

State's share of the surplus revenue of the United States, distributed to the several States under the act entitled 'An act to regulate the deposits of the public money,' was read a second time.

On motion of Mr. Rogers,

The bill entitled "A supplement to an act entitled 'An act providing for the punishment of certain crimes and misdemeanors,'" was read a second time.

Mr. Spruance moved,

That said bill be indefinitely postponed.

The House being divided, he demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Frame, Frazer, Hopkins of N. W. F., Jefferson, Kerr, Marshall, Pratt, Rees, Rogers and Spruance—11 yeas.

*Nays*—Messrs. Biddle, Fiddeman, Hopkins of B. C., Houston, Jones, Neal, Williamson and Mr. Speaker—8 nays.

So said bill was

*Indefinitely postponed.*

A message from the Senate by the Clerk.

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

He also asked the concurrence of the House in a bill entitled "A further supplement to an act entitled 'An act to incorporate the Wilmington and Susquehanna Rail Road Company.'"

He also returned to the House the bill entitled "An act requiring Clerks of the Peace to pay to the State Treasurer, instead of the Secretary of State, certain sums received for fees to the State."

And he withdrew.

On motion of Mr. Frame,

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



SATURDAY 10 o'clock, A. M. February 9, 1839.

The House met pursuant to adjournment.

Roll called, journal read, &c.

Mr. Rogers laid on the table the petition of sundry persons in the town of New Castle, praying for an act of incorporation for a Steam-mill Company, which

On his motion,

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

Messrs. Rogers, Hopkins of N. W. F. and Fiddeman, were appointed said committee.

On motion of Mr. Jones,

The bill entitled "A further supplement to an act entitled 'An act to incorporate the Wilmington and Susquehanna Rail Road Company,'" communicated to the House yesterday, was read.

Mr. Houston, from the committee on the petition of Elizabeth Burton and Woolsey Burton, praying for an act of Assembly to enable them to effect a partition and division of, and in, the lands of Miers Burton, deceased, reported a bill entitled "An act respecting the partition of the lands and tenements of Miers Burton, late of Dagsborough hundred in the county of Sussex, deceased," which

On his motion,  
Was read.

Mr. Marshall, from the majority of the committee on the petition of citizens of Sussex county, praying for a law to make certain officers therein mentioned, ineligible to hold their respective offices longer than the terms or times therein mentioned, reported a bill entitled "An act concerning Levy-court commissioners, assessors, trustees of poor, collectors of taxes and overseers of the public roads," which

On his motion,  
Was read.

Mr. Jones, also a member of said committee, made the following, as the minority report on said petition, to wit:—

The undersigned, minority of the committee upon the subject of rendering certain officers ineligible to re-election, reports:—That in his opinion it is inexpedient to legislate upon the subject.

WM. HEMPHILL JONES.

Mr. Jones, from the committee on the accounts of the Hon. Samuel M. Harrington, Caleb H. Sipple and William K. Lockwood, State-house commissioners, made the following report, to wit:—That they have carefully examined the said accounts with the vouchers, and find they have satisfactorily accounted for the sum of three hundred and ninety dollars, which was the whole amount of the appropriation committed to their charge.

Mr. Frame moved,  
That the resolution of adjournment be taken up for consideration,

Which motion *Prevailed.*

He then moved,  
That said resolution be amended by adding at the end thereof the words "sine die,"

Which motion also *Prevailed.*

He then moved,  
That the blank in said resolution be filled with the words "Friday the 15th instant,"

Which motion also *Prevailed.*

On motion of Mr. Fiddeman,  
The bill entitled "An act to improve the breed of horses within this State," was read a second time.

Mr. Spruance moved,

That the further consideration of said bill be postponed until the fourth day of July next. The House being divided, Mr. Frame demanded the yeas and nays which were as follows:—

*Yeas*—Messrs. Cooper, Frame, Frazer, Hopkins, of B. C., Hopkins, of N. W. F., Houston, Jefferson, Kerr, Marshall, Pratt, Rees, Spruance and Williamson—13 yeas.

*Nays*—Messrs. Biddle, Fiddeman, Jones, Neal, Rogers and Mr. Speaker—6 nays.

So said bill was postponed until the fourth day of July next.

Mr. Frame moved,

That the resolution of adjournment, the blank being filled with the words "Friday the fifteenth instant," be adopted,

Which motion

*Prevailed.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Jones,

The bill entitled "An act to amend the act entitled 'An act to establish a uniform militia throughout this State,'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Rogers, from the committee on the petition of citizens of Philadelphia, merchants and others, praying for an act of incorporation for a company to construct a rail road from the town of New Castle to intersect the Philadelphia, Wilmington and Baltimore Rail Road at some eligible point, so as to afford an uninterrupted rail road communication between the harbor and outport at New Castle, Delaware, and the city of Philadelphia, reported a bill entitled "An act to authorize the construction of a rail road from the town of New Castle to the city of Wilmington," which

On his motion,  
Was read.

Mr. Hopkins of B. C., from the committee on the petitions for a law to prevent foreigners from fishing, &c., on our shores, reported a bill entitled "An act for the protection of fish and game, in and on the waters of the Delaware bay and river, and the streams tributary thereto, within the limits of this State," which

On his motion,  
Was read.

Mr. Marshall laid on the table an account of Joseph Buckmaster against the State, which

On his motion  
Was referred to the committee on claims.

On motion of Mr. Fiddeman,

The bill entitled "A supplement to the act entitled 'An act to encourage the destruction of Crows,'" was read a second time.

On motion of Mr. Rogers,  
The bill entitled "An act to confirm and give effect in the State of De-

laware, to an act of the General Assembly of Maryland, entitled 'An act for the division of the real estate of Samuel and William Meeteer, deceased,' was read a third time by paragraphs, and *Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Jones,

The bill entitled "A supplement to the act entitled 'An act to invest this State's share of the surplus revenue of the United States, distributed to the several States, under the act entitled An act to regulate the deposits of the public money,'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Hopkins of B. C., from the committee on the bill entitled "An act to enable Jehu Reed to locate certain vacant land situate in Murderkill hundred in Kent county, and to complete his title to the same," reported back said bill without amendment,

And moved,

That the same be read a second time.

After said bill had been read a second time,

Mr. Frame moved,

That said bill be indefinitely postponed,

Which motion

*Prevailed.*

On motion of Mr. Jones,

The bill entitled "An act to incorporate the Female Benevolent Society of Trinity Church, Wilmington, for the relief of indigent women of said church," was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Rees, from the committee on the petition from New Castle, praying for an act of incorporation for a Steam Mill Company, reported a bill entitled "An act to incorporate the New Castle Steam-mill Company," which

On his motion,

Was read.

Mr. Jones gave notice that on Monday next, he should ask leave to introduce a bill entitled "An act to remove the seat of justice of New Castle county, from the town of New Castle to the city of Wilmington."

Mr. Rogers moved,

That the bill entitled "An act to authorize the construction of a rail road from the town of New Castle to the city of Wilmington," be read by its title a second time, by special order,

Which motion

*Prevailed.*

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

He then moved,

That the blank in the third section of said bill be filled with the words "Thomas P. Cope, Henry Toland, and Matthew Newkirk, of the city of

Philadelphia; James Price and Allan Thomson, of the city of Wilmington, James Booth and James Couper, jr., of the town of New Castle be, and they,"

Which motion

*Prevailed.*

On motion of Mr. Frame,  
The House adjourned until Monday next, at 11 o'clock.



MONDAY, 11 o'clock, A. M. February 11, 1839.

The House met pursuant to adjournment.

Roll called, Journal read, &c.

Mr. Jones laid on the table fifteen petitions from New Castle county, signed by three hundred and forty-three petitioners, praying that the present license law of this State, may be suffered to remain as it is, one of which

On his motion,  
Was read.

And the remaining fourteen, being of a similar character with the one read, were referred without reading, to the committee of the whole House on the bill entitled "An act to change the character of licenses to tavern-keepers and retailers, and for other purposes therein mentioned."

He also laid on the table ten other petitions, signed by two hundred and forty petitioners, praying for the repeal of the law prohibiting the racing of horses within this State, one of which was read.

Mr. Rees, from the committee of enrolment presented for the signature of the Speaker, a joint resolution providing for the printing of the reports of the State Geologist.

Also, a bill entitled "An act for making partition of the real estate of which James Lawson Clayton died seized," the same having been duly enrolled.

Mr. Jones laid on the table the petition of sundry persons in the city of Wilmington, praying for an act of incorporation for a common Cemetery for the city of Wilmington, which

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

Messrs. Jones, Frazer and Neal, were appointed said committee.

On motion of Mr. Dilworth,  
The bill entitled "An act to authorize George T. Martin (guardian of Catharine A. Robinson and John M. Robinson minors,) to remove two

certain slaves therein mentioned, from this State into the State of Maryland," was read a third time by paragraphs, and *Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Rogers,

The bill entitled "An act to incorporate the New Castle Steam Mill Company," was read a second time by its title.

Mr. Spruance moved,

That the bill entitled "An act empowering the Orphans' Court to direct the sale of the real estate of minors," be taken up for a third reading in order to pass the House.

Mr. Frame moved,

That said bill be indefinitely postponed.

The House being divided, Mr. Frame demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Fiddeman, Frame, Hopkins of B. C., Hopkins, of N. W. F., Houston, Jefferson and Marshall—9 yeas.

*Nays*—Messrs. Cooper, Dilworth, Frazer, Jones, Kerr, Neal, Pratt, Rees, Rogers, Spruance, Williamson and Mr. Speaker—12 nays.

So the motion to postpone said bill indefinitely *Was lost.*

Mr. Frame then moved,

That said bill be postponed until to-morrow. The House being divided, he again demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Fiddeman, Frame, Hopkins, of B. C. Hopkins of N. W. F., Houston, Jefferson, Marshall, Pratt and Mr. Speaker—10 yeas.

*Nays*—Messrs. Biddle, Boulden, Dilworth, Frazer, Jones, Kerr, Neal, Rees, Rogers, Spruance and Williamson—11 nays.

So the motion to postpone until to-morrow was also *Lost.*

He then moved,

That said bill be postponed until this afternoon. The House being divided, he again demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Fiddeman, Frame, Frazer, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson, Marshall, Pratt and Mr. Speaker—12 yeas.

*Nays*—Messrs. Biddle, Dilworth, Jones, Kerr, Neal, Rees, Rogers, Spruance and Williamson—9 nays.

So said bill was postponed until this afternoon, at 3 o'clock P. M.

On motion of Mr. Jones,

The bill entitled "An act to incorporate a bank in the city of Wilmington, under the name of the Union Bank of Delaware," was read a second time by its title.

On motion of Mr. Hopkins of B. C.,

The bill entitled "An act for the protection of fish and game in and on

the waters of the Delaware bay and river, and the streams tributary thereto, within the limits of this State," was read a second time.

On motion of Mr. Dilworth,

The petition of the heirs of Joseph Vickars, deceased, praying for the passage of a law to enable them to effect a partition of the lands of said deceased, in manner therein prescribed, was referred to a committee of three members, with leave to report by bill or otherwise.

Messrs. Dilworth, Hopkins of N. W. F., and Fiddeman, were appointed said committee.

On motion of Mr. Rogers,

The bill entitled "A further 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 second time.

Mr. Marshall from the committee on the petitions from Sussex county, for the passage of a law to construct a bridge over Broadkiln Creek in said county, reported a bill entitled "An act to erect and keep in good repair, a bridge over Broadkiln Creek, where the State road crosses the said creek, at a place called Samuel Paynter's Landing," which

On his motion

Was read.

On motion of Mr. Jones,

The bill entitled "An act to divorce Mary Ann Humphreys from her husband Peter A. Humphreys," was read a third time by paragraphs, and  
*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Houston,

The bill entitled "An act respecting the partition of the lands and tenements of Miers Burton, late of Dagsborough hundred in the county of Sussex, deceased," was read a second time by its title.

On motion of Mr. Jones,

The bill entitled "A supplement to the act entitled 'An act to incorporate the Wilmington and Susquehanna Rail Road Company,'" was read a second time.

On motion of Mr. Marshall,

The bill entitled "An act concerning Levy-court commissioners, assessors, trustees of the poor, collectors of taxes and overseers of the public roads," was read a second time.

On motion of Mr. Rogers,

The bill entitled "An act to establish a company under the name of the Black-bird Navigation Company," which was sent to the House by Senate on the 8th instant for concurrence, was read.

Mr. Frame moved,

That the vote on the final passage of the bill entitled "An act to incorporate the Female Benevolent Society of Trinity Church Wilmington, for the relief of indigent women of said church," be reconsidered,

Mr. Dilworth then moved,

That said bill be re-committed to a committee of three members, with leave to report back said bill, with or without amendments.

Pending the question on the motion to re-commit said bill,

On motion of Mr. Kerr,

The House adjourned until 3 o'clock this afternoon.



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

The House met pursuant to adjournment.

Mr. Dilworth renewed his motion to re-commit the bill entitled "An act to incorporate the Female Benevolent Society of Trinity Church Wilmington, for the relief of indigent women of said church,"

Which motion

*Prevailed.*

And Messrs. Dilworth, Spruance and Neal were appointed the committee thereon.

Mr. Dilworth, from the committee on the petition of the heirs of Joseph Vickars, deceased, praying for an act of Assembly, to enable them to effect a partition in the lands and tenements of said deceased, as in said petition prescribed, reported a bill entitled "An act to confirm and concur with, and give effect to an act of the General Assembly of the State of Maryland, entitled 'An act for the relief of the heirs and representatives of Joseph Vickars, late of Sussex county, deceased,' " which

On his motion,

Was read.

On motion of Mr. Jones,

The bill entitled "A supplement to the act entitled 'An act to incorporate a company to erect a drawbridge over the river Christiana, at Wilmington, and for other purposes therein mentioned,' " was read a second time.

He then moved,

To strike out of said bill the words "one per cent." The House being divided, Mr. Housston demanded the yeas and nays, which were as follows:—

**Yeas**—Messrs. Cooper, Fiddeman, Frazer, Jones, Pratt, Rees, Spruance and Williamson—8 yeas.

**Nays**—Messrs. Biddle, Boulden, Dilworth, Frame, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson, Kerr, Marshall, Neal, Rogers and Mr. Speaker—13 nays.

So the House refused to strike out the words "one per cent." out of said bill.

He then moved,  
That said bill be amended by adding section 2, to the said bill in the following words, viz:

"Section 2. *And be it further enacted*, That every person passing said bridge, either with stage, wagon, cart, coach, gig, chaise, or other carriage of burden or pleasure, and all persons riding, driving or leading horses, mules, or cattle of any description, shall pass the same on the right hand side thereof in a walk; and if any person or persons shall intentionally, and wilfully offend against this provision, every person for such offence, shall forfeit and pay a sum not exceeding five dollars, to be recovered before any justice of the peace in and for New Castle county, and applied, one moiety thereof to the person suing, and the other moiety to the poor of New Castle county, and paid to the treasurer thereof. And it shall be the duty of the said company, to put up an index board at each end of said bridge, explanatory of the aforesaid provisions."

The House being divided, Mr. Jones demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins, of B. C., Houston, Jefferson, Jones, Neal, Pratt, Rees, Rogers Spruance and Williamson—15 yeas.

*Nays*—Messrs. Biddle, Boulden, Hopkins, of N. W F., Kerr, Marshall and Mr. Speaker—6 nays.

So said amendment was

*Adopted.*

Mr. Frame laid on the table a remonstrance against the passage of a law to amend, or alter the present law regulating the construction and use of weirs in Spring Creek, which

On his motion,

Was read and referred to the committee heretofore appointed on the petitions for the repeal or alteration of the aforesaid law.

He also laid on the table the remonstrance of sundry persons in and near the town Frederica, against the passage of any law to authorize George Bonwill to change from a draw-bridge to a *pivot-bridge*, a certain bridge over Spring Creek, near the town of Frederica, as prayed for in the petition of the said Bonwill, but on the contrary, to pass a law to make said bridge a *permanent* one, which.

On his motion,

Was read and referred to the same committee appointed on the petition of the said George Bonwill.

He then moved,

That the petition of William Scotton, which had heretofore been referred to a committee of three members, be changed from the committee appointed thereon, to the committee on claims,

Which motion

*Prevailed.*

Mr. Hopkins, of B. C., from the committee on the petition of Leonard Short, a non-resident insolvent debtor, to be discharged from the prison in Sussex county reported a bill entitled "An act for the relief of Leonard Short, an insolvent prisoner," which

On his motion,  
Was read.

Mr. Jones, from the committee on the petition of citizens of Wilmington, for an act of incorporation for a common cemetery company, in said city, reported a bill entitled "An act to incorporate a company for procuring and superintending a common Cemetery in Wilmington" which

On his motion,  
Was read.

On motion of Mr. Rogers,

The bill entitled. "An act empowering the Orphans' Court to direct the sale of the real estate of minors" was taken up for a third reading in order to pass the House. On the question of the passage of the first section of said bill the House divided, and Mr. Frame demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Dilworth, Frazer, Jones, Kerr, Neal, Pratt, Rees, Rogers, Spruance and Williamson—11 yeas.

*Nays*—Messrs. Biddle, Boulden, Fiddeman, Frame, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson, Marshall and Mr. Speaker—10 nays.

So the first section of said bill

*Passed the House.*

On the question of the passage of the second section of said bill the House again divided, and Mr. Frame demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Dilworth, Frazer, Jones, Kerr, Neal, Pratt, Rees, Rogers, Spruance, Williamson and Mr. Speaker—12 yeas.

*Nays*—Messrs. Biddle, Boulden, Fiddeman, Frame, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson and Marshall—9 nays.

So the second section of said bill also

*Passed the House.*

On the question of the final passage of said bill, the House again divided, and Mr. Frame again demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Dilworth, Frazer, Jones, Kerr, Neal, Pratt, Rees, Rogers, Spruance, Williamson and Mr. Speaker—12 yeas.

*Nays*—Messrs. Biddle, Boulden, Fiddeman, Frame, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson and Marshall—9 nays.

So said bill

*Passed the House.*

*Ordered*, To the Senate for concurrence.

On motion of Mr. Jones,

The bill entitled "An act to authorize James Giffin, the executor of the last will and testament of Frederick Ford, late of Mill Creek hundred, deceased, to make sale of the real estate of the said Frederick Ford, in manner and form as therein prescribed," was read a third time by paragraphs, and

*Passed the House.*

*Ordered*, To be returned to the Senate.

On motion of Mr. Rogers,  
The bill entitled "A supplement to the act entitled 'A further supplement to the act entitled 'An act concerning the probate of wills and the administration of the personal estate of deceased persons,'" was read a third time by paragraphs, and *Passed the House.*

*Ordered, To the Senate for concurrence.*

Mr. Marshall laid on the table the account of Joseph Buckmaster, which

On his motion

Was referred to the committee on claims.

Mr. Spruance laid on the table the account of Benjamin Enos against the State, which

On his motion,

Was referred to the committee on claims.

On motion of Mr. Rogers,

The bill entitled "An act to authorize the purchase of a library for Newark College," was taken up for a third reading in order to pass the House.

Mr. Spruance moved,

That the further consideration of said bill be postponed until to-morrow,

Which motion

*Was lost.*

And the said bill proceeded to its third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Dilworth, Fiddemen, Frame, Jefferson, Jones, Kerr, Marshall, Neal, Pratt, Rogers, Spruance and Williamson—13 yeas.

*Nays*—Messrs. Biddle, Cooper, Frazer, Hopkins of B. C., Hopkins of N. W. F., Houston, Rees and Mr. Speaker—8 nays.

So the first section of said bill

*Passed the House.*

On the question the final passage of said bill the House again divided, and Mr. Houston demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Jefferson, Jones, Kerr, Neal, Pratt, Rogers, Spruance and Williamson—14 yeas.

*Nays*—Messrs. Biddle, Hopkins of B. C., Hopkins of N. W. F., Houston, Marshall, Rees and Mr. Speaker—7 nays.

So said bill

*Passed the House.*

*Ordered, To the Senate for concurrence.*

Mr. Jones asked, and

On motion of Mr. Rogers,

Obtained leave to introduce a bill entitled "An act to provide for the removal of the seat of justice for New Castle county, from the town of New Castle, to the city of Wilmington" which was done, and

On his motion,  
Read.

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



TUESDAY 10 o'clock, A. M. February 12, 1839.

The House met pursuant to adjournment.

Roll called, journal read, &c.

Mr. Frame, from the committee on the resolution respecting foreign guardians, reported a bill entitled "A supplement to the act entitled 'An act concerning the Orphans' Court,'" which

On his motion,  
Was read.

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

Which motion

*Prevailed.*

He then asked leave to introduce a bill entitled "An act to authorize the Trustee of the School Fund to lend or invest certain monies," which leave was,

On motion of Mr. Dilworth,  
Granted.

He then moved,  
That said bill be read,

Which motion,

*Prevailed.*

Mr. Dilworth, from the committee on the bill to incorporate the Female Benevolent Society of Trinity Church Wilmington, for the relief of indigent women of said church, reported back said bill with an amendment, which amendment

On his motion,  
Was read, as follows, to wit:—

Amend the first section of the bill by adding immediately after the enacting clause, the words "Two-thirds of each branch of the Legislature concurring." Also, strike out all the third section after the enacting clause, and insert in place thereof the following words:—"That the clear yearly rents and profits of the whole real estate to be held and enjoyed by the said corporation, shall not exceed the sum of five hundred dollars; and that the clear yearly interest or income of the personal estate of the said corporation shall not exceed two thousand five hundred dollars, and the said society shall have and enjoy all the franchises incident to a corporation. *Pro-*

*vided*, That nothing herein contained shall be construed so as to deprive the society from enjoying the benefit of a bequest or donation in real estate, the clear income or rents of which shall exceed five hundred dollars; but that reasonable time is hereby granted to hold the same for a term not exceeding one year, from the time such bequest or donation is made, so as to enable the corporation to sell or dispose of the estate aforesaid for the benefit of the society, and the said corporation shall not have or exercise any banking powers whatsoever."

Also, amend the said bill by adding the following as the fourth section, to wit:—

Section 4. *And be it enacted*, That the right to revoke this act of incorporation is hereby reserved by the Legislature.

He then moved,  
That said amendments be adopted,

Which motion,

*Prevailed.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House sundry enrolled bills, and informed the House that the same had received the signature of the Speaker of the Senate.

He also returned to the House the bill entitled "A supplement to the act entitled 'An act to vest in the Court of Chancery the care of Idiots and Lunatics.'" Also, the bill entitled "An act to enable Jonathan R. Torbert to locate certain vacant land situate in Nanticoke hundred in Sussex county, and to complete his title to the same."

Also, the bill entitled "An act to amend the act entitled 'An act to provide for certain deficiencies in the penal code.'"

Also, the bill entitled "An act to amend the act 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' "

Also the bill entitled "An act to appropriate the monies in the treasury of this State," and informed the House, that the Senate had concurred in the same.

He also informed the House, that the Senate had concurred in the amendments of the House to the bill entitled "An act to improve the navigation of Cedar creek."

He also asked the concurrence of the House in a bill entitled "A supplement to the act entitled 'An act to enable the owners and possessors of the meadow, marsh and cripple, lying on both sides of the North West branch of Duck Creek, emptying into the main branch of Duck Creek below the Eagle's Nest Landing, effectually to embank and drain the same, and to keep the banks, dams, sluices, canals and drains, in repair, and to raise a fund to defray the expense thereof.'"

And he withdrew.

Mr. Houston, from the committee on the petition of sundry persons in Sussex county, for a law to raise by a lottery or otherwise, a sum of money sufficient to embank out the waters of the Atlantic ocean from certain low lands therein mentioned, reported a bill entitled "An act to enable

certain persons therein mentioned, to raise by lottery the sum of ten thousand dollars, for embanking the low lands on the sea shore in Baltimore hundred in Sussex county, and other purposes, " which

On his motion,  
Was read.

On motion of Mr. Rogers,  
The bill entitled "An act to authorize the construction of a rail road from the town of New Castle to the city of Wilmington," was taken up for consideration.

Mr. Jones then moved,  
The following amendments thereto, to wit:  
Amend the said bill by inserting in the twenty-ninth line, before the word "wharves" the words "bridge over Christiana river within the limits of the city of Wilmington. Nor shall they construct any." Also, by striking out in the 12th line of section 11th, the word "ten" and inserting in lieu thereof the word "five," which amendments were,

On his motion, *Adopted.*

Mr. Frame then moved,  
That the further consideration of said bill be postponed until 3 o'clock this afternoon,

Which motion *Prevailed.*

Mr. Dilworth moved,  
That a committee of five members be appointed on the bill entitled "An act to provide for the removal the seat of justice of New Castle county, from the town of New Castle to the city of Wilmington," with leave to report back said bill with amendments or otherwise,

Which motion *Prevailed.*

Messrs. Dilworth, Rogers, Kerr, Jones and Boulden, were appointed said committee.

On motion of Mr. Rogers,  
The bill entitled "An act to incorporate the New Castle Steam Mill Company," was read a third time by paragraphs, and *Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Jones laid on the table a petition from New Castle county, praying for a law to increase the fees of constables in certain cases, which

On his motion,  
Was referred to the committee now raised on the same subject.

Mr. Neal asked, and

On motion of Mr. Frame,  
Obtained leave to introduce a bill entitled "An act to provide for the preservation of the records in the office of the Register for the probate of wills and granting letters of administration, and in the office for recording of Deeds in Sussex county," which

On his motion,  
Was read.

On motion of Mr. Spruance,

The House resolved itself into committee of the whole, on the bill entitled "An act changing the character of licenses to tavern-keepers and retailers, and for other purposes therein mentioned."—Mr. Spruance in the Chair,

After some time spent in committee of the whole,

On motion of Mr. Dilworth,

The committee rose and reported the following amendments to the House, to wit:—

Amend the first section of said bill by striking out in the tenth line (printed bill) the word "twenty," immediately preceding the word "dollars" and inserting the word "fifteen." Also amend the said bill in the same section, by inserting between the word "paid" and the word "and" the words "to the said clerk." Also, by inserting between the word "refunded" and the word "at" in the same line, the words "by him when no recommendation shall have been granted by the said judges." Also amend the 2nd section of said bill by striking out the word "fee" in the third line thereof, and inserting in lieu thereof the words "tax or duty." Also amend the said 2nd section in a similar way in the 6th and 9th lines thereof, to wit: by striking out the word "fee" where it occurs in said lines and inserting in lieu thereof, the words "tax or duty." Also amend the said section, by striking out the 7th, 8th, and part of the 9th lines thereof, and inserting in lieu thereof the following words: "ten dollars in addition to the tax or duty required by that act."

