repeal the act entitled "A further supplement to the act entitled "An act respecting the partition of lands and tenements among Joint Tenants and Tenants in common;"

Which was,

On his motion,

Read.

Mr. Marim, from the committee of conference, appointed this morning submitted the following report,

Which was,

On his motion.

Read, and

Adopted, to wit:

The committee of conference appointed by the House, to confer with a like committee of the Senate, on the disagreement of the House, to the amendment of the Senate to the bill entitled "A further additional supplement to the act, entitled, "An act for the establishment of Free Schools;"

Have agreed to report:

That, the House shall recede from its disagreement to the amendments proposed by the Senate."

Ordered, That the Senate be informed thereof.

On motion of Mr. Marim,

The bill, entitled "A supplement to the act entitled "An additional supplement to the act entitled "An act to enenable the President, Directors, and Company of the Commercial Bank of Delaware, to close the concerns of that Bank;"

Was read a second time:

Mr. Clements moved,

Seconded by Mr. Marim,

That, two members be added to the committee of enrolment,

Which motion,

Prevailed,

Whereupon,

MR. SPEAKER

Announced Messrs. Jacobs, and Boone, as the additional members of said committee.

On motion of Mr. Marim,

The bill, entitled "An additional supplement to the act entitled, "An act providing for the election of Constables and concerning elections of Inspectors and Assessors;"

Was read a second time.

On motion of Mr. Herdman,

The bill, entitled "An act authorizing Isaac G. Colesberry, guardian of Elizabeth Reynolds, a minor, to sell and convey the interest of the said minor, in certain real estate in New Castle county,"

Was read a second time.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the bill entitled, "An act authorizing Zadock Aydelott, administrator of George Truitt, deceased to sell and convey certain lands therein mentioned."

And then he withdrew.

On motion of Mr. Frame,

The bill, entitled "An act for the relief of the owners and possessors of the marsh and lowgrounds on, contiguous, and adjacent to Ingram's Branch, situate in Mispillion hundred, in Kent County,"

Was read a second time by its title;

Mr. Frame, then proposed the following amendments,

Which were,
On his motion,
Read, and

Adopted viz.

Amend the bill as follow; viz:

1. Fill the blank in the *first* section with the names of Joel Clement, Peter L. Cooper, and David Marvel.

2. Fill the blank in the 16th section, with the following words, "*Such sum as shall be determined on by the managers.*"

3. Add the following section viz

Sec. 25.—And be it further enacted that the said owners and possessors shall have the power, by vote or resolution, at any annual meeting to change the number of managers of said Company by diminishing or increasing the number of the same—and also to vary, change and fix the per-diem, or other compensation of said managers, & of the Treasurer of said company."

On motion,

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

TUESDAY, 10 o'clock, A. M. Feb. 3d. 1835.

The House assembled, pursuant to adjournment.

Mr. Frame, presented the petition of

Messrs. J. B. Newman, John Hemphill, W. Bunker, and J. B. Clement, praying certain enactments therein mentioned.

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Messrs. Frame, Davis, and Lodge, were appointed said committee.

A message from the Senate by Mr. Clayton, their Clerk.

MR. SPEAKER:

I have been directed to present for concurrence,

A bill, entitled "A supplement to the act, entitled 'An act directing the manner of suing out attachments within this Government,'"

And a bill, entitled "A further additional supplement to the act regulating the General election;"

And then he withdrew.

On motion of Mr. Clements,

The communication from the Senate,

Was read.

Mr Marim, then submitted the following preamble and Resolution,

Which was,

On his motion,

Read, viz:

Whereas, this House having already decided against the provisions of the bill, just received, from the Senate, entitled "A further additional supplement to the act regulating the General Elections,"

In the vote which it gave against the amendment proposed by Mr. Frame, to the bill, entitled "An act to provide for the removal of the seat of Justice, from the Town of New Castle, to the city of Wilmington,"

Which amendment was substantially the same, as the bill now before the House, any legislative action, on the part of the house, in relation to the said bill would be unparliamentary,

Therefore;

Resolved, That the said bill, entitled "A further additional supplement to the act regulating the General Election,"

Be, and the same is hereby

Indefinitely postponed.

Mr. Marim, then moved,

Seconded by Mr. Biddle.

For the adoption of the Resolution,

And the question

Was decided in the affirmative,

By yeas, and nays,

Called by request of Mr. Marim,

They were as follow; viz:

Yeas.—Messrs. Biddle, Booth, Clements, Davis, Deakyne, Fiddleman, Frame, Harrington Jacobs, Johnson, Lewis, Marim, Parker, Raymond, and Mr. Speaker,—15 yeas.

Nays.—Messrs. Boone, Evans, Harlan, Herdman, and Lodge,—5 nays.

And thus the Resolution,

Was

Adopted.

And

The bill, entitled "A further additional supplement to the act regulating the General Elections,"

Was

Indefinitely postponed:

Whereupon,

On motion of Mr. Frame,

Ordered, That the Senate be forthwith informed of the Indefinite postponement of said bill, by the House of Representatives;

Mr. Marim performed that service.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

I have been directed to present for concurrence,

A bill, entitled "An act to prevent unnecessary imprisonment for the execution of Judgments in civil cases,"

The Senate have concurred in the bill, entitled "An act to amend the act entitled, 'An act concerning the Orphans Court,'"

The Senate have concurred the bill, entitled "An act entitled, 'An 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 I am directed to request the concurrence of the House.

And then he withdrew.

On motion of Mr. Clements,

The communication from the Senate,
Was read.

"IN SENATE, Feb. 8d, 1835."

"Amend the bill by adding after the word "described" in the 6th line of the preamble the following words, "in the said act to which this is an additional supplement;"

Further amend the bill by adding after the word "described" in the 7th line of the first section, the words "in the said act to which this is an additional supplement."

•Extract from the Journal,

"J. H. M. CLAYTON, Clerk."

"For concurrence,"

On motion of Mr. Boone,

The above amendment to the bill, entitled "An act entitled, An additional supplement to the act entitled "An act to restrain persons from suffering swine to go at large within certain limits;"

Was concurred in.

On motion of Mr. Herdman,

The bill, entitled "An act authorizing Isaac G. Colesberry, guardian of Elizabeth Reynolds, a minor, to sell and convey, the interest of the said minor, in certain real estate in New Castle County,"

Was read a third time, by paragraphs, and

Passed the House.

Ordered, That it be returned to the Senate.

Mr. Marim, Chairman of the committee, to which was referred the petition of the citizens of Leipsic and its vicinity, relative to a Hog law,

Reported a bill, entitled "An act supplementary to the act to restrain persons from suffering swine to go at large within certain limits;"

Which was,

On his motion,

Read.

On motion of Mr. Marim,

The bill, entitled "A supplement to the act entitled "An additional supplement to the act entitled "An act to enable the President, Directors, and Company of the Commercial Bank of Delaware, to close the concerns of that Bank,"

Was read a third time, by paragraphs, and

Passed the House.

Ordered, That it be returned to the Senate.

Mr. Clements, Chairman of the committee of enrolment, reported bills, of the following titles, as duly, and correctly enrolled, and ready for the signature of the Speaker; viz:

1. "An act to repeal an act entitled, 'A supplement to the act entitled, 'An act to restrain persons from suffering swine to go at large within certain limits.'"

2. "An act to vest in Mary Mitchelmore, widow of the Rev. John Mitchelmore, deceased, all the right and title of the State of Delaware, in, and to; all the real estate of which the said deceased, died seired, possessed of or entitled to, in the County of Sussex, in this State."

3. "An additional supplement to the act entitled, 'An act fixing the time of holding the Courts of law and Equity in this State.'"

4. "A supplement to the act, entitled 'An act concerning the Auditor of accounts.'"

5. "An act to authorize the sale of the school house, and lot on which it is situated, in school district No. 6. in New Castle County."

6. "Resolution directing the Secretary of State to have bound one hundred copies each, of the 7th, and 8th, volumes of the Delaware laws."

7. "An act to revive an act entitled, 'An act to enable Turpin, Jacob, and Charles Wright, and John Gibbons of Sussex County, to locate certain vacant lands in North West Fork hundred, in said County; and complete their title to said lands.'"

8. "An act for the relief of Burton Waples of Sussex County."

9. "An act to provide for the Instruction of the Indigent Blind of this State."

10. "An act for the relief of the trustees of Academy of New Ark."

11. "A supplement to the act entitled 'An act to incorporate the Wilmington and Susquehannah Rail Road Company.'"

12. "An act for the relief of certain minors therein mentioned."

13. "An act to incorporate the members of Phoenix Fire company, in the city of Wilmington."

On motion,

The House adjourned to three o'clock this afternoon.

—•••••

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

The House assembled pursuant to adjournment.

Mr. Marim, presented the petition of sundry citizens, of Kent County, praying the General Assembly to pass a law, authorizing them to lay off a new school District;

Which was,

On his motion,

Read, and referred to a committee of three members:

Messrs. Harrington, Boone, and Parker, were appointed said committee.

Mr. Frame, chairman of the committee, to which was referred the petition of J.B. Newman, John Hemphill, N. Bunker, & J.B. Clement, reported a bill, entitled "An act to revive and renew the act entitled 'An act to incorporate the Brandywine, and Christiana Manufacturing company, and to extend the provisions of the same to the corporation in, and by this act created;'"

Which was,
On his motion,
Read,

A message from the Senate by Mr. Clayton, their Clerk.

Mr. SPEAKER:

The Senate have concurred in bills of the following titles, viz:

1. "An act to authorize Clement Nowell, and John A. Banning, to erect a gate a cross a public road."
2. "An additional supplement to the act entitled 'An act directing the manner of choosing commissioners to regulate & repair the streets of Millford, and for other purposes.'"
3. "A supplement to the act entitled 'An act to incorporate a company for the purpose of cutting and making a Canal between the waters of the Nanticoke River and Broadkirk Creek, in Sussex County, and for other purposes.'"

And then he withdrew.

On motion of Mr. Frame,

The bill, entitled "An act to repeal the act entitled 'A further supplement to the act entitled, 'An act respecting the partition of lands and tenements, among joint tenants, and tenants in common.'"

Was read a second time.

On motion of Mr. Frame,

The bill, entitled "An act for the relief of the owners and possessors of the marsh and lowgrounds, on, contiguous, and adjacent to Ingrams Branch, situate in Mispillion hundred, in Kent County;

Was read a third time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate for concurrence.

