

Mr. Comegys, Clerk of the House of Representatives, being admitted, requested the concurrence of the Senate in the bill entitled "An act to enable Eli Layton to locate certain vacant land situate in Dagsborough hundred, in Sussex county, and to complete his title to the same."

Also a bill entitled "An act for the appointment of a general superintendent of free schools."

Also in a bill entitled "An act to appropriate the monies of the Treasury of this State."

Also the following joint resolution:

"HOUSE OF REPRESENTATIVES,

February 3, 1841.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Samuel Barr, Alexander Johnson, and William Hill, of the House of Representatives, and Presley Spruance and Andrew S. Naudain, 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-two, (1842,) 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 the 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.

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence."

The Clerk also informed the Senate that the House had concurred in the amendment of the Senate to the resolution appointing a Librarian. And he withdrew.

Message from the House by a member.

Mr. Wright, member of the House, being admitted, presented to the Speaker of the Senate for his signature sundry enrolled bills and resolutions.

And he withdrew.

On motion of Mr. Naudain,

The resolution for the appointment of a committee to settle with the State Treasurer in January 1842, was taken up for consideration, and

On his motion,

The name of A. S. Naudain was sticken out and the name of Abraham Boys inserted in lieu thereof.

On motion of said gentleman,

The said resolution as amended was

Concurred in.

On motion,

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



SATURDAY, 10 o'clock, A. M. February 6, 1841.

The Senate met pursuant to adjournment.

Mr. T. Jacobs presented a petition from the President, Directors, and Company of the Seaford Bridge, praying for an increase in the tolls of said bridge, &c., which,

On his motion,

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

The committee appointed were Messrs. T. Jacobs and Tharp.

Mr. Spruance presented a "petition from Joseph Smithers, praying for an act to enable his minor children to exchange certain real estate therein mentioned," which,

On motion of said gentleman,

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

The committee appointed were Messrs. Spruance and T. Jacobs.

On motion of Mr. Spruance,
The bill entitled "A supplement to the act entitled "An act regulating marriage," was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Spruance,
The bill entitled "An act authorising the Register for the Probate of Wills and granting Letters of Administration in and for Kent county to procure a new seal and press," was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Spruance,
The bill entitled "An act to appropriate the monies in the Treasury of this State," was read a second time.

On motion of Mr. T. Jacobs,
The bill entitled "An act to enable Eli Layton to locate certain vacant land situate in Dagsborough hundred in Sussex county, and to complete his title to the same," was read a second time.

On motion,
The Senate adjourned till 10 o'clock to-morrow morning.



MONDAY, 10 o'clock, A. M. February 8, 1841.

The Senate met pursuant to adjournment.

On motion of Mr. Boys,
The bill entitled "An act to enable the owners of the marshes, cripple and low grounds, situate upon and contiguous to Jamisons Branch, in Little Creek and Duck Creek hundreds, to drain and improve the same," was read a second time by its title.

On motion of the same gentleman,
The bill entitled "An act to incorporate 'The Black Swamp Ditch Company,'" was read a second time.

On motion of Mr. T. Jacobs,
The bill entitled "An act to enable Eli Layton to locate certain vacant land, situate in Dagsborough hundred, in Sussex county, and to complete his title to the same," was read a third time by paragraphs and

Passed the Senate.

Ordered to the House with the concurrence of the Senate endorsed upon it.

Mr. Comegys, Clerk of the House of Representatives, being admitted, presented for the concurrence of the Senate a bill entitled "A supplement to the act 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 a bill entitled "A supplement to the act entitled 'An act for the more effectual preservation of all such ships or other vessels, and the goods thereof as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned.'"

Also the following joint resolutions:—

"HOUSE OF REPRESENTATIVES,

February 6, 1841.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sheriff of Kent county be, and he is hereby instructed to have the house in which the public arms are deposited so repaired as to keep them dry, and have all the muskets that are not boxed up, cleaned and boxed up in a careful manner, and the house cleansed of lime, and the accoutrements in the upper story which consists of leather, to be oiled and put up in boxes, that they may be preserved.

And be it further resolved by the authority aforesaid, That the said sheriff of Kent be instructed to make diligent inquiry of former sheriffs, if they have any bonds or other obligations for the return of any arms or accoutrements belonging to the said armory, and to execute the law faithfully, in order to secure the return of all the arms in his power.

And be it further resolved by the authority aforesaid, That the said sheriff of Kent shall be allowed a reasonable sum to compensate for repairs and expenses, not to exceed the sum of fifty dollars.

And be it further resolved by the authority aforesaid, That the sheriffs of New Castle and Sussex counties be, and they are hereby required to pay strict attention to the law on the subject of the armory of their respective counties, and keep the arms and accoutrements in good condition and collect and call in all that they can.

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence."

And he withdrew.

On motion of Mr. Boys,
The said bills and resolutions were read.

On motion of Mr. T. Jacobs,

The bill entitled "An act to authorise the Register for the Probate of Wills and granting letters of administration in and for Sussex county, to procure a new seal of office," was read a second time.

On motion of Mr. T. Jacobs,

The bill entitled "An act to enable Nathan Fleming to locate certain vacant land situated in Mispillion hundred, Kent county, and to complete his title to the same," was read a second time.

On motion of Mr. T. Jacobs,

The bill entitled "An act to vacate part of an alley and lane in the village of Georgetown, Sussex county," was read.

On motion,

The Senate adjourned until 3 o'clock this afternoon.



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

The Senate met pursuant to adjournment.

Mr. Spruance, on the part of the committee to whom was referred the petition of Joseph Smithers, reported a bill entitled "An act to enable Sally Ann I. Smithers, Mary Elizabeth Smithers, and Enoch J. Smithers, minor children of Joseph Smithers, to make an exchange of certain lands therein mentioned," which,

On motion of Mr. Spruance,

Was read.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the bill entitled "An act to enable William W. Delany to survey and locate certain vacant land and to complete his title to the same."

The Clerk also informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled "An additional supplement to the act entitled 'An act to enable William Inskeep, of New Castle county, to raise his mill-dam, and for other purposes therein mentioned.'"

A bill entitled "An act to provide for the instruction of the indigent deaf and dumb of this State," and

A bill entitled "An act to incorporate the Lewes Beneficial Society, of Lewes, Sussex county, Delaware."

And he withdrew.

On motion of Mr. Maull,

The said bills were read.

Mr. T. Jacobs on the part of the committee to whom was referred the petition of the President, Directors and Co. of the Seaford Bridge Company, reported a bill entitled

"A supplement to an act entitled "An act to incorporate a company to erect a drawbridge over the river Nanticoke at Seaford and for other purposes therein mentioned," which,

On his motion,
Was read.

On motions of Mr. Boys,
The bill entitled "An act to incorporate the Washington Fire Company of the city of Wilmington,"
Was read a second time.

On motion of Mr. Maull,
The bill entitled "A supplement to the act 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 Paynter's Landing,'" was read, and

On motion of said gentleman,
The said bill with the petition and accounts accompanying it were referred to a committee of two.

The committee appointed were Messrs. Maull and S. Jacobs.

On motion,
The Senate adjourned until 10 o'clock to-morrow morning.



TUESDAY, 10 o'clock A. M., February 9, 1841.

The Senate met pursuant to adjournment.

On motion of Mr. Tharp,
The bill entitled "An act to enable Nathan Fleming to locate certain vacant land, situated in Mispillion hundred, Kent county, and to complete his title to the same," was read a third time by paragraphs and
Passed the Senate.

Ordered to the House with the concurrence of the Senate endorsed upon it.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled, "An act to repeal the act entitled 'An act to repeal the act entitled An additional supplement to an act to restrain persons from suffering swine to go at large within certain limits.'"

The bill entitled

"An act to amend the act entitled "An act providing for the punishment of certain crimes and misdemeanors."

A bill entitled

"An act to enable Wingate Downs to locate certain vacant land in Broad Creek hundred, in Sussex county, and to complete his title to the same.

On motion of Mr. Tharp,
The said bills were read.

On motion of Mr. Maull,

The bill entitled "An act to incorporate the members of the Fame Hose Company of the City of Wilmington," was read a third time by paragraphs and

Passed the Senate.

Ordered to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. T. Jacobs,

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

On motion of the same gentleman,

The bill entitled "An act to vacate part of an alley and lane in the village of Georgetown, Sussex county," was read a second time.

On motion of the same gentleman,

The bill entitled "An act to incorporate the Lewes Beneficial Society of Lewes, Sussex county, Delaware," was read a second time.

On motion of Mr. Naudain,

The bill entitled "An additional supplement to the act entitled 'An act for regulating inn-holders, tavern-keepers and other public house-keepers within this government, and empowering the justices to settle the rates of liquor,'" was read a second time.

Mr. du Pont presented a petition of sundry citizens of New Castle county praying for the "Abolishment of imprisonment for debt," which,

On his motion,
Was read.

Message from the House by a member.

Mr. Dale, member of the House of Representatives, being admitted, presented to the Speaker of the Senate for his signature an enrolled bill. And he withdrew.

On motion of Mr. Spruance,

The bill entitled "An act to amend the act entitled 'An act concerning the Levy Court, Clerk of the Peace, Assessors, Collectors and County Treasurers,'" was read a second time, and

On motion of the same gentleman,
The said bill was

Indefinitely postponed.

On motion of Mr. Boys,
The bill entitled "An act to incorporate the Washington Fire Company of the City of Wilmington," was taken up for consideration, and

On motion of the same gentleman,
The said bill was amended as follows, to wit:—
Amend the bill in the 1st section and 22nd line, by striking out the word "cases," and inserting in lieu thereof the word "choses," and

On motion of the same gentleman,
The bill as amended was read a third time by paragraphs, and
Passed the Senate.

Ordered to the House for concurrence in the amendment.

On motion of Mr. du Pont,
The resolution for the payment of certain judges ad litem, was read a second time, and

On his motion,
The said resolution was

Concurred in.

Ordered to the House with the concurrence of the Senate endorsed upon it.

On motion,
The Senate then adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock P. M.

The Senate met pursuant to adjournment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills to wit:—

The bill entitled "An act to amend the act entitled 'An act directing the manner of choosing commissioners to regulate and repair the streets of Milford and for other purposes.'"

A bill entitled "A further supplement to the act entitled 'An act regulating the General Election,'"

A bill entitled "An additional supplement to the act for establishing the

boundaries of the town of Dover and for other purposes therein mentioned."

And he withdrew.

On motion of Mr. Boys,
The above bills were read.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the amendment to the bill entitled "An act to incorporate the Washington Fire Company of the City of Wilmington."

And he withdrew.

O motion of Mr. Maull,
The bill entitled "An act to prevent unnecessary imprisonment in the execution of judgments in civil cases," was taken up for consideration, and

On his motion,
The said bill was read a second time.

On motion of Mr. Spruance,
The said bill was amended as follows, to wit:

Amend the 1st section by inserting the following clause at the end of the 86th line: "Whenever allegations of fraud are filed as aforesaid, the defendant shall, if the plaintiff, his agent or attorney desire it, give bail to the officer having service of the process in such case in such sum as the Superior Court, or any Judge of said Court may direct, for his appearance at the time and place appointed for the trial of said allegations."

Mr. Maull moved,
That the said bill be amended as follows, to wit:—

"Strike out all after the word "whatever" in 20th line, 1st section, down to the word "creditors" in 38th line, same section inclusive.

And on the question,
Shall the amendment be adopted?
The Senate being divided,
Mr. Maull called for the yeas and nays,
Which were as follow, to wit:

Yeas—Messrs. S. Jacobs, T. Jacobs, Maull and Speaker—4.

Nays—Messrs. Boys, du Pont, Naudain, Spruance and Tharp—5.

So the motion for the adoption of the amendment

Was lost.

Mr. Maull moved,
That the bill be amended as follows, to wit:—

Amend the bill in the 1st section by striking out all after the word "creditors" in the 38th line down to the word "facias" (inclusive) in the same section 73.

Which motion

Was lost.

Mr. Maull moved,
That the bill be amended as follows, to wit:—
Strike out all after the word “facias” in the 73d line to the word “judgment” inclusive, in the 86th line.

On the question of the adoption of the amendment,
The Senate being divided,
Mr. S. Jacobs called for the yeas and nays,
Which were as follow, to wit:—

Yeas.—Messrs. S. Jacobs, T. Jacobs, and Maull—3.

Nays.—Messrs. Boys, du Pont, Naudain, Spruance, Tharp and Speaker—6.

So the motion for the adoption of the amendment

Was lost.

Mr. Maull moved,
That the bill be amended as follows, to wit:—
Strike out all from the 87th to the 101st line of 1st section.

Which motion,

Was lost.

Mr. Maull then moved,
To amend the bill as follows, to wit:—
Strike out all of the 102d and 103d lines.

On which motion,
The Senate being divided,
Mr. Maull called for the yeas and nays.
Which were as follow, to wit:

Yeas.—Messrs. S. Jacobs, T. Jacobs, Maull, and Speaker—4.

Nays.—Messrs. Boys, du Pont, Naudain, Spruance and Tharp—5.

So the motion for amendment

Was lost.

Mr. Maull then moved,
That the bill be amended as follows, to wit:—
Amend the bill by striking out all from the 103d to 114th line, 1st section inclusive.

Which motion

Was lost.

Mr. Maull then moved,
That the bill be amended by striking out all of the 3d section.
Pending which motion,

Mr. du Pont moved,
That the bill be postponed for further consideration until Thursday next.

On which motion,
The Senate being divided,
Mr. du Pont called for the yeas and nays,
Which were as follow, to wit:

Yeas—Messrs. Boys, du Pont, Naudain, Spruance, Tharp and Speaker—6.

Nays—Messrs. S. Jacobs, T. Jacobs and Maull—3.

So the motion *Prevailed.*
And the bill was made the order of the day for Thursday next.

On motion,
The Senate adjourned until 10 o'clock to-morrow morning.



WEDNESDAY, 10 o'clock, A. M., February 10, 1841.

The Senate met pursuant to adjournment.

On motion of Mr. T. Jacobs,
The bill entitled "A supplement to an act entitled 'An act to incorporate a company to erect a drawbridge over the river Nanticoke, at Seaford and for other purposes therein mentioned,'" was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Naudain,
The bill entitled "An additional supplement to the act entitled 'An act for regulating inn-holders, tavern-keepers, and other public house-keepers within this government, and empowering the justices to settle the rates of liquor,'" was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Spruance,
The bill entitled "An act to enable Sally Ann J. Smithers, Mary Elizabeth Smithers and Enoch J. Smithers, minor children of Joseph Smithers, to make an exchange of certain lands therein mentioned," was read a second time.

On motion of Mr. Maull,

The bill entitled "A supplement to the act 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.

Whereupon,

Mr. Spruance presented a petition from sundry citizens of Sussex county, praying for the passage of said bill, which

On his motion,
Was read.

On motion of Mr. Maull,

The bill entitled "An act to repeal the act for the protection of the fisheries on Broadkilk creek, passed at Dover, February 2, 1837," was read a second time.

On motion of Mr. Spruance,

The bill entitled "A supplement to the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors,'" was read a second time.

On motion of Mr. Naudain,

The bill entitled "An act to amend the act entitled 'An act concerning certain crimes and offences committed by slaves, and for the security of slaves properly demeaning themselves,'" was taken up for consideration and read.

Mr. T. Jacobs moved,

That the following amendment to the bill be adopted, to wit:—

Amend the bill by striking out in the third section, in the sixteenth line, the word "five" and in lieu thereof inserting "one."

And on the question,

"Shall the proposed amendment be adopted?"

The Senate being divided,

Mr. T. Jacobs called for the yeas and nays,

Which were as follow, to wit:—

Yeas—Messrs. Boys, S. Jacobs, T. Jacobs, Maull and Tharp—5.

Nays—Messrs. du Pont, Naudain, Spruance and Speaker—4.

So the motion for the adoption of the amendment

Prevailed.

Whereupon,

Mr. Spruance moved,

That the bill be indefinitely postponed,

And on the motion for indefinite postponement,

The Senate being divided,

Mr. T. Jacobs called for the yeas and nays;

Which were as follow. to wit:—

Yeas.—Messrs. du Pont, S. Jacobs, Maull, Naudain, Spruance and Speaker—6.

Nays.—Messrs. Boys, T. Jacobs and Tharp—3.

So the motion for indefinite postponement

Prevailed.

Mr. Comegys, Clerk of the House, being admitted, informed the Senate that the House had passed, and requested the concurrence of the Senate in a bill entitled "A further supplement to the act to alter and re-establish the charter of the Borough of Wilmington."

And he withdrew.

Mr. Maull, on the part of the committee to whom was referred the bill entitled "A supplement to the act entitled 'An act to erect and keep in repair a bridge over Broadkiln Creek, where the State road crosses the said creek at a place called Paynter's Landing,'" reported the bill back without any amendments.

Mr. Spruance laid on the table a petition from sundry citizens of Kent county in relation to free negroes, which,

On his motion,

Was read.

On motion of Mr. T. Jacobs,

The bill entitled "An act to vacate part of an alley and lane in the village of Georgetown, Sussex county" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. T. Jacobs,

The bill entitled "An act to incorporate the Lewes Beneficial Association of Lewes, Sussex county, Delaware" was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House with the concurrence of the Senate endorsed upon it.

Message from the House by a member.

Mr. Collins, member of the House of Representatives being admitted, returned to the Speaker sundry enrolled bills as having been signed by the Speaker of the House.

And he withdrew.

On motion of Mr. Spruance,

The bill entitled "A further supplement to the act entitled 'An act regulating the General Election'" was read a second time.

On motion of the same gentleman,

The bill entitled "A further supplement to the act entitled 'An act regulating the General Election'" was read a second time, and

On his motion,
The said bill was amended as follows, to wit:—

Amend the title by inserting the word “additional” between the words “further” and “supplement.”

On motion,
The Senate adjourned until 3 o'clock this afternoon.



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

The Senate met pursuant to adjournment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the passage of the bill entitled “A further supplement to the act entitled ‘An act to alter and re-establish the charter of the Borough of Wilmington.’”

The Clerk also requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled “A supplement to the act entitled ‘An act laying a tax on dogs in New Castle county, passed at Dover, February 21st, one thousand eight hundred and thirty-nine.’”