Also amend the said section by adding at the end thereof the following, to wit:—"And the said additional tax or duty of ten dollars on retailers' licenses, with the privilege of selling spirituous liquors, shall be paid over by the Clerk of the Peace to the State Treasurer, for the use of the school fund, to be applied in the same manner as are fees obtained from the sale of tavern licenses. The Clerks of the Peace for the respective counties, shall account for the monies so received, as well as the monies received under the first section of this act in the same manner, and be subject to the same regulations as is provided for in the act entitled 'An act requiring Clerks of the Peace to pay to the State Treasurer, instead of the Secretary of State, certain sums received for fees to the State' passed at Dover, on the 8th day of February, one thousand eight hundred and thirty-nine. And the said Clerks of the Peace in their respective counties, are also required to present to the Court of General Sessions of the Peace at each session, a list of all tavern-keepers, and all retailers who have taken out licenses; designating whether such license authorizes the sale of spirituous liquors, and the date thereof, and the said list shall be laid before the grand jury."

Also amend section 3rd, by inserting in the third line thereof, between the word "sell" and the word "wine," the words "dispose of or permit to be drunk."

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House the bill entitled "An act supplementary to the act entitled 'An act to incorporate the Wilmington and New Jersey Steamboat Company.'"

Also, the bill entitled "An act empowering the State Treasurer to col-

lect all balances due to the State from sheriffs, constables and justices of the peace," and informed the House that the Senate had concurred in said bills.

He also returned to the House the joint resolution appointing an Auditor of Accounts, and informed the House that the Senate had concurred therein with an amendment.

And he withdrew.

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



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

The House met pursuant to adjournment.

Mr. Cooper laid on the table a remonstrance against the passage of any law to change from a draw, to a permanent bridge, the bridge over Spring Creek near Frederica, which

On his motion,  
Was read and referred to the committee raised on the same subject.

On motion of Mr. Cooper,  
The bill entitled "An act to repeal an act entitled 'An act to incorporate the White Marsh Company, for the purpose of draining and reclaiming certain marsh, low grounds and cripple in Murderkill and Mispillion hundreds in Kent county, was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Hopkins of B. C.,  
The bill entitled "An act for the protection of fish and game in and on the waters of the Delaware bay and river, and the streams tributary thereto, within the limits of this State," was taken up for a third reading in order to pass the House, but at the close of the reading of the 5th section thereof,

On motion of Mr. Jones,  
The said bill was postponed until to-morrow.

Mr. Houston, from the committee on the memorial of the Levy-court of Sussex county, praying for the passage of a law to change the fee to be paid by constables to the State, &c., reported a bill entitled "A supplement to the act entitled 'An act concerning constables,'" which

On his motion,  
Was read.

A message from the Governor by the Secretary of State.

Mr. Marim, Secretary of State being admitted, laid on the table a writ-

ten communication from his Excellency the Governor, accompanied by other documents.

And he withdrew:

On motion of Mr. Spruance,

The communication from the Governor was read, together with its accompanying documents as follows, to wit:—

EXECUTIVE DEPARTMENT,

*Dover, February 12, 1839.*

*To the General Assembly  
of the State of Delaware,*

Since the commencement of the present session, I have received from his Excellency, Governor Dudley of North Carolina, certain resolutions of that State, condemning in the most decided manner “that act of the Senate of the United States expunging the records of that body,” also condemning the Sub-Treasury system, and “the late act of Congress allowing settlers on the public lands, the right of pre-emption at the minimum price,” and also solemnly protesting” against the wasteful extravagance of the present administration and their profligate expenditure of the public money” and declaring that “the power and patronage of the Executive Department of the Federal Government have increased to an alarming extent and ought to be diminished.” I have also received from his Excellency the Governor of New Jersey, a report and sundry resolutions of the Legislature of that State, in relation to the public lands. All which I lay before you, agreeably to the request contained in them.

C. P. COMEGYS.

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EXECUTIVE DEPARTMENT, N. C.

*Raleigh, January 14, 1839,*

SIR,

I have the honor to transmit herewith Resolutions relating to the General Government, and to request that they be laid before the Legislature of the State over which you preside.

I am, most respectfully,

Your obedient servant,

EDWARD B. DUDLEY.

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

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*Resolutions relating to the General Government.*

WHEREAS we believe that a great crisis has arrived in the political history of our country, on the issue of which we conceive the safety of our free institutions depend—and whereas we consider it our bounden duty, as the Representatives of the freemen of North Carolina, to express in calm and dispassionate language our opinions on the great questions which have been for some time, and some of which still are, agitating the public mind:

1. *Resolved therefore,* That this General Assembly do condemn, in the

most decided manner, that act of the Senate of the United States, *expunging* the records of that body, as a palpable violation of the plain letter of the Constitution, and as an act of party servility, calculated to degrade the character of the Senate.

2. *Resolved*, That resolutions ought to be passed by the Senate of the United States, condemnatory of that act, and rescinding the resolutions authorizing it to be done.

3. *Resolved*, That this General Assembly do condemn the sub-Treasury system which this Administration is endeavoring to establish, as another item in that series of fatal experiments of this and the past Administration, which are the main source of that derangement in the currency, and prostration of commercial credit, that have been so severely felt of late in every branch of industry; and which, if suffered to become a law, will, by its tendency to augment Executive power, to unite the purse and the sword in the hands of the Executive, and to destroy the *credit system*, by the exaction of specie in the Government dues, ultimately change the real character of our Government, and place in peril the liberties of our country.

4. *Resolved*, That we consider the public lands of the United States as the common property of all the States, and that we therefore condemn the late act of Congress, allowing settlers on the public lands the right of pre-emption at the minimum price, as an act of gross injustice to the old States who originally ceded them, or who contributed to a common fund for their purchase.

5. *Resolved*, That we believe that the proper and equitable disposition of the public domain, is to divide the proceeds arising from their sale among the several States of the Union, according to the ratio of their federal population.

6. *Resolved*, That we do most solemnly protest against the wasteful extravagance of the present Administration, and their profligate expenditure of the public money, which not only creates a demand for heavy taxation in order to meet the exorbitant appropriations of the General Government, but which tends to the corruption of public morals and the degradation of the national character.

7. *Resolved*, That the power and patronage of the Executive Department of the Federal Government have increased to an alarming extent, and ought to be diminished.

8. *Resolved*, That our Senators in Congress will represent the wishes of a majority of the people of this State, by voting to carry out the foregoing Resolutions.

9. *Resolved*, That the Governor of this State be requested to forward a copy of these resolutions to each of our Senators in Congress, with a request that they lay them before Senate of the United States; and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective Legislatures.

Read three times and ratified in General Assembly, }  
this 28th of December, A. D. 1838. }

WILL. A. GRAHAM, S. H. C.  
A. JOYNER, S. S.

## STATE OF NORTH CAROLINA.

*Secretary of State's Office.*

I, WILLIAM HILL, Secretary of State in and for the State of North Carolina, do hereby certify that the foregoing is a true copy of a preamble and resolutions passed by the General Assembly of this State at its late session.

Given under my hand, this 16th day of January, 1839.

WM. HILL.

## EXECUTIVE DEPARTMENT,

*Trenton, N. J. February 8, 1839.*

SIR,

I have the honor to transmit herewith a copy of Resolutions (with an accompanying Report of a Joint Committee) adopted by the Council and General Assembly of the State of New Jersey, respecting the Public Lands, and to request that they may be laid before the Legislature of the State over which you preside.

With high consideration,  
Your obedient servant,

WM. PENNINGTON.

*Governor of New Jersey.**To his Excellency,**The Governor of Delaware.*

*Report of the Joint Committee of the Council and General Assembly  
of the State of New Jersey on the Public Lands.*

The joint committee to whom was referred the resolutions of the Legislature of the State of Connecticut relative to the public lands, have had the same under consideration, and respectfully submit the following report:

The subject of the public lands is one to which the attention of the people of New Jersey was early directed, and upon which their sentiments and feelings were very clearly and decidedly expressed. It is matter of history, that when the articles of confederation were under consideration in Congress, in 1777, the delegates from New Jersey endeavored, though without success, to procure the insertion of an article which would secure the "impartented or crown lands," as they were then called, for the common benefit of all the States. After these articles had been agreed upon and adopted by Congress, they were transmitted to the Legislatures of the several States, for their approbation and ratification. The Legislature of New Jersey, after several months of deliberation, on the 16th of June 1778, declined to ratify them, and furnished to Congress, through their delegates, a statement of the reasons of their refusal; from which the following is an extract: "The present war, as we always apprehended, undertaken for the general defence and interest of the confederating colonies, now the U. States. It was ever the confident expectation of this State, that the benefits derived from a successful contest were to be general and proportionate; and that

the property of the common enemy, falling in consequence of a prosperous issue of the war, would belong to the United States, and be appropriated to their use. We are therefore greatly disappointed in finding no provision made in the confederation for empowering Congress to dispose of such property, *but especially the vacant and impatented lands, commonly called the crown lands*, for defraying the expenses of the war, and for such other public and general purposes. Reason and justice must decide that the property which existed in the crown of Great Britain previous to the present revolution, ought now to belong to the Congress, in trust for the use and benefit of the United States. They have fought and bled for it in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distributed." Failing to obtain the alteration which they desired, and urged by the repeated and earnest solicitations of Congress, and the dangers and difficulties of the contest in which they were embarked, the legislature, on the 14th day of November 1778, with that self-sacrificing devotion to the common good, and that magnanimous zeal in the cause of liberty which marked their whole course, gave their assent to the articles of confederation. But they resolved to do so "notwithstanding we view with concern the unequal terms of the articles of confederation between the several States, and notwithstanding the objections lately stated and sent to Congress on the part of this State, are founded in justice and equity, and several of them of the most essential moment to the interests thereof; yet maturely considering the urgent necessity of acceding to the confederacy;—that every separate and detached State interest ought to be postponed to the public good, and firmly relying that the candor and justice of the several States will in due time remove the inequality which now subsists." The legislature of Delaware soon after followed the example of New Jersey, accompanying her ratification with a resolution, declaring, that those lands ought in justice to become the common property of the Union. But Maryland still refused to waive her objections, or to give her assent, unless the lands were first surrendered as common property. In the hope of removing this obstacle to the completion of the Confederacy, Congress, on the 6th of September, 1780, passed resolutions most earnestly calling upon the States within whose limits those lands lay, to cede them for the common benefit; and, on the 10th of October following, passed another resolution expressly declaring, "that the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress, of the 6th day of September last, *shall be disposed of for the common benefit of the United States.*"

This appeal by Congress was not made in vain. On the 1st of March, 1781, New York ceded certain lands within her chartered limits, "*to and for the only use and benefit of such of the States as are or shall become parties to the articles of confederation.*" On the 1st of March, 1784, Virginia ceded all her territory lying north-west of the Ohio river, upon the condition, (among others) that it "*shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*" On the 19th of April, 1785, Massachusetts ceded a portion of her lands to the United States "*to the uses mentioned in a re-*

*solve of Congress of the tenth day of October, one thousand seven hundred and eighty,"* (being the resolution above quoted;) and on the 14th of September, 1786, Connecticut also ceded part of her vacant lands *"to the United States, in Congress assembled, for the common use and benefit of the said States, Connecticut inclusive."* The cession made by South Carolina, on the 7th of August, 1787, is expressly declared to be *"unto the United States, in Congress assembled, for the benefit of the said States;"* and that made by North Carolina, on the 25th of February, 1790, provides that the lands thereby ceded *"shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."* The last cession made by any of the States, was that made by Georgia, on the 24th of April, 1802, which provides that the lands thereby ceded *"shall be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."* Thus it will be seen, that "the candor and justice of the several States," upon which our fathers relied, did, "in due time remove the inequality" of which they complained, and surrendered, for the general benefit, a property which the consequences of our revolutionary struggle have rendered of immense value. The whole of the residue of the public domain has been acquired by treaties, made in the name and behalf of the whole United States, and for their benefit. Louisiana, as is well known, was obtained at an expense of fifteen millions of dollars, which were paid out of the common treasury; and large amounts have from time to time been drawn from the same source for extinguishing the Indian titles.

From this brief view of the manner in which the public lands have been acquired, it is perfectly manifest that they are, upon every principle of law and justice, the common property of the whole Union. If there were any room for doubt, it would seem to be upon the question, whether, in strictness, they should not belong *exclusively* to the original thirteen States. It was wholly by their treasure, and toil, and blood, that a large portion of them was acquired; and at least plausible reasons might have been assigned for withholding a community of interest in them from the younger members of the Union, whom they admitted to a participation in the liberty they had achieved and the government they had formed. But such has never been the policy they have pursued. Their conduct towards the new States has been throughout marked by a liberality and generosity worthy of enlightened freemen. No jealous anxiety to preserve or increase their own power and importance, has ever led them to interpose the slightest obstacles to emigration; no contracted or parsimonious views of pecuniary profit have ever placed those lands above the reach of the poorest settler; nor have they ever refused a listening ear and a helping hand to the slightest request for aid or protection. They have regarded them, not as a man regards his enemy or his rival, but as he looks upon a favorite child, in whom he fondly hopes to find an equal in usefulness and honor. No one can examine the history of the conduct of the General Government to the new States, without the conviction that it has been more than just;—that it has been most liberally generous.

The first law for regulating the sale of those lands, passed May 20th,

1785, contains a provision setting apart one thirty-sixth part for the maintenance of public schools, and the same provision has been continued to the present time. From a report made by the commissioner of the General Land Office, to the House of Representatives, on the 28th of December, 1838, it appears that the quantity of public lands unsold within the limits of the several States and Territories is 229,711,075 acres; that 77,134,821 acres have been sold; and that 12,690,334 acres have been granted to those States and Territories for the support of common schools, for academies and colleges, and for roads and canals and other public improvements. By the same report it further appears, that the sum of \$3,967,357 has been granted and paid out of the proceeds of the sale of those lands for the construction of roads within, or leading to those States and Territories.

Of these things we do not complain; they were, no doubt, well and wisely done, and far be it from us to wish them undone. We rejoice to know that, under this liberal policy, portions of those "impated and unappropriated crown lands" have in little more than half a century become free and independent States of the Union, and that still other portions, under the same fostering influence, are rapidly advancing to the same dignity. But we do complain, and we feel that we have a right to complain that efforts are continually made, by means of gradation and pre-emption laws, to waste this public property, and, above all, that claims are made and countenanced too, that these public lands, thus acquired, ought of right to be the sole and exclusive property of the States in which they lie. That such a claim is utterly destitute of any foundation in justice or equity, is abundantly manifest from the brief sketch of the manner in which those lands were acquired, already given. It may be that political management or numerical strength will hereafter crown this monstrous pretension with success; but no effort of human ingenuity can ever impress upon it the semblance of justice or honesty, until the history of the past shall have been obliterated or forgotten. Of one thing we are confident—that Jerseymen can never so far disregard what they owe to the memory of their fathers, to themselves, and to their posterity, as to give to it their assent. No State contributed to the achievement of our national independence and union a larger proportion of property, of suffering fortitude, and daring heroism and of life itself, than New Jersey; yet no State has reaped from it so little direct pecuniary advantage. While other States, more favored by nature or by circumstances, have shared largely the benefits arising from expenditures made by the General Government to promote the national defence and security, and to facilitate navigation and intercourse, scarcely a dollar has been expended for any of those purposes within her limits. Issuing from the toils and sufferings of our revolutionary struggle, exhausted in every thing but patriotism and honor, she has been left to provide her own common school fund, to build and endow her own academies and colleges, and to construct her own rail roads and canals, by such ways and means as she could devise. She has looked to the Public Lands, in part acquired by her valor or purchased with her treasure, as a source from which she might hereafter expect aid in educating her sons, in developing her natural resources, in facilitating the intercourse of her citizens, and in accomplishing other similar purposes, which constitute the true glory and wealth of a State. But an attempt, it would seem, is to be made to strip her in piece-meal or in mass, of this property, to which she

is entitled by every principle of law and justice. It may be that it will succeed; but it shall not be with her consent or without her remonstrance.

The committee therefore recommend the adoption of the following resolutions:—

CHARLES G. MCCHESENEY, } *Committee*  
A. ARMSTRONG, } *of Council.*

WILLIAM STITES, }  
MOSES RICHMAN, jun'r. } *Committee*  
G. P. MOLLESON, } *of Assembly.*

January 23, 1839.

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### STATE OF NEW JERSEY.

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#### *Joint Resolutions.*

*Resolved by the Council and General Assembly of this State,* That the Public Lands, having been acquired by the common exertions and treasures of the United States, are, and of right ought to be, the common property of the whole Union.

*Resolved,* That the proceeds arising from the sale of those lands, if not required for the purposes of the General Government, ought to be proportionably distributed among the several States.

*Resolved,* That we regard the reduction of the prices of those lands, and the granting of pre-emption rights, as measures partial and unjust in their operation, and calculated to squander and waste the common property of the people of the United States for the benefit of a few.

*Resolved,* That in the name and behalf of the people of the State of New Jersey, we do most solemnly and earnestly protest against the cession of those lands, or of any part thereof, to the States in which they lie, as an act of palpable injustice and wrong, neither required nor sanctioned by any public necessity or policy, and opposed to every principle of justice and equity.

*Resolved,* That the Senators and Representatives of New Jersey in the Congress of the United States will best conform to the wishes, and promote the interests, of the people of this State, by acting in accordance with the foregoing resolutions.

*Resolved,* That the Governor be requested to forward copies of the foregoing Resolutions and of the accompanying Report to the Senators and Representatives in Congress from this State, with a request that the same be laid before their respective Houses, and also to the Governors of the several States of the Union, with a request to lay them before their respective legislatures.

HOUSE OF ASSEMBLY, *February 7, 1839.*

These Joint Resolutions having been three times read and compared in the House of Assembly,

*Resolved,* That the same do pass.

By order of the House of Assembly.

LEWIS CONDUCT, *Speaker.*

IN COUNCIL, January 31, 1839.

These Joint Resolutions having been three times read and compared in Council,

*Resolved*, That the same do pass.

By order of Council.

A. PARSONS,  
*Vice-President of Council.*

*State of New Jersey.*

I, JAMES D. WESTCOTT, Secretary of State of New Jersey, do hereby certify, that the foregoing is a true copy of certain Joint Resolutions passed by the Legislative Council and General Assembly of said State, on the seventh day of February, A. D. one thousand eight hundred and thirty-nine, as taken from, and compared with the original, now on file in my office.



*In testimony whereof*, I have hereunto set my hand, and affixed my seal of office, at the city of Trenton, in said State, this eighth day of February, A. D. one thousand eight hundred and thirty-nine. (1839.)

JAMES D. WESTCOTT.

On motion of Mr. Houston,

The bill entitled "An act respecting the partition of the lands and tenements of Miers Burton, late of Dagsborough hundred in the county of Sussex, deceased," was taken up and read a third time by paragraphs, and *Passed the House.*

*Ordered*, To the Senate for concurrence.

On motion of Mr. Jones,

The bill entitled "A supplement to the act entitled 'An act to incorporate a company to erect a drawbridge over the river Christiana at Wilmington, and for other purposes therein mentioned,'" was read a third time by paragraphs, and *Passed the House.*

*Ordered*, To the Senate for concurrence.

Mr. Frame, from the committee on the petitions for, and remonstrances against the repeal of the law regulating the construction and use of wears in Spring Creek, reported a bill entitled "A supplement to the act entitled 'An act for regulating the construction and use of wears in Spring Creek,'" which

On his motion,  
Was read.

On motion of Mr. Marshall,

The bill entitled "An act concerning Levy-court commissioners, assessors, Trustees of the poor, collectors of taxes, and overseers of the public roads," was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Fiddeman, Houston and Marshall—3 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Dilworth, Frame, Frazer, Hopkins of B. C., Hopkins, of N. W. F., Jefferson, Jones, Kerr, Neal, Pratt, Rees, Rogers, Spruance, Williamson and Mr. Speaker—18 nays.

So said bill on the question of the passage of the first section thereof

*Was lost.*

Mr. Rogers moved,

That the bill entitled "An act to authorize the construction of a rail road from the town of New Castle to the city of Wilmington" be taken up for consideration,

Which motion

*Prevailed.*

Mr. Spruance then moved,

That the further consideration of said bill be postponed until to-morrow,

Which motion also

*Prevailed.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House an enrolled bill, and informed the House that the same had received the signature of the Speaker of the Senate. He also asked the concurrence of the House in a bill entitled "An act concerning oaths and affirmations."

And he withdrew.

Mr. Rogers moved,

That the report of the committee of the whole on the bill entitled "An act to change the character of licenses to tavern-keepers and retailers, and for other purposes therein mentioned," be taken up for consideration,

Which motion

*Prevailed.*

Mr. Frame then moved,

The following amendment thereto, to wit:—

Amend the 4th section by striking out in the 7th and 8th lines, the following, viz:—"or any *beer, ale, porter, cider, or other fermented liquor.*"

On the question of the adoption of said amendment, it was decided in the negative.

Mr. Frame then moved,

The following amendment to said bill, to wit:—

Amend the 4th section by striking out of the 7th line thereof the word "cider." The House being divided on the question of the adoption of said amendment, Mr. Frame demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of B. C., Jefferson, Neal, Pratt, Rogers and Mr. Speaker—11 yeas.

*Nays*—Messrs. Biddle, Boulden, Hopkins of N. W. F., Houston, Jones, Kerr, Marshall, Rees, Spruance and Williamson—10 nays.

So said amendment was

*Adopted.*

Mr. Dilworth then moved,

The following amendment thereto, to wit:—Strike out the word "there-

in" in the 9th line of the 4th section of said bill, and insert between the word "consumed" and "every" in said line, the following words, viz:—"therein, or in, or upon, any premises occupied by such person as connected with such store."

The House being divided on the question of said amendment, Mr. Dilworth demanded the yeas and nays, which were as follows:

*Yeas*—Messrs. Biddle, Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of N. W. F., Houston, Jefferson, Kerr, Marshall, Neal, Rees, Rogers, Spruance and Williamson—17 yeas.

*Nays*—Messrs. Hopkins of B. C., Jones, Pratt and Mr. Speaker—4 nays.

So said amendment was

*Adopted.*

Mr. Dilworth then moved,

The further amendment to said bill to wit:—Amend said bill by adding section 8, thereto as follows, viz:

Section 8. *And be it further enacted*, That the Secretary of State is hereby required to cause this act to be published in two or more newspapers printed in this State, for the space of three months from and after the first day of May next."

Which said amendment was

*Adopted.*

Mr. Hopkins then moved,

That said bill be postponed until the 4th day of July next. The House being divided, he demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Hopkins of B. C., Houston, Jefferson, Neal, Williamson and Mr. Speaker—7 yeas.

*Nays*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of N. W. F., Jones, Kerr, Marshall, Pratt, Rees, Rogers and Spruance—14 nays.

So said motion

*Was lost.*

On motion of Mr. Rogers,

Said bill was then read a second time as amended.

Mr. Jones moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Dilworth,

Obtained leave to introduce a bill entitled "A supplement to the act entitled 'An act concerning public houses of entertainment, and the unlawful selling of liquor or strong drink'" which was

On his motion,

Read.

Mr. Spruance laid on the table the petition of William Temple, praying for the passage of a law to authorize the sale of certain real estate therein mentioned, which

On his motion,

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

Messrs. Spruance, Jefferson and Biddle, were appointed said committee.

On motion of Mr. Jones,

The bill entitled "A further 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, in order to pass the House. On the question of the passage of the first section of said bill the House divided, and Mr. Spruance demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Fiddeman, Frame, Hopkins, of B. C., Hopkins, of N. W. F., Houston, Jefferson, Kerr, Rees, Rogers, Williamson and Mr. Speaker—12 yeas.

*Nays*—Messrs. Biddle, Cooper, Dilworth, Frazer, Jones, Marshall, Neal, Pratt and Spruance—9 nays.

The question then arising as to whether it required a vote of two-thirds of the members of the House to pass said bill,

Mr. Rogers moved,

That the further consideration thereof be postponed until to-morrow morning at 10 o'clock.

On motion of Mr. Jefferson,

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



WEDNESDAY 10 o'clock, A. M. February 13, 1839.

The House met pursuant to adjournment.

Roll called, Journal read, &c.

Mr. Jones laid on the table the memorial of the Levy-court of New Castle county, praying for the passage of a law to authorize the said Levy-court to allow the collector of taxes in Appoquinimink hundred, ten per cent. on the money by him collected as such collector, which

On his motion,  
Was read.

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

Which motion

*Prevailed.*

He then asked leave to introduce a bill entitled "An act regulating the

commissions to be received by the collector of taxes of Appoquimink hundred in the county of New Castle," which leave,

On motion of Mr. Dilworth,  
Was granted, and said bill was introduced, and

On his motion  
Read.

He then moved,  
That said bill be read a second time by special order of the House,

Which motion, *Prevailed.*

And said bill was read a second time.

Mr. Rogers, from the committee on claims, reported back the petition of William Scotton to the House, and asked that the committee be discharged from any further consideration thereon, which request,

On motion of Mr. Hopkins, of N. W. F.,  
Was granted.

Mr. Frame then moved,  
That said petition be referred back to the committee originally appointed thereon,

Which motion *Prevailed.*

Mr. Spruance, from the committee on the petition of William Temple, praying for a law to authorize the sale of certain real estate therein mentioned, reported a bill entitled "An act for the relief of Eliza Wales Ringgold," which

\* On his motion,  
Was read.

On motion of Mr. Marshall,  
The bill entitled "An act to erect and keep in good repair a bridge over Broadkiln Creek, where the State road crosses the said creek, at the place called Samuel Paynter's Landing," was read a second time.

On motion of Mr. Fiddeman,  
The bill entitled "A supplement to the act entitled 'An act to encourage the destruction of crows,'" was taken up for a third reading in order to pass the House. After it had been read, and before the question was taken on the final passage thereof,

On motion of Mr. Frame,  
Said bill was committed to a committee of three members, for purposes of amendment.

Mr. Dilworth, from the committee on the petitions, praying for a law to increase the fees of constables in certain cases, reported a bill entitled "An act increasing the fees of constables in certain cases," which

On his motion,  
Was read.