Mr. Herdman, Chairman of the committee, to which was referred the petition of sundry citizens of Newcastle county, on the subject of granting licenses to tavern keepers,

Reported that the committee had had the subject under consideration, and had instructed him to report that, the committee deemed it inexpedient to legislate upon the subject.

Mr. Herdman, then asked,
And

On motion of Mr. Evans,
Obtained leave for the committee to be discharged.

On motion of Mr. Marim,

The bill, entitled "An act to prevent unnecessary imprisonment for the execution of Judgments in civil cases,"

Was taken up and postponed, till the fourth day of July.

On motion of Mr. Jacobs,

The bill, entitled "An act to amend the act entitled 'An act to incorporate a company to erect a drawbridge over the river Nanticoke at Seaford and for other purposes therein mentioned,'"

Was read a second time and amended as follow, viz:

Add the following as Section 2d.

Sec. 2. And be it enacted that the commissioners named in the first section of the act which this is intended to amend, on a majority of them, or the survivors of them, or a majority of such survivors, be and they are hereby authorized and empowered to do and perform all the acts which the said act required to be done or performed by the said commissioners, or a majority of them; & all and every the duty or duties which said act required to be done or performed by the said commissioners or a majority of them, in the year of our Lord one thousand Eight hundred & thirty two, shall be good and available if done or performed by said commissioners or a majority of them or the survivors of them or a majority of such survivors at any time during the present year.

Make sections 2 and 3—sections 3 and 4.

Sec. 5. And be it enacted that the act aforesaid as hereby amended, be and the same is hereby revived and declared to be in full force from and after the passing of this act.

Mr. Clements submitted the following Resolution.

Which was
On his motion,
Read, and

Adopted, to wit:

Resolved that a committee of three members be appointed whose duty shall be to take into consideration the subject of the public lands belonging to the United States, with leave to report by resolution or otherwise.

Whereupon,

Messrs. Marim, Clements, and Herdman, were appointed said committee.

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

WEDNESDAY, 10 o'clock, A. M. Feb. 4, 1855.

The House assembled pursuant to adjournment.

Mr. Herdman moved,

Seconded by Mr. Evans,

That the vote, taken yesterday, on the postponement till the fourth day of July, of the bill, entitled "An act to prevent unnecessary imprisonment for the execution of Judgements in civil cases;"

Be reconsidered;

The question was decided by yeas and Nays,

Called by the request of Mr. Herdman;

Those who voted in the affirmative are:

Messrs. Biddle, Boone, Evans, Harlan, Herdman, and Lodge.
6 yeas.

Those who voted in the negative are:

Messrs. Clements, Davis, Deakyne, Fiddeman, Frame, Harrington, Jacobs, Johnson, Lewis, Marim, Parker, Raymond, and Mr. Speaker.—13 nays.

And thus

The House refused to re-consider said vote.

On motion of Mr. Frame,

The bill, entitled "An act to revive and renew the act, entitled "An act to incorporate the Brandywine and Christiana Manufacturing company, and to extend the provisions of the same to the corporation, in, and by this act created;"

Was read a second time,

And amended,

As follows, viz:

Amend the Preamble of the bill, by striking out the words, "and the said Thomas Fisher, in the said acts named having died," and by inserting between the word, "*Clement*," and the word "*therefore*," in the last line of said Preamble,

The following viz:

"The said Thomas Fisher in said Acts named, having sold out to them, all his interest in said estate.

2. Amend the sixth Section, by striking out the word "twelve," and inserting in lieu thereof the word "*twenty-four*."

Mr. Frame asked, and

On motion of Mr. Clements,

Obtained leave to introduce a bill, entitled "A supplement to the

act, entitled "An act concerning free Negroes, free Mulattoes, slaves and others;"

Which was,

On his motion,

Read.

On motion of Mr. Raymond,

The bill, entitled "An act supplementary, to the act to restrain persons from suffering swine to go at large within certain limits;"

Was read a second time.

Mr. Herdman presented the Petition of Edward Miller, alias Remington, praying certain enactments therein mentioned;"

Which was,

On his motion,

Read, and referred to a committee of three members;

Messrs. Herdman, Marim, and Lewis, were appointed said committee.

Mr. Clayton, clerk of the Senate, being admitted, presented for concurrence,

A bill, entitled "An act allowing an additional Constable in White Clay Creek hundred, in New Castle County,"

And at the same time returned

The bill, entitled "An act supplementary to the act, entitled "An act for the preservation of certain shell fisheries within this State."

Concurred in,

With an amendment,

In which the concurrence of the House,

Was requested,

And then he withdrew.

On motion of Mr. Davis,

The communication from the Senate,

Was read; viz:

"IN SENATE, Feb. 8, 1835.

Amend the bill, by striking out the word "Rake" in the last line of the 3d Section, and by striking off the 4th Section; also, add the words, "one half of which fine shall be paid to the person suing for the same, and the other half, be for the use of the State," "to the end of the fifth Section."

"Extract from the Journal,

"J. H. M. CLAYTON, Clerk.

"For concurrence."

Mr. Davis, chairman of the Committee, to which was referred the Petition of Elijah Gordy, reported

That the committee had had the subject under consideration, and instructed him to report, unfavourably, to the prayer of the Petitioner;

On motion of Mr. Frame,

The Report was

Adopted.

On motion of Mr. Davis,

The committee was discharged.

On motion of Mr. Frame,

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

Was read a third time by special order, by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate, for concurrence.

Mr. Marim submitted the following Resolutions,

Which were,
On his motion,
Read, and

Adopted, viz.

Resolved, That Mr. Booth, and Mr. Deakyne, members from New Castle County, who were absent yesterday when the vote was taken on the preamble and resolution postponing the bill from the Senate, entitled "A further additional supplement to the act regulating the General Election," be now permitted to record their votes on said question.

Resolved, That the clerk now take their votes by calling their names, and, that the Journal of the House of yesterday be so far amended, as to include their names in the list of yeas and nays, precisely as if they had voted when the question was taken.

Whereupon,

In pursuance of the foregoing Resolutions,

The clerk proceeded to call the names of Mr. Booth, and Mr. Deakyne;

They both answered in the affirmative,

And their names were entered in the Journal of yesterday accordingly.

Mr. Frame asked, and

On motion of Mr. Clements,

Obtained leave to introduce a bill, entitled "A supplement to the act entitled, "An act providing for the recovery of small debts;"

Which was,

On his motion,

Read.

Mr. Marim, presented the Petition of sundry citizens of Kent County in Delaware, and Caroline County in the State of Maryland, praying certain enactments, therein mentioned,

Which was,

On his motion,

Read and referred to a committee of three members.

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

Mr. Clements, chairman of the committee of enrolment, reported bills of the following titles, as duly and correctly enrolled, and ready for the signature of the speaker, viz:

1. "An act entitled "An additional supplement to the act entitled, "An act to restrain persons from suffering swine to go at large within certain limits."

2. "An act to amend the act entitled, "An act concerning the Orphans' Court."

3. "An act to authorize Clement Nowell, and John A. Banning, to erect a gate across a public road."

"4. A further additional supplement to the act entitled, "An act for the establishment of Free Schools."

5. "An act concerning the New Jail in Sussex County, and other matters therein mentioned."

6. "An act authorising Zadock Aydelott, administrator of George Truitt, deceased, to sell and convey certain lands therein mentioned,"

On motion,

The House adjourned to three o'clock this afternoon.

— m e e t i n g —

Eodem Die, 3 o'clock P. M.

The House assembled pursuant to adjournment.

Mr. Marim, chairman of the committee, to which was referred the

Petition of sundry citizens of Maryland, and Delaware, praying certain enactments therein mentioned, reported

A bill, entitled "An act to confirm and give effect in the State of Delaware to "An act of the General Assembly of Maryland entitled, "An act to incorporate the Tidy's Island company;"

Which was,
On his motion,
Read.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the bill, entitled "An act to enable John D. Ewing, and Eliza G. Ewing, to sell and convey a certain piece of land therein mentioned."

The Senate have concurred in the bill, entitled a supplement to the act, entitled "An act to authorize the owners and possessors of the Marsh and low grounds commonly called and known by the name of Cow marsh, situated in the forest of Murderkill hundred in Kent County and State of Delaware, to cut a ditch, or ditches, drain or drains through the same, and to keep said ditches and drains open, and in good repair,"

And then he withdrew.

Mr. Herdman asked, and

On motion of Mr. Marim;

Obtained leave to introduce a bill, entitled "An act authorize the sale of certain real estate late of John Evans, of White Clay Creek hundred, New Castle County, deceased;"

Which was,
On his motion,
Read.

Mr. Herdman presented the Petition of sundry citizens of Red Lion hundred New Castle County, praying the General Assembly to pass a law, relative to the place of holding the General Election;

Which was,
On his motion,

Read, and referred to a committee of three members.

Whereupon,

Messrs. Herdman, Boone, and Davis, were appointed said committee.

On motion of Mr. Frame,

The bill, entitled "An act to enable the Trustees of the Delaware College to raise a sum not exceeding one hundred thousand dollars for the purpose of raising funds for the use of the Delaware College;"

Was read a second time.

Mr. Frame then proposed the following amendments,

Which were,

On his motion,

Read and

Adopted, viz:

1. Amend the title of the bill by striking out all after the words "An act," and inserting the words, "authorizing a Lottery for the benefit of Delaware College and for other purposes therein mentioned."

2. Amend the first section by striking out all after the word "applied" in the last line, and inserting the words "in the following manner, to wit, seventy five thousand dollars thereof for the use and benefit of 'Delaware College,' and twenty five thousand dollars thereof for building and furnishing a State House in the town of Dover."

3. Amend section 2, by striking out the words "the Treasurer of," in the 6th line.

4. Add at the end of said section, the following, "which bonds shall be forthwith deposited with the State Treasurer, each of the said managers shall also before entering upon his said office take and subscribe on oath or affirmation faithfully to perform the duties required of him by this act:—They shall appoint three commissioners to attend the drawing of the said Lottery and every class thereof, on every day of drawing: the said Lottery and every class thereof shall be drawn in the City of Wilmington, and when the drawing of any class is completed the said commissioners shall cause an accurate list of the numbers drawn to be published in one of the newspapers published in the said City of Wilmington, one newspaper in the City of Philadelphia, and one in the City of Baltimore. The Governor shall have power to fill any vacancy occurring in the said board of managers by death refusal to serve or otherwise, and the person so appointed shall give bond and be sworn or affirmed as aforesaid."