A bill entitled “An act to enable John D. Rodney and Jacob Forsett of Sussex county, to erect a mill-dam across the head waters of Love's Creek called Bundick's Branch, the boundary line between Lewes and Rehoboth and Indian river hundreds, Sussex county at the place therein mentioned and to erect a saw-mill thereon.”

On motion of Mr. T. Jacobs,
The said bills were read.

Mr. Naudain presented a petition from sundry citizens of the county of New Castle on the subject of the repeal of the dog law, which,

On his motion,
Was read.

Mr. Spruance presented two petitions of sundry citizens of Kent county praying for a law to compel free negroes to hire their services, which,

On his motion,
Was read.

On motion of Mr. Tharp,
The bill entitled “An act to incorporate The Black Swamp Ditch Company,” was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House.

Message from the House by a member,

Mr. Virden, member of the House of Representatives, being admitted, presented sundry enrolled bills for the signature of the Speaker of the Senate.

And he withdrew.

On motion of Mr. T. Jacobs,

The bill entitled "An act to authorize the Register for the Probate of Wills and granting Letters of Administration in and for Sussex county to procure a new seal of office," was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House.

Mr. du Pont on the part of the committee to whom was referred the petition of the voters in school districts Nos. 2 and 3, in New Castle county, reported a bill entitled "An act concerning the division of school districts Nos. 2 and 3 in New Castle county," which,

On his motion,

Was read.

Mr. Maull on the part of the same committee reported a bill entitled "An act to divide school district No. 65 and school district No. 73 in Sussex county," which,

On his motion,

Was read.

On motion of Mr. Spruance,

The bill entitled "A supplement to the act entitled 'An act concerning awards, to regulate the summoning and returning of juries and for lessening the expense thereof and for other purposes,'" was taken up for consideration and read.

On motion of Mr. Maull,

The said bill was

Indefinitely postponed.

On motion of Mr. T. Jacobs,

The bill entitled "An act to appropriate the monies in the Treasury of this State," was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House.

Mr. Boys presented a petition from sundry citizens of New Castle county, praying for an amendment to the charter of the Wilmington and Christiana Turnpike, which,

On his motion,

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

The committee appointed were Messrs. Boys and Tharp.

On motion of Mr. Spruance,

The bill entitled "An additional supplement to the act for establishing

the boundaries of the town of Dover, and for other purposes therein mentioned," was read a second time.

On motion of Mr. Naudain,

The act entitled "An act in respect to insurance for lives, for the benefit of married women," was taken up for consideration and read, and

On motion of Mr. du Pont,

The said bill was amended as follows, to wit:—

Amend the amendment of the 1st section by adding after the word "hundred," the word "fifty," and

On motion of Mr. Spruance,

The said bill was read a third time by paragraphs as amended, and

Passed the Senate.

Ordered to be returned to the House for concurrence in the amendments.

Mr. T. Jacobs presented a petition from sundry citizens of Sussex, praying for a lottery for certain purposes therein mentioned, which,

He moved

Be read to-morrow.

On motion of Mr. du Pont,

A committee of accounts was appointed.

The said committee were Messrs. du Pont and Boys.

On motion,

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



THURSDAY, 11 o'clock A. M., February 11, 1841.

The Senate met pursuant to adjournment.

On motion of Mr. Maull,

The bill entitled "An act to repeal the act for the protection of the fisheries on Broadkilm Creek, passed at Dover, February 2d, 1837," was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

Mr. du Pont asked, and

On motion of Mr. Spruance,

Obtained leave to introduce a bill entitled "An act to repeal certain parts of acts therein mentioned, and for other purposes," which,

On motion of Mr. Spruance,

Was read.

On motion of Mr. Maull,

The bill entitled "An supplement to the act 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 third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Spruance,

The bill entitled "An act to enable Sally Ann J. Smithers, Mary Elizabeth Smithers, and Enoch J. Smithers, minor children of Joseph Smithers, to make an exchange of certain lands therein mentioned," was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

Mr. Comegys, Clerk of the House of Representatives, being admitted, requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled "An act to repeal the prohibition against the Chancellor or any Judge purchasing stock in any bank of this State."

A bill entitled "An act to enable Joseph Wells to locate certain vacant land situated in Broad Creek hundred, in Sussex county, and to complete his title to the same."

The Clerk also requested the concurrence of the Senate in the following resolution:

**"HOUSE OF REPRESENTATIVES,
February 10, 1841.**

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 authorised and directed to furnish the Historical Society of New York, established in the city of New York, from time to time, with single copies of all the Journals, Laws, Reports, and other proceedings of a public nature, which may be hereafter published by the authority of the Legislature of this State; together with complete copies of such as have been already published; and that the said copies be furnished to the said Society in bound volumes, provided they can be so furnished without incurring additional expense in procuring them: *And provided also,* They can be supplied without impairing the necessary series of those that are now on hand.

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence."

On motion of Mr. Tharp,
The said bills were read.

Mr. Boys, on the part of the committee to whom was referred the petition of sundry citizens of New Castle county, praying for an additional supplement to the act incorporating the Wilmington and Christiana turnpike Company, reported a bill entitled "A supplement to the act entitled 'An act to incorporate a company for making an artificial turnpike road from the Borough of Wilmington to the village of Christiana, in New Castle county,'" which,

On his motion,
Was read.

On motion of Mr. Maull,
The bill entitled "An act to enable John D. Rodney and Jacob Forsett of Sussex county, to erect a mill-dam across the head waters of Love's Creek called Bundick's Branch, the boundary line between Lewes and Rehoboth and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw-mill thereon," was read a second time.

Mr. Tharp laid on the table sundry accounts against the Senate, which,

On his motion,
Were referred to the committee of accounts.

On motion of Mr. Naudain,
The bill entitled "A further supplement to the act entitled 'An act to alter and re-establish the charter of the Borough of Wilmington,'" was read.

Mr. Comegys, Clerk of the House, being again admitted, requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled "An act to incorporate the Breakwater, Lewes and Philadelphia Steamboat Company."

A bill entitled "A further supplement to an act entitled 'An act to prevent infectious diseases being brought into this State and for other purposes.'"

On motion of Mr. Tharp,
The said bills were read.

On motion of Mr. Spruance,
The bill entitled "An act for the appointment of a general superintendent of free schools" was taken up for consideration, and

On his motion,

Indefinitely postponed.

On motion of Mr. Maull,
The bill entitled "A supplement to the act entitled 'An act for the more effectual preservation of all such ships or other vessels, and the goods thereof as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned,'" was read a second time.

On motion of Mr. Spruance,
The bill entitled "An additional supplement to the act for establishing

the boundaries of the town of Dover, and for other purposes therein mentioned" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House.

Mr. Comegys, Clerk of the House of Representatives being admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act in respect to insurance for lives, for the benefit of married women."

Mr. du Pont, on the part of the committee to whom was referred the bill entitled "An act to incorporate the Roseville Manufacturing Company," reported the bill amended as follows, to wit:—

Strike out all after the enacting clause and insert the following,—

That a company shall be established for the purpose of carrying on the manufacture of cotton, wool, grain, plaster of Paris, and other materials, in or near Roseville, New Castle county, Delaware. The capital stock of the said company shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each.

Section 2. *And be it further enacted*, That the estate and property of Thomas Cooch, described in the schedule hereunto annexed, shall, at a valuation thereof to be made in writing by Alfred du Pont, John Janvier, and Jacob Aldrichs, who shall have power to fill their own vacancies, become the property of this company and constitute a part of the capital stock thereof, and that certificates for shares of one hundred dollars each as shall amount to the aforesaid valuation shall be issued to the said Thomas Cooch, upon the execution by him of a proper and legal conveyance to the company of the estate and property described in the said schedule; and Thomas Janvier, Charles I du Pont, Palmer Chamberlain, George Maxwell, and Thomas Cooch are hereby appointed commissioners to receive subscriptions to the residue of the stock of the company, and to open a book or books for that purpose at such times, in such places, and under such regulations, as they or a majority of them shall deem proper.

Section 3. *And be it further enacted*, That the subscribers to the capital stock aforesaid, their successors and assigns, shall be and they are hereby created and declared to be a corporation and body politic, by the name of "The Roseville Manufacturing Company," and by that name shall have continuance, and may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded in courts of law and equity, and to purchase, have, hold and receive, possess, retain and enjoy to them and their successors and assigns, lands, tenements, hereditaments, goods, chattels, and effects of any kind, nature, or quality whatsoever, and the same from time to time to sell, grant, demise, alien, or dispose of at pleasure; to make by-laws, ordinances, and regulations, not contrary to the laws and constitution of this State or of the United States; and also to appoint such officers and agents as may be necessary, and to allow them such compensation as shall be right and proper; which

together with all other expenses, shall be defrayed out of the funds of the corporation: *Provided*, That power is hereby reserved to the General Assembly, to revoke the act of incorporation: *And provided further*, That this act of incorporation shall not continue in force, for a longer period than twenty years, without the re-enactment of the Legislature.

Section 4. *And be it further enacted*, That it shall not be lawful for the said corporation to exercise any banking powers whatsoever.

The following shall be, and the same are hereby enacted, fundamental articles of the constitution of said corporation.

1st. The business and concerns of the said corporation shall be managed by five directors. The directors shall be elected by the stockholders. The first election shall be held as hereinafter appointed: and all elections of directors after the first, shall be held at the annual meeting of the stockholders, except in the case hereinafter provided for. The directors shall continue in office until the annual meeting, next succeeding their election, and until successors to them shall be duly chosen: but whenever a vacancy in the office of director, shall happen by death, resignation, inability to act, removal or otherwise, the remaining directors shall by a majority of the board choose a director, to continue in office till the election in course. The directors must be stockholders, and the office of a director shall be vacated by his ceasing to be a stockholder. The directors shall choose one of their number to be president: they shall meet according to the by-laws of the corporation: any three of them shall form a board, competent to transact business, and if the president shall be absent, a president may be appointed pro tempore.

2nd. The directors shall have power to purchase such lands and premises, and erect such buildings and to procure such water-power, steam and other engines and machinery, as they shall from time to time deem requisite to carry on such manufacture of cotton, wool, grain, and plaster of Paris and other materials, and execute such plans as they shall think most advantageous for the corporation; to appoint and remove all such officers of the corporation as the by-laws may require; to fix and pay the salaries of such officers, and if so directed by the by-laws, to take from said officers respectively, or any of them, bonds with surety, as the by-laws shall prescribe; and to employ workmen and laborers, and to agree upon and pay their wages; to purchase materials, and make sales and employ agents and factors, and to do all acts requisite to carry into effect the purpose for which the company is established; and to this end, to use and employ the capital stock and funds of the company, under such regulations as the by-laws shall prescribe, and to bind by their contracts, deeds, or writings, under the hand of the president and seal of the corporation, all the property and estate, common stock and joint funds of the corporation aforesaid, but not the persons or separate property of themselves or any of the stockholders: *And further*, The directors shall have power to make by-laws for the government of the said corporation, and regulating the management of the business and concerns thereof, and to revise, repeal, and amend the same at pleasure. The by-laws among

other things shall prescribe the officers of the corporation, other than the president and directors: the bonds to be taken from any of the officers; the place or places of holding the meetings of the stockholders: the manner of calling occasional meetings: and the mode and regulations respecting the assigning of the shares of the capital stock.

3rd. There shall be an annual meeting of the stockholders, on the first Monday of February, in the year of our Lord one thousand eight hundred and forty-two, and on the first Monday of February in each and every succeeding year, during the continuance of the corporation. If an election shall not be held at the annual meeting, or if a meeting shall not take place on the day appointed, in any year, the corporation shall not for that cause be dissolved, but in such cases, directors may be chosen at any occasional meeting, regularly called for that purpose.

4th. In all meetings of the stockholders regularly held, those assembled may proceed to business. All elections of directors shall be by ballot, and shall be decided by a plurality of votes given: and all other questions shall be determined by the majority of the votes given. In all elections of directors and upon every subject and question which shall come before the stockholders, at their meetings, the stockholders respectively shall be entitled to as many votes, as they shall respectively hold shares, one vote for every share; and the stockholders respectively, who may be absent from such meetings shall be entitled to vote by proxy, in all such elections, and upon every such subject and question.

5th. The shares of the capital stock aforesaid shall be personal property, and shall be assignable, subject to the regulation of the by-laws.

6th. The directors shall from time to time make dividends of the clear profits of the business of the corporation, or of such parts of the said clear profits as shall be deemed advisable. The time of making the dividends shall be prescribed by the by-laws.

7th. The directors shall at all times keep, or cause to be kept proper books of accounts, in which shall be regularly entered, all the transactions of the said corporation; which books shall be subject at all times to the inspection of the stockholders; and the directors shall, once in every year, take an account of the stock, property and effects, belonging to the said corporation, and of all debts owing by or to the said corporation, and make a record thereof in a book to be kept for that purpose, and exhibit the same to the stockholders at their annual meeting; and no director shall have any emolument, except such as shall be allowed by the stockholders at their annual meetings.

Section 5. *And be it further enacted*, That in ten days after the books aforesaid shall be opened, if thirty thousand dollars of the said capital stock shall then be subscribed, or as soon thereafter as the said sum of thirty thousand dollars of the said capital stock shall be subscribed, the commissioners aforesaid, or a majority of them, shall call a meeting of the subscribers to the said capital stock, to be held at a time and place by the said commissioners or a majority of them to be appointed, and shall

give notice of such meeting, and the time and place thereof, by advertisement in at least one newspaper published in this State, at least ten days before the time of such meeting; and the subscribers who shall assemble in such meeting, and the proxies of such as shall be absent, shall elect five directors by ballot and plurality of the votes given; which said directors shall continue in office until the first Monday of February, in the year of our Lord one thousand eight hundred and forty-two, and until successors to them shall be duly chosen; and the said directors shall have the powers and be liable to the regulations hereinbefore prescribed and set forth in relation to directors, and shall come within the purview and effect of all the articles herein contained touching directors, to all intents and purposes.

Section 6. *And be it further enacted*, That on the day of the first meeting of the subscribers, to be held as aforesaid, the subscribers respectively, shall pay to the directors who shall then be chosen, five dollars upon each and every share which they respectively shall have subscribed to the capital stock aforesaid, and the residue of the amount so subscribed for, in such manner, in such instalments, and at such times as the president and directors shall appoint; and the president and directors shall give at least ten days public notice of the manner and time which they shall appoint for the payment of the remaining instalments of said capital stock, by advertisement, to be inserted in at least one newspaper published in this State.

Section 7. *And be it further enacted*, That if no payment shall be made upon a share or shares, at the time of the first meeting of the subscribers aforesaid, or if any of the instalments which may be called for as aforesaid, by the president and directors, shall not be paid within sixty days next after the time in said call appointed for the payment thereof, the said president and directors may either declare such share or shares forfeited, in which case they may be disposed of at the pleasure of the corporation; or they may, in the name of the corporation, sue for and recover, the sum so as aforesaid, payable at the first meeting of the subscribers, and also the instalment or instalments, or part or parts, so called; and no stockholder who shall refuse or neglect to comply with any call so made as aforesaid, shall, during the time of such refusal or neglect, be entitled to vote at any meeting of said stockholders; nor shall any stockholder during the time of such refusal or neglect, demand or receive any dividend. And it shall be lawful for the president and directors, and they shall have full power and authority, to dispose of all the shares of the capital stock aforesaid, which shall not be subscribed in the book to be opened by the commissioners aforesaid, and all the shares which may be forfeited as aforesaid, for the interest of the institution; and for that purpose to open books, for receiving subscriptions, or to adopt such other measures, as they shall deem advisable, subject to such regulations as may be prescribed by the by-laws; and the person or persons who shall become proprietors of such shares, shall be members of the said corporation as fully and effectually, as the original subscribers, under such restrictions as the by-laws may impose.

Section 8. *And be it further enacted*, That this act be and the same is hereby declared to be a public act.

SCHEDULE

Referred to in the second section of the bill.

Schedule of the property belonging to Thomas Cooch, called Roseville, situate on White Clay Creek, one mile and a quarter from Newark, New Castle county, Delaware.

A tract of land containing two hundred acres, extending three quarters of a mile on White Clay Creek, and containing a waterfall of about twelve feet six inches.

On the estate there are erected the mills, houses and improvements as follow:—

One stone cotton-mill, with machinery for spinning and weaving cotton, four stories high, about one hundred feet long and forty broad.

One stone building, about thirty feet by twenty feet, three stories high, used for drying and warping, and also for a carpenter's shop.

One frame grist-mill, one and a half stories high, with two run of stones.

One saw-mill, running one saw.

One brick building, about fifteen feet by twenty feet, one and a half stories high, used as a store-house.

One large stone building used as a dwelling-house, two stories high, with back buildings, stables, out-houses, &c., attached.

About thirty dwelling-houses, stone and frame, about fifteen feet by twenty feet, built for the accommodation of the work-people.

Two hundred acres of land, containing cleared and improved land, stone quarries, and woodland.

The water-rights on the creek of twelve feet six inches waterfall, capable of very great improvement.

On motion,
The Senate adjourned until 3 o'clock this afternoon.



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

The Senate met pursuant to adjournment.

On motion of Mr. Maull,

The bill entitled "An act to enable John D. Rodney and Jacob Forsett, of Sussex county, to erect a mill-dam across the head waters of Love's

creek, called Bundick's Branch, the boundary line between Lewes and Rehoboth and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw-mill thereon," was taken up for consideration, and

On his motion,
The said bill was amended as follows, to wit:—

Amend the bill by striking out the 7th section.

On motion of said gentleman,
Said bill was read a third time by paragraphs by special order and

Passed the Senate.

Ordered to be returned to the House for concurrence in the amendment.

Mr. Spruance laid on the table a petition from sundry citizens of Milford Neck, which,

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

The committee appointed were Messrs. Spruance and Tharp.

Mr. Spruance, on the part of the committee of enrolment, reported the following bills and resolutions as having been duly and correctly enrolled:

"An act authorising the Register for the Probate of Wills and granting Letters of Administration in and for Kent county to procure a new seal and press."

"A supplement to the act entitled 'An act to incorporate the Union Bank of Delaware.'"

"An act to incorporate the Sisters of Charity of St. Peter's, and to grant to said corporation certain lands in Mill creek hundred."

"An act to enable Eli Layton to locate certain vacant land situate in Dagsboro hundred, in Sussex county, and complete his title to the same."

"An act to incorporate the Temperance Beneficial Association of Wilmington and Brandywine."