Mr. Jones laid on the table a petition praying for the repeal of the law prohibiting the racing of horses within this State.

On motion of Mr. Rogers,  
The bill entitled "An act respecting lotteries" was taken up for consideration.

He then moved,  
The following amendment thereto, to wit:—Amend the said bill by adding thereto section 3, in the following words, viz:

Sec. 3. *And be it enacted*, That if any parson or persons shall set up, or attempt to draw any lottery, which may not be within the operation of the preceding sections of this act, or the drawing of which cannot be prevented by either of the preceding sections of this act, then and in such case, it shall not be lawful for such person or persons, to make more than one drawing in every two weeks of such lottery, or any class thereof. And upon the amount of each and every scheme published by such person or persons, he or they shall pay to the trustee of the school fund, for the benefit of the school fund, the sum of one per centum, five days before the day of drawing such scheme; and in case of neglect or refusal, shall be restrained from drawing, by a writ of injunction, which the Chancellor is hereby authorized and required to grant, upon the application of the trustee of the school fund, or of the contractor or contractors of the said lottery for the use of Newark College, the School Fund, and the State of Delaware, and of the said lottery for the benefit of Sussex county.

He then moved,  
That said amendment be adopted,  
Which motion,

*Prevailed.*

On motion of Mr. Dilworth,  
The bill entitled "A supplement to the act entitled 'An act to enable the owners and possessors of the meadow, marsh and cripple, lying on both sides of the north-west branch of Duck Creek, emptying into the main branch of Duck Creek, below the Eagle's Nest Landing, effectually to embank and drain the same, and to keep the banks, dams, sluices, canals and drains, in repair, and to raise a fund to defray the expense thereof,'" communicated to the House yesterday by the Senate, was read.

On motion of Mr. Houston,  
The bill entitled "A supplement to the act entitled 'An act concerning constables'" was read a second time by its title.

On his motion also,  
The bill entitled "An act to provide for the preservation of the records in the office of the Register for the probate of wills and granting letters of administration, and in the office for recording of Deeds in Sussex county" was read a second time by its title.

On his motion also,  
The bill entitled "An act to enable certain persons therein mentioned, to raise by lottery, the sum of ten thousand dollars, for embanking the low lands on the sea shore, in Baltimore hundred in Sussex county, and for other purposes," was read a second time by its title.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House

the bill entitled "A supplement to the act entitled 'An act to invest this State's share of the surplus revenue of the United States, distributed to the several States under the act entitled an Act to regulate the deposits of the public money.'"

Also "An act to provide for certain police arrangements within the town of New Castle."

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

Also "A further supplement to the act entitled 'An act to enable William Inskeep to raise his mill-dam, and for other purposes therein mentioned.'"

Also "An act to divorce Mary Ann Humphreys from her husband, Peter A. Humphreys." And informed the House, that the Senate had concurred in said bills.

And he withdrew.

Mr. Rees, from the committee of enrolment, presented for the signature of the Speaker the following enrolled bills, viz:

"An act requiring Clerks of the Peace to pay to the State Treasurer, instead of the Secretary of State, certain sums received for fees to the State."

Also "An act to revive the act entitled 'An act to incorporate the Gravelly Run Marsh Company, and to extend the time for recording the same.'"

Also "An act for the relief of David Marvel."

Also "An act to incorporate the Dover Silk Company."

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

Also "An act to create an additional school district in the county of Kent."

Also "An act to incorporate the Delaware Iron Company," and informed the Speaker that said bills had all been duly enrolled.

On motion of Mr. Rogers,

The bill entitled "An act to change the character of licenses to tavern-keepers and retailers, and for other purposes therein mentioned," was taken up for consideration.

Mr. Dilworth then moved,

The following amendment thereto, to wit:—Amend the said bill by adding section 9 thereto, as follows:

Sec. 9. *Provided nevertheless*, That nothing in this act contained shall be construed so as to affect or apply to any existing licenses duly granted according to law.

He also moved

The following amendment to said bill, to wit:—

Amend the title of said bill, by striking out all after the words "An act"

and in lieu thereof, substitute the following words, viz:—"concerning licenses to store-keepers and tavern-keepers."

He then moved,  
That said amendments be adopted,  
Which motion

*Prevailed.*

Mr. Rogers then moved,  
That said bill be read as amended, a third time by paragraphs in order to pass the House,

Which motion

*Prevailed.*

And said bill was taken up for a third reading. On the question of the passage of the second section thereof the House divided, and Mr. Rogers demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins, N. W. F., Houston, Jefferson, Kerr, Marshall, Pratt, Rees, Rogers, Spruance and Williamson—16 yeas.

*Nays*—Messrs. Biddle, Hopkins, of B. C., Jones, Neal, and Mr. Speaker—5 nays.

So said section

*Passed the House.*

On the question of the final passage of said bill the House again divided, and Mr. Rogers demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of N. W. F., Jones, Kerr, Marshall, Pratt, Rees, Rogers and Spruance—14 yeas.

*Nays*—Messrs. Biddle, Hopkins of B. C., Houston, Jefferson, Neal, Williamson and Mr. Speaker—7 nays.

So said bill

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Rogers,

The bill entitled "An act to authorize the construction of a rail road from the town of New Castle to the city of Wilmington," was taken up for consideration.

He then moved,

The following amendment thereto, to wit:—

Amend the bill by adding at the end of the first section, 34th line, after the word "city," the following words:—"And it is hereby further declared, that the said company shall not locate the said rail road upon, or along side of any public road or highway between the town of New Castle and the city of Wilmington. But nothing herein contained, shall be so construed, as to prevent the said company from forming a junction of said rail road with the present public road at or near the Wilmington bridge, for the purpose of crossing the Christiana river. At the place of making such junction, the rails of such rail road shall be so laid, as not to impede the passage or transportation of persons or property along the said public road."

Amend the third section, by inserting after the word "and" at the end of the 4th line, the name "Thomas Stockton."

Amend the fourth section, by adding immediately after the word "quality" in the sixteenth line, the following words:—"which may be necessary or convenient for effecting the purposes for which the said company is incorporated, and for carrying on the business of the said company."

He then moved,  
That said amendments be adopted,  
Which motion

*Prevailed.*

He then moved,  
That said bill be read a third time as amended, by paragraphs, in order to pass the House.  
Pending the question on said motion,

Mr. Dilworth moved,  
That said bill be laid on the table,

Which motion

*Prevailed.*

On motion of Mr. Jones,  
The bill entitled "An act to incorporate a bank in the city of Wilmington, under the name of the Union Bank of Delaware," was taken up for consideration.

He then moved,  
The following amendments thereto, to wit:—Amend the said bill by striking out all the 2d section after the word "each" in the third line thereof. Also, amend the said bill by adding Section 11 thereto, as follows:—

Section 11. *And be it further enacted*, That the said corporation shall pay into the Treasury for the use of the State, the sum of forty-five hundred dollars, as a consideration for the granting of this act; which sum shall be paid in three equal annual payments. viz: fifteen hundred dollars on the first day of January, one thousand eight hundred and forty, and a like sum on the first day of January in each of the two succeeding years.

He then moved,  
That said amendments be adopted,  
Which motion,

*Prevailed.*

He then moved,  
That said bill be taken up for a third reading (as amended) in order to pass the House,

Which motion

*Prevailed.*

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

**Yeas**—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson, Jones, Kerr, Marshall, Neal, Pratt, Rees, Spruance and Williamson—18 yeas.

**Nays**—Messrs. Biddle, Rogers, and Mr. Speaker—3 nays.

So said first section

*Passed the House.*

On the question of the passage of the fourth section of said bill the House again divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson, Jones, Kerr, Marshall, Neal, Pratt, Rees, Spruance and Williamson—18 yeas.

*Nays*—Messrs. Biddle, Rogers and Mr. Speaker—3 nays.

So the fourth section also

*Passed the House.*

On the question of the final passage of said bill, the House again divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of B. C., Hopkins, of N. W. F., Houston, Jefferson, Jones, Kerr, Marshall, Neal, Pratt, Rees, Spruance and Williamson—18 yeas.

*Nays*—Messrs. Biddle, Rogers and Mr. Speaker—3 nays.

So said bill

*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 concerning the Orphans’ Court,’ was read a second time.

Mr. Frame, from the committee on the petition of William Scotten, reported a bill entitled “An act for the relief of William Scotten of Kent county,” which

On his motion,

Was read.

Mr. Jones laid on the table the petition of the stockholders of the Gap and Newport Turnpike Company, which

On his motion,

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

Messrs. Jones, Jefferson and Pratt, were appointed said committee.

On motion of Mr. Hopkins of B. C.,

The bill entitled “An act for the relief of Leonard Short, an insolvent prisoner,” was read a second time.

Mr. Frame then moved,

That said bill be indefinitely postponed, on which question the House divided, and Mr. Frame demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Fiddemen, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, and Rees—11 yeas.

*Nays*—Messrs. Biddle, Dilworth, Hopkins of B. C., Hopkins of N. W. F., Jones, Kerr, Rogers, Spruance, Williamson and Mr. Speaker—10 nays.

So said bill was

*Indefinitely postponed.*

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



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

The House met pursuant to adjournment.

On motion of Mr. Spruance,  
The bill, entitled "An additional supplement to the act entitled "An act providing for the punishment of certain crimes and misdemeanors," was read a second time.

On motion of Mr. Dilworth,  
The bill entitled "An act to authorize the construction of a rail road from the town of New Castle to the city of Wilmington" was taken up for consideration,

He then moved,  
To amend said bill by adding at the end thereof sections 17 and 18, as follows, to wit:—

Section 17. *And be it further enacted*, That nothing contained in this act shall be construed to affect the rights of the New Castle and Frenchtown Turnpike and Rail Road Company, or to affect any contracts or obligations existing between this State and the said company; and further, that this act shall not take effect until the said New Castle and Frenchtown Turnpike and Rail Road Company shall signify their assent thereto, with a declaration, that this act shall not in anywise impair any contracts or obligations existing between this State and the said company, or be construed to release the said company from such payments to the State of Delaware and to the Trustee of the School Fund, as they are now required to make, by virtue of an act entitled "A further supplement to the act entitled 'An act concerning the New Castle and Frenchtown Turnpike and Rail Road Company,'" passed the twenty-second of January, one thousand eight hundred and thirty-three. Such assent and declaration shall be in writing, under the common seal of the said New Castle and Frenchtown Turnpike and Rail Road Company, attested by the signature of the President, and delivered to the Governor of this State, and recorded in the office of the Secretary of State.

Sec. 18. *And be it further enacted*, That nothing contained in this act shall be construed to interfere with the rights of the Delaware Rail Road Company; but the rail road authorized by this act, shall be considered and taken to be part of the Delaware Rail Road, if the Delaware Rail Road Company will assent thereto; and shall belong to the Delaware Rail Road Company, upon the latter company making a reasonable compensation to the stockholders of the New Castle and Wilmington Rail Road Company, for their said road and property thereto belonging, according to a valuation to be made by five judicious and impartial commissioners to be appointed by the Superior Court, upon the application of the said Delaware Rail Road

Company. And if the said Delaware Rail Road Company shall not assent to the rail road authorized by this act, being part of said Delaware Rail Road, they shall be at liberty to form a junction with the road authorized by this act, or tap it at any point they may think proper.

He then moved that said amendment be adopted,  
Which motion *Prevailed.*

Mr. Rogers then moved,  
That said bill be read a third time (as amended) by paragraphs, in order to pass the House,

Which motion *Prevailed.*

And said bill was read a third time by paragraphs (as amended,) and  
*Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Fiddeman, from the committee on the bill entitled "A supplement to the act entitled 'An act to encourage the destruction of crows,'" reported back said bill with the following amendment, to wit:—

Amend the said bill by striking out all after the enacting clause, and inserting the following, viz: "That wherever in the said act to which this is a supplement, the words 'four cents' occur, the same be, and hereby are stricken out, and in lieu thereof, the words 'six and a quarter cents,' be and the same hereby are inserted therein; and that the said act shall be read and construed as herein amended, and in any edition of the laws hereafter published, the said act shall be printed as amended by this act."

He then moved,  
That said amendment be adopted,  
Which motion *Prevailed.*

He then moved,  
That said bill as amended, be read a third time by paragraphs in order to pass the House,

Which motion, also *Prevailed.*

On the question of the final passage of said bill the House divided, and Mr. Fiddeman demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Jones, Marshall, Neal, Pratt and Spruance—13 yeas.

*Nays*—Messrs. Dilworth, Hopkins of B. C., Hopkins of N. W. F., Kerr, Rees, Rogers, Williamson and Mr. Speaker—8 nays.

So said bill *Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Dilworth laid on the table two accounts against the State, which

On his motion,  
Were referred to the committee on claims.

Mr. Rogers moved,  
That the bill entitled "An act respecting Lotteries," be taken up for a third reading in order to pass the House. Pending which question,

On motion of Mr. Jones,  
Said bill was postponed until to-morrow morning at 10 o'clock.

On his motion also,  
The bill entitled "A supplement to the act entitled 'An act to incorporate the Wilmington and Susquehanna Rail Road Company'" was taken up for a third reading in order to pass the House. After said bill had been read, and pending the question on its final passage,

On motion of Mr. Frame,  
Said bill was postponed until to-morrow morning.

On motion of Mr. Hopkins of B. C.,  
The bill entitled "An act for the protection of fish and game in and on the waters of the Delaware bay and river, and the streams tributary thereto, within the limits of this State," was taken up for a third reading in order to pass the House.

On the question of the passage of the fourth section of said bill the House divided, and Mr. Jones demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Neal, Pratt and Mr. Speaker—11 yeas.

*Nays*—Messrs. Dilworth, Hopkins, of B. C., Hopkins of N. W. F., Jones, Kerr, Marshall, Rees, Rogers, Spruance and Williamson—10 nays.

So said section *Passed the House.*

On the question of the passage of the 5th section also, the House divided, and Mr. Jones demanded the yeas and nays, which were as follows:

*Yeas*—Messrs. Boulden, Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt and Mr. Speaker—11 yeas.

*Nays*—Messrs. Biddle, Dilworth, Hopkins of B. C., Hopkins of N. W. F., Jones, Kerr, Rees, Rogers, Spruance and Williamson—10 nays.

So said section also *Passed the House.*

The House again divided on the question of the final passage of said bill, and the Speaker ordered the yeas and nays, which were as follows:

*Yeas*—Messrs. Boulden, Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt and Mr. Speaker—11 yeas.

*Nays*—Messrs. Biddle, Dilworth, Hopkins of B. C., Hopkins of N. W. F., Jones, Kerr, Rees, Rogers, Spruance and Williamson—10 nays.

So said bill *Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Rogers,  
The bill entitled "An act to authorize the Trustee of the School Fund to lend or invest certain monies," was read a second time.

Mr. Dilworth asked, and

On motion of Mr. Neal,  
Obtained leave to introduce a bill entitled, "A supplement to the act en-

titled 'An act to provide for the distribution of the interest of this State's proportion of the surplus fund,' " which

On his motion,  
Was read.

On motion of Mr. Dilworth,

The resolution providing for the purchase and presentation, to colonel Samuel B. Davis, of a sword with suitable devices thereon inscribed, as a testimonial of the respect and esteem that the people of this State bear toward him, for his military services in the late war with Great Britain, was taken up for consideration.

He then moved,  
That the blank in said resolution be filled with "one hundred and fifty,"  
Which motion *Prevailed.*

He then moved,  
That said resolution, the blank being so as aforesaid filled, be adopted,  
Which motion, also *Prevailed.*

*Ordered,* To the Senate for concurrence.

Mr. Jones moved,

That the bill entitled "An act to amend the act entitled 'An act concerning the keeping of the papers belonging to the Executive Department, and the acts of the General Assembly, and the printing and disposal of the laws and journals,'" be taken up for consideration.

He then moved,  
The following amendment thereto, to wit:—

Amend the said bill by striking out in the 10th, 11th and 12th lines, the words: "Also by striking out the words 'of a public nature' between the words 'resolutions' and 'passed' in the ninth and tenth lines thereof."

He then moved,  
That said amendment be adopted,  
Which motion *Prevailed.*

He then moved,  
That said bill as amended, be read a third time by paragraphs, in order to pass the House,  
Which motion also *Prevailed.*

And said bill 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 for regulating the construction and use of wears in Spring Creek'" was read a second time.

On motion of Mr. Rogers,  
The bill entitled "An act for the relief of John Hutson," was read a third time by paragraphs, and  
*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Dilworth,

The bill entitled "An act to confirm, concur with and give effect to an act of the General Assembly of the State of Maryland, entitled 'An act for the relief of the heirs and representatives of Joseph Vickars, late of Sussex county in the State of Delaware, deceased,'" was read a second time.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, presented for the signature of the Speaker of the House, two enrolled bills which had received the signature of the Speaker of the Senate.

He also returned to the House, the bill entitled "An act for the preservation of certain game, and the protection of landholders," and informed the House that the Senate had concurred therein with an amendment.

He also asked the concurrence of the House in a bill entitled "An additional supplement to the act entitled 'An act to incorporate the Wilmington and Downingtown Rail Road Company.'"

And he withdrew.

On motion of Mr. Spruance,

The communication from the Senate was read.

On motion of Mr. Jones,

The bill entitled "A supplement to the act entitled 'An act concerning public houses of entertainment, and the unlawful selling of liquor or strong drink'" was read a second time.

He then moved,

The following amendment thereto, to wit:—Amend the bill by striking out in section 1, the words "tavern-keeper, inn-holder, ale-house keeper, or common victualler" and insert in lieu thereof, the words "keeper of a public house of entertainment, tavern, inn, ale-house, ordinary or victualling house." Strike out in section 2, the words "inn-holder, tavern-keeper, ale-house keeper, or common victualler" and insert in their stead, the words "keeper of a public house of entertainment, tavern, inn, ale-house, ordinary or victualling house." Strike out in section 3, the words "persons licensed under the provisions of this act" and insert in place thereof, the words "keeper of a public house of entertainment, tavern, inn, ale-house, ordinary or victualling house."

He then moved,

That said amendment be adopted,

Which motion

*Prevailed.*

On motion of Mr. Rogers,

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

On motion of Mr. Houston,

The bill entitled "An act to alter and amend the mode of supporting public roads and bridges in Sussex county" was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

**Yeas**—Messrs. Fiddeman, Frame, Frazer, Houston, Marshall, Pratt, Rees, Williamson and Mr. Speaker—9 yeas.

**Nays**—Messrs. Biddle, Boulden, Cooper, Dilworth, Hopkins, of B. C., Hopkins, N. W. F., Jefferson, Jones, Kerr, Neal, Rogers and Spruance—12 nays.

So said bill

*Was lost.*

On motion of Mr. Spruance,

The bill entitled "An act to enable Amanda Green, Jane Green and Charles Green, minors, to sell and convey certain real estate therein mentioned" was read a third time by paragraphs, and

*Passed the House.*

**Ordered,** To the Senate for concurrence.

Mr. Fiddeman moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Frame,

Obtained leave to introduce a bill entitled "A supplement to the act entitled 'An act for the relief of the owners and possessors of certain marsh and low grounds, called and known by the name of Big Marsh of Marshyhope, and to enable the owners and possessors of the said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain and reclaim the same,' " which

On his motion,

Was read.

On motion of Mr. Spruance,

The petition of Thomas L. Temple, praying for a law to authorize the sale of certain real estate therein mentioned, was referred to a committee of three members, with leave to report by bill or otherwise.

Messrs. Spruance, Boulden and Hopkins of B. C., were appointed said committee.

On motion of Mr. Rogers,

The resolution appointing an Auditor of Accounts on the part of the House, was taken up for consideration.

Mr. Frame then moved,

That it be postponed until to-morrow. The House being divided, Mr. Jones demanded the yeas and nays, which were as follows:—

**Yeas**—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—11 yeas.

**Nays**—Messrs. Biddle, Boulden, Dilworth, Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 nays.

So said resolution was postponed until to-morrow.

On motion of Mr. Dilworth,  
The bill entitled "An act to establish a company under the name of the Blackbird Navigation Company" was read a second time by its title.

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



THURSDAY 10 o'clock, A. M. February 14, 1839.

The House met pursuant to adjournment.

Roll called, journal read, &c.

On motion of Mr. Jones,  
The bill entitled "An act regulating the commissions to be received by the collector of taxes of Appoquinimink hundred in the county of New Castle," was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Spruance, from the committee on the petition of Thomas L. Temple, praying for the passage of a law to authorize him to sell certain real estate therein mentioned, reported a bill entitled "An act for the relief of Henry M. Temple and Charles Temple, minor Children of Thomas L. Temple," which

On his motion,  
Was read.

Mr. Houston laid on the table the petition of sundry persons in Sussex county, praying for the passage of a law to prohibit the setting of steal-traps, and walking-traps, in certain exposed situations mentioned in said petition, in the county of Sussex, which

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

Messrs. Houston, Neal and Frame, were appointed said committee.

On motion of Mr. Houston,  
The bill entitled "An act to enable certain persons therein mentioned, to raise by lottery, the sum of ten thousand dollars, for embanking the low lands on the sea shore, in Baltimore hundred in Sussex county, and for other purposes," was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and Mr. Rogers demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Frame, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson, Jones, Neal, Williamson and Mr. Speaker—9 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Dilworth, Fiddeman, Frazer, Kerr, Marshall, Pratt, Rees, Rogers and Spruance—12 nays.

So said section and also said bill

*Was lost.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, asked the concurrence of the House in a joint resolution appointing a committee of two members on the part of the Senate, and three members on the part of the House, whose duty it shall be to consult with the surviving descendants of Colonel John Haslet, residing within the limits of this State, upon the propriety of removing his remains from their present depository in the grave yard of the first Presbyterian church in the city of Philadelphia, to be deposited at some suitable place within the limits of this State, and if the said committee or a majority of them, after such consultation as aforesaid, shall deem it advisable to remove the remains of the said Col. John Haslet, they are hereby directed to cause the same to be removed, and to be deposited at some suitable place within the limits of this State, to be by them or a majority of them agreed on, and to have a suitable monument with appropriate inscriptions and devices prepared by a skilful artist, and erected under their superintendence and direction, over his remains when so deposited, or to erect said monument over his remains where they now repose, as to them or a majority of them, shall seem best. And appropriating a sum not exceeding one thousand dollars; to carry into effect said joint resolution.

And he withdrew.

Mr. Rogers laid on the table an account of John M. Darby, for coal furnished the State for the use of Legislature, which

On his motion,

Was referred to the committee on claims.

On motion of Mr. Jones,

The communication from the Senate was read, as follows, to wit:—

**WHEREAS** it hath been represented to this General Assembly, that the tomb heretofore erected by order of the Legislature of this State, in the grave yard of the first Presbyterian church in the city of Philadelphia, over the remains of Col. John Haslet, commander of the Delaware Regiment, in the Revolutionary war, who fell in January 1777, at the battle of Princeton, is now in a ruinous condition, and whereas the General Assembly entertains, in common with the citizens of this State, a great regard for the memory of a brave and patriotic citizen who died gallantly fighting under the banners of Washington, in defence of the liberties and independence of his country; desire to preserve and cherish that memory, by procuring the removal of his remains to be deposited within the limits of this State, and erecting a suitable monument over them: Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That a committee be appointed to consist of two on the part of the Senate, and three on the part of the House of Representatives, whose duty it shall be to consult with the surviving descendants of Colonel John Haslet, residing within the limits of this State, upon the propriety of removing his remains from their present depository, in the grave yard of the first Presbyterian church in the city

of Philadelphia, to be deposited at some suitable place within the limits of this State. And if the said committee or a majority of them, after such consultation as aforesaid, shall deem it advisable to remove the remains of the said Col. John Haslet, they are hereby directed to cause the same to be removed, and to be deposited at some suitable place within the limits of this State, as they or a majority of them shall determine, and to have a suitable monument with appropriate inscriptions and devices, prepared by a skilful artist, and erected under their superintendence and direction over his remains when so deposited. But if the said committee or a majority of them shall not deem it expedient to remove his remains, they are hereby authorized and required to have such repairs and alterations made to the present tomb as they may think proper.

*Resolved*, That the committee appointed by the foregoing resolutions, or a majority of them, are hereby authorized to draw their orders on the State Treasurer for any sum not exceeding one thousand dollars, for the purpose of carrying into effect the object of the resolutions aforesaid, and the State Treasurer be and he is hereby authorized and directed to pay the orders of the said committee so drawn on him, out of any money in the treasury not otherwise appropriated.

Mr. Houston moved,

That the resolution appointing an Auditor of Accounts on the part of the House, returned from the Senate with an amendment, be taken up for consideration,

Which motion

*Prevailed.*

He then moved,

That said resolution, as amended by the Senate be read,

Which motion also

*Prevailed.*

And said resolution as amended was read.

He then moved,

That said resolution be indefinitely postponed.

The House being divided, Mr. Frame demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance 11 yeas.

*Nays*—Messrs. Biddle, Boulden, Dilworth, Hopkins, of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 nays.

So said resolution was

*Indefinitely postponed.*

Mr. Frame then laid on the table the following resolution, which

On his motion,

Was read, as follows, to wit:—

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

He then moved,

That the House do now proceed to ballot for a person to fill the blank in said resolution,

Which motion

*Prevailed.*

The House then proceeded to ballot, and the first ballot stood—

For Joseph L. Harper 11 votes.

William Porter 10 “

The Speaker then declared, that Joseph L. Harper, having a majority of all the votes, was duly elected Auditor of Accounts, on the part of the House.

Mr. Houston then moved,

That the blank in said resolution be filled with the name of Joseph L. Harper,

Which motion,

*Prevailed.*

Mr. Frame then moved,

That said resolution, the blank therein having been so as aforesaid filled, be adopted,

Which motion,

*Prevailed.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Dilworth,

The bill entitled “An act to confirm, concur with, and give effect to an act of the General Assembly of the State of Maryland entitled ‘An act for the relief of the heirs and representatives of Joseph Vickars, late of Sussex county in the State of Delaware, deceased,’ was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Houston,

The bill entitled “An act to provide for the preservation of the records in the office of the Register for the probate of wills and granting letters of administration, and in the office for recording of Deeds in Sussex county” was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Jones,

The bill entitled “A supplement to an act entitled ‘An act to incorporate the Wilmington and Susquehanna Rail Road Company’ ” was taken up for consideration.