5. Amend section 3, by striking out the proviso at the end of said section, beginning with the word "provided" in the 11th line.

6. Strike out section 4, and make section 5 section 4.

7. Make section 6, section 5, and amend it by striking out the words "if the tickets of said Lottery shall not be sold in five years after the publication of the scheme of said Lottery," & inserting these words "the said Lottery, or any class thereof shall not be drawn within five years from the publication of the scheme of such Lottery or class."

8. Add to the Bill, the following sections.

Sec. 6. And be it enacted, That all money raised by virtue of this act shall be applied to the ~~two~~ objects aforesaid in the proportion three fourths to the Delaware College, and one fourth to the State House and the said money shall be paid over by the said managers, three fourths to the Trustees of the Delaware College, to be invested by the said Trustees as a fund for the endowment and support of the said Co

age; and one fourth to the State Treasurer for the use of the State, to be applied to the building and furnishing a State House in the Town of Dover.

Sec. 7. And be it enacted, That be and they are hereby appointed Commissioners to superintend the building and furnishing a State House, at such place within the said town, and of such size, form and style, as they or a majority of them shall determine upon; and the said Commissioners, or a majority of them, shall have power and authority, out of any money so to be raised by this act and paid to the State Treasurer as aforesaid, to erect and completely finish and furnish the said building in a manner suitable for the accommodation of the Legislature of this State; with such chambers, committee rooms, Library rooms, offices for the Governor and Secretary of State and such other offices and rooms as they shall think proper; and for that purpose to make contracts, employ workmen, procure materials and do all other acts necessary to effect the said object; and also to draw orders on the State Treasurer in payment of said workmen or for such materials, which orders the said Treasurer is hereby authorized and directed to pay out of any money which shall be paid to him as aforesaid by the managers of the Lottery and which shall come into the Treasury from that source but not out of any other money in the Treasury. And the said commissioners shall make report to the General Assembly of all sums expended in the erection of said building or otherwise under this act.

Sec. 8. And be it enacted, That this act shall continue and be in force for ten years from its passage and no longer.

On motion Mr. of Marim,

The amendment made by the Senate to the bill, entitled "An act supplementary to the act entitled "An act for the preservation of certain shell fisheries within this State;"

Was taken up for consideration,

And

On motion of Mr. Parker,

Adopted.

Mr. Frame, chairman of the committee to which was referred the Resolution to inquire into the practicability of devising some efficient plan for reporting and publishing the decisions of the Courts in this State,"

Submitted the following Report,

Which was,
On his motion,
Read, and

Adopted, viz.

The committee appointed to inquire into the practicability of devising some suitable and efficient plan for the reporting and publishing the decisions of the several courts of law and equity of this State, have had that subject under consideration, and beg leave to present the following report.

Your committee considered themselves instructed by the Resolution to inquire into the practicability of obtaining a report of the decisions of our courts, rather than to the *importance* or expediency of such a work; they do not therefore think it necessary to report at large on the latter branch of the subject; but will confine themselves to a brief notice of some of the most prominent views that belong to it. The subject itself is not new, either to the General Assembly or to the public. It has often been considered and discussed with but one opinion as to the propriety of the work and the public benefits to be derived from it, but with various opinions and views as to the most suitable means of accomplishing it. Every department of the Government has, at different times, with remarkable unanimity, joined its recommendation. The judiciary—the bench and the Bar, are unanimous in its favour, anxious for its accomplishment: the executorial department has on several occasions made it the special subject of notice; and the Legislature has repeatedly attempted to carry it into execution. Your committee would beg leave particularly to refer the House to Governor Polk's Message of 1830, as containing views on this subject with which they coincide. Excellency says:

"There is one branch of our system of laws which is involved in too great obscurity. The decisions of our courts, giving a construction to the various statutory provisions, or in declaration of the principles of the common laws, form an important part of our jurisprudence of which we have no means of obtaining information. Yet a knowledge of these decisions is scarcely of less importance to the community than a knowledge of the statute laws. Questions frequently arise in the progress of a cause, and principles are decided, of far greater importance to the public than the matter in dispute between the parties; but for want of some authentic report of the decision, its effect is wholly lost, except in reference to the case in which it is made. The decision itself is soon forgotten, or if at all remembered, it is only to be cited with that uncertainty of recollection which renders it of no authority as a precedent, & the whole matter is to be litigated anew when perhaps, the reference to a record of the previous decision would at once settle the question, if indeed, the existence of such a record had not produced the still more beneficial effect of preventing any litigation on the subject.

And in the following session, Governor Hazzard endorses these opinions of his predecessor and renews the recommendation for carrying them into effect. But though judges and lawyers have advised, and Governors recommended, and Legislatures devised plans for its accomplishment, the object is still not attained. The subject itself as heretofore presented, contained inherent difficulties not easily if at all surmountable. To go back through a space of forty years, and collect decisions from the loose note made on the record, or from such private memorandums as might still be in existence; and to connect with these

decisions such a history of the facts as is necessary to show their point and extent was a work not easily performed. And when it is considered that the merit of such a work depends chiefly on its accuracy in these matters it is very doubtful whether the materials now exist from which to make a satisfactory report of the old decisions. Perhaps also the change that has taken place in our judiciary system, has in the some degree lessened the necessity for such a report. Not but that these decisions would in many instances afford a useful guide and be followed implicitly by the existing Courts; but our system of law as well as of judicature has undergone much change, and many of the old decisions are consequently less applicable to our present condition; and of less authority as precedents than they would have been had things remained unchanged.

The revision and digesting of our laws and the amendment of our Constitution, form a new era in our history and especially in our jurisprudence. We start as it were afresh under a remodeled system, itself governed by remodeled laws. In view of the evils arising from the want of some report of the operations of the old system in its application to individual cases and as a guide in future cases; with experience also of the difficulties if not the impossibility of going far back in the preparation of such a report, your committee would urge upon the House, the importance of making provision now in the starting of the new system to supply this the greatest deficiency of the old. Without such a record of decisions it is next to impossible that they should always be uniform and consistent; and it is quite impossible that the public can ever foresee with certainty what the decision on a given state of facts will be. It is this uncertainty that creates litigation, that multiplies causes, occupies the time of Courts and juries and increases the expenses attendant upon them. And the expense to the public, is but a small item in the calculation; it is the expense to parties, the time lost, the bad feelings engendered and the evil habits acquired in a system of vexatious litigation of matters, that in all probability have been before decided by the same tribunal. It is presumed that scarcely any question can arise of common law, right, or common law obligations, that has not at some time since the organization of our courts, been discussed and decided. The same remark will apply to a great variety of questions arising under our acts of assembly; and yet it is positively true that scarcely a question can arise either upon common law principles or upon positive statutory enactments that may not be said to be still open to argument! And why? Because we have no recorded previous decision to look to as a land mark; no reported case on which a party may repose security and say? I will not argue this matter with my opponent—I hold in my hand the law applicable to my case as heretofore pronounced by this court and by that law will I stand.

The obligation of every community to publish the laws by which its citizens are to be governed is one of the first principles of legislation. Your committee do not think it necessary to enforce this obligation by a single argument. The statutes of your state are published as soon as they are passed. In order to render them more clear and comprehensible they have been digested and republished, at great cost, but with entire propriety, having in view the object of giving full information to the people of their rights and duties. And if it be necessary to a cor-

rect understanding of these laws that they should be revised and digested and republished, can it be less important that the decisions of the court, construing these laws, applying them to cases and in fact ascertaining their true meaning should also be published? And in addition to the statute laws there is the great body of the common law as comprehensive in its nature and scarcely less important in its bearing upon individual interests, which is inaccessible to any but lawyers, and which cannot be known to others but through the medium of reported decisions of our Courts. On the whole therefore, it appears to your committee, that our system of law can never be complete without a publication of adjudged cases in the Superior Courts; and that, it is the duty of the Legislature, in conformity with acknowledged principles of legislation to cause these decisions to be published for the information of the people; as well as for the sake of stability, uniformity and certainty in the system itself.

The preparation of these reports has presented the greatest difficulty. As already suggested, it is almost impossible to go far back and collect cases with such accuracy as to give them the weight of authority. It was undertaken, at the request of the Legislature, by the late Chancellor Ridgely and afterwards by Judge Hall, and we would mention the fact that it has not been accomplished by either of those gentlemen as the strongest proof that it *cannot* be accomplished on that plan. If we are to hope for a report of cases going sufficiently into detail to make them useful for general information, yet with such accuracy and precision of statement both of principle & fact as will entitle them to credit, they must be founded on a personal knowledge of the decisions, and on notes taken at the time with a view to such report. Hence the necessity of making prospective arrangement for such reports.— Yet the business of the Courts would scarcely warrant the appointment of a regular reporter to attend for this object at all the sessions, & the salary to such an officer, however moderate & reasonable, would, in the time required to furnish matter for a volume, amount to a very considerable sum. It is estimated that the decisions of five years might generally be compressed into one volume, though the first four years, or even less, of the operation of our new system, will from the novelty of the system itself, & the occurrence of several cases of unusual length and importance, form a volume of from four to five hundred pages, which would be a suitable size.

Your committee have consulted with Judge Harrington, on this subject and are informed that he is in possession of materials for such a volume so far as the decisions have yet gone. That he has voluminous notes of all the important cases which have occurred in the Superior Courts for Newcastle and Sussex and in the Court of Errors and appeals; notes taken at the time of trial and in the hope that they might one day be made useful in the accomplishment of the object now in contemplation. He does not doubt that he can obtain from the other members of the bench the materials for a report of the cases in Kent County; which, with his own notes and such services as he can render in putting them into form and preparing for publication, he cheerfully tenders to the state. He proposes to write out these reports and when a sufficient quantity of matter is collected to form a volume, to publish it under such patronage from the Legislature by subscription or otherwise as will ensure him against actual loss. It is obvious to your committee that such

a work could not entirely sustain its own weight. A very small edition, not exceeding 250 copies, would be printed; they must necessarily be sold at a high price to approximate the expenses of printing, paper and binding, and from the limited extent of our state the sale of such a work would also be very limited. No more than about 30 copies could certainly be sold to individuals, there being about that number of practising lawyers, each of whom it is presumed would furnish himself with a copy. The sale out of the state would depend entirely on the character its own merits might obtain for the work in the view of the profession generally. The patronage of the state therefore, to some extent will be necessary. Mr. Harrington, does not ask or expect any remuneration for his own labour; but he would expect of the state to make a small appropriation for incidental expenses, of copying, Clerk hire, records, postage and other expenses which he must incur in the preparation of the work, and when it is published that the Legislature would subscribe for so many copies as they may have occasion for at the market or subscription price.