"Joint resolutions instructing the Secretary of State to preserve the Revolutionary records."

"Joint resolution providing for the payment of certain judges ad litem."

"Joint resolution for the appointment of a Librarian, &c."

"Joint resolution to print 300 copies of the act for the amendment of the supplement to the act for the establishment of free schools."

"Joint resolution for the appointment of a committee to settle with the State Treasurer, &c., in January, 1842."

"Report and resolutions on the subject of the restriction of the eligibility of Presidents of the United States to a single term of four years."

On motion of Mr. Maull,
The bill entitled "An act to prevent unnecessary imprisonment for the execution of judgment in civil cases," was taken up for consideration.

Whereupon,

Mr. Maull moved,

That said bill be postponed till 1st May next, and

On the question,

"Shall the bill be so postponed?"

The Senate being divided,

Mr. Spruance called for the yeas and nays,

Which were as follow, to wit:

Yeas—Messrs. S. Jacobs, T. Jacobs, Maull, Tharp and Speaker—5.

Nays—Messrs. Boys, du Pont, Naudain, and Spruance—4.

So the motion for postponement

Prevailed.

On motion of Mr. Maull,

The bill entitled "An act to enable the owners of the marshes, crip-
ple and low grounds, situate upon and contiguous to Jamison's Branch, in
Little Creek and Duck Creek hundreds, to drain and improve the same,"
was read a third time by paragraphs and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate
endorsed upon it.

On motion of Mr. Spruance,

The bill entitled "A further supplement to the act entitled 'An act re-
gulating the General Election'" was taken up and read a third time by
paragraphs, and

On the question of the final passage of the bill,

The Senate being divided,

Mr. Tharp called for the yeas and nays.

Whereupon,

On motion of Mr. Maull,

Said bill was postponed till Saturday morning next.

On motion of Mr. T. Jacobs,

The petition of sundry citizens of Sussex county, praying for a lottery
for certain purposes therein mentioned, was read and referred to a com-
mittee of two, with leave to report by bill or otherwise.

The committee appointed were Messrs. T. Jacobs and Tharp.

On motion of Mr. Naudain,

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 the same gentleman,

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

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Spruance,

The bill entitled "An act to amend the act entitled 'An act for ascertaining the salaries of the Governor, the Chancellor, the Judges, and the Secretary, and for making allowances to the members of the General Assembly and for other purposes,'" was read a second time.

On motion of Mr. Maull,

The said bill was

Indefinitely postponed.

On motion,

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



FRIDAY, 10 o'clock, A. M., February 12, 1841.

The Senate met pursuant to adjournment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills to wit:—

A bill entitled "An act declaring certain acts public acts."

A bill entitled "An act to improve the navigation of Lewes Creek, by cutting and making a canal near Green Bank."

And he withdrew.

On motion of Mr. S. Jacobs,

The said bills were read.

Mr. Naudain presented a petition from Auly Lore, praying for a division of certain real estate therein mentioned, which

On his motion,

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

The committee were Messrs. Naudain and Tharp.

Mr. Spruance, on the part of the committee of enrolment, reported the following bills and resolution to be correctly enrolled, to wit:—

"An act to enable the owners and possessors of marsh meadow and cripple, on both sides of Swan Creek in Milford hundred, Kent county, to repair and raise above the rise of tide-water, an old causeway over the mouth of said creek and for other purposes therein mentioned."

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 Northwest branch of Duck creek, emptying into the main branch of Duck creek below the Eagles' Nest Landing, effectually to embank and drain the same, and keep the banks, dams, sluices, canals and drains in repair, and to raise a fund to defray the expense thereof."

"An act to enable Josiah Casey to locate certain vacant lands in Baltimore hundred, Sussex county, and to complete his title to the same."

"A further supplement to the act entitled 'An act to alter and re-establish the charter of the Borough of Wilmington.'"

Mr. Spruance, on the part of the committee to whom was referred the petition of sundry citizens of Milford Neck, reported a bill entitled "An act to authorise the cutting of a canal from Strunkill Gut into the Delaware bay," which,

On his motion,
Was read.

On motion of Mr. du Pont,
The bill entitled "An act to incorporate the Roseville Manufacturing Company" was read a second time by its title.

On motion of the same gentleman,
The schedule was attached to said bill which is mentioned therein.

On motion of Mr. Spruance,
The bill entitled "An act to repeal certain parts of acts therein mentioned and for other purposes," was read a second time.

On motion of the same gentleman,
Said bill was read a third time by paragraphs by special order in order to pass the Senate, and

On the question,
"Shall that be the first section of the bill?"
The Senate being divided,
Mr. T. Jacobs called for the yeas and nays,
Which were as follow, to wit:—

Yeas—Messrs. du Pont, S. Jacobs, Maull, Naudain, Spruance and Speaker—6.

Nays—Messrs. Boys, T. Jacobs and Tharp—3.

So the question was decided

In the affirmative.

On the question,
"Shall that be the third section of the bill?"
The Senate being divided,
Mr. T. Jacobs called for the yeas and nays;
Which were as follow, to wit:—

Yeas.—Messrs. du Pont, S. Jacobs, Maull, Naudain, Spruance and Speaker—6.

Nays.—Messrs. Boys, T. Jacobs and Tharp—3.

So the question was decided

In the affirmative.

On the question,
 "Shall the bill now pass the Senate?"
 The Senate being divided,
 Mr. T. Jacobs called for the yeas and nays,
 Which were as follow, to wit:—

Yeas.—Messrs. du Pont, S. Jacobs, Maull, Naudain, Spruance and Speaker—6.

Nays.—Messrs. Boys, T. Jacobs and Tharp—3.

So the question was decided

In the affirmative.

And the bill

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Maull,
 The bill entitled "An additional supplement to the act entitled "An act concerning the New Castle and Frenchtown Turnpike and Rail Road Company," was read a second time.

Mr. T. Jacobs, on the part of the committee to whom was referred the petition of sundry citizens of Sussex county, praying for a lottery for certain purposes therein mentioned, reported a bill entitled "An act authorizing a lottery for the benefit of the Protestant Episcopal Church in Seaford, Sussex county, and for other purposes therein mentioned," which,

On his motion,
 Was read.

On motion of Mr. Maull,
 The bill entitled "An act to incorporate the Breakwater, Lewes and Philadelphia Steamboat Company," was read a second time by its title.

On motion of the same gentleman,
 Said bill was read third time by paragraphs, by special order, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion,
 The Senate then adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock P. M.

The Senate met pursuant to adjournment.

On motion of Mr. T. Jacobs,
The resolution releasing Bayard Dawson from the payment of certain State debts was read, and

On his motion,

Concurred in.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

The Speaker of the Senate laid on the table a communication from Charles Marim, Esquire, the late Secretary of State, which,

On motion of Mr. Spruance,
Was read as follows, to wit:—

Chipping-Norton, February 11, 1841.

SIR—I have the honor herewith to submit my account with the State, for moneys received during the past two years for fees on commissions, licenses to venders of lottery tickets, impressions of the great seal and sales of the revised edition of the laws. The several sums formerly received for the use of the school fund are now paid directly into the hands of the trustee; and the fees from the sale of pedlars and retailers licenses and constables appointments, by the Levy Court, are paid directly into the hands of the State Treasurer for the use of the State. Consequently, the amount now received by the Secretary of State is much less than it formerly was.

With this communication you will also receive my account with the contingent expenses of the Secretary's office, the vouchers of which are on file and subject to the inspection of the General Assembly. The amount appropriated in the act of last session, as you will observe, has been slightly exceeded. This excess I thought proper to deduct from the sum in my hands due the State.

By reference to my account with the State it will be perceived that I have, within the past two years, received the sum of \$985 60—whereof the sum of \$15 80 was carried to the credit of the contingent expense account and the remaining sum of \$969 80 was paid into the hands of William D. Waples, Esq., State Treasurer, for the use of the State of Delaware. By reference to my account with the contingent expenses of the Secretary's office, you will observe that I have disbursed, within the above period, the sum of \$315 80.

It may not be improper for me to add that the presentation of these accounts has been unavoidably delayed from an inability to meet the State Treasurer until a few days ago, and I was only enabled to effect a settlement with him by a jaunt to Georgetown in Sussex, thirty-six miles from the seat of Government.

Be pleased to lay these accounts and this communication before the Senate.

Most kindly and respectfully,

I have the honor to remain,

Your humble and ob't servant;

CH. MARIM,

late Secretary of State.

*Hon. Charles Polk,
Speaker of the Senate.*

Charles Marim, Secretary of State, in account with the State of Delaware.

DEBTOR.

1839.

	To fee from W. M'Caully, Esq., for comm's of Justice of the Peace,	10 00
	do W. M'Caulley, Esq., impression of great seal,	1 00
	do Z. Pitts, Esq., comm's of Justice of the Peace, Cannon's Ferry,	10 00
	do For impressions of great seal at several times,	5 00
	do G. M. Manlove, C. P. Kent county, for constable's commission to A. Caldwell,	5 00
April 1,	do For license to sell lottery tickets to Z. B. Glazier,	100 00
	do E. Cannon for impression of great seal,	1 00
" 22,	do I. Wood, Esq., comms'n J. P., New Castle county,	10 00
May 4,	do For impression of great seal to a patent,	1 00
	do A. Stephens, for license to sell lottery tickets,	100 00
	do W. P. Veach, constable's commission N. C. county,	5 00
" 13,	Cash from G. R. Fisher, Pro. in Sussex, for laws sold,	7 60
	do J. B. Stevens and E. T. Bailly, lottery license,	100 00
June 6,	Cash for sale of a Digest,	1 00
" 20,	do For constable's commission,	5 00
July 12,	do T. M'Dowell, com. of J. P.,	10 00
<i>Amount carried forward,</i>		<u>\$871 60</u>

DEBTOR.

		<i>Dolls. Cts.</i>	
1839.		<i>Amount brought forward;</i>	371 60
	To cash from A. Johnson, impression great seal,		1 00
July 31,	do C. M. Carter, com. of constable,		5 00
Aug. 30,	do G. Ralston, do do		5 00
	do For impression great seal,		1 00
Sep.	do W. S. Vanstavoren, commission of constable,		5 00
Oct.	do E. Blackiston, com. of constable,		5 00
Nov. 4,	do C. D. Blaney, Esq., for commisson of Recorder, for N. C. county,		10 00
	do W. Ruth, com. J. P. Kent county,		10 00
Dec. 16,	do T. Robinson of Wm. do		10 00
" 23,	do E. C. Dingle, do		10 00
1840.	do J. Robinson, do in New Castle,		10 00
Jan. 1,	do J. M'Clyment, do in Kent,		10 00
	do G. R. Fisher, Prothonotary in Sussex, for laws sold,		6 25
	do C. D. Blaney, Esq., for com. of Clerk O. Court, N. C. county,		10 00
	do E. W. Gilpin, Esq., com. of Attorney General		10 00
April 1,	do For license to sell Lottery Tickets, to Z. B. Glazier,		100 00
" 16,	do N. Covington, com. of Constable N. Castle,		5 00
" 30,	do J. C. Mansfield, Prothonotary in N. Castle county, for Laws sold,		35 15
May 14,	do G. R. Fisher, Prothonotary in Sussex, do.		3 80
	do J. Pettijohn of E., for com. of Constable in Sussex county,		5 00
" 21,	do Isaac Price of New Castle county do		5 00
	do For license to sell Lottery Tickets, to E. T. Baily,		100 00
June 15,	do J. B. Hale, com. for Constable's com. New Castle,		5 00
	do A. Stevens & Co., lottery license,		100 00
" 16,	do W. R. Cahoon, com. of J. P. Kent county		10 00
" 19,	do C. H. Black, for com. of Register & Chancery and Clerk of the Peace, New Castle county,		20 00
" 25.	do Curtis Tweed, for com. of J. P. New Castle,		10 00
<i>Amount carried forward,</i>			<hr/> \$878 80

CREDITOR.

1839.			<i>Dolls. Cts.</i>
		<i>Amount brought forward,</i>	878 80
		Cash from J. C. Voshall, Constable's com. New Castle county,	5 00
July	do	C. B. Sipple, Recorder in Sussex, for impression of great seal to two patents,	2 00
Sep. 26,	do	Do from do	4 00
	do	J. Moon, for com. of Constable, N. Castle county,	5 00
Oct. 17,	do	P. Parker, com. Register in Sussex,	10 00
" 24,	do	G. R. Fisher, Proth'ry, for Laws, sold,	3 80
	do	W. E. Moore, Esq. Sheriff of New Castle for com. and writ of assistance,	20 00
	do	J. Steel, Esq. of Sussex, for do.	20 00
	do	E. Crozier, of New Castle, and C. W. James, of Sussex, each for Coroner's commissions, \$10	20 00
	do	For sundry impressions of great seal by J. P. Comegys	12 00
	do	Jonathan Manlove, for Constable's com. in N. Castle county	5 00
			<hr/>
			\$985 60

CREDITOR.

By this amount carried to the credit of the contingent expense account	15 80
By balance due the State, paid over to W. D. Waples, State Treasurer, per his receipt of 9th February, 1841,	969 80
	<hr/>
	\$985 60

The above account settled with Auditor, Jan. 4, 1841.

Respectfully submitted to the General Assembly, pursuant to the directions of an act in such case made and provided.

CH. MARIM,

late Secretary of State.

February 11, 1841.

DEBTOR.

The Contingent Expenses of the Secretary's Office, in account with Charles Marim, Secretary of State.

		Dolls.	Cts.
1839.			
Jan. 25.	To balance due the Secretary of State per account, submitted to the Legislature on this day,	15	21
Feb. 22.	To paid Jno. Catts for making fires and sweeping office,	2	50
Mar. 25.	do R. & J. B. Porter for advertising in Delaware Journal the proclamation of Col. Robinson's election to Congress,	2	00
do	do P. B. Porter for accp't book and ream paper,	12	25
Apr. 1.	do Jas. H. Stevenson for postage,	11	79
do	To copying proclamations, &c., of the election of Col. Robinson as Representative to Congress, omitted to be charged in the account, submitted to the General Assembly, January 25,	1	50
do 4.	To paid Joseph P. Comegys for copying Laws of last session for the press, and furnishing copies of sundry acts, for publication in the newspapers, per bill rendered,	58	16
do "	Copy of act relating to Wilmington Bridge Co., for the Attorney-general,	1	00
May 9.	To paid S. Kimmey, for Blanks,	18	00
June 11.	do W. C. Price's bill for carpenter's work,	2	25
July 4.	do James H. Stevenson for quarter postage,	10	72
Oct. 1.	do do do	12	48
Dec. 31.	do Governor Comegys' travelling and other expenses incurred in procuring and presenting sword to Col. S. B. Davis,	35	00
1840.			
Apr. 1.	do for hauling boxes of guns to Dover,	6	25
do "	do James H. Stevenson 2 quarters postage,	23	97
July 1.	do do 1 do	11	31
Oct. 2.	do do 1 do	9	79
Dec. 2.	do Samuel Kimmey for blank licenses,	37	50
1841.			
Jan. 1.	do J. H. Stevenson 1 quarter's postage,	13	46
do "	do bill of copying sundry proclamations of elections of Representative in Congress, list of pardons, &c., &c., per bill,	19	50
do 15.	do G. M. Manlove's bill of stationary, &c.,	11	16
		<hr/> \$315 80	

CREDITOR.

	Dolls. Cts.
By appropriation from the State Treasury, received per draft on Elijah Cannon, State Treasurer,	- 300 00
By this amount taken from the amount in the hands of Secretary, collected for fees due the State,	- 15 80
	<hr/> \$315 80

(See the account with the State herewith communicated.)

The above account is respectfully submitted to the General Assembly, pursuant to the directions of the act in such case made and provided, by

CH. MARIM,

late Secretary of State.

Dover, January 26, 1841.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the bill entitled "An act to enable Sally Ann J. Smithers, Mary Elizabeth Smithers and Enoch J. Smithers, minor children of Joseph Smithers, to make an exchange of certain lands therein mentioned."

Also, that the House had passed, and requested the concurrence of the Senate in a bill entitled "An act concerning fees."

And he withdrew.

On motion of Mr. Maull,

The last mentioned bill was read.

On motion of Mr. Tharp.

The bill entitled "An act to amend the act entitled 'An act directing the manner of choosing commissioners to regulate and repair the streets of Milford and for other purposes'" was read a second time.

On motion of Mr. Boys,

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'" was read a third time by paragraphs and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Maull,

The bill entitled "An act to divide school district No. 65; and school district No. 73 in Sussex county" was taken up for consideration, and

On motion of said gentleman,

Said bill was amended as follows, to wit:—

"Amend the bill by adding a 2nd section."

Section 2. *And be it enacted*, That the trustee of the school fund in the case the return and proceedings of the said commissioners be confirmed by the Levy Court as aforesaid, shall in the distribution next after the confirmation aforesaid, annually thereafter, at the annual distribution of the school fund, to and among the several districts of this State, divide the share of said district No. 65, and school district No. 73, each into two equal parts, so that the said districts may receive an equal share.

On motion of the same gentleman,
The said bill was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Tharp,
The bill entitled "An act to enable Abraham Dazey, of Sussex county, to locate certain lands situate in Baltimore hundred, and to complete his title to the same" was read a second time.

On motion of Mr. du Pont,
The bill entitled "An act concerning the division of school districts No. 2 and 3 in New Castle county" was read a second time, and

On motion of said gentleman,
The said bill was amended as follows, to wit:—

Amend the bill by striking out the words "and dividends hereafter made thereto" in the 44th line, 1st section, and inserting in lieu thereof the following:

And in all dividends hereafter made by said trustee of the fund for establishing schools in the State of Delaware, the respective dividends which may be due, or hereafter may become due the said original districts, No. 2 and No. 3, shall be equally divided annually among the districts, No. 2, No. 3, and No. 73.

On motion of Mr. Boys,
The bill entitled "An act to divorce Mary Griffith and her husband, Samuel Griffith, from the bonds of matrimony," was read a second time.

On motion of Mr. Maull,
The bill entitled "A further supplement to an act entitled 'An act to prevent infectious diseases being brought into this State and for other purposes'" was read a second time.

Mr. Comegys, Clerk of the House of Representatives, being admitted, requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled "An act to create an additional school district in Sussex county."

A bill entitled "An act to enable Nathaniel Conaway to locate certain vacant land, situate in Nanticoke hundred, and to complete his title to the same."