He then moved,

That the question be taken on the final passage of said bill—it having been formerly read by paragraphs yesterday in order to pass the House, and postponed, pending the question on its final passage, until to-day,

Which motion

*Prevailed.*

And the question being put on the final passage of said bill, it was decided in the affirmative, and said bill

*Passed the House.*

*Ordered,* To be returned to the Senate.

On motion of Mr. Marshall,

The bill entitled “An act to erect and keep in good repair a bridge over

Broadkilm Creek, where the State road crosses the said creek, at the place called Samuel Paynter's Landing," was taken up for a third reading in order to pass the House.

On the question of the passage of the fourth section of said bill, the House divided, and the Speaker ordered the yeas and nays; but before the call had commenced,

On motion of Mr. Spruance,  
Said bill was laid on the table.

On motion of Mr. Jones,  
The bill entitled "An act to incorporate a company for procuring and superintending a common Cemetery in Wilmington," was read a second time by its title.

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

On his motion,  
Was read, as follows, to wit:—

*Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Secretary of State be, and he is hereby authorized and required to transmit to the president of Newark College, a full and complete copy of the Laws of Delaware, including the Digest, the 8th vol., and the acts in pamphlet, subsequent to 1835, to be placed and kept in the Library of said College.

*Resolved,* That the Secretary of State for the time being be, and he is hereby required to transmit as aforesaid, a copy of the acts passed at each session of the General Assembly, as soon as convenient after their publication.

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

Which motion, *Prevailed.*

He then asked, and

On motion of Mr. Rees,  
Obtained leave to introduce a bill entitled "An act for the investment of certain moneys therein mentioned," which

On his motion,  
Was read.

Mr. Cooper, from the committee on the petition of George Bonwill, for the passage of a law to allow him, at his own expense, to change from a draw to a pivot bridge, a certain bridge therein mentioned, reported a bill entitled "An act to change the draw bridge over Spring Creek in Kent county, into a pivot bridge," which

On his motion,  
Was read.

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

Which motion *Prevailed.*

He then asked, and

On motion of Mr. Dilworth,  
Obtained leave to introduce a bill entitled "A supplement to the act entitled 'An act fixing the standard of weights and measures, and regulating the same within this State,'" which

On his motion,  
Was read.

On motion of Mr. Rogers,  
The resolution presenting to Newark College a complete and full set or copy of the Laws of Delaware, was *Adopted.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Dilworth,  
The bill sent from the Senate entitled "An act concerning oaths and affirmations," was read.

Mr. Spruance moved,  
That said bill be read a second time by special order.

The House being divided, the yeas and nays were demanded by Mr. Dilworth, and they were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Frame, Frazer, Hopkins, of B. C., Hopkins of N. W. F., Houston, Jefferson, Kerr, Marshall, Neal, Pratt, Rees, Rogers and Spruance 15 yeas.

*Nays*—Messrs. Biddle, Dilworth, Jones, Williamson and Mr. Speaker—5 nays.

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

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



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

The House met pursuant to adjournment.

Mr. Houston laid on the table the petition of William S. Hudson, for the passage of a law to authorize him to sell a certain slave therein mentioned, out of this State into the State of Maryland, which

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

Messrs. Houston, Rees and Boulden, were appointed said committee.

On motion of Mr. Fiddeman,  
The bill entitled "A supplement to the act entitled 'An act for the relief of the owners and possessors of certain marsh and low grounds, called and

known by the name of Big Marsh of Marshy-hope, and to enable the owners and possessors of the said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain and reclaim the same," was read a second time by its title.

On motion of Mr. Frame,

The bill entitled 'A supplement to the act entitled 'An act concerning the Orphans' Court,' was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Rogers,

The bill entitled "An act concerning lotteries," was taken up for consideration,

Which motion

*Prevailed.*

He then moved,

The following amendment thereto, to wit:—

Amend the first section by striking out in the sixth, seventh and eighth lines thereof, the words "unless the same be contracted for and drawn by the present contractor or contractors, his or their executors, administrators or assigns of" and insert in lieu thereof the word "except."

Amend the same section by striking out the word "of" in the tenth line immediately after the word "and."

Amend the same section by striking out all that follows the word "county" in the fifteenth line.

Strike out the whole of the "second section."

Amend the third section by striking out before the enacting clause, the figure "3" and in place of it, insert the figure "2."

Amend the same section by striking out the word "said" at the end of the sixth line.

Amend the fourth section by striking out the figure "4" before the enacting clause, and in place of it, insert the figure "3."

Amend the same section by striking out the "second, third and fourth lines" thereof, and the words "benefit of Sussex county" in the fifth line thereof.

Amend the same section by striking out the word "any" where it occurs in the seventh and eighth lines, and in lieu thereof insert in the said seventh and eighth lines, the word "either."

He then moved,

That said amendments be adopted,

Which motion

*Prevailed.*

He then moved,

That said bill as amended, be taken up for a third reading in order to pass the House,

Which motion also

*Prevailed.*

On the question of the passage of the first section of said bill the House divided, and Mr. Jones demanded the yeas and nays, which were as follows:—

**Yeas**—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Kerr, Marshall, Neal, Rees, Rogers and Spruance—12 yeas.

**Nays**—Messrs. Biddle, Boulden, Dilworth, Hopkins of N. W. F., Jones, Pratt, Williamson and Mr. Speaker—8 nays.

So said section was

*Adopted.*

On the question of the final passage of said bill the House again divided, and the Speaker ordered the yeas and nays, which were as follows:—

**Yeas**—Messrs. Cooper, Fiddeman, Frame, Frazer, Kerr, Marshall, Neal, Rees, Rogers and Spruance—10 yeas..

**Nays**—Messrs. Biddle, Boulden, Dilworth, Hopkins of N. W. F., Houston, Jefferson, Jones, Pratt Williamson and Mr. Speaker—10 nays.

So said bill

*Was lost.*

On motion of Mr. Spruance,

The bill entitled “An additional supplement to the act entitled ‘An act to incorporate the Wilmington and Downingtown Rail Road Company’” was read a second time.

On motion of Mr. Spruance,

The bill entitled “An act concerning oaths and affirmations,” was taken up by special order for a third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

**Yeas**—Messrs. Biddle, Dilworth, Jones, Williamson, Fiddeman, and Mr. Speaker—6 yeas.

**Nays**—Messrs. Boulden, Cooper, Frame, Frazer, Hopkins of B. C., Hopkins, of N. W. F., Houston, Jefferson, Kerr, Marshall, Neal, Pratt, Rees, Rogers and Spruance—15 nays.

So said bill

*Was lost.*

On motion of Mr. Dilworth,

The bill entitled “A supplement to the act entitled ‘An act to enable the owners and possessors of the meadow, marsh and cripple lying on both sides of the north west branch of Duck Creek, emptying into the main branch of Duck Creek below the Eagle’s nest landing, effectually to embank and drain the same, and to keep the banks, dams, sluices, canals and drains in repair, and to raise a fund to defray the expenses thereof,’” was read a second time by its title.

Mr. Jones moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Dilworth,

Obtained leave to introduce a bill entitled “A further supplement to the act entitled ‘An act to incorporate the Wilmington Whaling Company,’” which

On his motion,  
Was read.

On motion of Mr. Dilworth,  
The bill entitled "An act increasing the fees of constables in certain cases," was read a second time.

On motion of Mr. Spruance,  
The bill entitled "An additional supplement to the act entitled "An act providing for the punishment of certain crimes and misdemeanors," was read a third time by paragraphs, and *Passed the House.*

*Ordered,* To the Senate for concurrence.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted returned to the House an enrolled bill, and informed the House that the same had received the signature of the Speaker of the Senate.

He also returned to the House the bill entitled "An act to authorize Catharine S. Baker (widow) and Welcome Gray, administrators of William W. Baker, M. D., late of the city of Wilmington, deceased, to make sale of the real estate of the said William W. Baker, M. D., dec'd., in manner and form as therein prescribed."

Also 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 for the division of the real estate of Samuel and William Meteer, deceased,' " and informed the House that the Senate had concurred in said bills.

And he withdrew.

On motion of Mr. Jones,  
The bill entitled "A supplement to the act entitled 'An act concerning public houses of entertainment and the unlawful selling of liquor or strong drink' " was taken up for consideration.

He then moved,

The following amendment thereto, to wit:—

Section 4. *And be it further enacted,* That this act shall go into effect from and after the 5th day of July next. Also amend 1st and 2nd sections of said bill, by inserting before the word "intoxicating" the words "spirituous or other."

He then moved,

That said amendments be adopted,

Which motion

*Prevailed.*

He then moved,

That said bill be read as amended, in order to pass the House,

Which motion, also

*Prevailed.*

And said bill was read as amended a third time by paragraphs, in order to pass the House, but pending the question on the final passage thereof,

On motion of Mr. Spruance,

Said bill was laid on the table.

Mr. Houston, from the committee on the petition of William S. Hudson, praying for a law to authorize the removal from this State, into the State

of Maryland, of a certain slave therein mentioned, made the following report, to wit:—

That in the opinion of the committee having charge of the subject, it is inexpedient to legislate on the subject.

On motion of Mr. Rees,

The bill entitled "An act for the relief of Eliza Wales Ringgold, a minor" was read a second time.

Mr. Neal, from the committee on the petition from Sussex county, praying for the passage of a law to protect the rights of citizens against the damages that they may sustain in their persons or property, from the setting of walking-traps, and otter-traps in exposed situations, reported a bill entitled "An act prohibiting the construction and use of certain traps in Sussex county," which

On his motion,  
Was read.

On motion of Mr. Dilworth,

The bill entitled "A supplement to the act entitled 'An act to provide for the distribution of the interest of this State's share or proportion of the surplus fund,' " was read a second time.

On motion of Mr. Frame,

The bill entitled "A supplement to the act entitled 'An act for regulating the construction and use of weirs in Spring Creek'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Houston,

The bill entitled "A supplement to the act entitled 'An act concerning constables'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Rogers,

The amendments of the Senate, to the bill entitled "An act for the preservation of game, and the protection of landholders" was taken up for consideration.

He then moved,  
That the House refuse to concur in said amendment,  
Which motion

*Prevailed.*

On motion of Mr. Hopkins of B. C.,

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

FRIDAY, 11 o'clock, A. M. February 15, 1839.

The House met pursuant to adjournment.

Roll called, journal read, &c.

On motion of Mr. Fiddeman,

The bill entitled "A supplement to the act entitled 'An act for the relief of the owners and possessors of certain marsh and low grounds, called and know by the name of Big Marsh of Marshyhope, and to enable the owners and possessors of the said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain and reclaim the same'" was read a third time by paragraphs, and *Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Rogers moved,

That the joint resolution on the subject of removing the remains of Col. John Haslet from their present repository, to some place within the limits of this State, be taken up for consideration.

Which motion,

*Prevailed.*

He then laid on the table the following resolution, which

On his motion,

Was read as follows, to wit:—

"*Resolved,* That this House cannot admit the propriety of disturbing the remains of Col. John Haslet, but will cheerfully concur in any suitable memorial of his character and services."

He then moved,

That said resolution be adopted,

Which motion

*Prevailed.*

On motion of Mr. Rogers,

The bill entitled "An act concerning the fees of constables in certain cases" was taken up for consideration.

He then moved,

The following amendment thereto, to wit:—Amend the said bill by adding Sec. 3, thereto as follows, viz:

"Sec. 3. *And be it enacted,* That from and after the passage of this act, whenever an execution shall be issued upon a judgment given by a justice of the peace, such execution shall not include the clause of imprisonment unless the same shall have been specially ordered by the plaintiff in the suit. And where the said clause shall be inserted, by such special order, a constable shall not be bound to execute that portion of the writ unless the plaintiff, upon demand made, shall pay to him the whole amount of fees to which he may be legally entitled for such service."

He then moved,

That said amendment be adopted,

Which motion

*Prevailed.*

On motion of Mr. Dilworth,

The bill entitled "A supplement to the act entitled 'An act to enable the owners and possessors of the meadow, marsh and cripple, lying on both sides of the north-west branch of Duck Creek, emptying into the main branch of Duck Creek, below the Eagle's Nest Landing, effectually to embank and drain the same, and to keep the banks, dams, sluices, canals and drains, in repair, and to raise a fund to defray the expense thereof,'" was read a third time by paragraphs, and *Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Cooper,

The bill entitled "An act to change the draw-bridge over Spring Creek in Kent county, into a pivot-bridge," was read a second time.

On motion of Mr. Jones,

The bill entitled "A supplement to the act entitled 'An act concerning public houses of entertainment, and the unlawful selling of liquor or strong drink'" was taken up for a third reading, in order to pass the House.

Mr. Frame moved,

That said bill be committed to a committee of three members.

On which question the House divided, and Mr. Frame demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Dilworth, Frame, Hopkins of N.W. F., Houston, Jefferson, Neal, Pratt, Spruance and Mr. Speaker—9 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Fiddeman, Frazer, Hopkins of B. C., Jones, Kerr, Marshall, Rees, Rogers and Williamson—12 nays.

So the House refused to commit said bill.

He then moved,

To postpone the further consideration of said bill until to-morrow. The House again divided, and Mr. Frame demanded the yeas and nays, which were as follows.—

*Yeas*—Messrs. Dilworth, Fiddeman, Frame, Houston, Jefferson, Neal, Pratt, Spruance and Mr. Speaker—9 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Frazer, Hopkins, of B. C., Hopkins, N. W. F., Jones, Kerr, Marshall, Rees, Rogers and Williamson—12 nays.

So the House also refused to postpone the further consideration of said bill until to-morrow.

Said bill was then read a third time by paragraphs, in order to pass the House.

On the question of the final passage of said bill the House again divided, and Mr. Frame again demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Fiddeman, Frazer, Hopkins of N. W. F., Jones, Marshall, Pratt, Rees, Rogers and Williamson—11 yeas.

*Nays*—Messrs. Biddle, Dilworth, Frame, Hopkins of B. C., Houston, Jefferson, Kerr, Neal, Spruance and Mr. Speaker—10 nays.

So said bill

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Marshall,

The bill entitled "An act to erect and keep in good repair a bridge over Broadkilm Creek, where the State road crosses the said creek, at a place called Samuel Paynter's Landing" was taken up for consideration.

He then moved,

The following amendment thereto, to wit:—

Amend the said bill by striking out the third section thereof, and inserting the following as the third section, viz:—

"Sec. 3. *And be it enacted,* That after discharging the costs and expenses of building and finishing the Court-house and offices at Georgetown, in the said county, if any money remains out of the ten thousand dollars to be raised by lottery, under the act entitled 'An act for the benefit of Sussex county' twenty-five hundred dollars of such money so remaining, shall be paid over to the commissioners appointed by this act, and shall be used and applied in the construction and completion of the said bridge authorized by this act, or so much of the said twenty-five hundred dollars, as shall be necessary for said purpose."

He then moved,

That said amendment be adopted,

Which motion

*Prevailed.*

He then moved,

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

Which motion, also

*Prevailed.*

On the question of the passage of the third section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Dilworth, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—12 yeas.

*Nays*—Messrs. Biddle, Boulden, Hopkins of B. C., Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 nays.

So said section

*Passed the House.*

On the question of the final passage of said bill, the House again divided, and the Speaker ordered the yeas and nays, which were as follows:

*Yeas*—Messrs. Cooper, Dilworth, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—12 yeas.

*Nays*—Messrs. Biddle, Boulden, Hopkins of B. C., Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 nays.

So said bill

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Rogers,

The resolution presenting a complete copy of the Laws of Delaware to the Newark College, was taken up for consideration.

He then moved,

The following amendment thereto, to wit:—

In first resolution insert after figures "1835" the words "together with such Journals of both branches of the Legislature as may conveniently be spared, and a series of such Federal Executive documents of which triplicate copies may now be in possession of the State.

In second resolution, strike out "a copy" and insert "copies." After word "Assembly" insert "and the Journals of both Houses." Add at end "and also such Executive documents, of which triplicate copies may from time to time be received from the General Government."

Mr. Jones, from the committee on the petition of sundry persons in the city of Wilmington, praying for the passage of a law to prohibit the sale in this State, of ready made clothing brought from other States, without a license first had therefor, reported a bill entitled "An act concerning the sale by auction, of ready made clothing within the city of Wilmington," which

On his motion,

Was read.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House the resolution appointing an Auditor of Accounts on the part of the House, and informed the House that the Senate had concurred therein.

He also returned to the House the bill entitled "An act to incorporate a bank in the city of Wilmington, under the name of the Union Bank of Delaware," and informed the House that the Senate had concurred therein with an amendment.

Also the bill entitled "An act to authorize George T. Martin (guardian of Catharine A. Robinson and John M. Robinson, minors,) to remove two certain slaves therein mentioned, from this State into the State of Maryland, and informed the House that the Senate had concurred therein.

He also asked the concurrence of the House in a bill entitled "An act to enable Nehemiah Redden to locate certain vacant land, situate in Little Creek hundred in Sussex county, and to complete his title to the same."

And he withdrew.

Mr. Houston, from the committee on the petition from Sussex county, for a law to authorize the division of school district No. 25, in said county, into two districts, reported a bill entitled "An act to create an additional school district in Sussex county," which

On his motion,

Was read.

Mr. Jones moved,

That the amendment of the Senate, to the bill entitled "An act to incorporate a bank in the city of Wilmington, under the name of the Union Bank of Delaware" be read,

Which motion

*Prevailed.*

He then moved,  
That the House concur in said amendment,  
Which motion, also *Prevailed.*  
*Ordered,* That the Senate be informed of the concurrence of the House  
in said amendment.

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



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

The House met pursuant to adjournment.

Mr. Rees, from the committee of enrolment, presented for the signature of the Speaker, the following enrolled bills, viz:

"An act supplementary to the act entitled 'An act to incorporate the Wilmington and New Jersey Steamboat Company.'"

Also "An act to amend the act 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.'"

Also "A further supplement to the act entitled 'An act to enable William Inskeip to raise his mill-dam, and for other purposes therein mentioned.'"

Also "An act to provide for certain police arrangements within the town of New Castle."

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

Also "An act to amend the act entitled 'An act to provide for certain deficiencies in the penal code.'"

Also "A supplement to the act entitled 'An act to vest in the Court of Chancery, the care of idiots and lunatics.'"

Also "An act empowering the State Treasurer to collect all balances due to the State from sheriffs, constables, and justices of the peace."

Also "An act to enable Jonathan R. Torbert to locate certain vacant land, situate in Nanticoke hundred in Sussex county, and to complete his title to the same."

Also "A supplement to the act entitled "An act to invest this State's share of the surplus revenue of the United States, distributed to the several States under the act entitled 'An act to regulate the deposits of the public money.'"

Also "A further supplement to the act entitled 'An act to authorize the owners and possessors of the marsh and low grounds commonly called Meredith's Branch, in the forest of Murderkill and Mispillion hundreds, to cut a ditch or drain through the same.'"

Also "An act to divorce Mary Ann Humphries from her husband, Peter A. Humphries."

Also "An act to authorize James Giffin, the executor of the last will and testament of Frederick Ford, late of Mill Creek hundred in New Castle county, deceased, to make sale of all the real estate of the said Frederick Ford, deceased, in manner and form as therein prescribed."

Also "An act to improve the navigation of Cedar Creek," and informed the Speaker that all said bills had been duly enrolled.

Mr. Rogers moved,

That the resolutions reported by the committee on the list of Executive pardons and remissions, communicated to the House by his Excellency the Governor, be taken up for consideration,

Which motion

*Prevailed.*

He then moved,

That said resolutions be read,

Which motion

*Prevailed.*

He then moved,

That said resolutions be adopted,

Which motion also

*Prevailed.*

And said resolutions were unanimously

*Adopted.*

*Ordered,* To the Senate for concurrence.

Mr. Rogers, as the minority of the committee which had reported the resolutions just read and adopted, made the further following report on the same subject, which

On his motion,

Was read as follows, to wit:—

*Report of the minority of the committee appointed on the list of Executive pardons and remissions, communicated to the House by his Excellency the Governor.*

It is universally admitted to be a fundamental axiom of criminal jurisprudence, that the efficacy of punishment depends not so much on its severity as upon its certainty. Our penal code is perhaps, in general, sufficiently coercive; in many respects it verges towards what many are disposed to consider barbarism, and certainly the whole system falls far behind the utilitarian yet philanthropic spirit of the times. It is however necessary for the safety of the community, that the sanction of the laws should be faithfully sustained, although in some of their features they may be repulsive to the manners of an age more refined and humanized than that from which they drew their origin. There is no immediate prospect of any material modification either in the nature or degree of the different punishments affixed to those crimes which are specially provided for in our statutes, until the whole shall be reformed and superseded by the penitentiary system. How soon the people may be prepared, or the State able to adopt so radical a change, it is impossible now to foresee; but until it shall have been effected, the existing laws must be preserved unless crime is to be licensed by a legalized impunity. Such unquestionably will be the re-

sult of continued Executive interference with the consequence of conviction; for offenders can never recognize the actual existence or character of crime, unless they can also perceive the palpable reality of impending punishment.

It would be useless to inquire what may be the probable causes of that repugnance to the strict enforcement of the laws which seems to pervade the public mind. Certain it is, that such a tendency exists, and that it has recently increased to an extent justly considered as alarming. A false lenity, founded upon mistaken views, if not on an absolute dereliction of duty, has in many instances invaded the jury box, and perverted the due exercise of Executive clemency. The result has been an actual and most pernicious interference with the administration of public justice.

This evil has a remoter origin than the accession of the present Governor, and is too deeply seated to be attributed solely to the errors of an individual. But while it is admitted that this state of things is not of sudden occurrence, and in a great measure arising from the unwholesome action of public opinion, yet it is certainly true that the last two years have presented more frequent, if not more glaring instances, of the abuse of the pardoning power, than any similar preceding period.

It has almost become a habit to conclude that the mere volition of the Executive, whether actuated by feeling or impunity, is sufficient to justify his official interposition between the convict and the penalty adjudged as the recompense of guilt. The propriety of the exercise of clemency is considered a question of expediency, not of duty.

The Register of pardons laid before this General Assembly exhibits *twenty-three* several instances in which the power has been exercised. The cases include two convictions for manslaughter in the first degree, two for kidnapping, and one for robbery, besides several other felonies. Those specified were of the most flagrant and atrocious nature. In the two cases of kidnapping, the recommendation of the respective juries is the prominent reason assigned. In one of them it is stated that the "verdict was rendered upon the hope of a pardon," which, if true, exhibits a most dangerous and unparalleled disregard of duty. All of the five cases mentioned were accompanied by circumstances so outrageous and horrible as to render them pre-eminently unfit instances for Executive interference. In the two cases of manslaughter, the verdict of the jury certainly inclined towards the side of mercy, in the general estimation of those conversant with the facts, and the punishment which ought to have followed is surely not too severe for homicide of such a character. The conviction for robbery, also, would have been, with all its consequent penalty, no undue retribution in view either of the character of the crime or of the convict.

It is believed that no sound judgment can recognize the validity of any of the grounds assigned by the Governor, except in two comparatively slight offences in which the court recommended a partial remission of the punishment, and perhaps, also, in the case of the sureties of John Lewis.

It is perhaps to be regretted that the constitution did not provide a more effectual check upon the unwarranted exercise of the pardoning power. Not that it is to be considered theoretically illimitable, although it has unfortunately been assumed to be so in practice. Most of the grounds set forth in the official register cannot be considered as legal, although there is some doubt whether the *validity* of the pardons could be drawn in question. Whatever may be the jurisdiction and power of the judicial branch

of the government over this matter, it is plain that the constitution intended to impose some duty in regard to it, upon the Legislature.

The "grounds of all reprieves, pardons and remissions" were not to be laid before the General Assembly merely for their inspection. If the object had been general information, some other mode of publicity would have been designated. The intention undoubtedly was to impose the restriction of legislative supervision over the exercise of Executive clemency. Is it not then manifestly the duty of the General Assembly to interpose the wholesome check of its authority, either by action, or by an expression of opinion, in order to control and alleviate a great and increasing public evil? That the grievance has now assumed that aspect is universally admitted: indeed it has almost grown into an open collision between the Executive and judicial functions.

In the exercise of a new and undefined duty it is difficult to determine what ought to be the mode and measure of action. But it is confidently submitted, that while it is impossible to avoid a recognition of the justice of the general censure which has been visited upon the Governor, it may be productive of great good to express the sense of the Legislature that there should be some limitation and restriction to the exercise of the pardoning power.

It is not intended to assert that the acts of the present Executive are to be ascribed to unworthy motives; it is very probable that the error has arisen from an easiness of disposition, and a too facile yielding to importunity. But unfortunately the mischief is the same whatever may be the cause to which it is to be attributed.

It is believed that the most beneficial mode in which the Legislature could interfere, would be by an indication of their view of the circumstances which ought, in ordinary cases, to be required by the Executive before the application of its constitutional power. The most obvious pre-requisite to a proper execution of this great trust would seem to be a recommendation from the tribunal before which the convict has been tried. The Judges of the Court are from station and character the best, perhaps the only persons qualified to point out disinterestedly the proper occasions and the degree in which a pardon, reprieve, or remission should be extended. If a jury should *in open court*, suggest the propriety of an appeal to the Executive, it would perhaps fall within the same sound rule. After the trial of a case, their recommendation ought to have no stronger authority than that of an equal number of the citizens, because it is not made in the official capacity nor while they are acting under the solemn obligation of their oaths. Petitions by private individuals, however numerous and respectably signed, do not afford a safe criterion, for this reason, that they are almost universally procured from feeling and sympathy, and not dictated by calm judgment.

For the foregoing views the member making this report is to be considered as alone responsible. The committee however concur in recommending the adoption of the preceding resolutions.

WM. H. ROGERS.

On motion of Mr. Spruance,

The bill entitled "An act for the relief of Henry M. Temple and Charles Temple, minor children of Thomas L. Temple," was read a second time.

On motion of Mr. Dilworth,

The bill entitled "An act increasing the fees of constables in certain cases," was taken up for a third reading, in order to pass the House.

On the question of the passage of the second section of said bill, the House divided, and Mr. Dilworth demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Dilworth, Fiddeman, Frazer, Hopkins of B. C. Hopkins of N. W. F., Houston, Jefferson, Jones, Kerr, Neal, Pratt, Rees, Rogers, Spruance and Williamson—16 yeas.

*Nays*—Messrs. Biddle, Boulden, Frame, Marshall and Mr. Speaker—5 nays.