Your committee cannot hesitate to recommend to this House the acceptance of such an offer. Convinced as they are, that, if these reports could not be obtained in any other manner, the object would warrant the appointment of a regular reporter to attend upon the Courts, they need scarcely add their recommendation to a plan which secures the benefits, without the expense of such an officer, in the preparation of reports; and no other or greater expense in the publication than is necessary and reasonable. The extent of the State's patronage will be about commensurate with the appropriation for contingent expenses and nothing more; as the books for which the State may subscribe will be furnished at the price paid by others and at their true value. To secure the publisher against loss by the edition, the number subscribed for by the State should be at least 100 copies. These would be necessary for the purposes of exchange with other States and with the United States, to furnish copies to each of the Courts in each County, and for the Executive and Legislative departments. And if a copy were furnished to each justice of the Peace in the state to be retained in his office and transmitted to his successor, it would perhaps be the means of making such a work more immediately useful to the public than any other that could be devised. An opinion very extensively prevails that something ought to be done to enlighten the judgment and elevate the character of these inferior tribunals; and what would be more likely to effect this object than to place in the hands of every magistrate a volume plainly describing on almost every page a history of a reversal of his judgment and the reason for such a reversal? If, with the digest in the one hand and such a volume in the other, explaining and applying it to particular cases a justice would not learn, but continue to blunder on, and to have his judgments reversed again and again on the same ground, it ought to afford sufficient cause for impeachment; or, at least, for vesting in the Superior Courts the power to relieve parties from the cost of such reversal, and throw it, where it would most justly fall, on the justice himself.

The committee in conclusion recommend the adoption of the following Resolutions:

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Samuel M. Harrington, be requested to publish a report of cases adjudged in the Superior Court and Court of Errors and Appeals in this State, commencing with the organization of those Courts under the amended Constitution.

Resolved, That the sum of three hundred dollars, be, and the same is hereby appropriated, to be paid to the said Samuel M. Harrington, or his order, to indemnify him for such incidental expenses as he may incur in the preparation of such reports for publication.

Resolved, That in addition to the said sum of three hundred dollars, the State will further patronize the said work by the purchase, on its completion, of one hundred copies thereof, at the price for which it may be furnished to subscribers and others, not to exceed five dollars each copy.

Resolved, That a duly authenticated copy of these resolutions be communicated to the said Samuel M. Harrington.

On motion of Mr. Jacobs,

The bill, entitled "An act to amend the act entitled 'An act to incorporate a company to erect a drawbridge over the river Nanticoke at Seaford and for other purposes therein mentioned,'"

Was taken up for a third reading,

In order to pass the House,

But pending the question,

On the first Section,

The further consideration of the bill,

Was postponed 'till to-morrow.

On motion,

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

THURSDAY, 10 o'clock, A. M. Feb. 5, 1835.

The House assembled pursuant to adjournment.

On motion of Mr. Jacobs,

The bill, "entitled "An act to amend the act entitled, "An act to incorporate a company to erect a draw bridge over the River Nanticoke, at Seaford, and for other purposes therein mentioned,"

Was taken up for a third reading,

In order to pass the House;

The first section was read,

And on the question,

“Shall that be the first section of the bill;”

The House divided,

And the yeas and nays were ordered by the speaker.

Those who voted in the affirmative are:

Messrs. Biddle, Boone, Booth, Clements, Davis, Deakyne, Fiddleman, Frame, Harlan, Harrington, Jacobs, Johnson, Marim, Parker, and Mr. Speaker.—15 yeas.

Those who voted in the negative are:

Messrs. Evans, Herdman, Lewis, and Raymond.—4 nays.

And thus the first section

Passed the House,

The other sections and title were then read,

And agreed to,

And the bill, finally,

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

Mr. Harrington, chairman of the committee, to which was referred the Petition of sundry citizens of Milford and Mispillion hundreds, in Kent County, praying the General Assembly to pass a law, to re-unite said hundreds into one election District, reported

That the committee, had had the subject under consideration, and had instructed him to report, that the committee deemed it inexpedient, to legislate on the subject.

On motion of Mr. Marim,

The report was

Adopted,

And

On motion of Mr. Harrington,

The committee was discharged.

Mr. Frame, presented the Account of the Levy Court of Kent County,

Which was

On his motion,

Read, and referred to the committee on claims.

Mr. Marim, presented the Petition of Wm. Chandler,

Which was,

On his motion,

Read and referred to the committee on claims.

Mr. Marim, chairman of the committee, to which was referred the account of Daniel Godwin, reported

A bill, entitled "A supplement to the act entitled, "An act vesting in, and granting and conveying to James Kimmey, all the right, title, interest, and demand of the State of Delaware, in, and to certain lands and real estate, and personal property, of which a certain Joseph Kimmey now deceased, died possessed of, or entitled to, therein mentioned,"

Which was,
On his motion,
Read.

On motion of Mr. Marim,
The account of Daniel Godwin, was then referred to the committee on claims.

Mr. Marim then moved,
That the committee on the Petition of Daniel Godwin,

Be discharged,

Which motion,

Prevailed.

Mr. Herdman, chairman of the committee, to which was referred the Petition of sundry citizens, of Red Lion hundred, in New Castle County, reported

A bill, entitled "An act regulating the general and special Elections of Red Lion hundred;"

Which was,
On his motion,
Read.

On motion of Herdman,
The bill, entitled "An act authorizing the sale of certain real estate, late of John Evans, of White Clay Creek hundred, New Castle County, deceased,"

Was read a second time by its title:

The bill was then,

On motion of Mr. Herdman,

By Special order,

Read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

A message from the Senate, by Mr. Rodney, a member.

MR. SPEAKER:

The Senate have concurred in the bill, entitled "A 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 Bridge Branch, situate in North West Fork hundred, Sussex County, to cut a ditch or drain through the same;"

With an amendment,

In which I have been directed to request the concurrence of the House,

And then he withdrew.

On motion of Mr. Jacobs,
The communication from the Senate was read,
And concurred in, viz:

"IN SENATE, Feb. 5, 1835.

"Amend the first section by adding the following proviso."

"Provided the same doth not include any lands, or marsh below the bridge, at Bridgeville.

"Extract from the Journal,

J. H. M. CLAYTON, Clerk.

"For concurrence."

On motion of Mr. Raymond,
The bill entitled "An act supplementary to the act, to restrain persons from suffering swine to go at large within certain limits;"

Was read a third time by paragraphs, and

Passed the House:

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Herdman,

The bill, entitled "An act allowing an additional constable in White Clay Creek hundred, in New Castle County;"

Was read, a second time.

On motion of Mr. Frame,

The bill, entitled "An act to enable the trustees of the Delaware College to raise a sum not exceeding one hundred thousand dollars, for the purpose of raising funds for the use of the Delaware college;" together with the amendments to said bill, were referred to a committee of three members;

Messrs. Frame, Davis, and Herdman, were appointed said committee.

On motion of Mr. Herdman,

The bill, entitled "An act to repeal the act entitled 'A further supplement to the act, entitled 'An act respecting the partition of lands and tenements, among joint tenants and tenants in common;'"

Was read third a time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate, for concurrence.

On motion of Mr. Frame,

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,

The House adjourned to three o'clock this afternoon.



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

The House assembled pursuant to adjournment.

On motion of Mr. Marim,

The bill, entitled, "An act to confirm and give effect, in the State of Delaware to an act of the General Assembly of Maryland, entitled 'An act to incorporate the Tidy's Island Company;'"

Was read a second by its title;

And,

On motion of Mr. Marim,

The bill, was then by special order,

Rread a third time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Herdman,

The bill, entitled "An act concerning certain Records in the office for recording of Deeds in and for Kent County,"

Was read a second time.

Mr. Herdman, Chairman of the committee to which was referred the Petition of Edward Miller, alias Remington,

Reported a bill, entitled "An act vesting in, and granting to Edward Miller, sometime, called Remington, all the right, title, interest and claim, of the State of Delaware, in, and to certain personal property, which a certain Caleb Miller, otherwise Remington, died possessed of or entitled to therein mentioned;"

Which was,
On his motion
Read.

Mr. Marim, asked,
And
On motion of Mr. Clements.

Obtained leave to introduce a bill, entitled "An act to appropriate the moneys in the Treasury;"

Which was,
On his motion,
Read.

On motion of Mr. Herdman,

The bill, entitled "An additional supplement to the act entitled 'An act providing for the election of Constables, and concerning election of inspectors and assessors,'"

Was

Indefinitely postponed.

A message from the Senate by Mr. Dilworth, a member.

MR. SPEAKER:

I am directed to present for the signature of the Speaker of the House of Representatives, two rolled bills, which have received the signature of the speaker of the Senate, viz:

"An act to repeal the act, entitled 'An act to form two hundreds of what was heretofore Broadkiln hundred, in Sussex County, as to holding the general and special elections of assessors and inspectors, and the appointment of Constables;"

"An act to incorporate the members of the Waterwitch Fire Company of the City of Wilmington;"

And then he withdrew.

On motion,

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

FRIDAY, 10 o'clock, A. M. Feb. 6, 1835.

The House assembled pursuant to adjournment.

Mr. Frame, laid on the table the account of Wm. R. Morris, Esq.

Which was,

On his motion,

Read, and referred to the committee on claims.

Mr. Frame, Chairman of the committee, to which was referred the bill, entitled "An act to enable the Trustees of the Delaware College, to raise a sum not exceeding one hundred thousand dollars, for the purpose of raising funds for the use of the Delaware College," together with the amendment made to said bill by the House, submitted the following report:

Which was,

On his motion,

Read, and

Adopted viz:

The committee to whom was referred the bill, entitled "An act to enable the Trustees of the Delaware College to raise a sum not exceeding one hundred thousand dollars for the purpose of raising funds for the use of Delaware College, together with the several amendments adopted by the House to the same have had the subject under their consideration, and respectfully report said bill and amendments, with the following amendments to the same, viz:

1. Strike out all the said amendments heretofore adopted by the House with the exception of the first, third, fourth, fifth, and seventh, of the said amendments.