A bill entitled "A supplement to the act entitled 'An act authorising

a lottery for building an academy and masonic hall in Georgetown, Sussex county, and for finishing the Episcopal church therein."

And he withdrew.

On motion of Mr. Maull,
The said bills were read.

Mr. Comegys, Clerk of the House being again admitted, informed the Senate that the House had *postponed* the bill entitled "A supplement to 'An act to incorporate a company to erect a drawbridge over the river Nanticoke, at Seaford, and for other purposes therein mentioned' till 1st May next.

On motion of Mr. Boys,

The bill entitled "A supplement to the act entitled 'An act to incorporate a company for making an artificial turnpike road from the Borough of Wilmington to the village of Christiana in New Castle county,'" was read a second time.

Mr. Spruance, on the part of the committee to whom was referred the petition of the citizens of Bombay Hook, praying to be annexed to Kent county, reported a bill entitled "An act for changing a part of the division line between the counties of New Castle and Kent," which,

On his motion,
Was read.

Mr. Naudain, on the part of the committee to whom was referred the petition of Auly Lore, reported a bill entitled "An act for effecting partition of the lands therein mentioned, between Auly Lore and the other owners thereof," which,

On his motion,
Was read.

On motion of Mr. Spruance,

The bill entitled "A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College, and for other purposes therein mentioned'" was taken up for consideration, and

On his motion,
Said bill was referred to a committee of two.

The committee appointed were Messrs. Spruance and Maull.

On motion of Mr. Spruance,
"The report and resolutions on the subject of the New Jersey question" were read.

Mr. Spruance then moved,

That the said resolutions be concurred in; and

On the question,

"Shall the resolutions be concurred in?"

The Senate being divided;

Mr. Tharp called for the yeas and nays;

Which were as follow, to wit:—

Yeas.—Messrs. du Pont, S. Jacobs, Maull, Naudain, Spruance and Speaker—6.

Nays.—Messrs. Boys, T. Jacobs and Tharp—3.

So the motion

Prevailed.

And the resolutions were

Concurred in.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon them.

On motion,

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



SATURDAY, 10 o'clock, A. M., February 13, 1841.

The Senate met pursuant to adjournment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the passage of the bill entitled "A supplement to the act entitled 'An act regulating marriages.'"

The Clerk also requested the concurrence of the Senate in the bill entitled "An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, in Sussex county."

He also presented sundry enrolled bills for the signature of the Speaker, and returned an enrolled bill, signed by the Speaker of the House.

And he withdrew.

Mr. Spruance, on the part of the committee to whom was referred the bill entitled "A supplement to the act entitled 'An act authorizing a lottery for the benefit of Delaware College, and for other purposes therein mentioned,'" reported the following amendment, to wit:—

Amend the bill by striking out all after the enacting clause, and insert the following, to wit:—

That the share or portion of the fund hereafter to be raised and received under and by virtue of the said act to which this is a supplement, and which share or portion of said fund is by the said act apportioned to and for the use and benefit of Delaware College (now Newark College,) shall be, and the same is hereby transferred from said College to the State of Delaware, and the same shall be hereafter paid to and received by the State Treasurer, to and for the use of the State, the trustees of said College assenting and agreeing hereto. And the said State Treasurer shall keep a true account of all monies which he shall receive from and on account of said share or portion of the said fund to be paid to and received

by him as aforesaid; and shall, from time to time, as and when he shall so receive any sum or sums of money from and on account of said share or portion of the said fund, pay an equivalent sum or sums of money out of any monies in the treasury of this State not otherwise appropriated, to the trustees of the said College, to and for the use and benefit of the said College.

Section 2. *And be it further enacted*, That the assent and agreement of the trustees of said College hereto, shall be evidenced and signified by their acceptance of this act, which acceptance shall be certified in writing to the Governor of this State, within four months from the passing of this act, or this act shall cease and be of none effect: *Provided however*, That this act shall not be taken or construed, in any manner to impair any agreement, bond or obligation made or executed under the said act to which this is a supplement; but every such agreement, bond and obligation shall be and remain in full force and virtue.

On motion of Mr. Spruance,
The amendment

Was adopted.

On motion of Mr. Maull,
The bill entitled "A supplement to the act entitled 'An act for the more effectual preservation of all such ships or other vessels, and the goods thereof as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned,'" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. T. Jacobs,
The bill entitled "An act authorising a lottery for the benefit of the Protestant Episcopal Church in Seaford, Sussex county, and for other purposes therein mentioned," was read a second time.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act to enable John D. Rodney and Jacob Forsett, of Sussex county, to erect a mill-dam across the head-waters of Love's creek, called Bundick's Branch, the boundary line between Lewes and Rehoboth and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw-mill thereon."

He also requested the concurrence of the Senate in the bill entitled "An act to re-organise the school districts of Kent county."

Ordered to the House for concurrence.

On motion of Mr. Naudain,
The bill entitled "An act for effecting partition of the lands therein mentioned between Auly Lore and the other owners thereof," was read a second time by its title.

On motion of Mr. Spruance,

The bill entitled "An act for changing a part of the division line between the counties of New Castle and Kent" was read a second time.

On motion of Mr. Maull,

The bill entitled "A further supplement to the act entitled 'An act to prevent infectious diseases being brought into this State and for other purposes'" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Tharp,

The bill entitled "An act to amend the act entitled 'An act directing the manner of choosing commissioners to regulate and repair the streets of Milford and for other purposes,'" was taken up for consideration, and

On his motion,

The said bill was amended as follows, to wit:—

Amend the bill in the sixteenth section, and in the eighteenth line, immediately after the name of John M. Darby, by inserting the following "and also all that part of the farm and premises whereon Col. Benjamin Potter now resides, which is included within the limits of the town as herein set forth."

On motion of the same gentleman,

The said bill was read a third time by paragraphs and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

Mr. Naudain asked, and

On motion of Mr. Spruance,

Obtained leave to introduce a bill entitled "An act to incorporate the Rokeby Manufacturing Company," which

On motion of Mr. Naudain,

Was read.

On motion of Mr. Spruance,

The bill entitled "An act to authorize the cutting of a canal from Strunk Kill Gut, into the Delaware bay," was read a second time by its title.

On motion,

The Senate adjourned till 10 o'clock on Monday morning.



MONDAY, 10 o'clock, A. M. February 15, 1841.

The Senate met pursuant to adjournment.

On motion of Mr. Maull,

The bill entitled "An act to enable Abraham Dazey, of Sussex county, to locate certain lands situate in Baltimore hundred, and to complete his title to the same," was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Naudain,

The bill entitled "A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College and for other purposes therein mentioned,'" was read a third time by paragraphs, and

On the question,

"Shall that be the first section?"

The Senate being divided,

Mr. Tharp moved,

That said bill be laid on the table,

Which motion

Prevailed.

Mr. Comegys, Clerk of the House of Representatives being admitted, presented to the Senate for concurrence the following bills, to wit:—

A bill entitled "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of Horsepen drain, in the forest of Murderkill hundred, in Kent county, to cut a ditch or drain through the same."

A bill entitled "A supplement to the act entitled 'An act to revive and continue in force 'An act prohibiting the use of wears, hedges and gill nets in St. Jones' creek.'"

A bill entitled "An act to enable the administrator of Samuel Meteer, late of New Castle county, deceased, to sell his real estate."

The Clerk also presented to the Speaker an enrolled bill for his signature, and returned sundry bills as having been signed by the Speaker of the House.

And he withdrew.

On motion of Mr. Boys,

The bill entitled "A supplement to the act entitled 'An act to incorporate a company for making an artificial turnpike road from the Borough of Wilmington to the village of Christiana, in New Castle county,'" was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. T. Jacobs,

The bill entitled "An act authorising a lottery for the benefit of the Protestant Episcopal church, in Seaford, Sussex county, and for other purposes therein mentioned," was taken up for consideration, and

On his motion,

The blank in the fifth section of said bill was filled with the word "two."

On motion of said gentleman,
The said bill was read a third time by paragraphs in order to pass the Senate.

On the question,
"Shall that be the first section of the bill?"
The Senate being divided,
Mr. Spruance called for the yeas and nays,
Which were as follow, to wit:—

Yeas—Messrs. Boys, S. Jacobs, T. Jacobs, Maull, Tharp and Speaker—6.

Nays—Messrs. du Pont, Naudain and Spruance—3.

So the question was decided

In the affirmative.

On the question of the final passage of the bill,
The Senate being divided,
Mr. du Pont called for the yeas and nays;
Which were as follow, to wit:—

Yeas—Messrs. Boys, S. Jacobs, T. Jacobs, Maull, Tharp and Speaker—6.

Nays—Messrs. du Pont, Naudain and Spruance—3.

So the question was decided

In the affirmative.

And the bill

Passed the Senate.

Ordered to the House for concurrence.

On motion,
The Senate adjourned until 3 o'clock this afternoon.



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

The Senate met pursuant to adjournment.

On motion of Mr. Tharp,
The bill entitled "An act to reorganize the school districts of Kent county," was read.

On motion of Mr. Maull,
The bill entitled "An act to enable Wingate Downs to locate certain vacant land in Broad Creek hupdred in Sussex county, and to complete his title to the same," was read a second time.

On motion of the same gentleman,
The bill entitled "An act to enable Joseph Wells to locate certain va-

cant lands situated in Broad Creek hundred, in Sussex county, and to complete his title to the same," was read a second time.

On motion of Mr. Naudain,

The bill entitled "An act for effecting partition of the land therein mentioned between Auly Lore and the other owners thereof," was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the passage of the bill entitled "An act to repeal certain parts of acts therein mentioned and for other purposes."

On motion of Mr. T. Jacobs,

The bill entitled "An act to divorce Mary Griffith and her husband Samuel Griffith, from the bonds of matrimony," was read a third time by paragraphs, and

On his motion,

Indefinitely postponed.

On motion of Mr. Boys,

The bill entitled "An additional supplement to the act entitled 'An act to enable William Inskeip of New Castle county, to raise his mill-dam and for other purposes therein mentioned,'" was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. du Pont,

The bill entitled "An act concerning the division of school districts Nos. 2 and 3 in New Castle county," was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Naudain,

The bill entitled "An act to incorporate the Rokeby Manufacturing Company," was read a second time.

On motion of Mr. T. Jacobs,

The bill entitled "An act to enable Nathaniel Conoway to locate certain vacant land situate in Nanticoke hundred and to complete his title to the same," was read a second time.

On motion of Mr. Spruance,

The bill entitled "An act for changing a part of the division line between the counties of New Castle and Kent," was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Maull,

The bill entitled "A supplement to the act entitled 'An act to erect and keep in good repair a bridge over Broadkill Creek, where the State road crosses the said creek, at a place called Paynter's Landing,'" was read a third time by paragraphs and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. du Pont,

The bill entitled "An additional supplement to the act entitled "An act concerning the New Castle and Frenchtown Turnpike and Rail Road Company" was read a third time by paragraphs and

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Maull,

The bill entitled "An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, Sussex county," was read a second time.

On motion of Mr. Maull,

The report and resolutions concerning the controversy between the Executive of New York and the Executive of Virginia, respecting certain fugitives from justice," were taken up for consideration and

Concurred in.

Ordered to be returned to the House.

On motion of Mr. du Pont,

The bill entitled "A supplement to the act entitled 'An act authorizing a lottery for the benefit of Delaware College, and for other purposes therein mentioned,'" was read a third time by paragraphs, and

On the question,

"Shall the bill pass Senate?"

The Senate being divided,

Mr. T. Jacobs called for the yeas and nays,

Which were as follow, to wit:

Yeas—Messrs. du Pont, Naudain, Spruance, Tharp and Speaker—5.

Nays—Messrs. Boys, S. Jacobs, T. Jacobs and Maull—4.

So the question was decided

In the affirmative.

And the bill

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Spruance,

The bill entitled "A supplement to the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors,'" was read a third time by paragraphs and

On the question of the final passage
 The Senate being divided;
 Mr. T. Jacobs called for the yeas and nays,
 Which were as follow, to wit:—

Yeas.—Messrs. Boys, du Pont, S. Jacobs, Naudain, Spruance, Tharp
 and Speaker—7.

Nays.—Messrs. T. Jacobs and Maull—2.

So the question was decided
 And the bill

In the affirmative.

Passed the Senate.

Ordered to the House with the concurrence of the Senate endorsed
 upon it.

On motion,
 The Senate adjourned until 10 o'clock to-morrow morning.



TUESDAY, 10 o'clock A. M., February 16, 1841.

The Senate met pursuant to adjournment.

Mr. Tharp presented sundry petitions from citizens of Kent county,
 praying for a redivision of the school districts in said county, which,

On his motion,
 Was read.

Mr. Spruance, on the part of the committee of enrolment, reported the
 following bills, to wit:—

“An act to enable Sally Ann J. Smithers, Mary Elizabeth Smithers,
 and Enoch J. Smithers, minor children of Joseph Smithers, to make an
 exchange of certain lands therein mentioned.”

“An act to renew the act entitled ‘An act to incorporate the Washing-
 ton Beneficial Society of Wilmington, Delaware, for the relief of the
 members thereof, their widows and orphan children.’”

“An act to incorporate the Washington Fire Company of the City of
 Wilmington.”

“An act for the relief of Alexander Johnson.”

“An act to revoke the charter of the Elk and Christiana Turnpike
 Company.”

“An act to amend the act to establish a College at Newark.”

“An act to continue the reports of adjudged cases.”

“An act to amend the act entitled ‘An act supplementary to the act en-

titled An act for the preservation of certain shell fisheries within this State."

"An act to incorporate the Wesleyan Female Collegiate Institute."

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

On motion of Mr. T. Jacobs,

The bill entitled "An act to enable Nathaniel Conoway to locate certain vacant lands, situate in Nanticoke hundred, Sussex county, and to complete his title to the same," was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled "A supplement to the act providing for the recovery of small debts."

A bill entitled "An act concerning the writ of *capias ad satisfaciendum*."

He also presented to the Senate for concurrence the following resolution, to wit:—

"HOUSE OF REPRESENTATIVES,

February 15, 1841.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John Sorden and Andrew Stafford of Sussex county, and William Tharp and Peter Callaway of Kent county, be and they are hereby appointed commissioners to run and mark the division line between the counties of Kent and Sussex, from the south prong at the head of Rigg's mill-pond to the line of the State of Maryland, and that Charles T. Fleming be surveyor to assist said commissioners, that the said commissioners return their proceedings to the next General Assembly, and that said commissioners shall be allowed each one dollar and fifty cents per diem for their services, and the said surveyor two dollars per diem for his services.

Extract from the Journal.

J. P. COMEGYS, *Clerk.*

For concurrence."

And he withdrew.

On motion of Mr. Maull,
The said bills and resolution were read.

On motion of Mr. Naudain,
The bill entitled "An act to incorporate the Rokeby Manufacturing Company," was read a third time by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Maull,
The bill entitled "An act to improve the navigation of Lewes Creek by cutting a canal near Green Bank" was taken up for consideration, and

On his motion,
The said bill was read a second time and amended as follows:

"Strike out in section 7 line 6, after the word 'said' the word 'creek,' and insert the word 'canal.'

Strike out the 9th section.

Strike out all of the 15th section.

Strike out all of the 16th section."

Mr. Comegys, Clerk of the House being again admitted, informed the Senate that the House had concurred in the passage of the bill entitled "An act to incorporate the Roseville Manufacturing Company."

And he withdrew.

On motion of Mr. Maull,
The bill entitled "An act to enable Wingate Downs to locate certain vacant land in Broad Creek hundred in Sussex county, and to complete his title to the same" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of the same gentleman,
The bill entitled "An act to enable Joseph Wells to locate certain vacant land situated in Broad Creek hundred in Sussex county, and to complete his title to the same" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of the same gentleman,
The bill entitled "An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, in Sussex county" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

Mr. Boys presented a petition from sundry citizens of New Castle county, praying for an abolishment of the test oath, which,

On his motion,
Was read.

On motion of Mr. Naudain,
The bill entitled "A supplement to an act entitled 'An act laying a tax on dogs in New Castle county'" passed at Dover, February 21, one thousand eight hundred and thirty-nine, was taken up for consideration and amended as follows:—

Strike out all after the first section, and add the following as the 2nd and 3rd sections of the bill:

Section 2. *Be it enacted, &c.*, That all monies arising in virtue of the act, to which this is a supplement, shall be paid over to the trustee of the fund for establishing schools in the State of Delaware. to be annually distributed, equally, among the respective school districts of New Castle county: *Provided*, That in no case shall Appoquinimink hundred receive any dividends from the monies arising as recited in this section.

Section 3. *Be it further enacted, &c.*, That so much of the act to which this is a supplement be, and the same is hereby repealed, made null and void, so far as the same has reference to Appoquinimink hundred in-said county.

On motion,
The Senate then adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock P. M.

The Senate met pursuant to adjournment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, presented for the concurrence of the Senate the following bills:—

A bill entitled "An act to place in good repair, a bridge over Lewes Creek in the county of Sussex."

A bill entitled "An act to amend the act entitled 'An act for the encouragement and support of schools in this State.'"

A bill entitled "An act fixing the annual salary of the Treasurer of New Castle county."

The Clerk also informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College, and for other purposes therein mentioned.'"

He also informed the Senate that the House had indefinitely postponed

the bill entitled "An act authorising a lottery for the benefit of the Protestant Episcopal Church in Seaford, Sussex county, and for other purposes therein mentioned."

He also presented an enrolled bill for the signature of the Speaker, And he withdrew.

On motion of Mr. Maull,
The above bills presented for concurrence were read.

On motion of Mr. T. Jacobs,
The bill entitled "An act concerning the writ of *capias ad satisfaciendum*" was taken up for consideration.

Mr. T. Jacobs then moved,
That the said bill be indefinitely postponed.
Pending which motion

On motion of Mr. Spruance,
The said bill was made the order of the day for to-morrow.

On motion of Mr. Maull,
The bill entitled "An act to authorise the owners and possessors of the marsh and low grounds commonly called and known by the name of Horsepen Drain, in the forest of Murderkill hundred in Kent county, to cut a ditch or drain through the same," was read.

On motion of Mr. Maull,
The bill entitled "A supplement to the act entitled 'An act to revive and continue in force An act prohibiting the use of wears, hedges and gill-nets in St. Jones' Creek,'" was read.