So said second section

*Passed the House.*

On the question of the final passage thereof, the House again divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frazer, Hopkins of N. W. F., Jefferson, Jones, Kerr, Pratt, Rees, Rogers, Spruance, Williamson and Mr. Speaker—15 yeas.

*Nays*—Messrs. Biddle, Frame, Hopkins of B. C., Houston, Marshall and Neal—6 nays.

So said bill

*Passed the House.*

Mr. Rogers then proposed the following amendment to the title thereof, to wit:—Amend the title of said bill by inserting between the word "constable" and the word "in" the words "and changing the form of executions."

He then moved,  
That said amendments be adopted,  
Which motion

*Prevailed.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Spruance,

The bill entitled "An additional supplement to the act entitled 'An act to incorporate the Wilmington and Downingtown Rail Road Company'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To be returned to the Senate.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House sundry enrolled bills, and informed the House, that the same had received the signature of the Speaker of the Senate.

He also returned to the House, the bill entitled "An act regulating the commissions to be received by the collectors of taxes of Appoquinimink hundred, in the county of New Castle," and informed the House that the Senate had concurred therein.

Also "A supplement to the act entitled 'An act to incorporate a company to erect a draw-bridge over the river Christiana, at Wilmington, and for other purposes therein mentioned,'" and informed the House that the Senate had concurred therein with an amendment.

And he withdrew.

On motion of Mr. Jones,  
The bill entitled "A further supplement to the act entitled 'An act to incorporate the Wilmington Whaling Company,'" was read a second time.

On motion of Mr. Houston,  
The bill entitled "An act for the investment of certain moneys therein mentioned," was read a second time.

On motion of Mr. Hopkins of B. C.,  
The bill entitled "A supplement to the act entitled 'An act fixing the standard of weights and measures, and regulating the same within this State,'" was read a second time.

On motion of Mr. Cooper,  
The bill entitled "An act for the relief of William Scotton of Kent county," was read a second time.

Mr. Jones moved,  
That the amendment of the Senate, to the bill entitled "A supplement to the act entitled An act to incorporate a company to erect a draw-bridge over the river Christiana at Wilmington, and for other purposes therein mentioned" be read,

Which motion

*Prevailed.*

Mr. Rogers then moved,  
That the amendment of the Senate, be sent back to that body, with a respectful request, that they will so amend their amendment, as to render it intelligible,

Which motion, also

*Prevailed.*

On motion of Mr. Jones,  
The bill entitled "An act to incorporate the Wilmington Atheneum" was read a third time by paragraphs, and  
*Passed the House.*  
*Ordered,* To the Senate for concurrence.

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Houston,  
Obtained leave to introduce a bill entitled "An act for the preservation of the pay-rolls, muster-rolls, and other Revolutionary records, belonging to the office of the Secretary of State," which

On his motion,  
Was read.

On motion of Mr. Dilworth,  
The bill entitled "An act to establish a company under the name of the Blackbird Navigation Company" was read a third time by paragraphs, and  
*Passed the House.*

*Ordered,* To be returned to the Senate.

On motion of Mr. Rogers,

The bill entitled "An act providing for the publication of lists or catalogues of appointments to office by the Executive authority of this State," was taken up for a third reading in order to pass the house.

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Hopkins of B. C., Jones, Kerr, Rogers, Williamson and Mr. Speaker—7 yeas.

*Nays*—Messrs. Biddle, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of N. W. F., Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance —14 nays.

So said section and also said bill

*Was lost.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House, in an intelligible form, the amendment of the Senate, to the bill entitled "A supplement to the act entitled "An act to incorporate a company to erect a draw-bridge over the river Christiana at Wilmington, and for other purposes therein mentioned."

And he withdrew.

On motion of Mr. Jones,  
Said amendment was then read.

Mr. Spruance moved,  
That the House concur in said amendment.

The House being divided, Mr. Biddle demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Jefferson, Jones, Marshall, Rees, Spruance and Williamson—12 yeas..

*Nays*—Messrs. Biddle, Hopkins of B. C., Hopkins of N. W. F., Houston, Kerr, Neal, Pratt Rogers and Mr. Speaker—9 nays.

So the House concurred in the amendment.

*Ordered*, That the Senate be informed of the concurrence of the House in said amendment.

On motion of Mr. Dilworth,

The bill entitled "An act to prevent unnecessary imprisonment for the execution of judgments in civil cases," was read a second time by its title.

On motion of Mr. Spruance,

The bill entitled "An act for the relief of Eliza Wales Ringgold, a minor," was taken up for consideration.

He then moved,

The following amendment thereto, to wit:—Amend the said bill by striking out in the first section the words "Sarah Ann Ringgold (now Sarah Ann Temple) the sister of the said minor," and inserting in lieu thereof the following, to wit:—"the sister of the said Eliza Wales Ringgold,"

He then moved,

That said amendment be adopted,

Which motion

*Prevailed.*

On motion of Mr. Spruance,  
 The bill entitled "An act for the relief of Henry M. Temple and Charles Temple, minor children of Thomas L. Temple, was read a third time by special order by paragraphs, and *Passed the House.*  
*Ordered,* To the Senate for concurrence.

On motion of Mr. Jones,  
 The bill entitled "An additional 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 and State of Delaware,'" was taken up for consideration.

He then moved,  
 That the amendment proposed thereto yesterday, be adopted,  
 Which motion *Prevailed.*

He then moved,  
 That said bill as amended, be read a third time by paragraphs in order to pass the House,  
 Which motion, also *Prevailed.*

On the question of the passage of the first section of said bill the House divided and Mr. Spruance demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Frame, Houston, Jefferson, Jones, Neal, Williamson and Mr. Speaaker—9 yeas.

*Nays*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frazer, Hopkins, of B. C., Kerr, Marshall, Pratt, Rees, Rogers and Spruance—12 nays.

So said section and also said bill *Was lost.*

On motion of Mr. Spruance,  
 The bill entitled "An act for the relief of Henry M. Temple and Charles Temple, minor children of Thomas L. Temple," was read a third time by paragraphs by special order, and *Passed the House.*  
*Ordered,* To the Senate for concurrence.

On motion of Mr. Hopkins of B. C.,  
 The House adjourned until 10 o'clock to-morrow morning.



SATURDAY 10 o'clock, A. M. February 16, 1839.

The House met pursuant to adjournment.

Roll called, Journal read, &c.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House

the joint resolution to present to Col. Samuel B. Davis, a sword for his military services in the late war with Great Britain, and informed the House, that the Senate had concurred therein.

He also returned to the House the bill entitled "An act for the protection of fish and game, in and on the waters of the Delaware bay and river, and the streams tributary thereto, within the limits of this State."

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

Also the bill entitled "An act to incorporate the New Castle Steam-mill Company."

Also the bill entitled "An additional supplement to an act entitled 'An act for providing for the punishment of certain crimes and misdemeanors,'" and informed the House that the Senate had concurred therein.

He also asked the concurrence of the House in a bill entitled "An act laying a tax on dogs in New Castle county, and for other purposes."

And he withdrew.

Mr. Houston, from the committee on the petition of Joshua Johnson and James F. Miller, praying for a law to authorize the sale of certain real estate therein mentioned, reported a bill entitled "An act to enable Joshua Johnson and James F. Miller, to sell certain real estate therein mentioned," which

On his motion,  
Was read.

Mr. Dilworth, from the committee on the bill to remove the seat of justice for New Castle county, from the town of New Castle to the city of Wilmington, reported back said bill with the following amendments, to wit:—

Amend the bill as follows:—In the first section and third line, strike out the words "first Tuesday of October," and in place thereof insert the words "third Tuesday of May."

In the second section, fourth line, strike out the word "shall," and in place thereof insert the word "may."

Strike out all the part of the second section, after the word "and" in the eighth line, and insert the following:—It shall be the duty of the sheriff or other presiding officer of the board of canvass to be held at the Court-house in New Castle, on the Thursday immediately following the said special election, and of the inspectors present at said board of canvass, to make out under their hands or the hands of a majority of them, two certificates of all the votes given for the removal of the seat of justice, and also of all the votes given against it, particularly designating the number of votes given both "for removal" and "against removal" in each hundred of said county and in the city of Wilmington, one of which said certificates, the said sheriff or other presiding officer shall deliver into the office for recording deeds in and for New Castle county aforesaid, to be there recorded, and filed among the papers of said office, and the other shall by the said sheriff or other presiding officer, or such person as he may depute for that purpose, be delivered to the Secretary of State, to be kept by him as records and public papers belonging to the Executive Department are kept,

and a duly certified copy of said certificates or of either of them, shall be competent evidence in all the courts of this State.

Strike out the third section, and insert the following as the third section of the bill:—

Section 3. *And be it further enacted*, That if it shall appear by the certificates aforesaid, that a majority of all the citizens of New Castle county aforesaid, having right to vote for Representatives have voted for removal, it shall be the duty of the Levy-court of said county, at the proper costs, charges and expenses of said county, forthwith to purchase at some public and convenient place or places in the city of Wilmington, a lot or lots of land containing together not less than \_\_\_\_\_ acres, and shall cause to be erected and built thereon, within two years after the first day of June next, and at the proper costs, charges and expenses of the said county, a court-house, offices and jail, for the use of said county, with a dwelling house attached to the jail for the use of the sheriff or keeper thereof. The court-house shall be two stories high, and not less than fifty feet in front, by forty-five feet deep; there shall be a cellar under it, with furnaces sufficient to warm the building; the foundation walls shall be of stone and at least two feet in thickness; the walls of the superstructure shall be of brick and not less than eighteen inches thick. The roof shall be flat at the top and the flat part shall be covered with copper, zink or tin, and surrounded with a balustrade; there shall be a cupola of proper size and proportions, which shall be furnished with a rod, gilt ball and vane, and with a good and suitable bell; the dome of the cupola shall also be covered with a metallic covering; the second story of the court-house shall contain suitable rooms for the grand and petit jurors; the offices shall be one for the prothonotary of the Superior Court, one for the recorder of deeds, one for the clerk of the Orphans' Court, one for the register for the probate of wills and granting letters of administration, one for the register in chancery and clerk of the peace and one for the sheriff of New Castle county. Each of the said offices shall be at least twenty feet square; they shall be contained in two separate buildings, to be erected adjoining to, and at two sides of the court-house; each building to be two stories high, and the height of each story at least ten feet in the clear; they shall respectively have entries not less than nine feet wide, with suitable stairways and stairs for the purpose of convenient access, and a communication from each building by the entry or passage with the court-house, with a door from each office into one of the passages; each building shall have a cellar with foundation walls of stone, not less than twenty-two inches thick, the walls above ground shall be of brick, the outside ones not less than eighteen inches, and the inner or partition walls not less than twelve inches thick. The jail shall be of stone or brick, and shall not be less than the jail now at New Castle, with at least the same thickness of wall, and like the jail at New Castle shall contain separate apartments, one for debtors and another for persons charged with, or convicted of crimes or misdemeanors; the jail yard for debtors shall be separated from the other by a wall, which together with the outer walls shall be of stone, and at least as high and thick as the walls of the jail yard now at New Castle; and the said jail and yard walls shall be built and finished in a manner deemed best adapted to the purposes of a secure prison, and with due regard to the health and comfort of prisoners. All the said buildings shall be erected and finished in a sub-

stantial and workman like manner and of the best materials; they shall all be fire-proof, and completed and furnished in a manner considered best adapted to the public convenience. The dwelling house for the sheriff shall also be of brick, substantially built of the best materials, and as large at least as that at New Castle, now occupied by the sheriff. The majority of the citizens of New Castle county, having right to vote for Representatives shall be ascertained by reference to the highest number of votes cast in said county, at any one of the three general elections next preceding the said special election to be held by authority of this act, unless the number of votes cast at such special election shall exceed the highest number cast in said county, at any of the said preceding general elections, and in case of such excess the majority shall be ascertained by reference to the number of votes which shall have been cast at the said special election. All the expenses of the said special election shall be defrayed by the said county of New Castle.

Substitute the following as the fourth section:—

Sec. 4. *And be it enacted*, That as soon as all the buildings and fixtures aforesaid shall have been erected and completed as aforesaid, according to the true intent and meaning of this act, and shall be prepared and ready for use as aforesaid, the Levy-court of said county shall cause the said lot of land and building thereon erected as aforesaid to be well and sufficiently granted, conveyed and assured in fee simple by some sufficient deed or deeds (to be duly executed according to law) to James Canby, James Booth, James Gardner, Richard Mansfield and Thomas Deakyne, all of New Castle county aforesaid, their heirs and assigns, to have and to hold the same to them the said James Canby, James Booth, James Gardner, Richard Mansfield and Thomas Deakyne, their heirs and assigns forever in trust to, and for the only proper use, behoof and benefit of the said county of New Castle for the uses, purposes and intents in this act in that behalf provided, and for no other use, purpose or intent whatsoever, which said deed or deeds when executed, acknowledged and delivered, shall be submitted to the Chief Justice of this State for inspection, and if he shall be of opinion that such deed or deeds of conveyance is or are sufficient in law for the purposes intended, he shall certify such his opinion under his hand by endorsement upon the said deed or deeds, which said deed or deeds so certified, shall be delivered to the recorder of deeds in and for New Castle county, to be by him recorded in the office for recording deeds aforesaid. And when the said deed or deeds shall have been so certified and recorded as aforesaid, and from thenceforth the said city of Wilmington shall be the seat of justice in and for New Castle county.

He then moved,  
The adoption of said amendments,

Which motion

*Prevailed.*

Mr. Hopkins of B. C., asked leave to change his vote on the question of the adoption of the amendment of the Senate, to the bill entitled "A supplement to the act entitled 'An act to incorporate a company to erect a draw-bridge over the river Christiana at Wilmington, and for other purposes therein mentioned.'"

Which leave was granted by the House.

Mr. Houston laid on the table the petition of sundry persons in Sussex county, praying for the passage of a militia law in this State, which

On his motion,

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

Messrs. Houston, Jones and Frazer, were appointed said committee.

Mr. Cooper then moved,

That a petition which he a few days since had laid on the table and had read on the same subject, be referred to the same committee.

Which motion

*Prevailed.*

On motion of Mr. Dilworth,

The bill entitled "An act to remove the seat of justice for New Castle county, from the town of New Castle to the city of Wilmington," was read a second time by its title.

On motion of Mr. Neal,

The bill entitled "An act to enable Nehemiah Redden to locate certain vacant land, situate in Little Creek hundred in Sussex county, and to complete his title to the same," sent from the Senate to this House for concurrence was read.

On motion of Mr. Houston,

The bill entitled "An act to create an additional school district in the county of Sussex," was read a second time by its title.

He then moved,

That said bill be read a third time by paragraphs, by special order of the House, in order to its final passage,

Which motion

*Prevailed.*

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

*Ordered,* To the Senate for concurrence.

On motion of Mr. Cooper,

The bill entitled "An act to change the draw-bridge over Spring Creek in Kent county, into a pivot-bridge," was read a third time by paragraphs and  
*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Jones,

The bill entitled "A further supplement to the act entitled 'An act to incorporate the Wilmington Whaling Company,'" was read a third time by paragraphs, and  
*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Rogers,

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

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Hopkins of B. C.,

The bill entitled "A supplement to the act entitled 'An act fixing the standard of weights and measures, and regulating the same within this State,'" was taken up for third reading in order to pass the House.

On the question of the passage of the first section of said bill, the House divided, and Mr. Hopkins demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Hopkins of B. C., Houston and Mr. Speaker—3 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of N. W. F., Jefferson, Jones, Kerr, Neal, Pratt, Rees, Rogers, Spruance and Williamson—17 nays.

So the first section and also said bill

*Was lost.*

On motion of Mr. Jones,

The bill entitled "An act to incorporate a company for procuring and superintending a common Cemetery in Wilmington," was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Cooper,

The bill entitled "An act for the relief of William Scotton of Kent county," was taken up for third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and Mr. Jones demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Neal, Pratt, Rees and Spruance—10 yeas.

*Nays*.—Messrs. Biddle, Boulden, Dilworth, Hopkins of B. C., Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—10 nays.

So said first section

*Was lost.*

And the bill also

*Was lost.*

On motion of Mr. Houston,

The bill entitled "An act to enable Joshua Johnson and James F. Miller, to sell certain real estate therein mentioned" was read a second time by its title, by special order of the House.

He then moved,

That said bill be read a third time by special order by paragraphs, in order to pass the House,

Which motion

*Prevailed.*

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

*Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Rogers moved,

That the bill entitled "A further 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," be committed to a committee of three members, with instructions to strike out of said bill the words "two-thirds of each branch of the Legislature concurring."

On the question of the commitment of said bill the House divided, and Mr. Spruance demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Fiddeman, Frame, Hopkins of N. W. F., Houston, Jefferson, Rogers and Mr. Speaker—7 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Dilworth, Frazer, Hopkins of B. C., Jones, Kerr, Neal, Pratt, Rees, Spruance and Williamson—13 nays.

So the House refused to commit said bill.

Mr. Rogers then moved,

That said bill be read a third time by paragraphs, in order to pass the House,

Which motion

*Prevailed.*

And said bill was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill, the House divided, and Mr. Spruance again demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Fiddeman, Frame, Hopkins of B. C., Hopkins of N. W. F., Houston, Jefferson, Rees, Rogers and Mr. Speaker—9 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Dilworth, Frazer, Jones, Kerr, Neal, Pratt, Spruance and Williamson—11 nays.

So said first section, and also said bill

*Was lost.*

Mr. Boulden moved,

That the vote on the question of the indefinite postponement of the bill entitled "An act for the relief of Leonard Short, an insolvent prisoner" be reconsidered.

On which question the House divided, and Mr. Frame demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Dilworth, Hopkins of B. C., Hopkins, of N. W. F., Kerr, Rogers, Williamson and Mr. Speaker—10 yeas.

*Nays*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Neal, Pratt, Rees, and Spruance—10 nays.

So the House refused to reconsider the vote on the indefinite postponement of said bill.

On motion of Mr. Jones,

The bill entitled "An act concerning the sale by auction of ready made clothing within the city of Wilmington," was read a second time.

On motion of Mr. Neal,

The bill entitled "An act to enable Nehemiah Redden to locate certain vacant land situate in Little Creek hundred in Sussex county, and to complete his title to the same," was read a second time by special order of the House.

Mr. Rees, from the committee of enrolment presented for the signature of the Speaker the following enrolled bills, to wit:—

“An act to confirm and give effect in the State of Delaware, to an act of the General Assembly of Maryland entitled “An act for the division of the real estate of Samuel and William Meter deceased.”

Also “An act to authorize Catharine S. Baker (widow) and Welcome Gray, administrators of William W. Baker, M. D., late of the city of Wilmington, deceased, to make sale of the real estate of said William W. Baker, M. D. deceased, in manner and form as therein prescribed,” and informed the Speaker that said bills had been duly enrolled.

On motion of Mr. Rogers,

The bill entitled “An act laying a tax on dogs in New Castle county, and for other purposes” communicated to the House by the Senate, was read.

On his motion also,

The bill entitled “An act to enable Nehemiah Redden to locate certain vacant land situate in Little Creek hundred in Sussex county, and to complete his title to the same,” was read a third time by special order by paragraphs, and

*Passed the House.*

*Ordered, To be returned to the Senate.*

The Speaker communicated to the House the certificate of Charles Marim, Esquire, Secretary of State, that the official bond of Joseph L. Harper, Auditor of Accounts of the State of Delaware, with Henry M. Ridgely, Joseph Smithers and John R. Bostick as his sureties, bearing date this day, has been approved by the Governor, and now remains on file in the office of the said Secretary of State.

On motion of Mr. Jones,

The communication from the Speaker was read, as follows to wit:—

#### SECRETARY OF STATE'S OFFICE,

*Dover, February 15, 1839.*

I do hereby certify to the General Assembly of the State of Delaware, that the official bond of Joseph L. Harper, Auditor of Accounts of the said State, with Henry M. Ridgely, Joseph Smithers and John R. Bostick as his sureties, bearing date this day, has been approved by the Governor, and now remains on file in this office.

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

In testimony whereof, I have hereto set my hand and affixed the seal of the Secretary's office at Dover, the day and year aforesaid.

CH. MARIM,

*Secretary of the State of Delaware.*

On motion of Mr. Frame,

The House adjourned until Monday next, at 11 o'clock, A. M.

MONDAY 11 o'clock, A. M. February 18, 1839.

The House met pursuant to adjournment.

Roll called, journal read, &c.

Mr. Rogers moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Houston,

Obtained leave to introduce a bill entitled "An act regulating the drawing of lotteries," which

On his motion,

Was read.

On motion of Mr. Dilworth,

The bill entitled "An act to remove the seat of justice for New Castle county, from the town of New Castle to the city of Wilmington," was taken up for consideration.

He then moved,

The following amendment thereto, to wit:—Amend the said bill, by adding thereto Sec. 6, as follows, viz:

Sec. 6. *And be it enacted*, That any allegations of fraud or illegality, in relation to any vote or votes given in either of the hundreds of the said county, shall be heard and determined, in a summary manner, by the Superior Court sitting in and for the county aforesaid. And the said court shall have full power to reject and disallow any such vote or votes, or if sufficient cause be shown, to reject and disallow the whole vote given in such hundred or hundreds, or to order a new election to be held in such hundred or hundreds. And all votes so rejected and disallowed, shall be deducted from the aggregate of votes upon the side on which such votes appear to have been cast; and if the vote of a whole hundred shall be rejected and disallowed by the said court, such vote shall not enter into the computation of votes given, but in such case, a rejection of the vote of a hundred or hundreds, shall not interfere with the principle established by this act, in relation to the mode of ascertaining the majority. And the said court is hereby authorized to inspect the ballot boxes, and examine the inspectors and other officers, and such other persons as to them shall seem proper.

And all fines, forfeitures and penalties, and modes of proceeding therefor, established by the act entitled "An act regulating the General Election" are hereby expressly extended to the election to be held under the provisions of this act.

He then moved,

That said amendment be adopted,

Which motion

*Prevailed.*

Mr. Rogers moved,  
That the amendments by him proposed, to the joint resolution to present to Newark College, certain laws and documents, be adopted.

On which question the House divided, and Mr. Jones demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Dilworth, Hopkins of N. W. F., Jones, Kerr, Pratt, Rees Rogers, Williamson and Mr. Speaker—10 yeas.

*Nays*—Messrs. Biddle, Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Neal and Spruance—9 nays.

So said amendment was

*Adopted.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Rogers,  
The bill entitled "An act laying a tax on dogs in New Castle county," was read a second time.

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



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

The House met pursuant to adjournment.

On motion of Mr. Dilworth,  
The bill entitled "An act laying a tax on dogs in New Castle county" was referred to a committee of three members, with leave to report back said bill, with or without amendments.

Messrs. Dilworth, Houston and Fiddeman, were appointed said committee.

On motion of Mr. Rogers,  
The bill entitled "A further supplement to the act entitled 'An act for regulating inn-holders, tavern-keepers, and other public house-keepers, within this government, and empowering the justices to settle the rates of liquor,'" was taken up for consideration.

He then moved,  
The following amendments thereto, to wit:—

Strike out in the twenty-third line of the 2nd section, the word "twenty" and insert in lieu thereof, the word "twelve." Also amend the 7th section of said bill by inserting between the word "be" and the word "within" in the fourth line of said section, the words "considered as not." Also amend the same section by striking out in the thirteenth line thereof, the word "ten" and insert in lieu thereof the word "five."

He then moved,  
That said amendments be adopted,  
Which motion

*Prevailed.*

He then moved,  
That said bill as amended, be read a third time by paragraphs in order to pass the House,

Which motion, also

*Prevailed.*

And said bill was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill, the House divided, and Mr. Jones demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Houston, Kerr, Marshall, Rees, Rogers and Mr. Speaker—6 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of N. W. F., Jefferson, Jones, Neal, Pratt, Spruance and Williamson—14 nays.

So the first section and also said bill

*Was lost.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House, sundry enrolled bills, and informed the House that the same had received the signature of the Speaker of the Senate.

He also returned to the House, the bill entitled “An act to incorporate the Female Benevolent Society of Trinity Church, Wilmington, for the relief of indigent women of said church.”

Also the bill entitled “A supplement to the act entitled ‘A further supplement to the act entitled an Act concerning the probate of wills and the administration of the personal estate of deceased persons.’”

Also the bill entitled “An act to enable Amanda Green, Jane Green, and Charles Green, minors, to sell and convey certain real estate therein mentioned,” and informed the House that the Senate had concurred therein.

He also returned to the House, the joint resolution to present the Newark College certain laws and documents therein mentioned, and informed the House that the Senate had concurred therein.

He also returned to the House the joint resolution, which originated in this House, fixing Friday, the fifteenth instant, as the day on which the two Houses would adjourn sine die, and informed the House, that the Senate had concurred therein, with an amendment.

He also informed the House, that the Senate insisted on their amendment to the bill entitled “An act for the preservation of certain game, and the protection of landholders.”

And he withdrew.

On motion of Mr. Frame,

The communication from the Senate was read.

On motion of Mr. Rogers,

The bill entitled “An act for the preservation of certain game, and the protection of landholders” was taken up for consideration.

He then moved,

That the House insist on their disagreement to the amendment of the Senate thereto,

Which motion

*Prevailed.*

On motion of Mr. Rogers,

The bill entitled "An act regulating the drawing of lotteries" was read a second time by special order of the House.

On motion of Mr. Jones,

The bill entitled "An act concerning the sale by auction, of ready made clothing within the city of Wilmington," was taken up for a third reading by paragraphs, in order to pass the House,

On the question of the passage of the first section of said bill the House divided and Mr. Jones demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Fiddeman, Frazer, Hopkins of N. W. F., Houston, Jones, Pratt, Spruance and Mr. Speaker—9 yeas.

*Nays*.—Messrs. Biddle, Cooper, Dilworth, Frame, Jefferson, Kerr, Marshall, Neal, Rees and Williamson—10 nays.

So said first section

*Was lost.*

And the bill also

*Was lost.*

On motion of Mr. Rogers,

The bill entitled "An act to prevent unnecessary imprisonment for the execution of judgments in civil actions," was taken up for consideration.

Mr. Dilworth then moved,

That said bill be laid on the table, ,

Which motion

*Prevailed.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, asked the concurrence of the House in a joint resolution to refer the accounts of Charles Marim, Esquire, Secretary of State, of the contingent expenses of his office, to the Auditor of Accounts, to audit and adjust the same.