2. Strike out of the last line of the first section of the bill, the words "*to the use and benefit of Delaware College,*" and insert in lieu thereof, the following, in the following manner, to wit: "fifty thousand dollars thereof, for the use and benefit of Delaware College," and twenty-five thousand dollars thereof, for the use of the funds for establishing schools in the State of Delaware, and twenty-five thousand dollars thereof, to be paid into the Treasury of the state, to be applied (or so much thereof, as shall be necessary) to and for the purpose of making such alterations, enlargements and additions to the building now occupied by the Legislature of this state, and making such rooms in the same, and for the furnishing thereof, for the use and accommodation of the Legislature, and such officers of the state, and upon such plan, manner and form, as shall be provided and directed by law, and the residue of said twenty-five thousand dollars, if any shall remain after the accomplishment of said purpose, shall be for the use of the state."

3. Strike out Sec. 4, and Sec. 5, of the bill, and insert the following, as section 4, viz:

"Sec. 4. And be it enacted, That if the said managers shall deem it expedient, for effecting the objects of this act, to sell or dispose of of the Scheme of the said Lottery or of any class or classes thereof, to any person or persons residing out of this State, or to employ an agent or agents in this State or elsewhere, to sell or dispose of the whole, or any number of tickets of any class or classes of said Lottery, it shall and may be lawful for the said managers so to do: provided the said managers shall take from the person or persons to whom they may sell or dispose of the scheme of said Lottery, or of any class or classes thereof, or from their said agent, or agents so to be employed by them as aforesaid, a bond to the State of Delaware in such penal sum and with such surety as the Governor of this State shall approve; conditioned for the faithful discharge of the trust that may be thus reposed in such person or persons, agent or agents, which bond shall be forthwith deposited with the State Treasurer, and in case bond and security be so taken and approved, the said managers shall be exonerated from all liability on account of the person or persons to whom they may so sell or dispose of said scheme, class or classes of said Lottery, or on account of such agent or agents, by them employed as aforesaid."

4. Add the following section to the bill, viz.

"Sec. 6. And be it enacted, That all money raised by virtue of this act shall be applied to the objects and uses aforesaid; in the following proportions to wit: one half thereof to "the Delaware College;" one fourth thereof to the said School Fund;—and one fourth to the State of Delaware, to be applied and appropriated (or so much thereof as may be necessary,) to the aforesaid purpose of making the aforesaid alterations, enlargements and additions to the building now occupied by the Legislature of this State and making said rooms in the same and for furnishing the same for the use and accommodation of the Legislature and officers aforesaid—and the said residue of said last mentioned fourth part of said money (if any such residue shall remain) to, and for the use of the State: and the said money shall be paid over by the said managers, to wit: one half to the "Trustees of the Delaware College," to be invested by the said Trustees, as a fund for the enlargement, endowment and support of said College; and, the one fourth to "the Trustee of the fund for establishing schools in the State of Delaware," to be invested for the use and benefit of said school fund in such manner as the Legislature of the State shall and may hereafter direct; and the one fourth thereof to the State Treasurer, to be applied (or so much thereof as may be necessary) for the use and purpose of making the said alterations, enlargements and additions to the building aforesaid, and making the rooms aforesaid, and finishing the same, in manner and form as aforesaid;—and the residue of the said fourth, (if any remains) to and for the use of the State."

"Sec. 7. And be it further enacted, That this act shall continue and be in force for ten years from its passage and no longer."

On motion of Mr. Frame,
 The bill was taken up for a third reading,
 In order to pass the House;
 The bill, with the exception of the title,
 Was then read by paragraphs and agreed to by the House;
 The title was then read,
 And on the question,
 "Shall that be the title,"
 The House divided,
 The yeas and nays were ordered by Mr. Speaker.

Those who voted in the affirmative are:

Messrs. Biddle, Boone, Cooper, Davis, Deakyne, Evans, Fiddeman, Frame, Harrington, Herdman, Jacobs, Johnson, Parker, and Mr. Speaker.—14 yeas.

Those who voted in the negative are:

Messrs. Booth, Clements, Lewis, Lodge, Marim, and Raymond,—6 nays.

And thus the title was agreed to.

The question was then taken on the final passage of the bill,
 And decided in the affirmative,
 And thus the bill,

Passed the House.

Ordered. That it be presented to the Senate for concurrence in the amendments.

On motion of Mr. Cooper,
 The bill, entitled "A supplement to the act entitled "An act concerning free Negroes, free Mulattoes, Slaves, and others,"

Was read a second time,
 And amended,

As follows, viz:

After the word "*Slave*" in the 9th line, insert "*in writing first had and obtained for that purpose.*"

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

I have been directed to present for the concurrence of the House, bills of the following titles, viz:

1. "An act for the relief of Solomon Prettyman, of Sussex County.
2. "An act for the relief of the sureties of Samuel Harker."

The Senate have concurred in bills, entitled as follow, viz:

1. "An act for the relief of the owners and possessors of the marsh and low ground, on, contiguous and adjacent to Ingram's Branch situate in Mispillion hundred, in Kent County."

2. "An act to revive, and renew the act, entitled "An act to incorporate the Brandywine and Christiana Manufacturing company, and to extend the provisions of the same, to the corporation, in and by this act created."

3. "An act to repeal the act, entitled "An additional supplement to the act to restrain persons from suffering swine to go at large within certain limits."

And a Joint Resolution, appointing a committee to settle with the State Treasurer, &c. &c. in the year 1836,"

With an amendment,

In which the concurrence of the House,

Is requested.

And then he withdrew.

On motion of Mr. Parker,

The communication from the Senate,

Was read.

On motion of Mr. Herdman,

The bill, entitled "An act allowing an additional constable in White Clay Creek hundred, in New Castle County;"

Was read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Marim,

A bill, entitled "A supplement to the act entitled, "An act vesting in, and granting and conveying to James Kimmey, all the right, title, interest, and demand of the State of Delaware, in, and to certain lands and real estate, and personal property, of which a certain Joseph Kimmey now deceased, died possessed of, or entitled to, therein mentioned,"

Was read a second time.

On motion of Mr. Herdman,
The bill, entitled "An act regulating the general and special Elections
of Red Lion hundred;"

Was read a second time,

And

On his motion,

By special order,

Read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

On motion of Mr. Herdman,

The bill, entitled "An act vesting in, and granting to Edward Miller, sometimes called Remington, all the right, title, interest and claim, of the State of Delaware, in, and to certain personal property, which a certain Caleb Miller, otherwise Remington, died possessed of or entitled to therein mentioned;"

Was read a second time;

And

On motion of Mr. Herdman,

The bill was then by special order,

Read a third time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Cooper,

The "Resolution for adjourning both Houses of the General Assembly,"

Was taken up for consideration,

And read.

Mr. Frame offered the following amendment,

Which was,

On his motion,

Read, and

Ordered, to lie on the table; viz:

"Amend the Joint Resolution as follow; viz:

Strike out "*Tuesday the tenth*," and insert in lieu thereof "*Friday the thirteenth*."

On motion of Mr. Marim,
The House proceeded to the order of the day, being

The bill, entitled "A supplement to the act entitled "An act to expedite suits against corporations."

Mr. Marim then moved,

That the House resolve itself into a committee of the whole on said bill,

And that the counsel of John Randal, Jr. and the counsel of the other creditors of the Chesapeake and Delaware Canal company,

Be invited to take seats on the floor of the committee.

The question on this motion,
Was taken by yeas and nays,
Called at the request of Mr. Booth;

Those who voted in the affirmative are:

Messrs. Boone, Clements, Cooper, Davis, Deakyne, Evans, Fiddeman, Frame, Harrington, Jacobs, Johnson, Lewis, Marim, Parker, Raymond, and Mr. Speaker.—16 yeas.

Those who voted in the negative are:

Messrs. Biddle, Booth, Herdman, and Lodge.—4 nays.

The motion therefore,

Prevailed.

The House resolved itself into a committee of the whole,

Mr. Cooper, in the chair.

After sometime spent therein,

The committee rose,

Reported progress and asked leave to sit again,

Which was granted by the House.

On motion of Mr. Marim,

Ordered, That the members of the Senate be respectfully invited to take seats on the floor of the committee of the whole during the discussion of the merits of the bill, to expedite suits against Corporations.

Mr. Clements, chairman of the committee of enrolment, reported bills of the following titles as duly and correctly enrolled and ready for signature of the Speaker, viz:

1. "A supplement to the act entitled 'An act providing for the recovery of small debts.'"

2. "An act supplementary the act entitled 'An act for the preservation of certain shell fisheries within this State.'"

3. "A supplement to the act entitled 'An act to incorporate a company for the purpose of cutting and making a Canal between the waters

of the Nanticoke River, and Broadkilm Creek, in Sussex County, and for other purposes."

4. "An act to enable John D. Ewing, and Eliza G. Ewing, to sell and convey a certain piece of land therein mentioned."

5. "An act to incorporate the members of the Waterwitch Fire Company of the City of Wilmington;"

6. "An act to repeal the act, entitled 'An act to form two hundreds of what was heretofore Broadkilm hundred, in Sussex County, as to holding the general and special elections, the electoins of assessors and inspectors, and the appointment of Constables;"

7. "A supplement to the act, entitled "An act to authorize the owners and possessors of the Marsh and low grounds commonly called and known by the name of the Cow marsh, situated in the forest of Murderkill hundred in Kent County and State of Delaware, to cut a ditch, or ditches, drain or drains through the same, and to keep said ditches and drains open, and in good repair,"

8. "A 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 the Bridge Branch, situate in North West Fork hundred, in Sussex County, to cut a ditch or drain through the same."

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

— * * * —

Eodem Die, 3 o'clock P. M.

The House assembled pursuant to adjournment.

On motion of Mr. Frame,

Ordered, That the Hon. Sam'l M. Harrington, be respectfully invited to take a seat on the floor of the committee of the whole House.