On motion of Mr. Naudain,
The bill entitled "A further supplement to the act entitled 'An act regulating the General Election,'" was read a third time by paragraphs as amended, and

On the question of the final passage of the bill,
The Senate being divided,
Mr. T. Jacobs called for the yeas and nays, which were as follow, to wit:—

Yeas—Messrs. S. Jacobs, Maull, Naudain, Spruance and Speaker—5.

Nays—Messrs. Boys, T. Jacobs and Tharp—3.

So the question was decided.

In the affirmative.

And the bill

Passed the Senate.

Ordered to the House for concurrence in the amendment.

On motion of Mr. Maull,
The resolutions providing for the repair of the arsenal, and for putting in order the arms and accoutrements of the State, was taken up for consideration.

On motion of Mr. Spruance,

The said resolutions were amended as follow, to wit:—

Strike out the word "fifty," and insert the words "one hundred," in the third resolution last line.

On motion of Mr Spruance,

The said resolutions were concurred in as amended.

Ordered to the House for concurrence in the amendment.

On motion of Mr. T. Jacobs,

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

On motion of Mr. Tharp.

The bill entitled "An act to repeal the prohibition against the Chancellor or any Judge purchasing stock in any bank of this State," was taken up for consideration, and

On his motion,

Indefinitely postponed.

On motion of Mr. Spruance,

"The resolutions providing for the establishment of a division line between Kent and Sussex counties," were

Concurred in.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon them.

On motion of Mr. Maull,

The bill entitled "A supplement to the act entitled 'An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county and for finishing the Episcopal Church therein,'" was read a second time.

On motion,

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



WEDNESDAY, 10 o'clock, A. M., February 17, 1841.

The Senate met pursuant to adjournment.

On motion of Mr. du Pont,

The bill entitled "An act to enable the administrator of Samuel Meteer, late of New Castle county, deceased, to sell his real estate" was read a second time.

On motion of the same gentleman,
The said bill was read a third time by paragraphs by special order and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Spruance,

The bill entitled "An act fixing the annual salary of the Treasurer of New Castle county," was read a second time and amended as follows, to wit:—

Amend the bill by striking out the preamble and all after the enacting clause, and insert the following:

"That from and after the ninth day of February, one thousand eight hundred and forty-two, there shall be allowed to the Treasurer of New Castle county, the annual salary of five hundred dollars in full and complete compensation for his services as Treasurer of said county, and so much of any law of this State as is inconsistent herewith, be and the same is hereby repealed, made null and void.

On motion of the same gentleman,

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

Passed the Senate.

Ordered to be returned to the House for concurrence in the amendment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the bill entitled "An act for effecting partition of the lands therein mentioned between Auly Lore and the other owners thereof."

Also in the bill entitled "An additional supplement to the act entitled 'An act concerning the New Castle and Frenchtown Turnpike and Railroad Company.'"

The Clerk also requested the concurrence of the Senate in the following bills:—

A bill entitled "A further supplement to the act entitled 'An act to authorise the owners and possessors of the marsh or low grounds, commonly called and known by the name of the Culbreath Marsh, situate in the forest of Murderkill and Dover hundreds, in Kent county, to cut a ditch or drain through the same.'"

A bill entitled "An act granting to John Smith, of Kent county, ten acres of waste and uncultivated land or marsh."

A bill entitled "An act to enable Ezekiel Timmons (of E.) to locate certain vacant land situate in Broad creek hundred, Sussex county, and to complete his title to the same."

The Clerk also presented to the Senate for concurrence the following joint resolution, to wit:—

"HOUSE OF REPRESENTATIVES,
February 16, 1841.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Mahlon Betts be and he is hereby authorised to purchase for the use of the members of the House of Representatives, twenty-two chairs and twenty desks, the cost of which shall not exceed *three hundred dollars*, which sum the State Treasurer is hereby authorised and directed to pay on his order.

Extract from the Journal

J. P. COMEGYS, *Clerk.*

For concurrence."

The Clerk also presented sundry enrolled bills to the Speaker of the Senate, for his signature.

And he withdrew.

On motion of Mr. Spruance,

The above bills and resolution presented by the Clerk of the House for the concurrence of the Senate were read.

On motion of Mr. Tharp,

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

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Naudain,

The bill entitled "A supplement to an act entitled 'An act laying a tax on dogs in New Castle county, passed at Dover February 21st, one thousand eight hundred and thirty-nine,'" was read a third time by paragraphs as amended, and

Passed the Senate.

Ordered to the House for concurrence in the amendment.

On motion of Mr. Spruance,

The bill entitled "An act to reorganise the school districts of Kent county," was read a second time,

And amended as follows, to wit:—

Amend the bill by striking out all after the title and enacting clause, and insert in lieu thereof the following:

That Shadrach Raughley, Benaiah Tharp, and Alexander Johnson be, and they are hereby appointed commissioners, to go upon and view school districts Nos. 33, 34, 38 and 39, in Kent county, and locate and lay out from said districts two additional school districts, as to them shall seem just and proper. And when the said commissioners or a majority of them shall have so located and laid out said additional school districts,

they or a majority of them shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Kent county, to be by him filed among the records of his office. Said return shall be made on or before the first day of June next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the trustee of the school fund. And from and after the first day of June aforesaid, the additional school districts to be formed under the provisions of this act, shall be deemed and taken to be school districts of Kent county, and numbered in continuation of school districts already established by law in said county; and all the acts of the General Assembly of this State for the general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional school districts to be created under the provisions of this act; and the trustee of the school fund, in the future distribution of the school fund, applicable to school districts in Kent county, shall have due regard to the return of said commissioners as the same may be made and filed as aforesaid, giving to said two additional school districts in Kent county, an equal proportion of the money in his hands annually applicable to school districts of said county.

Section 2. *And be it further enacted*, That the commissioners appointed by this act shall severally before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation, to perform the same with fidelity. And for each and every day the said commissioners may be employed in the discharge of their duties under the provisions herein contained, shall have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeal of Kent county.

Also, amend the title by striking out the word "the" therein and insert in lieu thereof the word "certain."

On motion of same gentleman,
The said bill was read a third time by special order by paragraphs, and

Passed the Senate.

Ordered to the House for concurrence in the amendment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, presented for the concurrence of the Senate a bill entitled "An act allowing for a limited time an additional Justice of the Peace in the county of New Castle."

The Clerk also informed the Senate that the House had *non-concurred* in the amendment of the Senate to the resolution on the subject of the repair of the arsenal at Dover, and cleaning and preserving of the public arms, and had appointed Messrs. Huffington, Collins and Chamberlain, a committee of conference on the subject of disagreement between the two Houses, and requested a like committee to be appointed on the part of the Senate.

And he withdrew.

On motion of Mr. Boys,
The above bill was read.

On motion of Mr. du Pont,
A committee of conference was appointed.
Messrs. du Pont and Tharp were appointed said committee.

Mr. Comegys, Clerk of the House being again admitted, requested the concurrence of the Senate in the following resolution, to wit:—

“HOUSE OF REPRESENTATIVES,

Feb. 17, 1841.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That both Houses of the Legislature will adjourn on Monday the twenty-second day of February.

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence.”

And he withdrew.

On motion of Mr. Boys,
The said resolution was read and

Concurred in.

On motion of Mr. Maull,
The bill entitled “An act to create a new school district in the county of Sussex” was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House.

On motion of the same gentleman,
The bill entitled “An act to improve the navigation of Lewes Creek by cutting and making a canal near Green Bank” was read a third time by paragraphs, as amended, and

Passed the Senate.

Ordered to the House for concurrence in the amendment of the Senate.

On motion of Mr. Spruance,
The bill entitled “An act to amend the act entitled ‘An act providing for the punishment of certain crimes and misdemeanors,’ was read a second time,

And amended, as follows, to wit:—

Section 1, 34th line, strike out the word “sixty,” and insert “thirty-nine.”

On motion of Mr. Maull,
The bill entitled “An act declaring certain acts public acts,” was read a second time.

On motion of Mr. Maull,
The bill entitled “A supplement to the act entitled ‘An act to revive and continue in force An act prohibiting the use of wears, hedges and gill nets in St. Jones creek,’ was read a second time.

On motion,
The Senate adjourned till 3 o'clock this afternoon.



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

The Senate met pursuant to adjournment.

Mr. Comegys, Clerk of the House of Representatives; being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following resolution, to wit:

“HOUSE OF REPRESENTATIVES,
February 17, 1841.

Be it resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a donation of one copy of each of the triplicate works in the State Library be made to Newark College.

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence.”

The Clerk also informed the Senate that the House had concurred in the bill entitled “An act to divide school districts No. 2 and 3, in New Castle county.”

Also, in the bill entitled “A supplement to an act entitled ‘An act to incorporate a company for making an artificial turnpike road from the Borough of Wilmington to the village of Christiana in New Castle county.’”

Also, that the House had concurred in the amendment of the Senate to the bill entitled “A further supplement to the ‘Act regulating the General Election.’”

And he withdrew.

On motion of Mr. Tharp,

The bill entitled “An act to authorise the owners and possessors of the marsh and low grounds, commonly called and known by the name of Horsepen Drain in the forest of Murderkill hundred, in Kent county, to cut a ditch or drain through the same,” was read a second time.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled “An act to re-organize the school districts in Kent county.

And he withdrew.

On motion of Mr. Maull,

The bill entitled “A supplement to the act entitled ‘An act authorising

a lottery for building an academy and masonic hall in Georgetown, Sussex county, and for finishing the Episcopal church therein," was taken up for consideration and read, and

On his motion,
The said bill was amended as follows, to wit:—

Amend the bill in the first section by striking out the name of Charles G. Ridgely wherever it occurs, and insert in lieu thereof the name of Edward Wootten.

Also, by adding another section as follows:—

Section 8. *And be it further enacted*, That Thomas Robinson, Sen., shall not be considered by any of the provisions of this act to have lost his residence in Sussex county in this State, as commissioner so long as he continues to perform the duties enjoined on him as a manager as provided for in the act to which this is a supplement.

Mr. Comegys, Clerk of the House of Representatives, being admitted, presented to the Senate for concurrence a bill entitled "An act for the purpose of creating an additional school district in the county of Kent."

And he withdrew.

On motion of Mr. Naudain,
The "Resolution for giving to Newark College all triplicate copies of books in the State Library," was taken up for consideration, and

On his motion,

Indefinitely postponed.

On motion of Mr. Maull,
The bill entitled "An act to place in good repair a bridge over Lewes Creek from the town of Lewes to the cape side of the said creek, in the county of Sussex," was read a second time,

And amended as follows, to wit:—

"Strike out all of the third section."

Mr. Comegys, Clerk of the House of Representatives, being admitted informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "A supplement to an act entitled 'An act laying a tax on dogs in New Castle county, passed at Dover, February 21st, one thousand eight hundred and thirty-nine,'" and had amended the amendment.

And he withdrew.

On motion of Mr. Spruance,
The bill entitled "An act to amend the act entitled 'An act for the encouragement and support of schools in this State,'" was read a second time,

And amended as follows, to wit:—

Amend the bill by inserting in the eighth line after the word "cents" and before the word "and," the following: "and by striking out of the

thirteenth line the word "two" and inserting in lieu thereof the word "four."

On motion of the same gentleman,
The said bill was read a third time by paragraphs by special order and
Passed the Senate.

Ordered to the House for concurrence in the amendment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had non-concurred in the amendment of the Senate to the bill entitled "An act to improve the navigation of Lewes Creek by cutting and making a canal near Green Bank," and that the House had appointed Messrs. Huffington, Marshall and Black, a committee of conference to confer with a like committee to be appointed on the part of the Senate on the subject of difference, and requested the appointment of such a committee.

And he withdrew.

On motion of Mr. T. Jacobs,
Said committee was appointed.
Messrs. T. Jacobs and Maull were appointed said committee.

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

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Naudain,
The amendment of the House to the amendment of the Senate to the bill entitled "A supplement to an act entitled 'An act laying a tax on dogs in New Castle county, passed at Dover, February 21st, one thousand eight hundred and thirty-nine,'" was read as follows, to wit:

"HOUSE OF REPRESENTATIVES,
February 17, 1841.

Amend the Senate's amendment by striking out all after the words "New Castle county," occurring in the sixth line of the second section.

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence."

On his motion,
Said amendment was

Concurred in.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion,
The Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, 10 o'clock A. M., February 18, 1841.

The Senate met pursuant to adjournment.

On motion of Mr. Tharp,

The bill entitled "An act to create a new school district in the county of Kent," was taken up for consideration, and

On his motion,

Indefinitely postponed.

Mr. S. Jacobs asked, and

On motion of Mr. Spruance,

Obtained leave to introduce a bill entitled "An act for fixing the term of office of the Recorder of Deeds, and for other purposes," which

On motion of Mr. T. Jacobs,

Was read.

Mr. Comegys, Clerk of the House of Representatives, being admitted, presented to the Senate for concurrence the following bills, to wit:—

A bill entitled "An act to amend the twenty-first section of the act entitled 'An act providing for the recovery of small debts.'"

A bill entitled "An act to incorporate the Trustees of T. Town Meeting House, in Sussex county."

A bill entitled "An act to amend the act of the present session, entitled 'An act to amend the supplement, passed January 25th, 1830, to the act for the establishment of free schools.'"

And also to "amend the fifth section of the original act and for other purposes."

The Clerk also presented for the signature of the Speaker of the Senate; sundry enrolled bills,

And he withdrew.

On motion of Mr. Spruance,

The bills above-mentioned presented by the Clerk of the House for the concurrence of the Senate, were read.

Mr. Spruance on the part of the committee of enrolment reported the following bills and resolutions to be duly and correctly enrolled.

"An act to enable the owners of the marshes, cripple and low grounds, situate upon and contiguous to Jamison's Branch, in Little Creek and Duck Creek hundreds, to drain and improve the same."

"A further supplement to an act to prevent infectious diseases being brought into this State, and for other purposes."

"An additional supplement to the act for establishing the boundaries of the town of Dover, and for other purposes therein mentioned."

"An act to enable John D. Rodney and Jacob Forsett of Sussex county, to erect a mill-dam across the head waters of Love's Creek called Bundick's Branch, the boundary line between Lewes and Reho-

both and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw-mill thereon."

"An additional supplement to the act entitled 'An act regulating inn-holders, tavern-keepers, and other public house-keepers within this government, and empowering the justices to settle the rates of liquor.'"

"An act to amend the act entitled 'An act providing for the recovery of small debts.'"

"An act to enable Nathan Fleming to locate certain vacant land situate in Mispillion hundred, Kent county and to complete his title to the same."

"An act to incorporate the Black Swamp Ditch Company."

"An act to incorporate the Lewes Beneficial Society of Lewes, Sussex county, Delaware."

"An additional supplement to the act entitled 'An act to amend the act entitled An act concerning the Constitution of the Levy Court and Court of Appeal.'"

"A supplement to the act 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.'"

"An act to incorporate the members of the Fame Hose Company of the City of Wilmington."

"An act to authorize the Register for the Probate of Wills and granting Letters of Administration in and for Sussex county, to procure a new seal of office."

"A further supplement to the act entitled 'An act regulating the General Election.'"

"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.'"

"An act in respect to insurance for lives for the benefit of married women."

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

"An act to vacate part of an alley and lane in the village of Georgetown, Sussex county."

"A supplement to the act entitled 'An act for the more effectual preservation of all such ships or other vessels, and the goods thereof as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned.'"

"A supplement to the act entitled 'An act to incorporate a company for making an artificial turnpike road from the Borough of Wilmington to the village of Christiana in New Castle county.'"

"An additional supplement to the act entitled 'An act concerning the New Castle and Frenchtown Turnpike and Rail Road Company.'"

"A supplement to the act entitled 'An act regulating marriage.'"

"An act to repeal certain parts of acts therein mentioned and for other purposes."

"An act for effecting partition of the lands therein mentioned between Auly Lore and the other owners thereof."

"Report and Resolutions on the subject of the disfranchisement of the State of New Jersey by the Congress of the United States."

"Resolution releasing Bayard Dawson from the payment of a certain fine."

On motion of Mr. Spruance,

The bill entitled "An act concerning the writ of *capias ad satisfaciendum*," was taken up for consideration, and

On his motion,

The said bill was referred to a committee of three.

The committee appointed were Messrs. Spruance, du Pont and Tharp.

On motion of Mr. Tharp,

The bill entitled "An act to authorise the owners and possessors of the marsh and low grounds commonly called and known by the name of Horsepen Drain, in the forest of Murderkill hundred in Kent county, to cut a ditch or drain through the same," was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

Mr. Comegys, Clerk of the House of Representatives, being admitted, presented to the Senate for concurrence the following bills, to wit:—

A bill entitled "An act to enable Joshua Hays and Wesley Hays, of Kent county, to locate certain vacant land situate partly in Dover hundred and partly in Little Creek hundred, and to complete their title to the same."

A bill entitled "An act to enable Thomas Hays, of Kent county, to locate certain vacant land situate in Dover hundred, and to complete his title to the same."

And he withdrew.

On motion of Mr. Spruance,

The said bills were read.

Mr. Comegys, Clerk of the House of Representatives, being again admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act fixing the annual salary of the Treasurer of New Castle county."

And he withdrew.

On motion of Mr. Maull,

The Report and Resolutions on the subject of the remonstrance of the citizens of the District of Columbia against certain acts of Congress, were taken up for consideration and read.

Mr. Maull then moved,
That the said resolutions be concurred in.
On the question,
"Shall the resolutions be concurred in?"
The Senate being divided;
Mr. T. Jacobs called for the yeas and nays,
Which were as follow; to wit:—

Yeas.—Messrs. du Pont, S. Jacobs, Maull, Naudain, Spruance and Speaker—6.

Nays.—Messrs. Boys, T. Jacobs and Tharp.—3.

So the question was decided

In the affirmative.

And the resolutions were

Concurred in.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon them.

Mr. Comegys, Clerk of the House, being again admitted, informed the Senate that the House had concurred in the passage of the bill entitled "An act to incorporate the Rokeby Manufacturing Company."

And he withdrew.

On motion of Mr. du Pont,

The resolutions on the subject of the French spoliations were taken up for consideration and read.

Mr. du Pont then moved,
That said resolutions be concurred in.

On which motion,
The Senate being divided,
Mr. T. Jacobs called for the yeas and nays,
Which were as follow, to wit:—

Yeas.—Messrs. du Pont, S. Jacobs, Naudain, Spruance and Speaker—5.