And he withdrew.

On motion of Mr. Frame,

The communication from the Senate was read.

On motion of Mr. Rogers,

The bill entitled "An act for the preservation of the pay-rolls, muster-rolls, and other Revolutionary records, belonging to the office of the Secretary of State," was read a second time.

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

On his motion,

Was read, as follows, to wit:—

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

of the Senate be, and they are hereby appointed a committee on the part of 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 forty (1840) 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 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 thereto; and to make such allowances 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 favor 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, out of any money in the State Treasury not otherwise appropriated. And the chairman of said committee shall have power and authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner.

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

On his motion,  
Was read, as follows to wit:—

*Resolved*, That a committee on accounts be appointed, to consist of three members.

He then moved,  
That said resolution be adopted,  
Which motion

*Prevailed.*

And Messrs. Jones, Spruance and Houston, were appointed said committee.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, asked the concurrence of the House in a bill entitled "An act to revive, re-enact and establish, an act passed in the eighth year of the reign of King George the third, entitled 'An act to enable the owners and possessors of the marsh meadows, on the north side of the Christiana river called Brandywine marsh, and of a tract of marsh, meadow and cripple on the south side of said river called Holland's creek marsh, and also of a tract of marsh meadow near Newport, called Conrad's cripple, to keep the banks, dams and sluices in repair, and raise a fund to defray the expenses thereof.'"

And he withdrew.

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

On motion of Mr. Frame,  
The resolution of adjournment was taken up for consideration.

He then moved,  
That the House concur in the amendment of the Senate thereto,  
Which motion *Prevailed.*

*Ordered,* That the Clerk inform the Senate of the concurrence of the House in their amendment thereto.

On motion of Mr. Houston,  
The House adjourned until to-morrow morning at 11 o'clock A. M.



**TUESDAY 11 o'clock, A. M. February 19, 1839.**

The House met pursuant to adjournment.

Roll called, Journal read, &c.

Mr. Houston laid on the table the petition of Joseph Dando and Jane his wife, late Jane Clark, praying for the passage of a law to relinquish the right of the State in a certain tract of land therein mentioned, which

On his motion

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

Messrs. Houston, Jones and Frazer, were appointed said committee.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House the bill entitled "An act for the relief of Henry M. Temple and Charles Temple, minor children of Thomas L. Temple.

Also, the bill entitled "An act to confirm, concur with, and give effect to an act of the General Assembly of the State of Maryland entitled 'An act for the relief of the heirs and representatives of Joseph Vickars, late of Sussex county in the State of Delaware, deceased.'"

Also, the bill entitled "An act to incorporate the Wilmington Atheneum."

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

Also, the bill entitled "An act concerning the keeping of the papers belonging to the Executive Department and the acts of the General Assembly, and the printing and disposal of the Laws and Journals."

Also, the bill entitled "A supplement to the act entitled 'An act concerning the Orphans' Court,'" and informed the House that the Senate had concurred in said bills.

He also asked the concurrence of the House in a bill entitled "An act for changing the location of a certain public road, and for other purposes."

He also returned to the House the bill entitled "An act for the preservation of certain game, and the protection of landholders," and informed the House that the Senate insisted on their amendment to said bill; and asked a committee of conference of the two Houses on the subject, and had

appointed as members of said committee on the part of the Senate, Messrs. Polk and Herdman.

And he withdrew.

On motion of Mr. Spruance,

The joint resolution for appointing a Legislative committee to meet at Dover on the first Tuesday in January, in the year eighteen hundred and forty, for the purpose of settling with the State Treasurer, &c., be taken up for consideration.

He then moved,

That the first blank in said joint resolution be filled with the names of William Hemphill Jones, Thomas A. Rees and Joseph W. Neal,

Which motion

*Prevailed.*

He then moved,

That the second blank in said resolution be filled with the names of Thomas Deakynne and Charles Polk,

Which motion, also

*Prevailed.*

On motion of Mr. Rogers,

The bill entitled "An act to revive, re-enact and establish an act passed in this State, in the eighth year of the reign of king George the third entitled 'An act to enable the owners and possessors of the marsh meadow on the north side of Christiana river called Brandywine marsh, and of a tract of marsh meadow and cripple on the south side of said river called Holland's creek marsh, and also of a tract of marsh meadow near Newport called Conrad's cripple, to keep the banks, dams and sluices in repair, and raise a fund to defray the expenses thereof,'" was read a second time by its title.

Mr. Dilworth moved,

That the bill entitled "An act to remove the seat of justice for New Castle county, from the town of New Castle to the city of Wilmington," be taken up for consideration.

He then moved,

The following amendment thereto, to wit:—Amend the said bill by adding at the end of section 6, the following words, viz:—

*Provided nevertheless,* That such allegation of fraud or illegality shall be laid and sustained at the subsequent session of the said Superior Court next after the said special election."

He then moved,

That said amendment be adopted,

Which motion

*Prevailed.*

He then moved,

That the blank in the second section of said bill be filled with the words "one nor more than four,"

Which motion,

*Prevailed.*

Mr. Rogers then moved,

The further amendment to said bill, in the following manner, to wit:—Amend the said bill by inserting in the third line of the third section of said bill, after the word "of" the words "three hundred votes over and above."

Also, in the eighty-first line of same section, insert the word "said" between the words "the" and "majority."

He then moved,

That said amendment be adopted.

The House being divided on the question, he demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Frazer, Houston, Kerr, Rees, Rogers and Mr. Speaker—6 yeas.

*Nays*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Hopkins N. W. F., Jefferson, Jones, Marshall, Neal, Pratt, Rees, Spruance and Williamson—14 nays.

So the House refused to adopt said amendment.

Mr. Frame then moved,

That the further consideration of said bill be postponed until this afternoon,

Which motion,

*Prevailed.*

Mr. Houston from the committee on the petition of Joseph Dando and his wife, reported a bill entitled "An act to confirm the title of Jane Dando, late Jane Clark and Sally Clark, to certain lands therein mentioned," which

On his motion,  
Was read.

On motion of Mr. Neal,  
The communication last made from the Senate, was read.

Mr. Dilworth, from the committee on the petition from New Castle county, praying for a law to authorize a division to be made in school district No. 54, in said county, reported a bill entitled "An act to divide school district No. 54 in New Castle county," which

On his motion,  
Was read.

He then moved,  
That said bill be read a second time by special order of the House.

Which motion also

*Prevailed.*

And said bill was read a second time by special order of the House.

Mr. Rogers, moved,

That the bill entitled "An act to revive, re-enact and re-establish an act passed in this State, in the eighth year of the reign of king George the third entitled 'An act to enable the owners and possessors of the marsh meadow on the north side of Christiana river called Brandywine marsh, and of a tract of marsh meadow and cripple on the south side of said river called Holland's creek marsh, and also of a tract of marsh meadow near Newport called Conrad's cripple, to keep the banks, dams and sluices in repair, and raise a fund to defray the expenses thereof,'" be taken up for a third reading by special order by paragraphs, in order to pass the House.

Pending the question on said motion,

Mr. Jones moved,  
That the House adjourn until 3 o'clock this afternoon.

On the question to adjourn till 3 o'clock this afternoon, the House divided, and Mr. Jones demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Frazer, Houston, Jefferson, Jones, Kerr and Mr. Speaker—6 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Dilworth, Fiddeman, Frame, Hopkins of N. W. F., Marshall, Neal, Pratt, Rees, Rogers, Spruance and Williamson—14 nays.

So the House refused to adjourn, and the motion of Mr. Rogers to read the last aforesaid bill *Prevailed.*

After all the sections of said bill had been read and passed, and the reading of the preamble proceeded in for some time,

Mr. Dilworth moved,

An adjournment, on which question the House again divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Jefferson, Kerr, Marshall, Pratt, Spruance and Williamson—12 yeas.

*Nays*—Messrs. Biddle, Hopkins of N. W. F., Houston, Neal, Rees, Rogers and Mr. Speaker—7 nays.

So the House adjourned until 3 o'clock this afternoon.



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

The House met pursuant to adjournment.

On motion of Mr. Rogers,

The third reading of the bill entitled "An act to revive, re-enact and re-establish, an act passed in the eighth year of the reign of King George the third, entitled 'An act to enable the owners and possessors of the marsh meadows, on the north side of the Christiana river called Brandywine marsh, and of a tract of marsh, meadow and cripple on the south side of said river called Holland's creek marsh, and also of a tract of marsh meadow near Newport, called Conrad's cripple, to keep the banks, dams and sluices in repair, and raise a fund to defray the expenses thereof,'" was resumed and finished, and said bill *Passed the House.*

*Ordered,* To be returned to the Senate.

Mr. Rees from the committee of enrolment, presented for the signature of the Speaker the following enrolled bills, to wit:—

"An act to incorporate a bank in the city of Wilmington, under the name of the Union bank of Delaware."

Also, "A supplement to the act entitled 'An act to incorporate a com-

pany to erect a draw-bridge over the river Christiana at Wilmington, and for other purposes therein mentioned.

Also, "An act regulating the commissions to be received by the collector of taxes of Appoquinimink hundred in New Castle county."

Also, "A joint resolution of the General Assembly concerning Nehemiah Clark."

Also, "An act to authorize George T. Martin, guardian of Catharine A. Robinson and John M. Robinson, minors, to remove two certain slaves therein mentioned from this State into the State of Maryland."

Also "An act for the relief of John Hutson," and informed the Speaker that said bills had all been duly enrolled.

On motion of Mr. Neal,

The bill entitled "An act for changing the location of a certain public road, and for other purposes," was read a second time by special order.

On motion of Mr. Rogers,

The bill entitled "An act regulating the drawing of lotteries" was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Frame, Frazer, Hopkins of N. W. F., Kerr, Pratt, Rees, Rogers and Spruance—9 yeas.

*Nays*.—Messrs. Biddle, Boulden, Dilworth, Fiddeman, Houston, Jefferson, Jones, Marshall, Neal, Williamson and Mr. Speaker—11 nays.

So said first section

*Was lost.*

And the bill also

*Was lost.*

On motion of Mr. Dilworth,

The bill entitled "An act to remove the seat of justice for New Castle county, from the town of New Castle to the city of Wilmington," was read a third time as amended, by paragraphs, and *Passed the House.*

*Ordered*, To the Senate for concurrence.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House sundry enrolled bills, and informed the House that the same had received the signature of the Speaker of the Senate. He also asked the concurrence of the House in a bill entitled "An act authorizing the sale of the real estate of William Custalow, late of White Clay Creek hundred, in the county of New Castle, deceased."

And he withdrew.

Mr. Dilworth, from the committee on the bill entitled "An act laying a tax on dogs in New Castle county," reported back said bill without amendment.

He then moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Spruance,  
Obtained leave to introduce a bill entitled "An act laying a tax on dogs  
in New Castle County," which

On his motion,  
Was read.

He then again moved,  
That the eighth rule of the House be suspended in order that he might  
introduce another bill,

Which motion,

*Prevailed.*

He then asked, and

On motion of Mr. Frame,  
Obtained leave to introduce a bill entitled "An act to encourage the rais-  
ing of sheep," which

On his motion,  
Was read.

On motion of Mr. Dilworth,  
The bill entitled "An act to divide school district No. 54 in New Castle  
county," was read a third time by paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Jones,  
The bill entitled "An act to confirm the title of Jane Dando, late Jane  
Clark and Sally Clark to certain lands therein mentioned," was read a  
second time by special order.

He then moved,  
That said bill be read a third time by special order by paragraphs, in  
order to pass the House,

Which motion

*Prevailed.*

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

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Neal,  
The bill entitled "An act for changing the location of a certain public  
road and for other purposes," was read a third time by special order by  
paragraphs, and

*Passed the House.*

*Ordered,* To the Senate for concurrence.

Mr. Houston from the committee on the petition of Sussex county pray-  
ing for the passage of a law to provide for certain deficiencies in the ex-  
isting laws on the subject of ditches, reported a bill entitled "A further  
supplement to the act entitled 'An act to authorize and empower the own-  
ers or possessors of any swamp or low ground to ditch and drain the same,  
and for rendering more easy and convenient the mode of obtaining permis-  
sion therefor,'" which

On his motion,  
Was read.

On motion of Mr. Dilworth,

The bill entitled "A supplement to the act entitled 'An act to provide for the distribution of the interest of this State's share or proportion of the surplus fund,'" was taken up for consideration.

Mr. Frame then moved,

That said bill be indefinitely postponed.

On which question the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Fiddeman, Frame, Frazer, Jefferson, Marshall, Pratt, Rees and Spruance—9 yeas.

*Nays*—Messrs. Biddle, Boulden, Dilworth, Hopkins of N. W. F., Houston, Jones, Kerr, Neal, Rogers, Williamson and Mr. Speaker—11 nays.

So the house refused to postpone said bill indefinitely.

Mr. Frame then moved,

To lay said bill on the table until to-morrow morning,

Which motion

*Prevailed.*

Mr. Rogers moved,

That the amendments of the Senate to the bill entitled "An act to authorize the construction of a rail road from the town of New Castle to the city of Wilmington," be taken up for consideration,

Which motion

*Prevailed.*

He then moved,

The following amendment to the amendment of the Senate, to said bill, to wit:—Amend the said amendment of the Senate by inserting in the 4th line of Section 20, after the word "annually" the words "after the said rail road shall be in complete operation." And strike out after the word "in" in the 7th line thereof all the remainder of same section.

He then moved,

That said amendment to the amendment of the Senate to said bill, be adopted,

Which motion

*Prevailed.*

He then moved,

That the amendments of the Senate to said bill, as amended by the House, be adopted

Which motion, also

*Prevailed.*

*Ordered.* That the concurrence of the Senate be asked, in the amendment of the House, to the amendment of the Senate to said bill.

On motion of Mr. Houston,

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

WEDNESDAY 10 o'clock, A. M. February 20, 1839.

The House met pursuant to adjournment.

Roll called, Journal read, &c.

On motion of Mr. Rogers,

*Ordered*, That his vote given yesterday, against 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," upon the question of its final passage, be noted on the Journal.

On motion of Mr. Neal,

The bill from the Senate entitled "An act authorizing the sale of the real estate of William Custalow, late of White-clay Creek hundred, in the county of New Castle, deceased, was read.

Mr. Houston laid on the table the account of William H. Cooper against the State, which

On his motion,

Was referred to the committee on claims.

On motion of Mr. Rogers,

The report of the Attorney General, respecting the Wilmington Bridge Company, was referred to the committee of claims.

On his motion also,

The bill entitled "An act laying a tax on dogs in New Castle county, and for other purposes" was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill, the House divided, and on a count of the votes for and against said bill, it was decided in the negative, and said first section *Was lost.*

And the bill also

*Was lost.*

On motion of Mr. Houston,

The bill entitled "A further supplement to the act entitled 'An act to authorize and empower the owners and possessors of any swamp or low grounds, to ditch and drain the same, and for rendering more easy and convenient the mode of obtaining permission therefor,'" was read a second time by its title.

He then moved,

That said bill be read a third time by special order by paragraphs, in order to pass the House,

Which motion

*Prevailed.*

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

*Passed the House.*

*Ordered*, To the Senate for concurrence.

Mr. Dilworth moved,

That the bill entitled "An act laying a tax on dogs in New Castle county," be taken up for a second reading.

On the question of the second reading of said bill, the House divided, and Mr. Rogers demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins of N. W. F., Houston, Jefferson, Jones, Kerr, Marshall, Neal, Pratt, Rees, Spruance and Williamson—18 yeas.

*Nays*—Messrs. Rogers and Mr. Speaker—2 nays.

So the House refused to reject the second reading of said bill.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, presented for the signature of the Speaker, sundry enrolled bills.

He also returned to the House the following bills, to wit:—

The bill entitled “An act to erect and keep in good repair a bridge over Broadkilm Creek, where the State road crosses the said creek, at a place called Samuel Paynter’s Landing.”

Also the bill entitled “An act for the relief of Eliza Wales Ringgold, a minor.”

Also “A further supplement, to the act entitled ‘An act to incorporate the Wilmington Whaling Company.’”

Also “An act to enable Joshua Johnson and James F. Miller, to sell certain real estate therein mentioned.”

Also the bill entitled “An act to incorporate a company for procuring and superintending a common Cemetery in Wilmington,” and informed the House, that the Senate had concurred in the same.

He also returned to the House, the bill entitled “An act respecting the partition of the lands and tenements of Miers Burton, late of Dagsborough hundred, in the county of Sussex, deceased.”

Also the bill entitled “An act to authorize the construction of a rail road from the town of New Castle, to the city of Wilmington,” and informed the House, that the Senate had concurred in the amendment of the House, to the amendment of the Senate thereto.

He also asked the concurrence of the House in a bill entitled “An act to prevent gambling.”

And he withdrew.

Mr. Rogers then moved,

That the further consideration of the bill entitled “An act laying a tax on dogs” be postponed indefinitely. On which question the House divided, and Mr. Rogers demanded the yeas and nays, which were as follows:

*Yeas*—Messrs. Biddle, Fiddeman, Hopkins of N. W. F., Jefferson, Kerr, Marshall, Neal, Pratt, Rogers and Mr. Speaker—10 yeas.

*Nays*—Messrs. Boulden, Cooper, Dilworth, Frame, Frazer, Houston, Jones, Rees, Spruance and Williamson—10 nays.

So said motion

*Was lost.*

Mr. Dilworth then moved,

That the blank in the 25th line of the 1st section of said bill be filled with the word “eight,”

Which motion

*Prevailed.*

He then moved,

That said bill be taken up for a third reading by paragraphs by special order, to pass the House.

The House divided on the question to read said bill a third time by paragraphs, in order to its final passage, and Mr. Rogers demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Hopkins, N. W. F., Houston, Jefferson, Jones, Kerr, Marshall, Neal, Rees and Spruance—15 yeas.

*Nays*—Messrs. Biddle, Pratt, Rogers, Williamson and Mr. Speaker—5 nays.

So the House decided said question in the affirmative.

Mr. Rogers then moved,

To postpone said bill until *dog days*.

On which question the House again divided, and Mr. Rogers demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Hopkins of N. W. F., Pratt, Rees, Williamson and Mr. Speaker—6 yeas.

*Nays*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Houston, Jefferson, Jones, Kerr, Marshall, Neal, Rees and Spruance—14 nays.

So the question was decided in the negative.

He then moved,

That said bill be postponed until to-morrow.

On which question the House again divided, and Mr. Rogers again demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Pratt, Rogers, and Mr. Speaker—4 yeas.

*Nays*—Messrs. Boulden, Cooper, Dilworth, Fiddemen, Frame, Frazer, Hopkins of N. W. F., Houston, Jefferson, Jones, Kerr, Marshall, Neal, Rees, Spruance, and Williamson—16 nays.

So the House decided said question in the negative.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House the bill entitled "An act to change the draw-bridge over Spring Creek in Kent county, into a pivot-bridge."

Also, the bill entitled "A supplement to the act entitled 'An act for regulating the construction and use of weirs in Spring Creek,' and informed the House that the Senate had concurred in the same.

He also asked the concurrence of the House in a joint resolution appointing S. G. Laws to take charge of the books and papers of the two Houses of the Legislature, and to purchase coal and stationary for the use of the General Assembly at their next session, and appointing **Thomas**

Catts to take charge of the furniture of the Senate chamber, and Samuel Brown to take charge of that of the House of Representatives.

And he withdrew.

Mr. Rogers moved,

That the House adjourn until 3 o'clock, but the House decided against the motion and refused to adjourn.

Mr. Dilworth then moved,

That the reading of the bill under discussion proceed,

Which motion,

*Prevailed.*

On the question of the passage of the first section of said bill the House divided, and Mr. Rogers demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Houston, Jefferson, Jones, Kerr, Marshall, Rees and Spruance—13 yeas.

*Nays*—Messrs. Biddle, Hopkins of N. W. F., Neal, Pratt, Rogers, Williamson and Mr. Speaker—7 nays.

So said first section

*Passed the House.*

On the question of the final passage of said bill the House again divided, and Mr. Rogers demanded the yeas and nays, but before the call commenced,

On motion of Mr. Spruance,

The House adjourned until 3 o'clock this afternoon.



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

The House met pursuant to adjournment.

The question was then taken on the final passage of the bill, which was under discussion at the time of adjournment.

The House being divided, Mr. Rogers demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Cooper, Dilworth, Fiddeman, Frame, Frazer, Houston, Jefferson, Jones, Kerr, Marshall, Rees and Spruance—13 yeas.

*Nays*—Messrs. Biddle, Hopkins of N. W. F., Neal, Pratt, Rogers, Williamson and Mr. Speaker—7 nays.

So said bill

*Passed the House.*

*Ordered,* To the Senate for concurrence.

On motion of Mr. Neal,

The bill entitled "An act authorizing the sale of the real estate of William Custalow, late of White-clay Creek hundred, in the county of New Castle, deceased, was read a second time by its title.

He then moved,

That said bill be read a third time by special order by paragraphs, in order to pass the House,

Which motion

*Prevailed.*

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

*Ordered,* To the Senate for concurrence.

Mr. Houston moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Frame,

Obtained leave to introduce a bill entitled "A supplement to the act entitled 'An act to provide for the distribution of the interest of this State's proportion of the surplus fund,'" which

On his motion,

Was read.

He then moved,

That said bill be read a second time by special order of the House,

Which motion,

*Prevailed.*

On his motion, also,

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

*Ordered,* To the Senate for concurrence.

Mr. Rogers moved,

That a committee of conference be appointed on the part of the House, on the bill entitled "An act for the preservation of certain game, and the protection of land-holders,"

Which motion,

*Prevailed.*

And Messrs. Marshall, Fiddeman and Boulden, were appointed said committee on the part of the House.

He then moved,

To take up for consideration the amendment of the Senate to the bill entitled "An act respecting the partition of the lands and tenements of Miers Burton, late of Dagsborough hundred in the county of Sussex, deceased,"

Which motion

*Prevailed.*

Mr. Houston then moved,

That the amendments of the Senate to said bill be adopted,

Which motion

*Prevailed.*

Mr. Spruance moved,

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Frame,

Obtained leave to introduce a bill entitled "A further supplement to the act entitled 'An act to prevent injury by dogs in New Castle county,' which

On his motion,

Was read.

Mr. Jones moved,

That said bill be read a second time by special order,

Which motion

*Prevailed.*

On motion of Mr. Pratt,

The bill sent from the Senate for concurrence entitled "An act to prevent gambling," was read.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House 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."

Also the bill entitled "An act for the investment of certain monies therein mentioned."

And he withdrew.

Mr. Rees, from the committee of enrolment, presented for the signature of the Speaker the following enrolled bills:—

A bill entitled "An act to enable Amanda Green, Jane Green, and Charles Green, minors, to sell and convey certain real estate therein mentioned."

Also "A supplement to the act entitled 'A further supplement to the act entitled 'An act concerning the probate of wills and the administration of the personal estate of deceased persons.'"

Also, "An act to incorporate the Female Benevolent Society of Trinity Church Wilmington, for the relief of indigent women of said church."

Also, "An act to incorporate the New Castle Steam-mill Company."

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

Also "An additional supplement to an act entitled 'An act for providing for the punishment of certain crimes and misdemeanors.'"

Also "An act for the preservation of fish and game in and on the waters of the Delaware bay and river, and the streams tributary thereto, within the limits of this State."

Also, "A resolution to present to Col. Samuel B. Davis a sword for his military services to the State."

Also, "A resolution to present to Newark College certain laws and documents therein mentioned."

Also "An act to establish a company under the name of the Black-bird Navigation Company."

Also "A further supplement to an act entitled 'An act to incorporate the Wilmington and Susquehanna Rail Road Company.'"

Also, "A supplement to the act entitled 'An act to enable the owners and possessors of the meadow, marsh and cripple lying on both sides of the north-west branch of Duck Creek, emptying into the main branch of Duck Creek below the Eagle's nest landing, effectually to embank and drain the same, and to keep the banks, dams, sluices, canals and drains in repair, and to raise a fund to defray the expenses thereof.'"

Also, "An additional supplement to the act entitled 'An act to incorporate the Wilmington and Downingtown Rail Road Company,'" and informed the Speaker that all said bills had been duly enrolled.

Mr. Jones laid on the table a joint resolution appropriating fifty dollars for the purpose of fitting up a certain room therein mentioned for a committee room, &c., which

On his motion,  
Was read as follows, to wit:—

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the sum of fifty dollars be, and is hereby appropriated for the purpose of fitting up and furnishing, by and with the consent of the Levy-court of Kent county, the north room of the State-house, (adjoining the Representatives chamber,) for a committee room, and that the same, when so arranged, shall be used for the office of the Auditor of Accounts.

*Resolved,* That the State Treasurer pay to the Auditor of Accounts the said sum of fifty dollars, to carry into effect, the above resolve, who shall render an account thereof, at the next biennial session of the General Assembly.

On motion of Mr. Dilworth,  
The joint resolution for appointing a person to take charge of the books and papers of the two Houses of the Legislature, and to purchase fuel, &c., was taken up for consideration.

On motion of Mr. Frame,  
The further consideration of said resolution was postponed until to-morrow morning.

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



THURSDAY 10 o'clock, A. M. February 21, 1839.

The House met pursuant to adjournment.

Roll called, Journal read, &c.

Mr. Jones laid on the table the petition of Henry Whiteley, Esq., pray-

ing for a law to authorize him to locate and complete his title to Reedy Island, in the Delaware bay or river.

He then moved,

That the eighth rule of the House be suspended, in order that he might introduce a bill granting the prayer of said petition, but the House refused to suspend said rule.

He then moved,

That said petition be referred to a committee of three members, with leave to report by bill or otherwise,

Which motion, also

*Prevailed.*

And Messrs. Jones, Dilworth and Neal were appointed said committee.

Mr. Dilworth then laid on the table the petition of William Cleaver, jr., praying for the passage of a law to authorize *him* to survey and locate the same island mentioned in the petition of Henry Whiteley, Esq., and to complete his title to the same," which

On his motion

Was read and referred to the same committee appointed on the petition of Henry Whiteley, Esq.

On motion of Mr. Rees,

The bill entitled "An act to prevent gambling," was read a second time.

He then moved,

The following amendments thereto, to wit:—

Amend first section by inserting in the 6th line thereof, between the word "thing and "at" the words "of value."