On motion of Mr. Marim,

The House again resolved itself into a committee of the whole,

On the bill entitled "A supplement to the act, entitled "An act to expedite suits against corporations,"

Mr. Cooper in the chair,

The Hon. John M. Clayton, and James Rogers, Esq., counsel for John Randel, Jr. one of the creditors of the Chesapeake & Delaware Canal Company, and James Booth, and Andrew C. Gray, Esqs. counsel for the other Creditors of said Canal Company,

The members of the Senate, and the Hon. Samuel M. Harrington, were admitted on the floor of the committee;

And after some time spent in discussion, the committee rose, reported progress,

And asked leave to sit again;

Whereupon,

Leave was granted.

Mr. Marim, moved,

That the House adjourn to ten o'clock to-morrow morning,

And

On the question,

The House divided,

And

The yeas and nays were ordered by Mr. Speaker.

Those who voted in the affirmative are:

Messrs. Booth, Evans, Frame Harrington, Herdman, Jacobs, Johnson, Lodge, Marim, Parker, and Mr. Speaker,—11 yeas.

Those who voted in the negative are:

Messrs. Biddle, Boone, Clements, Cooper, Davis, Deakyne, Fiddeman, Harlan, Lewes, and Raymond,—10 nays.

And thus the House adjourned to ten o'clock to-morrow morning.

SATURDAY, 10 o'clock A. M. Feb. 7, 1835.

The House assembled pursuant to adjournment.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the bill, entitled "An act authorizing the sale of certain real estate, late of John Evans, of White Clay Creek hundred, New Castle County, deceased;"

And then he withdrew.

On motion of Mr. Marim,

The House again resolved itself into a committee of whole,

Mr. Cooper, in the chair,

On the bill, entitled "A supplement to the act, entitled 'An act to expedite suits against corporations;'"

The Hon. John M. Clayton, & James Rogers, Esq. Counsel for John Randel, jr. one of the Creditors of the Chesapeake and Delaware Canal company, and James Booth, & Andrew C. Gray, Esqs. counsel for the

other creditors of said company, the members of the Senate, and the Hon. Sam'l M. Harrington, were admitted on the floor of the committee.

And after some time spent in debate,

The committee rose, reported progress,

And asked leave to sit again;

Whereupon,

Leave was granted by the House.

On motion of Mr. Frame,

The House adjourned to four o'clock this afternoon.

—•••••

Eodem Die, 4 o'clock, P. M.

The House assembled pursuant to adjournment.

On motion of Mr. Marim,

The House again resolved itself into a committee of the whole on the bill, entitled "A supplement to the act, entitled 'An act to expedite suits against Corporations,'"

Mr. Cooper in the chair;

The Hon. John M. Clayton, and James Rogers, Esq. counsel for John Randel, Jr. one of the creditors of the Chesapeake and Delaware Canal company, and James Booth and Andrew C. Gray, Esqs. in behalf of the other creditors of said Company,

The members of the Senate, and the Honorable Samuel M. Harrington, were admitted on the floor of the committee.

After some time spent in debate,

The committee rose, reported progress,

And asked leave to sit again;

Whereupon,

Leave was granted by the House.

On motion of Mr. Marim,

The House adjourned to 10 o'clock on Monday morning.

—•••••

MONDAY, 10 o'clock, A. M. Feb. 9, 1865.

The House assembled, pursuant to adjournment.

Mr. Cooper, moved,

That the Resolution for adjournment be taken up for consideration,

And,
 On motion of Mr. Cooper,
 The amendment proposed to said Resolution,
 By Mr. Frame,
 On Friday last,
 Was

Adopted,

And the Resolution concurred in,
 As amended.

Ordered, That it be presented to the Senate for concurrence,

In the amendment.

Mr. Cooper, presented the Petition of sundry citizens of Georgetown and its vicinity in Sussex County, praying a supplement to the act entitled, "An act authorizing a lottery for building an academy, and Masonic Hall in Georgetown, Sussex County, and for finishing the Episcopal Church therein;"

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

Whereupon,

Messrs. Cooper, Fiddeman, and Herdman, were appointed said committee.

Mr. Deakyne, presented the Petition of Jacob Lancaster, Mary Ann Lancaster, Thomas J. Kendal, and Mary Ann Kendal, and Emeline Wright, Catharine J. Wright, and James R. Wright, by Jacob Lancaster, their guardian;

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

Messrs. Deakyne, Raymond, and Davis, were appointed said committee.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the bill, entitled "An act to confirm and give effect in the State of Delaware to an act of the General Assembly of Maryland entitled "An act to incorporate the "Tidy's Island Company,"

And then he withdrew,

Mr. Fiddeman, Chairman of the committee to which was referred the Petition of sundry citizens of Kent County, praying certain enactments, therein mentioned;

Reported a bill, entitled "An act to enable the owners and possessors of the marshes and lowgrounds situate on, and contiguous, and adjacent to Bright's and Haynes' Glades, in Mispillion hundred, in Kent County, to ditch, drain, and reclaim the same,"

Which was,
On his motion,
Read.

Mr. Deakyne, chairman of the committee to which was referred the Petition of Jacob Lancaster, Mary Ann Lancaster, Thomas J. Kendal, and Mary Ann Kendal, and Emeline Wright, Catharine J. Wright, and James R. Wright, by Jacob Lancaster, their guardian,

Reported a bill, entitled "An act for the relief of Jacob Lancaster, and Mary Ann his wife, Thomas J. Kendal and Mary Ann his wife, Emeline Wright, Catharine J. Wright, and James R. Wright, of New Castle County,"

Which was,
On his motion,
Read.

On motion of Mr. Evans,

The House adjourned to three o'clock this afternoon.

—•••••

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

The House assembled pursuant to adjournment.

On motion of Mr. Frame,

The House again resolved itself into a committee of the whole, on the bill, entitled A supplement to the act entitled, "An act to expedite suits against corporations."

Mr. Cooper, in the chair,

And after some time spent in debate, the committee rose and reported the bill, with sundry amendments,

And were,

On motion of Mr. Frame,

Discharged from the further consideration thereof.

On motion,

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

TUESDAY, 10 o'clock, A. M. Feb. 10, 1835.

The House assembled pursuant to adjournment.

On motion of Mr. Marim,

The amendment made by the Senate, to the Resolutions appointing a committee to settle with the State Treasurer, &c. &c. in the year 1836, was concurred in.

On motion of Mr. Fiddeman,

The bill, entitled "An act to enable the owners and possessors of the marshes and lowgrounds situate on, contiguous and adjacent to Brights, and Haynes' Glades in Missillion hundred, in Kent County, "to ditch, drain and reclaim the same,"

Was read a second time by its title;

And

On motion of Mr. Clements,

Amended;

And

On motion of Mr. Clements,

The bill, was then, by special order

Read a third time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate for concurrence.

Mr. Marim, presented a petition of sundry citizens of Kent County, relative to the taxation of Dogs;

Which was,

On his motion,

Read, and referred to a committee of three members;

Whereupon,

Messrs. Marim, Herdman, and Lewis, were appointed said committee.

Mr. Boone asked,

And,

On motion of Mr. Marim,

Obtained leave, to introduce a bill, entitled "A supplement to the act, entitled 'An act concerning the real estate of intestates,'"

Which was,

On his motion,

Read,

Mr. Herdman, asked,

And,

On motion of Mr. Evans,

Obtained leave to introduce a bill, entitled "A further supplement to the act, entitled "An act to enable certain persons therein mentioned to raise by Lottery the sum of fifteen thousand dollars, for building a grand Masonic Hall, within the Borough of Wilmington, and State of Delaware;"

Which was,
On his motion,
Read.

On motion of Mr. Deakyne,

The bill, entitled "An act for the relief of Jacob Lancaster, and Mary Ann his wife, Thomas J. Kendal and Mary Ann his wife, Emeline Wright, Catharine J. Wright, and James R. Wright, of New Castle County,"

Was read a second time by its title,

And,

On motion of Mr. Deakyne,

The bill was, by special order,

Read a third time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Marim,

The bill, entitled "A supplement to the act entitled, "An act vesting in, and granting and conveying to James Kimmey, all the right, title, interest, and demand of the State of Delaware, in, and to certain lands and real estate, and personal property, of which a certain Joseph Kimmey, now deceased, died possessed of, or entitled to, therein mentioned,"

Was read a third time by paragraphs, and

Passed the House unanimously.

Ordered, That it be presented to the Senate for concurrence.

Mr. Cooper, chairman of the committee, to which was referred the Petition of sundry citizens of Georgetown, in Sussex County, and its vicinity, praying certain enactments therein mentioned,

Reported two bills, entitled as follow, viz:

1. "An act to incorporate the Trustees of the Sussex County Academy, at Georgetown."

2. "A supplement to the act entitled, "An act authorizing a lottery for building an academy, and Masonic Hall, in Georgetown, Sussex County, and for finishing the Episcopal Church therein;"

Which were,
On his motion,
Read.

On motion of Mr. Herdman,

The bill, entitled "A supplement to the act, entitled 'An act providing for the recovery of small debts,'"

Was taken up for consideration;

Mr. Boone, then moved,

That the rule requiring bills to be amended on the second reading,

Be suspended,

Which motion,

Prevailed;

Whereupon,

Mr. Boone proposed the following amendment.

Which was,
On his motion,
Read, and

Adopted viz:

Amend the bill, by adding to the second section these words, viz:

But if the sum contained in the execution shall exceed fifteen dollars, exclusive of costs, then, double the said fees shall be allowed for the same services;"

On motion of Mr. Herdman,

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

As amended, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate for concurrence.

Mr. Harrington, chairman of the committee, to which was referred the Petition of sundry citizens, of Kent County, relative to school districts Nos. 30, 31, 35, Reported, that the committee had had the subject under consideration, and instructed him to report, that the committee deem it inexpedient to Legislate on the subject;

Mr. Harrington, then asked,
And,

On motion of Mr. Marim,

Obtained leave for the committee to be discharged;

Whereupon,
The committee was discharged.

Mr. Clements, chairman of the committee of enrolment, reported bills of the following titles as duly and correctly enrolled and ready for the signature of the Speaker.

1. "An act for the relief of the owners and possessors of the marsh and low ground, on, contiguous and adjacent to Ingram's Branch situate in Mispillion hundred, in Kent County."

2. "An act to incorporate the Lewes and Millsboro' Rail Road company."