Nays.—Messrs. Boys, T. Jacobs, Maull and Tharp—4.

So the motion

Prevailed.

And the resolutions were

Concurred in.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon them.

On motion of Mr. Maull,

The bill entitled "An act to enable Ezekiel Timmons (of E.) to locate certain vacant land situate in Broad creek hundred, Sussex county, and to complete his title to the same," was read a second time.

On motion of the same gentleman,

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

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Tharp,

"An act for the purpose of creating an additional school district in the county of Kent," was read, and

On his motion,

The said bill was amended, as follows,² to wit:—

No. 33, in the sixteenth line, and wherever it occurs in the bill thereafter to be stricken out.

Also, the figures 48, in the second section and eleventh line, and wherever they occur thereafter.

On motion of Mr. Maull,

The bill entitled "An act to place in good repair a bridge over Lewes creek, from the town of Lewes to the cape side of the said creek, in the county of Sussex," was read a third time by paragraphs and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of the same gentleman,

The bill entitled "A supplement to the act entitled 'An act to revive and continue in force An act prohibiting the use of wears, hedges and gill nets in St. Jones creek,'" was read a third time by special order by paragraphs and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion,

The Senate adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock. P. M

The Senate met pursuant to adjournment.

On motion of Mr. Maull,

The resolutions in behalf of the Historical Society of New York were taken up for consideration and read, and

On his motion,

The said resolutions were

Indefinitely postponed.

Mr. Spruance on the part of the committee of enrolment, reported the following bills to be duly and correctly enrolled, to wit:—

“A supplement to the act entitled ‘An act empowering the Orphans’ Court to direct the sale of the real estate of minors.’”

“An additional supplement to the act entitled ‘An act to enable William Inskeip of New Castle county, to raise his mill-dam and for other purposes therein mentioned.’”

“An act to enable Nathaniel Conoway to locate certain vacant land, situate in Nanticoke hundred and to complete his title to the same.”

“An act to enable Wingate Downs to locate certain vacant land in Broad Creek hundred in Sussex county, and to complete his title to the same.”

“An act to enable Abraham Dazey of Sussex county, to locate certain lands, situate in Baltimore hundred, and to complete his title to the same.”

“A supplement to the act 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 Paynter’s Landing.’”

“An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, in Sussex county.”

“An act to incorporate the Breakwater, Lewes and Philadelphia Steamboat Company.”

“An act concerning the division of school districts Nos. 2 and 3, in New Castle county.”

“An act to incorporate the Rokeby Manufacturing Company.”

Mr. Comegys, Clerk of the House of Representatives, being admitted, presented to the Speaker for his signature, sundry enrolled bills.

The Clerk also informed the Senate that the House had concurred in the bill entitled “An act for changing part of the division line between the counties of New Castle and Kent.”

And he withdrew.

On motion of Mr. Maull,

The bill entitled “An act allowing for a limited time an additional justice of the peace in the county of New Castle,” was read a second time.

On motion of the same gentleman,

The said bill was read a third time by paragraphs by special order and
Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Tharp,

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

Message from the House by a member.

Mr. Huffington, member of the House, being admitted, presented to the Speaker of the Senate for his signature sundry enrolled bills.

And he withdrew.

On motion of Mr. Maull,

The bill entitled "An act granting to John Smith, of Kent county, ten acres of waste and uncultivated land or marsh," was read a second time.

Mr. Maull then moved,

That said bill be indefinitely postponed.

On which motion,

The Senate being divided,

Mr. T. Jacobs called for the yeas and nays, which were as follow, to wit:—

Yeas—Messrs. du Pont, S. Jacobs, Maull, and Spruance—4.

Nays—Messrs. Boys, T. Jacobs, Naudain, Tharp, and Speaker—5.

So the motion

Was lost.

Mr. du Pont on the part of committee of conference of the Senate, on the subject of the difference of the two Houses in relation to the resolutions for the repair of the arsenal at Dover, and for the cleaning and preservation of the arms, &c., reported as follows, to wit:—

The committee of conference appointed on the subject of the disagreement of the two Houses in relation to the amendment proposed by the Senate, to the resolutions concerning the arsenal in Kent county, and the public arms, report:

That the Senate recede from their amendment, substituting in lieu thereof, the following amendments, to wit:—

Amend the first resolution, by striking out of the 3rd line thereof, the words "the sheriff of" and inserting in lieu thereof the name of "Henry Eubanks."

Also, by adding in the 4th line of said section immediately after the word "House" the words "in Kent county."

Amend the second resolution, by striking out of the 2nd line of said resolution, the words "the sheriff of Kent," and inserting in lieu thereof, the name of "Henry Eubanks."

Also, by inserting in the third line after the word "sheriffs," the words "and of the present sheriff."

Also, by adding to said resolutions the words, "and after all the duties enjoined upon the said Henry Eubanks in these resolutions shall have been by him performed, it shall be the duty of the sheriff of Kent county, to examine the work and service so done, and if in his opinion the same has been faithfully executed, he shall give to the said Henry Eubanks, a certificate to that effect."

Amend the third resolution by striking out of the 2nd line thereof the

words "sheriff of Kent" and inserting in lieu thereof the name of "Henry Eubanks."

Also, by striking out of the last line thereof the word "fifty," and inserting in lieu thereof the word "eighty."

Also, by adding at the end of said resolution these words "to be allowed by the Legislative Committee at their meeting in January next, upon the production by the said Henry Eubanks, of the certificate of the said sheriff of Kent county, that he has faithfully performed the duties enjoined upon him by these resolutions."

On motion of said gentleman,
The amendments reported were
And

Adopted,

On his motion,

The resolutions as amended, were

Concurred in.

Ordered to the House with the information that the Senate have concurred in the report of the committee.

Mr. Comegys, Clerk of the House, being admitted, presented for the concurrence of the Senate the bill entitled "An act to enable John H. Burton to locate certain vacant land situate in Dagsborough hundred in Sussex county and to complete his title to the same."

The Clerk also informed the Senate that the House had non-concurred in the amendment of the Senate to the bill entitled "A supplement to the act entitled 'An act authorizing a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal Church therein,'" and that the House had appointed Messrs. Wright, Frazer and Barr a committee of conference to confer with a like committee to be appointed on the part of the Senate upon the subject of the disagreement.

And he withdrew.

On motion of Mr. Maull,

A committee of conference for the above purpose was appointed.
Messrs. S. Jacobs and Tharp were appointed said committee.

On motion of Mr. Naudain,

The Resolution to procure new desks and chairs for the House of Representatives was taken up for consideration, and

On his motion,

The said resolution was

Concurred in.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Maull,

The bill entitled "An act declaring certain acts public acts," was read a third time by paragraphs and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of the same gentleman,
The bill entitled "An act to amend the act entitled 'An act providing for the punishment of certain crimes and misdemeanors,'" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion,
The Senate adjourned until to-morrow morning at 10 o'clock.



FRIDAY, 10 o'clock, A. M. February 19, 1841.

The Senate met pursuant to adjournment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, presented for the concurrence of the Senate the bill entitled "An act concerning Lotteries."

And he withdrew.

On motion of Mr. Spruance,

The said bill was read.

Mr. Spruance laid on the table a petition from sundry citizens of Kent county, relative to Lotteries, which,

On his motion,

Was read.

Mr. du Pont presented a similar petition from sundry citizens of New Castle, which,

On his motion,

Was read.

Mr. Boys presented a petition from sundry citizens of New Castle county, praying for an extension of the jurisdiction of Justices of the Peace, which,

On his motion,

Was read.

Mr. Spruance presented a petition from sundry citizens of Kent county, praying for a restraint to be laid on the sale of ardent spirits to negroes, which,

On his motion,

Was read.

Mr. Spruance presented a petition from sundry citizens of Kent, in relation to the establishment of a Penitentiary in this State, which,

On his motion,
Was read.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the passage of the bill entitled "An act to authorise the cutting of a canal from Strunkill Gut into the Delaware bay," and had amended the same.

And he withdrew.

On motion of Mr. Tharp,
Said amendment was read as follows, to wit:—

"HOUSE OF REPRESENTATIVES,
February 17, 1841.

Amend the bill by inserting in the 11th line of the 1st section after the word "canal" the words "and make a dam across Strunkill Gut below where the said canal intersects the said gut."

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence."

On motion of the same gentleman,
Said amendment was

Concurred in.

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

Mr. Comegys, Clerk of the House of Representatives, being again admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act to amend the act entitled 'An act providing for the punishment of certain crimes and misdemeanors.'"

And he withdrew.

On motion of Mr. T. Jacobs,
The bill entitled "An act for fixing the term of office of the Recorder of Deeds, and for other purposes," was read a second time by its title, and,

On motion of the same gentleman,
The said bill was read a third time by special order by paragraphs, and
Passed the Senate.

Ordered to the House for concurrence.

On motion of Mr Spruance,
The bill entitled "An act to amend the act of the present session entitled 'An act to amend the supplement passed January 25th, 1830, to the act for the establishment of free schools, and also to amend the 5th section of the original act, and for other purposes,'" was read a second time.

On motion of the same gentleman,
Said bill was read a third time by paragraphs by special order, and
Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Tharp,
The bill entitled "An act to incorporate the Trustees of T. Town Meeting House, in Sussex county," was read a second time by its title.

On motion of the same gentleman,
The said bill was read a third time by special order by paragraphs, and
Passed the Senate.

Ordered to be returned to the House.

On motion of Mr. Boys,
The bill entitled "An act to enable John H. Burton to locate certain vacant land situated in Dagsborough hundred, and to complete his title to the same," was read.

On motion of the same gentleman,
The bill entitled "An act providing for the instruction of the indigent deaf and dumb of this State," was read a second time.

On motion of Mr. Maull,
The bill entitled "An act to enable Thomas Hays of Kent county, to locate certain lands situate in Dover hundred and to complete his title to the same," was taken up for consideration, and

On his motion

Indefinitely postponed.

On motion of the same gentleman,
The bill entitled "An act to enable Joshua Hays and Wesley Hays of Kent county, to locate certain lands situate partly in Dover hundred and partly in Little Creek hundred and to complete their title to the same" was taken up for consideration, and

On his motion,
The said bill was

Indefinitely postponed.

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

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of the same gentleman,
The bill entitled "An act to enable John H. Burton to locate certain vacant land situated in Dagsborough hundred in Sussex county," and to complete his title to the same," was read a second time by its title, and

On motion of the same gentleman,
Said bill was read a third time by special order by paragraphs and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion,
The Senate adjourned till 3 o'clock this afternoon.



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

The Senate met pursuant to adjournment.

On motion of Mr. Maull,
The bill entitled "An act to amend the twenty-first section of the act entitled 'An act providing for the recovery of small debts,'" was read a second time.

On motion of the same gentleman,
The bill entitled "A supplement to the act entitled 'An act providing for the recovery of small debts'" was read a second time.

Whereupon,

Mr. Spruance moved,
That the last mentioned bill be indefinitely postponed.

On which motion,
The Senate being divided,
Mr. T. Jacobs called for the yeas and nays;
Which were as follow, to wit:

Yeas—Messrs. du Pont, S. Jacobs, Maull, Naudain, Spruance, and Speaker—6.

Nays—Messrs. Boys and T. Jacobs—2.

So the motion

Prevailed.

And the bill was

Indefinitely postponed.

Mr. Maull moved,
That the bill entitled "An act concerning fees," be indefinitely postponed.

Pending which motion,

Mr. du Pont moved,
That the bill be committed to a committee of two.

Which motion

Prevailed.

The committee appointed were Messrs. du Pont and Maull.

Mr. Spruance, on the part of the committee of enrolment reported the following bills and resolutions to be duly and correctly enrolled, and presented the same to the Speaker for his signature.

'An act to amend the act entitled 'An act directing the manner of choosing commissioners to regulate and repair the streets of Milford and for other purposes.'

'An act to enable the administrator of Samuel Meteer, late of New Castle county, deceased, to sell his real estate.'

'An act to repeal the act entitled 'An act to repeal the act entitled 'An additional supplement to an act to restrain persons from suffering swine to go at large within certain limits.'

'An act to amend the act entitled 'An act for the encouragement and support of schools in this State.'

'An act to create an additional school district in Sussex county.'

'An act for changing a part of the division line between the counties of New Castle and Kent.'

'A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College and for other purposes therein mentioned.'

'A further supplement to the act to alter and re-establish the charter of the Borough of Wilmington.'

'A further additional supplement to the act entitled 'An act regulating the General Election.'

'An act to enable Joseph Wells to locate certain vacant land situate in Broad Creek hundred in Sussex county, and complete his title to the same.'

'Report and resolutions in relation to the controversy concerning fugitives from justice, between the States of New York and Virginia.'

'Resolution providing for the establishment of a division line between Kent and Sussex counties.'

On motion of Mr. Maull,

The bill entitled "An act for the purpose of creating an additional school district in the county of Kent," was read.

On motion of the same gentleman,

Said bill was read a second time by its title and made the order of the day for to-morrow.

Mr. Maull, on the part of the committee of conference on the subject of the disagreement of the two Houses in relation to the bill entitled "An act to improve the navigation of Lewes Creek by cutting and making a canal near Green Bank" reported as follows, to wit:—

The committee of conference, on the subject of the disagreement of the

two Houses in relation to the amendments proposed by the Senate, to the bill entitled "An act to improve the navigation of Lewes Creek, by cutting and making a canal near Green Bank," Report:—

That the Senate recede from their original amendments to said bill, substituting therefor, the following amendments:

First. Strike out of the 7th section in the 6th line, after the word "said" the word "creek," and insert in lieu thereof the word "canal."

Second. Strike out in the first and ninth sections the name of "Doct. Henry F. Hall" and insert in lieu thereof the name of "George Hickman."

Third. Strike out the 15th section.

Fourth. Strike out in the 6th, 9th and 12th lines of the ninth section the words "ten years," and insert in lieu thereof the words "four years."

Fifth. Strike out in the last section the figures "16" and insert in lieu thereof the figures "15," making the 16th the 15th section.

On motion of Mr. Maull,
The said report was

Adopted.

Ordered, That the Clerk inform the House of the adoption of the report.

Mr Comegys, Clerk of the House of Representatives being admitted, informed the Senate that the House had adopted the report of the committee of conference on the subject of the disagreement of the two Houses in relation to the bill entitled "A supplement to the act entitled 'An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal Church therein.'"

And he withdrew.

Message from the House by a member,

Mr. Marshall, member of the House, being admitted, presented to the Speaker for his signature sundry enrolled bills.

And he withdrew.

Message from the House by a member.

Mr. Betts, member of the House of Representatives, being admitted, presented to the Speaker for his signature an enrolled bill.

And he withdrew.

On motion,

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



SATURDAY, 10 o'clock A. M., February 20, 1841.

The Senate met pursuant to adjournment.

Mr. S. Jacobs, on the part of the committee of conference, on the subject of the disagreement of the two Houses in relation to the bill entitled "A supplement to the act entitled 'An act authorizing a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal Church therein,'" reported as follows, to wit:—

That the committee had agreed to amend the amendment of the Senate to the bill, by striking out the name of Edward Wooten wherever it occurs and insert in lieu thereof the name of George Maull.

Whereupon,

Mr. Spruance moved,
That the report be adopted.

On which motion,
The Senate being divided,
Mr. T. Jacobs called for the yeas and nays,
Which were as follow, to wit:—

Yeas—Messrs. Boys, du Pont, S. Jacobs, Maull, Naudain, Spruance and Speaker—7.

Nays—Messrs. T. Jacobs and Tharp—2.

So the motion

Prevailed.

And the report was

Adopted.

Mr. du Pont asked, and

On motion of Mr. Spruance,
Obtained leave to introduce a bill entitled "An act for the relief of Homœopathic Physicians," which

On motion of Mr. du Pont,
Was read.

Mr. Spruance, on the part of the committee of enrolment, reported the following bills to be duly and correctly enrolled, and presented the same to the Speaker for his signature:—

'An act to incorporate the Roseville Manufacturing Company.'

'An act re-organizing certain school districts in Kent county.'

'An act declaring certain acts public acts.'

'An act to authorize the cutting of a canal from Strunkill Gut into the Delaware bay.'

On motion of Mr. Naudain,

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

On motion of the same gentleman,

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

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

Mr. Spruance, on the part of the committee to whom was committed the bill entitled "An act concerning the writ of *capias ad satisfaciendum*," reported the following amendments, to wit:—

Amend the bill in sec. 1, line 9, after the word *State*, insert 'nor shall any such person be imprisoned for the non-performance of a decree for the payment of money.'

2. Line 10, after the word *judgment*, insert 'or the party in whose favor such decree shall be.'

3. Line 14, after the word *State*, insert 'or the chancellor.'

4. Line 15, after the word *judgment*, insert 'or decree.'

5. Make the word *five*, in the 17th and 22d lines, 'fifty.'

6. Add to the end of sec. 1, 'and shall moreover in such affidavit, specify and set forth the supposed fraudulent transaction.'

7. Sec. 3, line 18, make the word *five* 'twenty-five.'

8. Add to the end of sec. 3, 'and shall moreover in such affidavit specify and set forth the supposed fraudulent transaction.'

9. In lieu of sec. 4, insert the following as Sec. 4, '*And be it enacted*, That the provisions of this act shall not extend or apply to any person imprisoned or liable to be imprisoned by the authority of the United States, nor shall this act be construed to extend to any other than execution or final process or commitment for debt or damages, or costs of a civil suit or non-performance of a decree for the payment of money.'

10. Sec. 5, *And be it enacted*, That the act entitled 'a supplement to the act entitled an act concerning insolvent prisoners,' passed at Dover, February 10, 1832, be and the same is hereby repealed from and after the first day of May next.

11. Make sec. 5 sec. 6.

12. Amend the title 'An act concerning imprisonment for debt.'

Mr. Spruance then moved,

That the report be adopted.

Pending which motion,

Mr. Maull moved,

That said bill be indefinitely postponed.

Pending which motion,

On motion of Mr. Naudain,

The bill was made the order for this afternoon.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had indefinitely postponed the bill entitled "An act to repeal the act for the protection of fisheries on Broadkirk Creek, passed at Dover, February 2, 1837."

The Clerk also requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled "An act for the preservation of oysters that may hereafter be planted in the waters of Indian river and Rehoboth bay."

A bill entitled "A supplement to the act entitled 'An act to create an additional school district in the county of Kent,'" passed at Dover, February 6, 1839.