Amend the second section in the third line thereof, by inserting between the words "entertainment and "shall" the words "licensed or unlicensed."

Amend same section by inserting in the fifth line between the word "thing" and "at" the words "of value."

Amend in the seventeenth line, by striking out the word "such" between the word "every" and "tavern-keeper," and inserting in lieu thereof the word "licensed."

He then moved,

That said amendments be adopted.

Which motion

*Prevailed.*

Mr. Jones laid on the table the account of William Herdman and Archibald Hamilton, for services rendered under a resolution of the Legislature in 1837, which

On his motion,

Was referred to the committee on claims.

Mr. Dilworth moved,

That the bill entitled "A supplement to the act entitled 'An act to provide for the distribution of the interest of this State's proportion of the surplus fund' be taken up for a third reading, in order to pass the House.

On which question the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Dilworth, Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 yeas.

*Nays*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—11 nays.

So the House refused to let said bill proceed to a third reading in order to its final passage.

Mr. Spruance moved,

That the joint resolution to appoint a person to take charge of the books and papers of the Legislature and for other purposes, be taken up for consideration.

He then moved,

To strike out all of said resolution after the word "Resolved." On which question the House divided, and Mr. Spruance demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—11 yeas.

*Nays*—Messrs. Biddle, Boulden, Dilworth, Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 nays.

So said motion

*Prevailed.*

He then moved,

That the following be substituted in lieu thereof, to wit:—

*Resolved*, That Joseph P. Comegys be, and he is hereby appointed to take charge of the books and papers belonging to the State, in the hall of the House of Representatives, and from time to time to examine and attend to the same as he may judge proper for their preservation; and that Joseph Buckmaster be, and he is hereby appointed to take charge of the furniture belonging to the House of Representatives.

*Resolved*, That Joseph P. Comegys be, and he is hereby authorized to purchase stationery and fuel for the use of the House of Representatives, at their next session.

He then moved,

That said amendment be adopted,

On which question the House again divided, and Mr. Spruance demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—11 yeas.

*Nays*—Messrs. Biddle, Boulden, Dilworth, Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 nays.

So said amendment was

*Adopted.*

Mr. Jones then moved,

To amend the said amendment, by striking out the name of Joseph Buckmaster and inserting in lieu thereof, the name of Jacob R. Griffin.

On which question the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Bouden, Dilworth, Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 yeas.

*Nays*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—11 nays.

So said amendment

*Was lost.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House, the bill entitled "An act to confirm the title of Jane Dando, late Jane Clark and Sally Clark, to certain lands therein mentioned."

Also, the bill entitled "A supplement to the act entitled 'An act to encourage the destruction of Crows.'"

Also, "A supplement to the act entitled 'An act for the relief of the owners and possessors of certain marsh and low grounds called and known by the name of Big Marsh of Marshy-hope, and to enable the owners and possessors of the said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain and reclaim the same,'" and informed the House that the Senate had concurred in the same.

He also asked the concurrence of the House in a bill entitled "An act for the relief of Leonard Short, an insolvent prisoner."

He also returned to the House, the joint resolution appropriating fifty dollars, to fit up a certain room therein mentioned, for a committee-room, &c., and informed the House that the Senate had concurred therein.

He also returned to the House, the joint resolution for the appointment of Directors on the part of the State, of the Farmers' Bank of the State of Delaware, and informed the House that the Senate insisted on their amendment thereto.

He also returned to the House the bill entitled "A supplement to the act entitled 'An act concerning constables,'" and informed the House that said bill had been indefinitely postponed in the Senate.

He also informed the House, that the bill entitled "An act to change the character of licenses to tavern-keepers and retailers, and for other purposes therein mentioned," had been lost in the Senate on its third reading.

And he withdrew.

On motion of Mr. Dilworth,

The bill entitled "An act for the preservation of the pay-rolls, muster-rolls, and other Revolutionary records, belonging to the office of the Secretary of State," was taken up for consideration.

He then moved,

The following amendments thereto, to wit:—

Amend the first section of said bill in the sixth line thereof, by inserting between the word "purpose" and the word "the" the words "such of." Also amend the said bill in the same section, by inserting in the ninth line thereof, between the word "office" and the word "and" the following, viz:—"as he may deem necessary for preservation."

He then moved,

That said amendments be adopted.

Which motion

*Prevailed.*

He then moved,

That said bill be taken up for a third reading by paragraphs, in order to pass the House,

Which motion also

*Prevailed.*

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Cooper, Dilworth, Frazer, Houston, Pratt, Rees and Spruance—7 yeas.

*Nays*—Messrs. Biddle, Boulden, Frame, Hopkins of N. W. F., Jefferson, Jones, Kerr Marshall, Neal, Rogers, Williamson and Mr. Speaker—12 nays.

So said first section

*Was lost.*

And the bill also

*Was lost.*

On motion of Mr. Rogers,

The bill entitled “An act for the relief of Leonard Short,” sent from the Senate to this House for concurrence, was read.

Mr. Rogers moved,

That the resolution for appointing directors on the part of the State, of the Farmers’ Bank of the State of Delaware, be taken up for consideration.

He then moved,

That the House recede from their disagreement to the amendment of the Senate thereto. The House divided on the question, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Dilworth, Hopkins of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 yeas.

*Nays*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—11 nays.

So the House refused to recede from their disagreement to said amendment.

Mr. Dilworth moved,

That a committee of conference be appointed on the part of the House, to confer with such committee on the part of the Senate, as may be appointed on said disagreement.

The House again divided on said question, and the Speaker ordered the yeas and nays, but before the call commenced,

On motion of Mr. Frame,

The further consideration of said resolution was postponed until this afternoon.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House

sundry enrolled bills, and informed the House that the same had received the signature of the Speaker of the Senate. He also returned to the House

The bill entitled "An act to provide for the preservation of the records in the office of the Register for the probate of wills and granting letters of administration, and in the office for recording of Deeds in Sussex county"

Also the bill entitled "An act to divide school district No. 54 in New Castle county," and informed the House that the Senate had concurred in the same.

He also asked the concurrence of the House in a joint resolution to provide for the publication of the law for the protection of fish and game, in and on the waters of the Delaware bay and river, and the streams tributary thereto.

He also informed the House that the bill appropriating five thousand dollars, for the purchase of a library for Newark College had been rejected by the Senate.

He also informed the House that the bill entitled "An act entitled 'An act to incorporate the White Marsh Company, for the purpose of draining and reclaiming certain marsh, low grounds and cripple in Murderkill and Mispillion hundreds in Kent county,'" had been postponed until next session of the Legislature.

And he withdrew.

Mr. Marshall, from the committee on claims, reported a bill entitled "An act for the payment of claims against the State," which

On his motion,  
Was read.

He also, in behalf of the committee of conference, on the bill entitled "An act for the preservation of certain game, and the protection of landholders" made the following report, to wit:—

That said committee had agreed to amend the amendment of the Senate to the 4th section of said bill, by striking out the words "counties of Kent and" and inserting in lieu thereof, the words "county of."

Mr. Spruance moved,

That the House disagree to the amendment to said bill, as reported by the committee of conference,

Which motion

*Prevailed.*

He then moved,

That said amendment be indefinitely postponed. On which question the House divided, but on a count, it was decided in the affirmative.

On motion of Mr. Rogers,

The bill communicated to the House by the Senate, for the relief of Leonard Short, an insolvent prisoner, was read.

On motion of Mr. Rees,

The bill entitled "An act to prevent gambling," was taken up for a third reading by special order, by paragraphs, in order to pass the House, but before the reading of said bill commenced,

On motion of Mr. Spruance,

It was laid on the table.

On motion of Mr. Frame,  
The resolution for appointing directors on the part of the State, of the Farmers' Bank of the State of Delaware, was taken up for consideration.

He then moved,  
That said resolution be indefinitely postponed.

On which question the House divided, and Mr. Fame demanded the yeas any nays, which were as follows:—

*Yeas*—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—11 yeas.

*Nays*—Messrs. Biddle, Boulden, Dilworth, Hopkins, N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—9 nays.

So said resolution was *Indefinitely postponed.*

On motion of Mr. Dilworth,  
The joint resolution of the Senate, to provide for the publication of the law for the protection of fish and game in and on the waters of the Delaware bay and river, and the streams tributary thereto, was taken up for consideration.

He then moved,  
The following amendment thereto, to wit:—

Amend the resolution by striking out all thereof, after the second line, and in lieu insert the following, viz:—

“Secretary of State be, and he is hereby directed and required to cause to be published (in two or more newspapers, printed in the city of Wilmington, for the space of three months, from and after the first day of March next,) the bill entitled “An act for the preservation of fish and game, in and on the waters of the Delaware bay and river and the streams tributary thereto, within the limits of this State;” and the said Secretary is also hereby required to cause the publication in two or more newspapers as aforesaid, of the act 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,” from and after the time aforesaid, until the special election provided for by that act shall have been held.”

He then moved,  
That said resolution as amended, be adopted,  
Which motion

*Prevailed.*

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

Which motion

*Prevailed.*

He then asked, and

On motion of Mr. Dilworth,  
Obtained leave to introduce a bill entitled “A supplement to the act entitled ‘An act for the benefit of Sussex county,’ ” which

On his motion,  
Was read.

He then moved,  
That said bill be read a second time by special order of the House,  
Which motion also *Prevailed.*

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

Mr. Dilworth moved,  
That the bill entitled "An act to prevent unnecessary imprisonment for the execution of judgments in civil actions," be taken up for consideration.  
Which motion, *Prevailed.*

He then moved,  
To fill the blank in the second section thereof with the word "ten,"  
Which motion *Was lost.*

He then proposed to fill said blank with the word "five,"  
Which motion, also *Was lost.*

He then moved,  
That said blank be filled with the word "twenty." On which question the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Boulden, Dilworth, Houston, Jones, Kerr, Neal, Rogers, Spruance and Mr. Speaker—9 yeas.

*Nays*—Messrs. Biddle, Cooper, Fiddeman, Frame, Frazer, Hopkins of N. W. F., Jefferson, Marshall, Pratt, Rees and Williamson—11 nays.

So the House refused to fill said blank with the word "twenty."

He then moved,  
To fill said blank with the word "five" and to insert immediately after the word "dollars" the words "and thirty-three cents,"  
Which motion *Prevailed.*

He then moved,  
That said bill be read a third time by paragraphs, in order to pass the House,

Which motion also *Prevailed.*

On the question of the passage of the first section of said bill the House divided, and Mr. Dilworth demanded the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Cooper, Dilworth, Frazer, Jones, Kerr, Marshall, Rees, Rogers and Mr. Speaker—11 yeas.

*Nays*—Messrs. Fiddeman, Frame, Hopkins of N. W. F., Houston, Jefferson, Neal, Pratt, Spruance and Williamson—9 nays.

So the first section of said bill *Passed the House.*

On the question of the passage of the second section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Dilworth, Frazer, Jones, Kerr, Marshall, Rees, Rogers and Mr. Speaker—10 yeas.

*Nays*—Messrs. Cooper, Fiddeman, Frame, Hopkins of N. W. F., Houston, Jefferson, Neal, Pratt, Spruance and Williamson—10 nays.

So the second section of said bill

*Was lost.*

On the question of the passage of the fourth section of said bill the House again divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Boulden, Dilworth, Frazer, Jones, Kerr, Marshall, Rees, Rogers and Mr. Speaker—10 yeas.

*Nays*—Messrs. Cooper, Fiddeman, Frame, Hopkins of N. W. F., Houston, Jefferson, Neal, Pratt, Spruance and Williamson—10 nays.

So said fourth section

*Was lost.*

At the end of the reading of said bill,

Mr. Dilworth moved,

To amend the bill by altering the numbers of the sections so as to be the proper numbers, after excluding the lost sections,

Which motion,

*Prevailed.*

On the question of the final passage of said bill the House again divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Biddle, Dilworth, Frazer, Jones, Kerr, Marshall and Mr. Speaker—7 yeas.

*Nays*—Messrs. Boulden, Cooper, Fiddeman, Frame, Hopkins of N. W. F., Houston, Jefferson, Neal, Pratt, Rees, Rogers, Spruance and Williamson—13 nays.

So said bill

*Was lost.*

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

On his motion,

Was read as follows, to wit:—

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Secretary of State be, and he is hereby instructed, to purchase three copies of the "Delaware Register;" one for the use of the Senate—one for the use of the House of Representatives, and one to be retained in the State library.

He then moved,

That said resolution be adopted,

Which motion

*Prevailed.*

On motion of Mr. Rees,

The bill entitled "An act to prevent gambling," was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

**Yeas**—Messrs. Boulden, Cooper, Frame, Frazer, Hopkins of N. W. F., Houston, Jefferson, Kerr, Marshall, Neal, Pratt, Rees and Spruance—13 yeas.

**Nays**—Messrs. Biddle, Dilworth, Fiddeman, Jones, Rogers, Williamson and Mr. Speaker—7 nays.

So said first section

*Passed the House.*

On the question of the passage of the second section the House again divided, and the Speaker ordered the yeas and nays, which were as follows:—

**Yeas**—Messrs. Boulden, Cooper, Frame, Frazer, Hopkins of N. W. F., Jefferson, Jones, Kerr, Marshall, Neal, Pratt, Rees, Rogers, Spruance, Williamson and Mr. Speaker—17 yeas.

**Nays**—Messrs. Biddle, Dilworth and Fiddeman—3 nays.

So said second section

*Passed the House.*

On the question of the final passage of said bill the House again divided, and the yeas and nays were ordered by the Speaker, and they were as follows:—

**Yeas**—Messrs. Boulden, Cooper, Frame, Frazer, Hopkins of N. W. F., Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—12 yeas.

**Nays**—Messrs. Biddle, Dilworth, Fiddeman, Jones, Kerr, Rogers, Williamson and Mr. Speaker—8 nays.

So said bill

*Passed the House.*

**Ordered,** To the Senate for concurrence.

On motion of Mr. Neal,

The joint resolution to authorize the State Treasurer, to borrow of the Trustee of the School Fund six thousand dollars, was read.

On motion of Mr. Marshall,

The bill entitled "An act for the payment of claims against the State," was read a second time by its title.

Mr. Frame then moved,

The following amendments thereto, to wit:—

Amend the said bill by striking out in the twenty-ninth line of Sec. 1, the words "&c. forty" and inserting in lieu thereof, the words "and for his attendance on said court fifty," which said amendment was

On his motion,

*Adopted.*

On motion of Mr. Jones,

The bill entitled "An act for the relief of Leonard Short, an insolvent prisoner," was taken up for a third reading in order to pass the House.

On the question of the passage of the first section of said bill the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

**Yeas**—Messrs. Biddle, Boulden, Dilworth, Fiddeman, Hopkins of N. W. F., Jones, Kerr, Marshall, Rogers, Williamson and Mr. Speaker—11 yeas.

*Nays*—Messrs. Cooper, Frame, Frazer, Houston, Jefferson, Neal, Pratt, Rees and Spruance—9 nays.

So said first section

*Passed the House.*

On the question of the final passage of said bill the House again divided, and the Speaker ordered the yeas and nays, which were as follows:

*Yeas*—Messrs. Biddle, Boulden, Dilworth, Fiddeman, Hopkins of N. W. F., Jones, Kerr, Marshall, Rogers, Williamson and Mr. Speaker—11 yeas.

*Nays*—Messrs. Cooper, Frame, Frazer, Houston, Jefferson, Neal, Pratt, Rees and Spruance—9 nays.

So said bill

*Passed the House.*

*Ordered, To be returned to the Senate.*

On motion of Mr. Marshall,

The bill entitled "A supplement to the act entitled 'An act for the benefit of Sussex county'" was taken up for a third reading by special order, to pass the House.

On the question of the passage of the second section of said bill, the House divided, and the Speaker ordered the yeas and nays, which were as follows:—

*Yeas*—Messrs. Dilworth, Fiddeman and Mr. Speaker—3 yeas.

*Nays*—Messrs. Biddle, Boulden, Cooper, Frame, Frazer, Hopkins of N. W. F., Houston, Jefferson, Jones, Kerr, Marshall, Neal, Pratt, Rees, Rogers, Spruance and Williamson—17 nays.

So said second section

*Was lost.*

The question was then taken on the final passage of said bill, and decided in the affirmative.

*Ordered, To the Senate for concurrence.*

On motion of Mr. Frame,

The joint resolution authorizing the State Treasurer, to borrow six thousand dollars from the Trustee of the School Fund, was taken up for consideration.

He then moved,  
That said resolution be adopted,  
Which motion,

*Prevailed.*

*Ordered, To the Senate for concurrence.*

On request of Mr. Jones, he was excused from further attendance as Chairman of the committee on accounts.

On motion of Mr. Marshall,

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

*Passed the House.*

*Ordered, To the Senate for concurrence.*

Mr. Rogers moved,  
That the place of Mr. Jones, in the committee of accounts be filled,  
Which motion *Prevailed.*

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



FRIDAY, 10 o'clock, A. M. February 22, 1839.

The House met pursuant to adjournment.

Roll called, Journal read, &c.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House sundry enrolled bills, and informed the House, that the same had received the signature of the Speaker of the Senate.

He also presented for the signature of the Speaker of the House, sundry other enrolled bills which had been signed by the Speaker of the Senate.

He also returned to the House, the following bills, to wit:

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

Also the bill entitled “An act laying a tax on dogs in New Castle county.”

Also the bill entitled “A further supplement to the act entitled ‘An act to prevent injury by dogs in New Castle county.’”

Also the bill entitled “A supplement to the act entitled ‘An act to provide for the distribution of the interest of this State’s proportion of the surplus fund.’”

Also the bill entitled “A further supplement to the act entitled ‘An act to authorize and empower the owners and possessors of any swamp or low grounds, to ditch and drain the same, and for rendering more easy and convenient the mode of obtaining permission therefor.’”

Also the bill entitled “An act to create an additional school district in the county of Sussex,” and informed the House that said bills had received the sanction of the Senate.

He also informed the House, that the Senate had concurred in the following joint resolutions, to wit:

The joint resolution appointing a committee of the Legislature to meet at Dover, on the first Tuesday of January next (1840,) for the purpose of settling with the State Treasurer, &c.

Also, the joint resolution providing for the publication of the bill entitled “An act for the protection of fish and game, in and on the waters of the Delaware bay and river, and the streams tributary thereto, within the limits of this State.”

Also (with an amendment,) the joint resolution authorizing the State Treasurer to borrow six thousand dollars, from the Trustee of the School Fund.

And he withdrew.

Mr. Rees, Chairman of the committee of enrolment, presented for the signature of the Speaker the following enrolled bills, to wit:—

The bill entitled "An act to confirm, concur with, and give effect to an act of the General Assembly of the State of Maryland, entitled 'An act for the relief of the heirs and representatives of Joseph Vickars, late of Sussex county, State of Delaware, deceased.'"

Also the bill entitled "An additional supplement to the act entitled 'An act providing for the punishment of certain crimes and misdemeanors.'"

Also the bill entitled "An act for the relief of Henry M. Temple and Charles Temple, minor children of Thomas L. Temple."

Also the bill entitled "A supplement to the act entitled 'An act concerning the Orphans' Court.'"

Also the bill entitled "An act to amend the act entitled 'An act concerning the keeping of the papers belonging to the Executive Department, and the acts of the General Assembly, and the printing and disposal of the Laws and Journals.'"

Also the bill entitled "An act for the relief of Eliza Wales Ringgold, a minor."

Also the bill entitled "An act to authorize the construction of a rail road from the town of New Castle to the city of Wilmington."

Also the bill entitled "An act to incorporate a company for the procuring and superintending a common Cemetery in Wilmington."

Also the bill entitled "A supplement to the act entitled 'An act for regulating the construction and use of wears in Spring Creek.'"

Also the bill entitled "An act to change the draw-bridge over Spring Creek in Kent county, into a pivot-bridge."

Also the bill entitled "An act to erect and keep in good repair a bridge over Broadkirk creek, where the State road crosses the said creek at a place called Samuel Paynter's landing."

Also the bill entitled "An act to incorporate the Wilmington Atheneum."

And also the bill entitled "A further supplement to the act entitled 'An act to incorporate the Wilmington Whaling Company,' the same having all been duly and correctly enrolled.

On motion of Mr. Frame,

The amendment of the Senate to the joint resolution authorizing the State Treasurer to borrow six thousand dollars from the Trustee of the School Fund, was read and concurred in by the House.

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

On his motion,

Was read as follows, to wit:—

*Resolved*, That Joseph P. Comegys be, and he is hereby appointed to take charge of the books and papers belonging to the State, in the hall of the House of Representatives, and from time to time to examine and at-

tend to the same, as he may judge proper for their preservation. And that Joseph Buckmaster be, and he is hereby appointed to take charge of the furniture belonging to the House of Representatives.

*Resolved*, That Joseph P. Comegys be, and he is hereby authorized to purchase stationery and fuel for the use of the House of Representatives at their next session.

He then moved,  
That said resolution be adopted;  
Which motion

*Prevailed.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House sundry enrolled bills, and informed the House that the same had received the signature of the Speaker of the Senate.

And he withdrew.

Mr. Dilworth moved,  
That the bill on file for the encouragement of the raising of sheep, be postponed until the next session of the Legislature,

Which motion

*Prevailed.*

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

On his motion  
Was read as follows, to wit:—

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Joseph P. Comegys be, and he is hereby authorized to purchase a chandelier for the hall of the House of Representatives, the cost of which shall not exceed one hundred and fifty dollars, which sum the State Treasurer is hereby authorized and directed to pay on his order.

He then moved,  
That said resolution be adopted,  
Which motion,

*Prevailed.*

*Ordered*, To the Senate for concurrence.

Mr. Dilworth, chairman of the committee of accounts made the following report, which

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

The committee on accounts recommend the following allowances:—

	<i>Days.</i>	<i>Miles.</i>	<i>Dolls.</i>	<i>Cts.</i>
To John P. Brinkloe, Esq., Speaker	55	40	230	00
Presley Spruance,	53	12	162	00
Thomas A. Rees,	53	12	162	00
William Hemphill Jones,	55	50	177	50
William H. Rogers,	55	45	176	25
Richard Jefferson,	55	66	181	50
Nathan Boulden,	55	38	174	50
Robert Houston,	55	53	178	25
Philip D. Fiddeman,	55	25	171	25
Harry Williamson,	55	59	179	75

	<i>Days.</i>	<i>Miles.</i>	<i>Dolls. Cts.</i>
Aaron Marshall, jr.,	55	32	173 00
Alexander M. Biddle,	55	34	173 50
Samuel B. Cooper,	53	11	161 75
Andrew Kerr,	55	48	177 00
John Frazer,	33	5	160 25
Henry Pratt,	53	8	161 00
John D. Dilworth	55	32	173 00
James Hopkins,	55	56	179 00
Joseph W. Neal,	55	50	177 50
Robert Frame,	53		159 00
Robert Hopkins,	55	40	175 00
Henry Todd, Clerk, for his daily attendance, transcribing engrossing, and other services, as per bill,			436 00
Josiah Marvel, door-keeper and Sergeant-at-arms			130 00
John Catts, fire maker,			40 00
Francis Robertson, messenger,			25 00
John R. Bostick & Co., for articles furnished House of Re- presentatives, as per bill,			171 42
Thomas Stevenson, for desks for do			5 50
Samuel Kimmey, for printing done by order of the House of Representatives,			185 96
Pennewill, Clark, & Co., for articles furnished House of Representatives,			7 29
James A. Dunning, for articles furnished for House of Re- presentatives			4 26
James H. Stevenson, postage account,			71 22
Thomas McDowell, Esq., for taking depositions in the case of Mr. Humphries,			20 00
Garrett Barcus, assistance in fitting up representative cham- ber,			2 00
Charles Merrica, (negro,) cutting and piling wood,			6 25
Harry Barratt, cleaning privy, pavement, &c.,			3 00
David M. Smith, for fitting up repre'tive. chamber, &c.,			10 00
Henry Todd, allowance for newspapers for the House			60 00
Do for 3 dozen copies of Jefferson's Manuel			13 50
John N. Harker, for printing, &c.,			1 40

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House two enrolled bills, and informed the House that the same had received the signature of the Speaker of the Senate. He also presented for the signature of the Speaker of the House an enrolled bill.

And he withdrew.

Mr. Dilworth, from the committee on the petition of Henry Whiteley, Esq., made the following report, to wit:—That in the opinion of the committee, it is inexpedient to legislate on the subject set forth in said petition.

On motion of Mr. Houston,

The amendment of the Senate to the resolution directing the Secretary of State to purchase three copies of the Delaware Register, was read, as follows, to wit:—

"Amend the resolution by adding after the word "Library" in the 6th line the following—"And he is further authorized and required to draw upon the State Treasurer for the sum of fifteen dollars to pay for the same, out of any money in the Treasury not otherwise appropriated."

He then moved,  
That the House concur in said amendment,  
Which motion,

*Prevailed.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House sundry enrolled bills, together with the joint resolution to present to Col. Samuel B. Davis a sword for his military services to the State, and informed the House that the same had received the signature of the Speaker of the Senate.

And he withdrew.

Mr. Rees, Chairman of the committee of enrolment, presented for the signature of the Speaker the following enrolled bills and joint resolutions, to wit:—

The bill entitled "An act to confirm the title of Jane Dando, late Jane Clark and Sally Clark, to certain lands situate in Baltimore hundred Sussex county, and releasing to them all the right, title and interest, claim and demand of the State, of, in and to the said land."

Also the bill entitled "An act for the investment of certain monies therein mentioned."

Also the bill entitled "A supplement to the act entitled 'An act to encourage the destruction of Crows.'"

Also the bill entitled "An act to enable Joshua Johnson and James F. Miller to sell certain real estate therein mentioned."

Also the joint resolution requiring the Secretary of State to have published in two newspapers within this State, a certain act of Assembly therein mentioned."

Also the "joint resolution providing for the fitting up of a committee room, and Auditor's office."

Also the bill entitled "An act to enable Nehemiah Redden to locate certain vacant land situate in Little Creek hundred in Sussex county, and to complete his title to the same."

Also the bill entitled "An act for changing the location of a certain public road, and for other purposes."

Also the bill entitled "An act to extend the provisions of the insolvent laws of this State to Leonard Short, a non-resident prisoner."

Also the bill entitled "An act authorizing the sale of the real estate of William Custalow, late of White-clay Creek hundred, in the county of New Castle, deceased."