3. "An additional supplement to the act, entitled "An act directing the manner of choosing commissioners to regulate the and repair the Streets of Milford, and for other purposes."

4. "An act authorizing the sale of certain real-estate, late of John Evans, of White Clay Creek hundred, New Castle County, deceased."

5. "An act to repeal the act, entitled "An additional supplement to "An act to restrain persons from suffering swine to go at large within certain limits."

6. "An act to revive, and renew the act, entitled "An act to incorporate the Brandywine and Christiana Manufacturing company, and to extend the provisions of the same, to the corporation, in and by this act created."

On motion of Mr. Marim,

The bill, entitled "An act to appropriate the moneys in the Treasury of this State:"

Was read a second time,

And

On motion of Mr. Marim,

The bill was by *special order*,

Read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence.

Mr. Cooper asked,

And

On motion of Mr. Marim,

Obtained leave to introduce a bill, entitled "An act authorizing the manager of the Delaware Furnace, to remove Iron ore from a public road over Green's branch in Sussex County,"

Which was,

On his motion,

Read.

Mr. Deakyne presented a Remonstrance signed by 124 citizens of Appoquinimink hundred, and 93 from other parts of Newcastle County, praying the General Assembly not to pass any law to attach a part of said hundred to Kent County;

Which was,
On his motion,
Read.

Whereupon,

On motion of Mr. Deakyne,

The bill, entitled "An act to change the location of the boundary or division line, between the Counties of Kent and Newcastle, within this State,"

Together with the Petitions for and Remonstrance against said bill,

Were

Indefinitely postponed.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in bills of the following titles, to wit:

1. "An act to amend the act entitled "An act to incorporate a company to erect a draw bridge over the River Nanticoke, at Seaford, and for other purposes therein mention."

2. "An act vesting in, and granting to Edward Miller, sometimes called Remington, all the right, title, interest and claim, of the State of Delaware, in, and to certain personal property, which a certain Caleb Miller, otherwise Remington, died possessed of or entitled to, therein mentioned."

3. "An act regulating the General and Special elections of Red Lion hundred."

The Senate have indefinitely postponed the bill, entitled "An act to repeal the act, entitled a further supplement to the act, entitled "An act respecting the partition of lands and tenements, among Joint tenants and tenants in common."

The Senate have concurred in the Report of the committee appointed to enquire into the practicability of devising some suitable and efficient plan for reporting and publishing the decisions of the Courts of law and Equity in this State."

The Senate have concurred in the amendment made to the Resolution to adjourn on the 10th inst., without day;

And then he withdrew.

Mr. Marim, presented the account of Joseph Buckmaster,

Which was,

On his motion,

Referred to the committee on claims.

On motion of Mr. Frame,

The bill, entitled "A supplement to the act entitled "An act to expedite suits against Corporations,"

Was taken up for consideration;

Mr. Frame then moved,

That the amendments to said bill,

Reported to the House,

By the committee of the whole yesterday,

Be read,

Which motion,

Prevailed,

And the amendments,

Were read,

As follow, viz:

Amend the bill as follows, viz:

1. Between the words "company" and "if" in the 6th line of the 1st section, insert the words "*having the power to receive toll.*"

2. Strike out the following clause in the 20th, 21st, and 22nd lines of the first section, viz:

"All the Corporate property, franchises, rights and privileges of the said Company."

And in the place thereof insert the following, viz:

"The franchise of such company with all the privileges and immunities thereof, so far as relates to the right of demanding, and receiving toll, and as well on all the corporate property, real and personal of the said company."

3. In the 22nd line of section 1, strike out the word "*ten*" and in lieu thereof insert "*thirty*"—and next after the word "*situate*" in the 25th line of section 1, insert the following, viz:

"And also in one or more newspapers published in this State, and in the City of Philadelphia, and in the City of Baltimore."

4. Strike out the clause "*franchises, rights and privileges,*" in the 26th line of section 1, and in lieu thereof insert "*and the franchises aforesaid.*"

5. Strike out the clause *franchises, rights, privileges and immunities,* in the 36th and 37th lines of section 1, and in place thereof insert "*and the franchise aforesaid, with all the privileges and immunities thereof, so far as relates to the right of demanding, receiving and collecting toll.*"

6. Add the following proviso to the first section, viz:

"And provided also that the said Corporation shall, in all other respects retain the same powers, be bound to the discharge of the same duties, and liable to the same penalties and forfeitures, as before belonged to, and were required of them by law, except nevertheless that it shall be the duty of such purchaser aforesaid, out of such tolls, to maintain and keep in order and repair any work, or works, Canal or other subject, or matter from the use of which such tolls may accrue."

7. Add the following section, viz:

"Sec. 2. And be it further enacted, That the purchase money and proceeds arising from any such sale aforesaid, shall be applicable and applied to every the mortgages, liens and judgments made and executed by, or recovered or existing against every the said Corporations in the order and according to the priority of the date of the recording of such mortgages, and the date of such liens and judgments respectively:—provided the said mortgages, liens and judgments were lawfully and legally and bona fide made and executed by, or recovered against such Corporation—and not otherwise."

Mr. Frame then moved,

For the adoption of the amendments,

And on the question,

"Will the House adopt the amendments,"

The House divided,

And the yeas and nays were ordered by the Speaker.

Those who voted in the affirmative are:

Messrs. Biddle, Boone, Booth, Cooper, Davis, Frame, Harlan, Harrington, Herdman, Jacobs, Lewis, and Lodge.—12 yeas.

Those who voted in the negative are:

Messrs. Clements, Deakyne, Evans, Fiddeman, Johnson, Marim, Raymond, and Mr. Speaker.—8 nays.

And thus the amendments,

Were

Adopted.

Mr. Frame then proposed,

The following additional amendments,

Which were,

On his motion,

Read, viz:

Additional amendments,

Amend the bill as follows, viz:

1. Add the following section to the bill;

"Sec. 3. And be it further enacted that in the sale aforesaid, of the franchise, and property aforesaid, any person or persons who will pay and satisfy all the said mortgages, liens and judgments, and all legal fees and expenses thereon, in consideration of being entitled to the said property so to be sold, and being entitled to receive to his own use, for the shortest period of time, all such toll, as the said corporation may by law be entitled to demand and receive, shall be considered as the highest, and best bidder, aforesaid, and the same shall be struck off to him, accordingly; and the officer's return, on said writ, shall transfer to the purchaser all the said property and all the said franchise, privileges and immunities thereof, which by law belonged and appertained to said corporation, so far as relates to the said franchise and right of demanding, receiving and collecting toll; and the said officer shall immediately after such sale, be authorized and empowered to deliver to said purchaser possession of said property, & of all the toll houses gates and locks belonging to said Corporation, within "the precincts of such officer."

2. Between the words "done" and "subject," in the 41st line of section 1, insert "for and during the time limited by the term of his purchase as in and by the third section of this act, mentioned."

Mr. Frame then moved,

For the adoption of the amendments;

And on the question,

"Will the House adopt the additional amendments,

The House divided;

The yeas and nays were ordered by the speaker;

Those who voted in the affirmative, are:

Messrs. Biddle, Boone, Booth, Cooper, Davis, Frame, Harrington, Herdman, Jacobs, Lewis, and Lodge,—11 yeas,

Those who voted in the negative, are:

Messrs. Clements, Deakyne, Evans, Fiddeman, Harlan, Johnson, Raymond and Mr. Speaker—8 nays.

And thus the amendments were

Adopted.

On motion of Mr. Frame,
The bill was then read a second time,
As amended.

On motion of Mr. Cooper,
The bill, entitled "A supplement to the act entitled an act, concern-
ing free Negroes, free Mulattoes, Slaves and others,"
Was taken up for a third reading;

The first section was read,
And

On the question,
"Shall that be the first section,"

The House divided,

The yeas and nays were ordered by the Speaker.

Those who voted in the affirmative, are:

Messrs. Biddle, Booth, Cooper, Evans, Fiddeman, Frame, Jacobs,
Lewis and Mr. Speaker.—9 yeas.

Those who voted in the negative, are:

Messrs. Boone, Clements, Davis, Deakyne, Harlan, Harrington,
Herdman, Johnson, and Lodge—11 nays.

And thus the bill, was

Rejected.

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



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

The House assembled pursuant to adjournment.

Mr. Cooper, presented the account of Abraham Schrader,

Which was,

On his motion,

Read, and referred to the committee on claims,

Mr. Marim, presented the account of Dr. William Burton, late
Sheriff of Kent County,

Which was,

On his motion,

Read, and referred to the committee on claims.

Mr. Marim, presented the petition of sundry citizens from various
parts of Kent County, praying the General Assembly to pass a law
authorizing the Trustees of the poor to furnish the poor in the different
sections of the said County, with Fire wood in certain cases;

Which was,
On his motion,
Read, and referred to a committee of three members,
Whereupon,
Mr. Speaker, appointed,
Messrs. Marim, Lodge, and Lewis, said committee.

On motion of Mr. Frame,
The bill, entitled "An act for the relief of the sureties of Samuel Harker,"

Was read a second time,

And amended.

Mr. Cooper, Chairman of the committee on claims,
Reported a bill, entitled "An act for the payment of claims against the State,"

Which was,
On his motion,
Read.

And

On motion of Mr. Frame,

The bill was amended as follows, viz:

Amend the bill as follows, viz:

1. Strike out the words "*the years 1832 and*" in the 26 line of Sec. 1.
2. Strike out the words "*twenty one dollars*" in the 27th line of Sec. 1. and insert in lieu thereof "*ten dollars and fifty cents.*"

On motion of Mr. Clements,

The bill, entitled "A supplement to the act, entitled "An act to expedite suits against corporations,"

Was taken up for consideration;

Mr. Evans moved,

Its indefinite postponement,

And on the question,

"Shall the bill be indefinitely postponed,"

The House divided,

The yeas and nays were ordered by the Speaker.

Those who voted in the affirmative are:

Messrs. Biddle, Booth, Clements, Cooper, Davis, Deakyne, Evans, Fiddeman, Harlan, Harrington, Herdman, Jacobs, Jolinson, Lewis, Lodge, Marim, Raymond, and Mr. Speaker—18 yeas.

Those who voted in the negative are:

Messrs. Boone, and Frame—2 nays.

And thus the bill was

Indefinitely postponed.