The Clerk also presented to the Speaker for his signature, sundry enrolled bills,

And he withdrew.

Mr. Comegys, Clerk of the House of Representatives, being again admitted, presented for the concurrence of the Senate, the following joint resolution, to wit:—

"HOUSE OF REPRESENTATIVES,

February 20, 1841.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the trustee of the fund for establishing schools in the State of Delaware, be and he is hereby directed and required to divide and apportion eleven thousand, forty six dollars and forty-nine cents of the monies now in his hands, among the several counties of this State, according to the aggregate number of white population respectively, as set forth in the official returns of the census, taken in the year one thousand eight hundred and thirty, and the share thus apportioned to each of the counties aforesaid, shall be again divided and distributed among the several school districts thereof, share and share alike, and shall put such share to the credit of each district on or before the first day of March next. And the school committee or a majority of them, of any school district, who are or shall be authorized and empowered by law to draw for any sum standing to their credit, may draw an order on the trustee of the fund aforesaid, for such sum as may be as aforesaid placed to the credit of their respective district; which order shall be accepted and paid by the said trustee on or after the said first day of March next.

Resolved by the authority aforesaid, That the trustee of the said school fund, be and he is hereby authorized and requested to invest the sum of eight thousand four hundred and twenty-five dollars and eighty-two cents, received from D. S. Gregory & Co., on account of the Delaware State lottery, which is now in his hands, immediately after the passing of this resolution, and all other sum and sums of money which shall or may be received by him, from or on account of said lottery for the use and benefit of the school fund, in the stock of the Bank of Delaware, Bank of Wilmington and Brandywine, Bank of Smyrna, and Union Bank of Delaware, or either of the said banks, as he may see fit, upon such terms as he may deem proper and most advantageous to the said fund, which investment shall as often as made be by the said trustee reported to the Auditor of Accounts; and by the auditor submitted to the General Assembly.

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence."

And he withdrew.

On motion of Mr. Spruance,
The said resolutions were read.

On motion of Mr. du Pont,
The said resolutions were committed to a committee of two.
The committee appointed were Messrs. Naudain and S. Jacobs.

On motion of Mr. Naudain,
The bill entitled "An act concerning lotteries," was read a third time
by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the
Senate endorsed upon it.

Mr. Comegys, Clerk of the House, being again admitted, presented to
the Senate for concurrence, the following joint resolution.

"HOUSE OF REPRESENTATIVES,
Feb. 20, 1841.

*Resolved by the Senate and House of Representatives of the State
of Delaware in General Assembly met,* That the Prothonotaries of the
several counties of this State be instructed to sell all the bound volumes
of the digested laws, for the sum of fifty cents per volume, and that they
give all the unbound volumes to the citizens of the State that ask for
them.

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence."

And he withdrew.

On motion,
The Senate adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock. P. M

The Senate met pursuant to adjournment.

On motion of Mr. du Pont,
The bill entitled "An act for the relief of Homœopathic physicians,"
was read a second time by special order.

On motion of the same gentleman,
Said bill was read a third time by special order; by paragraphs, and
Passed the Senate.

Mr. Naudain, on the part of the committee to whom was referred the

resolution concerning the distribution and investment of the monies in the treasury of this State, reported said resolutions without amendment.

On motion of Mr. Spruance,
The said resolutions were taken up for consideration, and

On his motion,
Amended as follows, to wit:—

Resolved, by the authority aforesaid, That the said trustee shall cause to be published in the Delaware State Journal and Delaware Gazette, a notice of the dividend made by him as mentioned in the first resolution.

On motion of the same gentleman,
Said resolutions were concurred in as amended.

Ordered to be returned to the House for concurrence in the amendment.

Mr. du Pont, on the part of the committee to whom was referred the bill entitled "An act concerning fees," reported the bill without amendment.

On motion of Mr. Spruance,
The said bill was taken up for consideration, and

On his motion,
Amended as follows, to wit:—

Amend the bill by striking out of the first section sixth line "For dispensing marriage licenses, fifty cents."

10th line, insert after the word "case," the words "on the application of either party, to be paid by the party so applying."

On motion of Mr. Maull,

The resolution concerning the distribution of the bound and unbound volumes of the Digest, was taken up for consideration, and

On his motion,
Amended as follows, to wit:—

Amend the resolution by inserting in the second line from the bottom after the word "volume," the words "of the digest."

Mr. du Pont introduced the following resolution, to wit:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That George P. Fisher, be and he is hereby authorized to purchase, for the use of the members of the Senate, ten chairs and nine desks; also, a suitable ingrain carpet for the floor of the Senate Chamber, the cost of which shall not exceed *two hundred* dollars, which sum the State Treasurer is hereby authorized and directed to pay on his order.

On motion of said gentleman,
Said resolution

Was adopted.

Ordered to the House for concurrence.

Mr. du Pont presented a communication from D. S. Gregory, & Co. which,

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

D. S. Gregory & Co., assent to the bill now before the Delaware Legislature imposing a tax not to exceed ten dollars on the drawing of each class of any lottery drawn by them in the State of Delaware, and also to the payment of fifty dollars on the drawing of each class by them, to be applied in payment of the sum authorized to be raised by such lottery and in payment of the sum stipulated to be paid by D. S. Gregory, & Co., upon their contract respecting such lottery. And further, that they will not rescind any contract made by them because of such tax and payment of fifty dollars provided for in such bill, Provided that this agreement on their part shall not be so construed as to deprive them of any of the rights and privileges they possess by the terms of the contracts. And provided further, that the provisions of said bill shall be legally enforced against any other managers of lotteries, should they not agree to, and resist the same. They further agree that if the contractors of the Georgetown lottery and the Pokomoke river lottery should rescind their contracts by reason of such law, D. S. Gregory, & Co., will assume them upon the same terms of payment as such contractors now hold them. It is to be understood, however, that if any other lottery grants are revived and drawn, or any new grants created by the Legislature, then this agreement to be void and of none effect.

D. S. GREGORY, & CO.

Dated February 12th, 1841.

On his motion,
Said communication was ordered to be filed in the office of the State Treasurer.

On motion of Mr. Maull,
The bill entitled "An act to amend the twenty-first section of the act entitled 'An act providing for the recovery of small debts,'" was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Spruance,
The bill entitled "An act to provide for the instruction of the Indigent Deaf and Dumb of this State" was taken up for consideration, and

On his motion,
Said bill was amended as follows, to wit:—

Amend the bill in the third section by inserting in the 5th line, after the word 'the' and before the word 'deaf,' in the 6th line 'indigent;' and by inserting after the word 'recommend' in the 7th line and the word 'such' in the 8th line 'only;' and by inserting after the word 'deem' in the 8th line, and before the word 'proper' in the 9th line 'indigent and'

On his motion also,
Said bill was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House for concurrence in the amendment.

On motion of Mr. S. Jacobs,

The bill entitled "An act for the preservation of oysters that may hereafter be planted in the waters of Indian river and Rehoboth bay" was read a second time by special order, and

On motion of Mr. Maull,

Said bill was amended as follows, to wit:—

Amend the bill by inserting in 10th line of the first section, after the word 'the,' the words 'top of the tide at,' and in the 11th line strike out the word 'mark.'

On motion of Mr. S. Jacobs,

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

Passed the Senate.

Ordered to be returned to the House for concurrence in the amendment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the 'Resolution for procuring a carpet, desks and chairs for the Senate Chamber.'

Also, in the amendment of the Senate to the 'Resolution for the distribution and investment of the monies in the Treasury of this State.'

And in the amendment of the Senate to the 'Resolution for the distribution of the bound and unbound volumes of the Digest.'

Also, in the bill entitled "An act for fixing the term of office of the Recorder of Deeds and for other purposes," and had amended the same and requested the concurrence of the Senate in the amendment.

The Clerk also presented to the Senate for concurrence, the following bills:

A bill entitled "An act for the protection of Deer in the State of Delaware."

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

A bill entitled "An act for the payment of claims against the State."

And he withdrew.

Message from the House by a member.

Mr. Chamberlain, member of the House, being admitted, presented an enrolled bill for the signature of the Speaker of the Senate.

And he withdrew.

On motion of Mr. Naudain,

The bill entitled "An act concerning the writ of *capias ad satisfaciendum*," was taken up for consideration, and

On his motion,
The amendments reported by the committee to whom the bill had been referred were

Adopted.

On motion of Mr. Naudain,
The bill, as amended by the Senate was read a third time by paragraphs, in order to pass the Senate.

On the question of the final passage.

The Senate being divided,

Mr. T. Jacobs called for the yeas and nays, which were as follow, to wit:—

Yeas.—Messrs. Boys, du Pont, Naudain, Spruance and Speaker—5.

Nays.—Messrs. S. Jacobs, T. Jacobs and Maull.—3.

So the question was decided

In the affirmative.

And the bill

Passed the Senate.

Ordered to be returned to the House for concurrence in the amendment.

Message from the House by a member.

Mr. Virden, member of the House, being admitted, returned an enrolled bill as having received the signature of the Speaker of the House.

And he withdrew.

On motion of Mr. Boys,

The amendment of the House to the bill entitled "An act for fixing the term of office of the Recorder of Deeds, and for other purposes," was taken up for consideration, and read as follows:

"HOUSE OF REPRESENTATIVES,

February 20, 1841.

Amend the bill entitled 'An act for fixing the term of office of the Recorder of Deeds, and for other purposes,' by adding at the end of the 8th line these words: 'and whenever the said office shall become vacant by death, resignation or otherwise.'

Extract from the Journal.

J. P. COMEGYS, Clerk.

For concurrence."

On motion of the same gentleman,
Said amendment was

Concurred in.

Ordered that the Clerk inform the House of the concurrence of the Senate in the amendment.

On motion of Mr. Spruance,

The bill entitled "An act for the protection of Deer in the State of Delaware," was taken up for consideration, and

On his motion,

Indefinitely postponed.

On motion of Mr. Spruance,

The bill entitled "An act to amend the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors,'" was taken up for consideration, and

On his motion,

Indefinitely postponed.

On motion of Mr. du Pont,

The bill entitled "An act concerning fees," was read a third time by paragraphs, and

Passed the Senate.

Ordered to be returned to the House for concurrence in the amendment.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act to provide for the instruction of the indigent deaf and dumb of this State."

Also in the amendment of the Senate to the bill entitled "An act concerning the writ of *habeas corpus* ad satisfaciendum."

The Clerk also presented to the Speaker of the Senate two enrolled bills for his signature, and returned an enrolled bill as having received the signature of the Speaker of the House.

He also informed the Senate that the House had indefinitely postponed the bill entitled "An act for the relief of Homœopathic physicians."

And he withdrew.

On motion,

The Senate adjourned until 10 o'clock on Monday morning.



MONDAY, 10 o'clock, A. M. February 22, 1841.

The Senate met pursuant to adjournment.

Mr. du Pont, chairman of the committee on accounts, made the following report, to wit:—

The committee of accounts beg leave to submit to the Senate the following accounts, and recommend the allowance of the same.

	Days.	Miles.	
To Charles Polk, Esq., Speaker of the Senate,	51	24	\$210 00
Presley Spruance, Esq.,	49	12	150 00

To Joseph Maull, Esq., - - -	51	32	\$161 00
Thomas Jacobs, Esq., - - -	51	37	162 25
Thomas Deakyne, (deceased,) - - -	3	18	13 50
William Tharp, - - -	51	25	159 25
Stansberry Jacobs, - - -	51	42	163 50
Abraham Boys, - - -	51	56	167 00
Charles I. du Pont, - - -	51	55	166 75
A. S. Naudain, - - -	27	22	86 50
George P. Fisher, Clerk, for transcribing and engrossing bills, reports and resolutions, reading and filing petitions, - - -			330 00
His per diem allowance, - - -			147 00
			<hr/> \$477 00

Stationery and subscriptions to newspapers, per bills rendered against George P. Fisher, - - -			35 75
John N. Harker, as per certificate of Ch. Marim, Esq., late Secretary of State, - - -			120 20
Balance due for printing Journal of the Senate for 1839, - - -			57 40
Samuel Kimmey, for printing for the Senate at its present session, - - -			94 84
Peter Adams, for serving writ on sheriff of New Castle county, for holding a special election, - - -			12 12
James Cowgill's bill for stationery. - - -			1 14
Eben Callahan for cutting wood, - - -			3 25
H. S. Benson for repairs to grate in Senate chamber, - - -			1 00
Henry Eubanks for sundries as per bill, - - -			1 62
James A. Dunning for sundries, - - -			1 00
Sophia Kello, do - - -			1 00
Purnal Maull for daily services, - - -			147 00
Charles Kello, (for Elizabeth Kello,) fire maker, - - -			40 00
James H. Stevenson, postage for members, - - -			34 34
John R. Bostick, as per account rendered, - - -			130 66

Mr. Comegys, Clerk of the House, being admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act for the preservation of oysters that may hereafter be planted in the waters of Indian river and Rehoboth bay."

Also that the House had concurred in the amendment of the Senate to the bill entitled "An act concerning fees."

And he withdrew.

On motion of Mr. Spruance,

The bill entitled "An act for the protection of Deer in the State of Delaware," was reconsidered.

On motion of Mr. Maull,

Said bill was read and amended as follows, to wit:—

Amend the bill by inserting in section 1, line 4, after the word "any" wherever it occurs in said line, the word "wild."

On his motion,
Said bill as amended, was read a second time by special order.

On his motion also,
Said bill was read a third time by special order by paragraphs, and
Passed the Senate.

Ordered to the House for concurrence in the amendment.

Mr. du Pont introduced the following resolution:

Whereas, by two several acts of the General Assembly of the State of Delaware, passed, respectively, on the eleventh day of January, in the year of our Lord one thousand eight hundred and three, and on the first day of February, in the year of our Lord one thousand eight hundred and twenty-seven, the General Assembly of the State of Delaware, as aforesaid, ceded and conveyed to the United States of America, fully and absolutely, the piers erected off the town of New Castle, and the sites thereof, and a site for other piers, for the purposes of improving and completing the harbor at New Castle; and whereas, the said harbor remains yet in an unfinished condition, giving insufficient protection to the many vessels obliged to resort to it; and whereas it is believed that the wisdom and justice of an ample appropriation for the completion of the said harbor at New Castle, so important to the protection and safety of the commerce of the Delaware, will accord with the disposition of Congress: Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That our Senators and Representative in Congress, and the Representative elect of the State be, and they hereby are requested, to urge an appropriation from the General Government for the completion of the harbor in the river Delaware, at the town of New Castle.

Resolved, That copies of the foregoing preamble and resolution be signed by the Speakers of the Houses respectively, and transmitted by them to each of the Senators, and the Representative, and the Representative elect of this State, in the Congress of the United States, which

On his motion,
Were

Adopted.

Ordered to the House for concurrence.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had passed, and requested the concurrence of the Senate in the following bills, to wit:—

A bill entitled ‘An act for the preservation of the Presbyterian Meeting house and grave-yard in the town of Dover.’

A bill entitled “An act to amend the act entitled ‘An act for regulating fees.’”

And he withdrew.

On motion of Mr. T. Jacobs,
Said bills were read.

Mr. Comegys, Clerk of the House of Representatives, being again admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act for the protection of Deer in this State."

Also, that the House had concurred in the "Resolutions concerning the harbor of New Castle."

And he withdrew.

Mr. Spruance, on the part of the committee of conference on the subject of the disagreement between the two Houses relative to the resolution for the removal of the remains of Col. John Haslet, made the following report, to wit:—

That the Senate recede from their disagreement to the amendment of the House to the first resolution, and that the Senate do agree to said amendment.

On motion of Mr. Naudain,

Said report was

Adopted.

Ordered that the Clerk inform the House of the adoption of the report.

On motion of Mr. du Pont,

The bill entitled "An act to amend the act entitled 'An act for regulating fees'" was read a second time by its title.

On motion of the same gentleman,

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

Passed the Senate.

Ordered to be returned to the House with the concurrence of the Senate endorsed upon it.

On motion of Mr. Spruance,

The bill entitled "An act for the purpose of creating an additional school district in the county of Kent," was

Indefinitely postponed.

Mr. Comegys, Clerk of the House of Representatives being admitted, informed the Senate that the House had concurred in the report of the committee of conference on the subject of the disagreement of the two Houses relative to the resolutions for removing the remains of Col. John Haslet.

And he withdrew.

Mr. Spruance, on the part of the committee of enrolment, reported the following bills and resolutions to be duly and correctly enrolled, and presented the same to the Speaker for his signature:

'Resolution concerning the purchase of desks, chairs, &c., for the Senate chamber.'

'Joint resolutions on the subject of the repair of the arsenal, and the cleaning and preservation of the public arms.'

'An act allowing for a limited time an additional Justice of the Peace in the county of New Castle.'

'An act to incorporate the trustees of T. Town Meeting-house in Sussex county.'

'A supplement to the act entitled 'An act to revive and continue in force An act prohibiting the use of wears, hedges and gill-nets in St. Jones, Creek.'

'An act fixing the annual salary of the Treasurer of New Castle county.'

'An act to divide school district No. 65, and school district No. 73, in Sussex county.'

'An act concerning lotteries.'

'An act to amend the act of the present session entitled 'An act to amend the supplement passed January 25th, 1830, to the act for the establishment of free schools, and also to amend the 5th section of the original act, and for other purposes.'

'A resolution providing for the distribution and sale of the bound and unbound volumes of the Digest.'

'An act to authorise the owners and possessors of the marsh and low grounds, commonly called and known by the name of Horsepen Drain in the forest of Murderkill hundred, in Kent county, to cut a ditch or drain through the same.'

On motion of Mr. Naudain,

The bill entitled "An act for the preservation of the Presbyterian meeting house and grave yard, in the town of Dover," was read a second time by special order, and amended as follows, to wit:—

Amend the bill in the thirty-second line, by striking out the word "Governor," and inserting in lieu thereof the words, "remaining trustee or trustees."

On his motion,

Said bill as amended, was read a third time by special order by paragraphs, and

Passed the Senate.

Ordered to be returned to the House for concurrence in the amendment.

On motion of Mr. Spruance,

The bill entitled "An act for the payment of claims against the State," was taken up for consideration, and read.

On his motion

Said bill was amended as follows, to wit:—

Amend the bill by adding the following to the first section:—To Samuel Brown the sum of twenty-five dollars, as a compensation for taking care of the Senate chamber and furniture, &c., since the session of 1839, and for fitting up, cleaning and putting the same in order, and for other services.