And also the bill entitled "An act to revive, re-enact and re-establish an act passed in this State, in the eighth year of the reign of king George the third entitled 'An act to enable the owners and possessors of the marsh meadow on the north side of Christiana river called Brandywine marsh, and of a tract of marsh meadow and cripple on the south side of said river called Holland's creek marsh, and also of a tract of marsh meadow near New-

port called Conrad's cripple, to keep the banks, dams and sluices in repair, and raise a fund to defray the expenses thereof," and informed the Speaker that all said bills and joint resolutions had been duly and correctly enrolled.

A messege from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House the joint resolution providing for the purchase of a chandelier for the hall of the House of Representatives, and informed the House that the Senate had concurred therein with amendments.

And he withdrew.

On motion of Mr. Spruance,

The amendments of the Senate to said joint resolution was read, as follows, to wit:—

Amend the resolution by striking out the letter "a" in the fifth line thereof. Also, by adding at the end of the word "Chandelier" the letter "s." Also, by inserting between the words "the" and "hall" the words "Senate chamber and." Also by striking out in the seventh line thereof, the word "one" and inserting in lieu thereof the word "two."

He then moved,

That the House concur in said amendments,

Which motion,

*Prevailed.*

Mr. Rees, from the committee of enrolment, presented for the signature of the Speaker, the following enrolled bills, to wit:—

The bill entitled "An act laying a tax on dogs in New Castle county."

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

Also the bill entitled "An act to divide school district No. 54, in New Castle county."

Also the bill entitled "A supplement to the act entitled 'An act to provide for the distribution of the interest of this State's proportion of the surplus fund.'"

The bill entitled "An act to provide for the preservation of the records in the office of the Register for the probate of wills and granting letters of administration, and in the office for recording of Deeds in Sussex county."

Also the bill entitled "An act to provide for the removal of the seat of justice from New Castle county, from the town of New Castle to the city of Wilmington," and informed the Speaker that the same had been correctly enrolled.

Mr. Rees, chairman of the committee of enrolment, also presented for the signature of the Speaker, the further following bills and joint resolutions, to wit:—

The bill entitled "An act for the payment of claims against the State."

Also the bill entitled "A further supplement to the act entitled 'An act to authorize and empower the owners and possessors of any swamp or low grounds, to ditch and drain the same, and for rendering more easy and convenient the mode of obtaining permission therefor.'"

Also the bill entitled "A further supplement to the act entitled 'An act to prevent injury by dogs in New Castle county.'"

Also the joint resolution for the Secretary of State to purchase three copies of the Delaware Register, and for other purposes therein mentioned.

Also the joint resolution authorizing Joseph P. Comegys to purchase chandeliers for the Senate chamber and the hall of the House of Representatives.

Also, the joint resolution appointing a committee of the Legislature to meet on the first Tuesday of January next, to settle with the State Treasurer, &c.

Also, the joint resolution for the State Treasurer to borrow certain money therein mentioned, and informed the Speaker that all said bills and joint resolutions, had been duly and correctly enrolled.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House sundry enrolled bills and joint resolutions, and informed the House that the same had received the signature of the Speaker of the Senate.

And he withdrew.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being again admitted, returned to the House sundry other enrolled bills and joint resolutions, and informed the House that the same had received the signature of the Speaker of the Senate.

And he withdrew.

Mr. Rees, from the committee of enrolment, presented for the signature of the Speaker, the following enrolled bill, to wit:—

The bill entitled "A supplement to the act entitled 'An act for the relief of the owners and possessors of certain marsh and low grounds called and known by the name of Big Marsh of Marshy-hope, and to enable the owners and possessors of the said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain and reclaim the same,'" and informed the Speaker that the same had been duly enrolled.

Mr. Neal, from the committee of enrolment, presented for the signature of the Speaker, the bill entitled "An act respecting the partition of the lands and tenements of Miers Burton, late of Dagsborough hundred in the county of Sussex, deceased," and informed the Speaker that the same had been duly and correctly enrolled.

Mr. Frame then moved,

That the Clerk of the House do now proceed to the Senate, and inform that body that the House has now got through with the business before it, and will be ready to adjourn in five minutes.

Which motion

*Prevailed.*

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, returned to the House sundry enrolled bills, and informed the House that the same had received the signature of the Speaker of the Senate.

And he withdrew.

Mr. Dilworth then rose, and delivered the following address, viz:—

MR. SPEAKER,—

At the close of a session of rather more than ordinary duration, and on a day sacred to us all, as being the anniversary of the great Father of our country, permit me to offer a few reflections which have occurred to my mind.

We have been here assembled sir, under peculiar, and in our State unusual circumstances; a majority of each branch of this Legislature, have entertained different political sentiments in regard to both the national and State government; these differences have produced a state of affairs which will probably deprive this State of the advantage of a representative in the Senatorial branch of the Congress of the United States; this is a circumstance which most certainly is much to be deplored by *all* good men of *all* parties, but sir, I intend not at this time to criminate or recriminate, the position which each party here have taken, is submitted to the decision of an intelligent and patriotic people. But, sir, whilst reverting to our conflicts here, which have at times assumed a dark and unfavorable aspect, allow us to direct our attention to a brighter and better subject; in the midst of a political difference here, which produced great excitement in the minds of our fellow-citizens, and in which they felt the deepest interest, that love of order and respect for the laws which have been evinced by our citizens, must meet with the most cordial approbation by the lovers of free governments throughout the world. We have also cause for gratulation amongst ourselves, that at the close of our labors, a general spirit of harmony and good feeling prevails, which at one time was scarcely to have been expected; but acting on the principles inculcated by the great founder of our faith, of mutual forgiveness, we hope that no feeling, save that of good will toward each other, will be carried to our respective homes.

May the smiles of a healthy and happy family greet each member, on his return to his home; and may a benign Providence, continue to smile upon our free and happy land: and may He continue the blessings of peace, and extend the enjoyment of plenty, to every citizen of our beloved country; and to you sir, permit me, in behalf of my colleagues and myself, and I think I might add, of the members of this House generally, to tender our acknowledgments for the faithful and impartial manner in which you have performed the duties of your station; therefore, in accordance with these sentiments, I beg leave to submit the following resolution, to wit:—

*Resolved*, That the members of this House tender to John P. Brinckloe. their respects for the faithful, impartial and efficient manner, in which he has performed his duty as Speaker, during the present session.

He then moved,  
That said resolution be adopted,  
Which motion

*Prevailed.*

Whereupon, the Speaker of the House of Representatives rose, and delivered the following address:—

GENTLEMEN,—

I rise, with no ordinary emotion, to tender my heartfelt acknowledg-

ments, for the kind expression of your approval of my conduct in the station with which you have honored me.

The duties of Speaker, at all times delicate and arduous, have been appreciated as emphatically so, during this session of unusual excitement, as well as unusual duration. A consciousness of my full share of human fallibility, will not suffer me to doubt that my course has, to some extent, been checkered with errors; yet if purity of motive, and rectitude of intention, can entitle me to your esteem, I can say with truth, that I have endeavored to deserve it; and I can add with gratitude, that in no instance has it been found necessary to resort to your friendly aid in the performance of my duty, when it was not promptly and cheerfully bestowed.

In conclusion, Gentlemen, let me remind you that this day, on which we close the duties of our protracted session, is the anniversary of the day which gave to the world and our country, the illustrious patriot, hero and statesman, whose portrait adorns this Hall. As public men, or private citizens, we cannot do better than direct our attention to his example, and emulate his virtues.

And when, Gentlemen, you shall have reached your respective families and firesides, may smiling faces greet you a hearty welcome to prosperous and happy homes, and health and happiness attend you in all the walks of life. Such is the sincere and ardent wish of him, who before pronouncing the adjournment without day, bids you an affectionate farewell.

I now, in pursuance of the joint resolution of both Houses, adjourn this House *sine die*.

ATTEST,

H. TODD,

*Clerk of the House of Representatives of the State of Delaware.*



**A REPORT**

OF

**THE FINANCES**

OF THE

**STATE OF DELAWARE,**

FOR THE YEAR

**1838;**

BY GEORGE S. ADKINS,

*Auditor of Accounts.*



A REPORT  
OF  
**THE FINANCES.**  
OF THE  
**STATE OF DELAWARE,**

FOR THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED  
AND THIRTY-EIGHT.



*A schedule of the receipts of money at the Treasury, from the fifteenth  
day of December 1837, to the fourteenth day of December 1838.*

RECEIPTS.

	<i>Dolls. Cts.</i>
1837. By balance due the State on settlement with the Auditor, December 15, 1837,	4,351 44
1838. By cash received of R. W. Reynolds, late Sheriff of Kent county, for fines and forfeitures collected,	40 50
By cash received of Frisby Hollis, for 11 acres of vacant land in Sussex county, at 50 cents per acre,	5 50
By cash received of Wm. Deputy, for 17½ acres of do. in Sussex,	8 62
By cash received of George Hearn, for 186 acres of do. in Sussex,	93 00
By cash received of the Farmers' Bank of the State of Delaware, at Dover, dividend on 5,000 shares of the increased capital stock of said bank, at 6 per cent. per annum, up to January 1, 1838,	5,213 01
By cash received of do. 60th dividend on 932 shares of stock, at \$1 50 per share, due January 1, 1838,	1,398 00
By cash received of the Farmers' Bank at New Castle, 60th dividend on 95 shares of stock at \$1 50 per share, due January 1, 1838,	142 50
<i>Amount carried forward,</i>	<u>\$11,252 57</u>

## RECEIPTS.

1838.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	11,252 57
By cash received of the Farmers' Bank at Georgetown, 60th dividend on 248 shares of stock at \$1½ per share, due January 1, 1838,	372 00
By cash received of the New Castle and Frenchtown T. & R. R. Co., 6 mo. State tax, due January 1, 1838,	750 00
By cash received of the Wilmington and Susquehanna Rail Road Company, 6 mo. State tax, due January 1, 1838,	500 00
By cash received of Nathaniel Wolfe, Sheriff of New Castle county, for fines and forfeitures collected	245 45
By cash received of Allan Thompson, Esq., Treasurer of the Wilmington and Susquehanna R. R. Co., 6 mo. interest on loan by State, at 6 per cent., per annum, due January 10, 1838,	876 18½
By cash received of the managers of a Lottery, authorized by an act of the Legislature, being the State's proportion of the 8th instalment, due January 1, 1838,	648 14½
By cash received of the Bank of Smyrna, 6 mo. State tax due March 5, 1838.	98 60
By cash received of the bank of Wilmington and Brandywine, State tax due January 1, 1838,	120 00
By cash received of the Bank of Delaware, 6 mo. State tax, due February 7, 1838,	137 50
By cash received of the Farmer's Bank at Dover, 6 mo. State tax, on old and new stock, due March 1, 1838,	850 00
By cash received of Allan Thompson, Treasurer of the Wilmington and Susquehanna R. R. Company, 6 mo. interest on \$51,587 66, loaned them by the State, at 6 per cent, due April 25, 1838;	1,547 63
By cash received of Wm. Moore, for 13½ acres of vacant land in Sussex county, at 50 cts. per acre,	6 60
By cash received of Thomas W. Records, constable, Sussex, for fines,	2 50
By cash received of the managers of a lottery aforesaid, being the State's proportion of 8th instalment, due April 1,	648 14½
By cash received from the Bank of Delaware, dividend on 20 shares of stock, at \$12 per share, due May 10,	240 00
By cash received of Caleb Ross, for 60 acres of vacant land in Sussex county, at 14 cts. per acre,	8 40
By cash received of do. for do. at 50 cts.,	7 00
By cash of J. P. Jefferson, constable, Sussex county, for fines,	1 12
<i>Amount carried forward,</i>	<u>\$18,301 84½</u>

## RECEIPTS.

1838.		<i>Dolls. Cts.</i>
	<i>Amount brought forward,</i>	18,301 84½
	By cash received from Caleb Ross, for 258 acres, 1 rood, 37 perches of vacant land in Sussex county, at 14 cts. per acre,	36 19
	By cash received of the Farmers' Bank at Dover, dividend on 5000 shares of the increased capital stock of said bank, at 6 per cent per annum, due July 1, 1838,	5,400 00
	By cash received of do. 61st dividend on 932 shares stock, at \$1½ per share, due July 1, 1838,	1,398 00
	By cash received of the Farmers' Bank at New Castle, 61st dividend on 95 shares of stock, at \$1 50 per share, due July 1,	142 50
	By cash received of the Farmers' Bank at Georgetown, 61st dividend on 248 shares of stock at \$1 50 per share, due July 1,	372 00
	By cash received of the New Castle and Frenchtown Turnpike and R. R. Co., 6 mo. State tax, due July 1, 1838,	750 00
	By cash received of the Wilmington and Susquehanna R. R. Co, 6 mo. State tax, due July 1, 1838,	500 00
	By cash received of said company, 6 mo. interest on loan of \$29,206 17, by the State, at 6 per cent, payable July 10,	876 18½
	By cash received of the managers of Lottery aforesaid, being the States proportion of 10th instalment, due July 1, 1838,	648 14
	By cash received of the Bank of Delaware, dividend on 20 shares of stock, at \$12 per share due Nov. 10,	240 00
	By cash received of the Wilmington and Susquehanna R. R. Company, 6 mo. interest on loan of \$51,587 66, to said company, by the State, at 6 per cent per annum,	1,547 63
	By cash received of the Farmer's Bank at Dover, the last half year's State tax, due the State,	850 00
	By cash received of the Bank of Delaware, 6 mo. State tax, due on the capital stock of said bank on the 7th of August last,	137 50
	By cash received of the Bank of Smyrna, 6 mo. State tax, due September 5, 1838,	98 60
	By cash received of the Bank of Wilmington and Brandywine, 6 mo. State tax, due July 1, 1838,	250 01
	By cash received of Charles Marim, Esq., Secretary of State, for the use of the State,	1,018 93
		<hr/> \$32,577 53 <hr/>
1838.	December 14. By balance due the State from the Treasurer, on settlement this day,	\$2,969 18

*A schedule of payments from the treasury, from the fifteenth day of December 1837, to the fourteenth day of December 1838.*

## PAYMENTS.

1838.	Dolls.	Cts.
To cash paid James C. Booth, State Geologist, 1 quarter's salary	300	00
Charles G. Ridgely, for superintending the printing of the Journal of the House of Representatives for 1837	159	00
R. W. Rdynolds, late sheriff, fees, State vs. J. Whitaker	23	47½
Do do an allowance by the Legislature	28	50
Nehemiah Clark, an allowance by do	4	00
Joseph Marsh, for printing Journal of House of Representatives	250	00
Joseph P. Comegys, an allowance by Legislature	100	00
Peter S. Parker, S. Treas'r. 12 months' salary	500	00
Joseph Houston, Treasurer of Sussex county, part of said county's share of interest arising from the surplus money, and set apart for the benefit of the poor of said county	1,600	00
Charles T. Fleming, mem. of Leg. Committee	15	00
William Johnson do do	16	00
William Herdman do do	23	75
Thomas Davis do do	18	25
Joseph P. Comegys, Clerk to do	20	00
Benjamin Enos, Sergeant-at-arms	5	00
Garrett Barcus, fire maker	3	00
John R. Bostick, for articles furnished	8	52
Joseph P. Comegys, for superintending the printing of the Journal of the Senate	100	00
Charles Marim, Secretary of State, 2 qrs. salary	200	00
John M. Clayton, C. Justice, 1 qrs. salary	300	00
Sam'l. M. Harrington, Ass'ate. judge, 1 qrs. sal.	300	00
C. P. Comegys, Governor, 1 qrs. salary	333	33½
Layton & Sipple, pr order of the commissioners appointed to superintend the building of a Court-house and fire-proof offices in Sussex county	2,940	00
James Rogers, Att'y. General, 4 qrs. salary	350	00
George S. Adkins, Auditor of Acc'ts. 2 qrs. sal.	250	00
Kensley Johns, Chancellor, 2 qrs. salary	275	00
Jas. C. Booth, State Geologist, 1 qrs. salary	300	00
For auger for geological survey	16	00
Thomas Stockton's own order	110	00
Kensley Johns, Chancellor, 1 qrs. salary	275	00
C. G. Ridgely, an allowance	50	00
C. S. Layton, Associate Judge, 1 qrs. salary	250	00
<i>Amount carried forward,</i>	<b>\$9,153</b>	<b>82½</b>

## PAYMENTS.

1838.		Dolls. Cts.
	<i>Amount brought forward,</i>	9,153 82½
To cash paid	Jas. C. Booth, State Geologist, 1 qrs. salary	300 00
	C. S. Layton, Associate Judge, 1 qrs. salary	250 00
	Thomas Stockton, for attendance on geological survey 24 days	72 00
	Doct. Henry F. Hall, for attendance on geological survey	27 00
	C. P. Comegys, Governor, 1 qrs. salary	333 33½
	R. & J. B. Porter, for sundry printing	16 85
	John M. Clayton, Ch. Justice, 1 qrs. salary	300 00
	Charles Marim, Sec. State, 1 qrs. salary	100 00
	S. M. Harrington, As. Judge, 1 qrs. salary	300 00
	Jos. P. Comegys, an additional allowance for superintending the printing of the Journal of the Senate for 1837	50 00
	Jos. P. Comegys, as Clerk of Legislative committee	2 50
	Sam'l. Kimmey, for printing, pr order of Gov'r.	88 00
	Wm. Herdman, mem. of Legislative committee	21 25
	Thomas Davis, do do	15 25
	Charles T. Fleming do	12 50
	David M. Smith, door-keeper do	1 25
	Jas. R. Black, Associate Judge, 2 qrs. salary	500 00
	George S. Adkins, Auditor of Acc'ts. 2 qrs. sal	250 00
	Joseph Houston, Treasurer of Sussex county, the balance due said county, on interest arising from surplus revenue, and belonging to the poor of said county	1,702 36
	The school fund, this amount arising from surplus money, per account of the Legislature, and pr order of the Levy-court of Kent county, directed to the Treasurer of the State, to pass their share to the credit of said fund	12,157 87
	Kensey Johns, Chancellor, 1 qrs. salary	275 00
	C. P. Comegys, Governor, 1 do	333 33½
	Charles Marim, Sec. State, 1 do	100 00
	S. M. Harrington, As. Judge, 1 do	300 00
	Henry Todd, an allowance by the Legislature	1 50
	John M. Clayton, Ch. Justice, 1 qrs. salary	300 00
	Caleb S. Layton, As. Judge, 1 do	250 00
	Jas. C. Booth, State Geologist, 1 do	300 00
	Kensey Johns, Chancellor, 1 do	275 00
	Caleb S. Layton, As. Judge, 1 do	250 00
	C. P. Comegys, Governor, 1 do	333 33½
	S. M. Harrington, As. Judge, 1 do	300 00
	John M. Clayton, Ch. Justice, 1 do	300 00
	<i>Amount carried forward,</i>	\$28,952 15½

1838.		<i>Dolls. Cts.</i>
	<i>Amount brought forward,</i>	\$28,952 15½
To cash paid Pennewill, Clark & Co., per order of the commissioners appointed to superintend the repairs of public buildings at Dover, the balance due them		266 19
Jas. C. Booth, State Geologist, 1 qrs. salary		300 00
Charles Marim, Sec. State, 1 do		100 00
To balance due the State, from the Treasurer, on settlement this 14th day of December 1838		2,969 18
		<hr/> \$32,577 53 <hr/>



*Peter S. Parker, State Treasurer, in account with the State of Delaware.*

DEBTOR.

1838.		<i>Dolls. Cts.</i>
Dec. 14. To balance due the State on settlement, December 15, 1837		4,351 44
cash received for bank dividends this year		14,918 01
From N. Castle & F. T. T. & R. Road Co., State tax		1,500 00
From Wilmington & Susquehanna R. R. Co., for State tax		1,000 00
From ditto for 12 months' interest on loans		4,847 63
For vacant lands this year		165 31
From the managers of lottery, authorized by the Legislature of Delaware		1,944 43
For bank tax this year		2,542 21
Of Ch. Marim, Sec. of State		1,018 93
Of sheriffs and constables for fines and forfeitures		289 57
		<hr/> \$32,577 53 <hr/>

1838.		
Dec. 14. To balance due the State, on settlement this day	\$2,969 18	



CREDITOR.

1838.		<i>Dolls. Cts.</i>
By cash paid committee of the Legislature and expenses, this year,		162 27½
<i>Amount carried forward,</i>		<hr/> \$162 27½ <hr/>

1838.		<i>Dolls. Cts.</i>
	<i>Amount brought forward,</i>	\$162 27½
By cash paid sundry expenses, under the head of contingencies,		1,362 51
expenses of the Judiciary		5,000 00
Governor on account of salary,		1,333 33½
Attorney General,		350 00
Auditor of Accounts,		500 00
State Treasurer,		500 00
Secretary of State,		500 00
State Geologist,		1,500 00
Sussex county, interest on surplus revenue,		3,302 36
Kent county       do       do		12,157 87
Layton and Sipple, on account of appropriation for building court-house and fire proof offices in Sussex county,		2,940 00
1838.		
Dec. 14.	By balance due the State, on settlement this day	2,969 18
		<hr/>
		\$32,577 53



## A.

*A statement of balances due, on the 14th day of December 1838, on the State taxes for the years 1831 and 1832, and the portion of each county thereof, viz:*

### NEW CASTLE COUNTY.

From Joseph Dauphin, late collector of Christiana hundred, for the year 1832,	\$371 05
Isaac Deweese, late collector of Red Lion hundred, for the year 1832,	96 73
William Welden, 3rd., late collector of Appoquinimink hundred, for the year 1832,	261 68—\$729 46

### KENT COUNTY.

From William Whitaker, late collector of Murderkill hundred, for the year 1831,	304 54
	<hr/>
	\$1,034 00

## B.

*A list of balances due from sundries to the State, viz:*

Dec. 14, 1838.		G. F. Hastings do	2 00
From R. I. Cooper, late con.	14 86	Wm. Soward do	9 62
John Green do	14 57	John Ruth do	1 00
Wm. Gray do	2 00	Isaac N. Fooks do	3 00
W. H. Masten do	69	T. M. Cooper do	4 99
Isaac W. Moore do	12 12	Jno. R. Curtis, do	1 12
A. Edwards do	06	S. Harrington do	75
J. G. Massey do	1 37½	Samuel Smith do	3 34,
Park Mason do	33 90	Joseph Jenkins do	6 18
T. Downham do	12½	W. P. Smithers do	15 42
B. H. Dorey do	6 00	Samuel Wise do	31 23
Wm. Matson do	37 56	G. Frame, late sheriff	43 00
R. R. Cannon do	1 50	John Pritchard do	4 00
A. Alston do	18 00	John Caldwell do	1 00
W. H. Stayton do	3 50	Wm. P. Veach do	23 50
Jas. C. Lynch do	50	John Wright do	1 25
David M. Smith do	35 28	G. C. Herring do	1 26
James Lofland do	3 75	Moses K. Ford do	8 12½
P. Humphreys do	17 70	Clement Spence do	23 33
Peter Countiss do	57 76	Jas. Richards do	1 50
James C. Allen do	6 70	Joseph Soward do	10 43
John Geyer do	19 31	N. Wolfe, late sheriff	763 50
Waitman Booth do	30	John Scott, late con.	1 50
Ridsen Ford do	17 84	Caleb Wolcott do	14 53
N. Clark, late sheriff	136 04	H. Eubanks do	5 93
Pur'l. Johnson, do	329 51	W. Harrington do	31
Wm Burton do	67 24	T. L. Temple, sh'ff.	828 58
J. S. Green, late con.	12 31	I. P. Jefferson, con.	2 00
Til'n. Morris do	1 16	T. Ratliff do	10 50
J. Rudolph do	42 50	A. Caldwell do	15 75
Joshua Hutton do	4 75	John Booth do	44
Isaac B. Cray do	12	Jas. Calloway do	12½
Thos. Harvey do	61	T. R. Hamm'ly do	67
Wm. Wallace do	34 31	Levin Vaughn do	3 12½
T. L. Temple do	20 25	W. S. Hubbard do	8 10
— Beeson do	50	Zachariah Pitts do	5 50
Joseph McClay do	11 00	James Noble do	75
J. C. Jackson do	21 06		

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Amount placed to the credit of the State of Delaware, \$2,841 11

In obedience to the law, I have enclosed to James Rogers, Esq., Attorney General, a copy of the above and foregoing list of balances, appearing upon the books of the Auditor's office, due from the persons therein named, to the State of Delaware.

GEORGE S. ADKINS,

*Auditor of Accounts.*

*The State of Delaware in account with sundries.*

## DEBTOR.

1838.		<i>Dolls. Cts.</i>
Dec. 14.	To C. P. Comegys, Governor, 1 qrs. salary, due January 17, 1839,	333 33 $\frac{1}{2}$
	John M. Clayton, Chief Justice, 1 qrs. salary, due January 16,	300 00
	James R. Black, Associate Judge, 3 qrs. salary, due January 18,	750 00
	Samuel M. Harrington, do do 1 qrs. salary, due January 20,	300 00
	Caleb S. Layton, do do 1 qrs. salary, due March 3,	250 00
	Kensley Johns, chancellor, 1 qrs. salary, due January 18,	275 00
	Charles Marim, Sec. of State, 1 qrs. salary, due January 18,	100 00
	James Rogers, Attorney General, 4 qrs salary, due February 10,	350 00
	Peter S. Parker, State Treasurer, 4 qrs. salary, due January,	500 00
	George S. Adkins, Aud. of Accounts, 2 qrs. salary, due January 8,	250 00
	James C. Booth, State Geologist, 1 qrs. salary, due March 1,	300 00
	Balance belonging to the State,	253,885 96
		<hr/>
		\$257,594 29

## CREDITOR.

1838.		<i>Dolls. Cts.</i>
Dec. 14.	By balance due the State, on settlement with the Treasurer,	2,969 18
	Balance due from New Castle and Kent counties, for State tax, for the years 1831 and '32 (Look back to Letter A.)	1,034 00
	Sundry balances due the State (Look back to letter B.)	2,841 11
	1275 shares of stock, in the Farmers' Bank of the State of Delaware, at \$50 per share,	63,750 00
	By 5000 shares of the increased capital stock of the Farmers' Bank of the State of Delaware, upon which have been paid \$36 per share	180,00 00
	20 shares of stock in Bank of Delaware, at \$350 per share,	7,000 00
		<hr/>
		\$257,594 29
		<hr/>
	Balance belonging to the State,	\$253,885 96