On motion of Mr. Cooper,

The bill, entitled "An act authorizing the manager of the Delaware Furnace, to remove Iron ore from a public road over Green's branch in Sussex County;"

Was read a second time by its title,

By special order of the House,

And by special order, the bill was,

On his motion,

Read a third time by paragraphs, and

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate for concurrence.

On motion of Mr. Deakyné,

The bill, entitled "An act for the relief of the sureties of Samuel Harker,"

Was,

By *Special order*,

Read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate, for concurrence

In the amendment.

Mr. Booth, submitted the following resolution,

Which was,

On his motion,

Read, and

Adopted, to wit:

Whereas,

By the 23d section of an act entitled, "An act to incorporate a company to erect a drawbridge over the Christiana, at Wilmington, and for other purposes," passed at Dover January 29, 1867, it is declared and enacted, that whenever the nett profits arising or accruing to the Bridge company from the tolls shall exceed the sum of ten per cent per annum, on the capital stock of the said bridge company, that the said company shall pay into the hands of the fund for establishing schools in this State, the respective sums, which may be in their hands after deducting the said nett profits of 10 per cent, per annum, on the said capital stock:—and whereas it has been represented, that the nett profits, on the said capital stock, have exceeded ten per cent, per annum, for several years past and without the intervention of the Legislature, the school fund may not derive the full benefit contemplated, by the provisions of the said act:

Therefore,

Be it resolved by the Senate and the House of Representatives of the State of Delaware in General Assembly met, That the Trustees of the school fund, of the State of Delaware be, and he is hereby directed to

pursuance of the 24th section, of the said act, to ask for, and at such reasonable times, as may be required to examine the books of accounts belonging to the said bridge company, and other books and papers, with the view to ascertain the nett profits on the capital stock, of the said Bridge Company, for each and every year since the erection of said bridge, and that the Attorney General, and Auditor of Accounts be associated with him, for that purpose, and that he make a report, of his proceedings herein, to the next session of the General Assembly of this State.

Mr. Marim, submitted the following Resolution,

Which was,
On his motion,
Read, and

Adopted, viz:

Resolved, That a committee of conference, be consist of three members, be appointed on the part of the House, to confer with a similar committee to be appointed on the part of the Senate, for the purpose of correcting an error, in the engrossed resolutions, directing the secretary of the State, to have bound one hundred copies of the 7th and 8th volumes of the laws of this State;

Whereupon,

Messrs. Marim, Evans, and Davis, were appointed said committee of conference.

Mr. Marim asked,

And

On motion of Mr. Davis,

Obtained leave to introduce a bill, entitled "An act to provide suitable rooms for the Legislature of this State;"

Which was,
On his motion,
Read.

On motion,

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

WEDNESDAY, 10 o'clock, A. M. Feb. 11, 1835.

The House assembled pursuant to adjournment.

Mr. Marim asked,

And

On motion of Mr. Davis,

Obtained leave to introduce a bill, entitled "An act to amend the act entitled "An act directing the manner of suing out attachments, *with*, in this government,"

Which was,
On his motion,
Read.

And

On his motion.

The bill was read a second time by *Special order*.

Mr. Marim, then moved,

That the bill be read a third time by *Special order*,

In order to pass;

Whereupon,

The bill was read a third time by paragraphs, and

Passed the House.

Ordered, That it be presented to the Senate for concurrence.

Mr. Marim, submitted the following Resolution,

Which was,

On his motion,

Read, and

Adopted, viz:

Resolved, That a committee, on accounts be appointed; to consist of three members,"

Whereupon,

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

Mr. Frame presented the account of Augustus M. Schee,

Which was,

On his motion,

Read, and referred to the committee on accounts,

On motion of Mr. Marim,

The bill, entitled "An act to provide suitable rooms, for the Legislature of this State."

Was read a second time, and the blanks therein filled.

On motion of Mr. Marim,

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

Passed the House, nemine dissentiente.

Ordered, That it be presented to the Senate for concurrence.

Mr. Cooper asked,

And

On motion of Mr. Clements,

Obtained leave to introduce a bill, entitled "An act for the benefit of Sussex County,"

Which was,

On his motion,

Read.

Mr. Clements, chairman of the committee of enrolment, reported

The bill, entitled "An act to confirm and give effect in the State of Delaware to "An act of the General Assembly of Maryland, entitled "An act to incorporate the Tidy's Island company;"

As duly, and correctly enrolled,

And ready for the signature of the speaker.

On motion of Mr. Cooper,

The bill, entitled "An act to incorporate the Trustees of the Sussex County Academy, at Georgetown,"

And

The bill, entitled "A supplement to the act entitled, "An act authorizing a lottery for building an Academy, and Masonic Hall, in Georgetown, Sussex County, and for finishing the Episcopal Church therein;"

Were taken up for consideration,

And their further consideration postponed to the next Session of the Legislature.

On motion of Herdman,

The bill, entitled "An act for the relief of Solomon Prettyman of Sussex County;"

Was read a second time.

Mr. Herdman then moved,

That the bill be read a third time, by *special order*,

In order to pass the House;

The first Section was read,

And on the question,

"Shall that be the first Section of the bill,"

The House divided,

And the yeas and nays were requested by Mr. Davis,

But pending the calling of the yeas and nays,

On motion of Mr. Jacobs,

The further consideration of the bill, was postponed to the next Session of the Legislature.

Ordered, That the Senate be informed thereof.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

The Senate have concurred in the bill, entitled "An act to enable the owners and possessors of the marshes and low grounds situate on, and contiguous, and adjacent to Bright's and Haynes' Glades, in Mispillion hundred in Kent County, to ditch, drain and reclaim the same."

The bill entitled, "An act supplementary to the act to restrain persons from suffering swine to go at large within certain limits."

And in

The bill, entitled "An act for the relief of Jacob Lancaster, and Mary Ann his wife, Thomas J. Kendal and Mary Ann his wife, Emeline Wright, Catharine J. Wright, and James R. Wright, of New Castle County."

The Senate have concurred in the amendment to the bill, entitled "An act to enable the Trustees of the Delaware College to raise a sum not exceeding one hundred thousand dollars for the purpose of raising funds for the use of the Delaware College,"

With an amendment,

In which the concurrence of the House is requested;

And then he withdrew.

On motion of Mr. Herdman,

The communication from the Senate was read, viz:

"IN SENATE, Feb. 12, 1835.

"Amend the amendments, in the second amendment thereof by inserting the words *"to be invested by the Trustee of said fund in the stock of the Rehoboth and Cape Charles Canal and transportation Company, when ever books shall be opened under the provisions of its charter,"*

After the word "*Delaware*," in the fifth line of said amendment.

Amend the 8th amendment, which is the 6th Section, by striking out all after the word "*in*," in the 26th line and antecedent to the word "*and*," in the 28th line, and insert in lieu thereof the words "The stock of the Rehoboth and Cape Charles Canal and transportation Company, to be subscribed for, by the Trustee of the School Fund, in such manner as is provided for, by the charter of said Company, and paid accordingly; provided the said Company, commence operations within four years from the first of June next."

"Extract from the Journal,

J. H. M. CLAYTON, Clerk.

"For concurrence."

On motion of Mr. Marim,

The amendments were ordered to lie on the table.

On motion of Mr. Boone,

The bill, entitled "A supplement to the act entitled "An act concerning the real estate of intestates,"

Was read a second time;

And amended as follows, viz:

“Amend the bill, by striking out the the second and third Sections.”

Mr. Marim, chairman of the committee, to which was referred the Petition of sundry citizens of Kent County relative to the taxation of Dogs, reported

That the committee had had the subject under consideration, and instructed him to report, that they deemed it inexpedient, to Legislate on the subject,

Whereupon,

On motion of Mr. Marim,
The report was

Adopted,

And the committee discharged.

On motion,
The House adjourned to 3 o'clock this afternoon.

— * * * —

Eodem Die, 3 o'clock P. M.

The House assembled, pursuant to adjournment.

On motion of Mr. Marim,

The amendments proposed by the Senate to the amendments made by the House to the bill, entitled “An act authorizing a Lottery for the benefit of Delaware College, and for other purposes therein mentioned,”

Were taken up for consideration;

And

On motion of Mr. Marim,
The House disagreed to said amendments;

Whereupon,

Mr. Marim moved,

That a committee of conference to consist of three members on the part of the House, be appointed to confer with a similar committee on the part of the Senate, on said disagreement,

And thereupon,

Messrs. Marim, Davis, and Herdman, were appointed said committee.

A message from the Senate, by Mr. Clayton, their Clerk.

MR. SPEAKER:

I have been directed, to present enrolled bills of the following titles, for the signature of the speaker of the House of Representatives, which have received the signature of the speaker of the Senate.

1. "An act for the preservation of certain Records of the Orphans' Court of Sussex County."

2. "An act to incorporate the Wilmington Gas company in the City of Wilmington."

3. "An act allowing an additional Constable to White Clay Creek hundred, in the County of New Castle."

4. "A supplement to the act, entitled "An additional supplement to the act, entitled "An act to enable the President, Directors and company of the Commercial Bank of Delaware to close the concerns of that Bank."

5. "A supplement to "An act entitled "An act to prevent the use of Fire arms, by free Negroes,, and free Mulattoes, and for other purposes,"

The Senate have appointed Messrs. Hazzard, and Rodney, as a committee of conference on the part of the Senate, to confer with the committee of conference on the part of the House, on the *disagreement* of the House, to the amendments, proposed by the Senate, to the amendments made by the House, to the bill, entitled "An act authorizing a Lottery for the benefit of the Delaware College, and for other purposes therein mentioned;"

And then he withdrew.

On motion of Mr. Cooper,

The bill, entitled "An act for the benefit of Sussex County,"

Was read a second time,

And amended by filling the blanks therein.

A message from the Senate, by Mr. Rodney, a member.

MR. SPEAKER:

I have been directed to present for your signature a bill, entitled "A supplement to the act entitled, "An act more effectually to prevent swine from running at large in the village of Middletown, and its vicinity,"

And then he withdrew.

On motion of Mr. Boone,

The bill, "entitled "A supplement to the act entitled "An act concerning the real estate of intestates;"

Was taken up for a third reading,

In order to pass the House;

The first Section was read,

And on the question

"Shall that be the first Section of the bill,"

It was decided in the *negative*,

And thus the bill

Was rejected.