On motion of Mr. Maull,
Said bill was amended as follows, to wit:—

Amend the bill by striking out the allowance made to Elizabeth Rowe of the sum of one hundred dollars.

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act for the preservation of the Presbyterian church and grave-yard in the town of Dover."

And he withdrew.

On motion,
The Senate then adjourned until 2 o'clock this afternoon.



Eodem Die, 2 o'clock P. M.

The Senate met pursuant to adjournment.

Mr. Spruance on the part of the committee of enrolment reported the following resolutions to be duly and correctly enrolled, and presented the same to the Speaker for his signature:—

'Resolution authorizing the Clerk of the Senate to have printed one thousand copies of the Report of the State Geologist.

'Resolution requesting the Secretary of State to transmit to the Library of Congress, copies of the sixth, seventh and eighth volumes of the Delaware Laws.

'Resolution directing the Clerk of the Senate to have printed 300 copies of the act entitled "An act to amend the supplement passed January 25, 1830, to the act for the establishment of free schools."

'Resolutions concerning the restriction of the eligibility of Presidents of the United States to a single term of four years.

'Resolution concerning the preservation of the revolutionary rolls and papers.'

'Resolutions concerning the appointment of a Librarian, a person to take charge of the Representative hall and Senate chamber.'

'Resolutions for the appointment of a committee to settle with the State Treasurer, &c.

'Resolution for the payment of certain judges ad litem.

'Preamble and resolutions on the subject of French spoliations.

'Joint resolutions for the distribution and investment of certain monies in the treasury of this State.

Mr. Comegys, Clerk of the House of Representatives being admitted,

presented to the Speaker for his signature, sundry enrolled bills and resolutions.

And he withdrew.

On motion of Mr. Spruance,

The bill entitled "An act for the payment of claims against the State" was read a second time by its title.

On his motion,

Said bill was read a third time by its title, and

Passed the Senate.

Ordered to the House for concurrence in the amendment.

On motion of Mr. Spruance,

Two additional members were appointed on the committee of enrolment.

The chairman appointed Messrs. du Pont and Naudain.

Mr. Comegys, Clerk of the House of Representatives being admitted, returned sundry enrolled bills.

The Clerk also informed the Senate that the House had concurred in the amendment of the Senate to the bill entitled "An act for the payment of claims against the State."

He also informed the Senate that the House had passed, and requested the concurrence of the Senate in the following resolution:—

"HOUSE OF REPRESENTATIVES,
February 22, 1841.

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 appointed to take charge of the books and papers belonging to the House of Representatives.

Resolved, That Joseph P. Comegys be, and he is hereby authorised and requested to purchase the necessary stationary for the next session of the General Assembly; also, to cause to be repaired the portrait of Washington, in the hall of the House of Representatives; and the State Treasurer is hereby directed to pay to the said Joseph P. Comegys on his order, the sum of sixty dollars, to enable him to carry the provisions of this resolution into effect; and the said Joseph P. Comegys is hereby directed to present his accounts and vouchers, for the service herein imposed upon him, to the next session of the Legislature for their allowance.

Extract from the Journal.

J. P. COMEGYS, *Clerk.*

For concurrence."

And he withdrew.

Message from the House by a member.

Mr. Black, member of the House being admitted, returned sundry enrolled bills.

And he withdrew.

On motion of Mr. Naudain,

The resolution appointing J. P. Comegys to take care of the papers of the House of Representatives, &c. was read and

Adopted.

Ordered to be returned to the House.

On motion of Mr. du Pont,

The following resolution was

Adopted, to wit:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That George P. Fisher be, and he is hereby appointed to take charge of the books and papers belonging to the Senate.

Resolved, That George P. Fisher be, and he is hereby authorised and requested to cause the Speaker's seat to be overhung with new drapery; and the State Treasurer is hereby directed to pay to the said George P. Fisher on his order, the sum of forty dollars, to enable him to carry into effect the provision of this resolution; and the said George P. Fisher is hereby required to present his accounts and vouchers for the service herein imposed upon him, to the next session of the Legislature for their allowance.

Ordered to the House for concurrence.

Mr. Comegys, Clerk of the House of Representatives being admitted, informed the Senate that the House had concurred in the resolution appointing George P. Fisher to take charge of the books and papers of the Senate.

And he withdrew.

Message from the House by a member.

Mr. Virden, member of the House being admitted, presented for the signature of the Speaker of the Senate an enrolled resolution.

And he withdrew.

Mr. Spruance, on the part of the committee of enrolment, presented to the Speaker for his signature, the following bills, which he reported as having been duly and correctly enrolled:

'Joint Resolution for providing new furniture for the House of Representatives.'

'A supplement to the act entitled An act laying a tax on dogs in New Castle county,' passed at Dover, February 21, one thousand eight hundred and thirty-nine.'

'An act for fixing the term of office of the Recorder of Deeds and for other purposes.'

'An act to amend the act entitled 'An act providing for the punishment of certain crimes and misdemeanors.'

'An act to enable Ezekiel Timmons (of E.) to locate certain vacant land situate in Broad creek hundred, Sussex county, and to complete his title to the same.'

'A supplement to the act entitled An act authorizing a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county and for finishing the Episcopal Church therein.'

'An act to amend the twenty-first section of the act providing for the recovery of small debts.'

'An act to place in good repair a bridge over Lewes creek, from the town of Lewes to the cape side of the said creek, in the county of Sussex.'

'An act to provide for the indigent deaf and dumb of this State.'

'A further supplement to the act entitled 'An act to authorise the owners and possessors of the marsh or low grounds, commonly called and known by the name of the Culbreath Marsh, situate in the forest of Murderkill and Dover hundreds, in Kent county, to cut a ditch or drain through the same.'

'A further supplement to the act entitled An act providing for the punishment of certain crimes and misdemeanors.'

'An act to enable John H. Burton to locate certain vacant land situated in Dagsborough hundred in Sussex county, and to complete his title to the same.'

'An act concerning imprisonment for debt.'

'An act concerning fees.'

'An act for the preservation of oysters that may hereafter be planted in the waters of Indian river and Rehoboth bay.'

'Joint Resolutions in relation to the District of Columbia.'

'An act for the protection of deer in the State of Delaware.'

'An act to amend the act entitled An act regulating fees.'

'A resolution concerning the harbor of New Castle.'

'Resolutions on the subject of the removal of the remains of Col. John Haslet.'

'An act for the payment of claims against the State.'

'A Joint Resolution appointing Joseph P. Comegys to take charge of the books and papers of the House of Representatives, &c.'

'A Joint Resolution appointing George P. Fisher to take charge of the books and papers of the Senate, &c.'

'An act directing the time, place and manner of holding elections for Senators from this State in the Senate of the United States.'

'An act for the relief of Esther Coverdill.'

'An act to divorce Foster Donovan and his wife Avis Donovan from the bonds of matrimony.'

'A supplement to the act entitled An act to incorporate the Wilmington Fire Insurance Company.'

'An act to enable William W. Delany, of Sussex county, to survey and locate certain vacant land and to complete his title to the same.'

An act to improve the navigation of the Lewes Creek by cutting and making a canal near Green Bank.'

'An act concerning lotteries.'

'An act for the preservation of the Presbyterian Meeting House and Grave-yard in the town of Dover.'

Mr. Comegys, Clerk of the House of Representatives, being admitted, informed the Senate that the House had now finished all the business of the Session and would be ready to adjourn in five minutes.

And he withdrew.

Ordered that the Clerk proceed to inform the House that the Senate have finished the business of the Session, and are now ready to adjourn.

Mr. du Pont then laid on the table the following resolution, viz:

Resolved that the thanks of the Senate be, and are hereby cordially and unanimously tendered to Charles Polk, Esq., for the impartial and honorable manner in which he has discharged his duty as Speaker of this body.

Which,

On his motion,
Was

Unanimously adopted.

Whereupon,
The Speaker arose and addressed the Senate as follows, to wit:

Gentlemen:—

I should be very much wanting in sensibility, did I not feel deeply affected by the kind expression contained in your resolution of my official conduct as presiding officer of your body. The just pride which the trust conferred upon me inspires, is heightened by the regard and confidence of the many distinguished trusts reposed in me by my fellow-citizens—this confidence has been the dearest reward of my humble labors. In my retirement to the shades of private life, I shall ever look back with much satisfaction at the kind associations I have formed whilst participating in your deliberations. On the eve of a painful separation, permit me gentlemen to add my ardent wishes for your individual prosperity and happiness, and a safe return to the bosoms of your families.

In pursuance of the resolution for adjournment, I now adjourn the Senate, *sine die*.

ATTEST.

GEORGE P. FISHER,

Clerk of the Senate of the State of Delaware.

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D.

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J.

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L.

Layton, Eli, An act to enable him to locate certain vacant lands—presented for concurrence and read 243, read a second time 245—read a third time and passed 246, enrolled 266.

Levy Court and Court of Appeal, An act to amend the act concerning the constitution of the—presented for concurrence and read 190, read a second and third time and passed 280, enrolled 300.

Levy Court, Clerk of the Peace, Assessors, Collectors and County Treasurers, An act to amend the act concerning the—presented for concurrence and read 214, read a second time, and indefinitely postponed 249.

Lewes Beneficial Society, An act to incorporate the—presented for concurrence and read 247, read a second time 249, read a third time and passed 255, enrolled 300.

Lewes Creek, An act for the improvement of—presented for concurrence and read 268, read a second time and amended 288, read a third time and passed 295, amendment non-concurred in by the House 298, reported with amendment by committee of conference 311, enrolled 330.

—————, An act to place in good repair a bridge over Lewes

BILL,

Creek—presented for concurrence and read 289, read a second time and amended 297, read a third time and passed 303, enrolled 329.

Lore, Auly, An act for the relief of—reported and read 278, read a second time 280, read a third time and passed 284, concurred in by the House 292, enrolled 301.

Lotteries, An act to regulate the institution and drawing of—presented for concurrence and read 181.

————— An act concerning—presented for concurrence and read 307, read a second and third time and passed 316, enrolled 325.

Lottery, An act authorizing a—reported and read 270, read a second time 280, read a third time and passed 283, postponed indefinitely by the House 290.

M.

Marriage, A supplement to the act entitled an act regulating—introduced on leave and read 238, read a second time 240, read a third time and passed 245, concurred in by the House 279, enrolled 300.

McGee Ellender, An act to divorce her from her husband—reported and read 35, read a second time 36, taken up for a third reading and postponed to 13th of January, read a third time and passed 171, returned from the House amended 173, amendment concurred in 174, enrolled 210.

Meteer Samuel, An act to enable his administrator to sell real estate—presented for concurrence and read 282, read a second time 291, read a third time and passed 292, enrolled 311.

Milford, An act to amend the act to regulate and repair the streets of—presented for concurrence and read 250, read a second time 276, taken up and amended and read a third time and passed 281, enrolled 311.

Milford Hundred, An act for the improvement of lands and keeping dams, &c., in repair on Swan Creek in—presented for concurrence and read 223, read a second time 230, read a third time and passed 234, enrolled 268.

Mill Property, An act to amend the act for the preservation of—presented for concurrence 234, taken up for consideration and indefinitely postponed 238.

N.

BILL,

Newark College, An act to amend the act to establish—presented for concurrence and read 220, read a second time 230, read a third time and passed 231, enrolled 286.

New Castle and Frenchtown Railroad Company, An additional supplement to the act concerning the—introduced on motion for leave and read 242, read a second time 270, read a third time and passed 285, concurred in by the House 292, enrolled 300.

New Castle and Kent counties, An act for changing the division line between—reported and read 278, read a second time 281, read a third time and passed 284, concurred in by the House 304, enrolled 311.

O.

Oysters, An act for the preservation of—presented for concurrence and read 314, amended, read a second and third time and passed 319, amendment concurred in by the House 322, enrolled 329.

Orphans' Court, An act to amend an act empowering the, to sell real estate of minors—presented for concurrence and read 319, indefinitely postponed 321.

Orphans' Court, A supplement to the act empowering the, to direct the sale of the real estate of minors—presented for concurrence and read 226, read a second time 254, read a third time and passed 285, enrolled 304.

P.

Presbyterian Meeting House in Dover, An act for the preservation of—presented for concurrence and read 323, read a second time, amended, read a third time and passed 325, amendment concurred in by the House 329, enrolled 330.

Public Acts, An act declaring certain acts public acts—presented for concurrence and read 268, read a second time 295, read a third time and passed 306, enrolled 313.

R.

Repeal, An act to repeal parts of certain acts—introduced on motion

BILL,

for leave and read 258, read a second and third times and passed 283, concurred in by the House 284, enrolled 301.

Register for the Probate of Wills, &c., in Kent county, An act authorizing him to procure a new seal of office—presented for concurrence and read 230, read a second time 242, read a third time and passed 245, enrolled 266.

Register for the Probate of Wills, &c., in Sussex county, An act to enable him to procure a new seal of office—presented for concurrence and read 241, read a second time 247, read a third time and passed 257, enrolled 300.

Rodney, John, and Jacob Forsett, An act to enable, to erect a mill-dam—presented for concurrence and read 256, read a second time 260, amended and read a third time and passed 266, amendment concurred in by the House 280, enrolled 299.

Roseville Manufacturing Company, An act to incorporate the—introduced on leave and read 233, amended 261, 262, 263, 264, 265, read a second and third time and passed 269, concurred in by the House 285, enrolled 313.

Rokeby Manufacturing Company, An act to incorporate the—introduced on motion for leave and read 281, read a second time 284, read a third time and passed 288, concurred in by the House 302, enrolled 304.

S.

Scott, James, An act to enable him to locate vacant lands—presented for concurrence and read 175, read a second and third time and passed 178, enrolled 225.

School Districts, No. 2 and 3 in New Castle county, An act concerning the division of—reported and read 257, read a second time and amended 277, read a third time and passed 284, concurred in by the House 296, enrolled 304.

School Districts, No. 65 and 73 in Sussex county, An act to divide—reported and read 257, read and amended 276, read a third time and passed 277, enrolled 325.

School District, An act to create an additional—in Sussex county, presented for concurrence and read 277, read a second time 291, read a third time and passed 295, enrolled 311.

BILL,

Schools, And act to amend the act for the encouragement of schools in this State—presented for concurrence and read 289, read a second time and amended 297, read a third time and passed 298, enrolled 311.

Seaford Bridge Company, A supplement to the act to incorporate the—reported and read, 248, read a second time 249, read a third time and passed 253, postponed to the first of May next by the House 278.

Senators from this State in the Senate of the United States, An act directing the time, place and manner of holding elections for—presented for concurrence 18, read 19, read a second time 21, motion to read a third time, lost 23, postponed until 13th January 24, taken up out of order for consideration 34, read a third time and passed 34, enrolled 329.

Shell Fisheries, A supplement to the act for the preservation of—presented for concurrence and read 195, read a second time and amended 217, read a third time and passed 221, amendment concurred in by the House 229, enrolled 287.

————— An act to repeal an act relating to—reported and read 223, read a second time 254, read a third time and passed 258, indefinitely postponed by the House 314.

Ships and Vessels, A supplement to the act for their protection—presented for concurrence and read 246, read a second time 260, read a third time and passed 280, enrolled 300.

Slaves, An act to amend the act concerning certain crimes and offences committed by them, &c.—presented for concurrence and read 232, read a second time and amended 238, indefinitely postponed 254.

Smith, Samuel G., An act to enable him to locate vacant lands—reported and read 214, read a second time 221.

Smith, John, An act granting uncultivated marsh to—presented for concurrence and read 292, read a second time and indefinitely postponed 305.

Smithers, Sally Ann, Mary and Enoch, An act to enable them to make exchange of lands—reported and read 247, read a second time 253, read a third time and passed 259, concurred in by the House 276, enrolled 286.

Strunkill Gut, An act to authorize cutting a canal from—reported and read 269, read a second time 281, read a third time and passed 281, con-

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curred in by the House with an amendment 300, amendment concurred in 306, enrolled 313.

St. Jones' Creek, An act to revive an act prohibiting the use of weirs, hedges and gill nets in—presented for concurrence and read 282 290, read a second time 295, read a third time and passed 303, enrolled 325.

T. Town Meeting House, An act to incorporate trustees of—presented for concurrence and read 299, read a second and third time and passed 309, enrolled 325.

Temperance Beneficial Association of Wilmington and Brandywine, An act incorporating the—presented for concurrence and read 232, read a second time 238, read a third time and passed 239, enrolled 266.

Timmons Ezekial, of E., An act to enable him to locate vacant lands—presented for concurrence and read 392, read a second and third time and passed 302, enrolled 329.

Treasurer of New Castle County, An act fixing the salary of the—presented for concurrence and read 289, read a second time and amended 292, read a third time and passed 292, amendment concurred in by the House 301, enrolled 321.

U.

Union Bank of Delaware, A supplement to their act of incorporation—presented for concurrence and read 223, read a second time 232, read a third time and passed 237, enrolled 266.

W.

Washington Beneficial Society, An act to incorporate the—presented for concurrence 222, read a second time 225, read a third time and passed 239, enrolled 286.

Washington Fire Company, An act to incorporate the—presented for concurrence and read 229, read a second time 248, amended 250, read a third time and passed 250, amendment concurred in by the House 251, enrolled 286.

BILL,

Watkins John, An act to enable him to locate vacant lands—reported and read 182, read a second time 172, read a third time and passed 173, concurred in by the House 213, enrolled 225.

Wells Joseph, An act to enable him to locate vacant lands—presented for concurrence and read 259, read a second time 284, read a third time and passed 288, enrolled 311.

Wesleyan Female Collegiate Institute, An act to incorporate the—presented for concurrence and read 222, read a second time 226, read a third time and passed 227, enrolled 287.

White Marsh Company, An act to repeal their act of incorporation—reported and read 220.

Wilmington City Charter, A further supplement to the—reported and read 218, read a second time 231, taken up for consideration and amended and read a third time and passed 241, concurred in by the House 256, enrolled 269.

Wilmington Fire Insurance Company, A supplement to their act of incorporation—reported and read 187, read a second and third time and passed 211, concurred in by the House 234, enrolled 330.

Wilmington, A further supplement to the act to alter and re-establish the charter of the borough of—presented for concurrence and read 255, read a second time 260, read a third time and passed 298, enrolled 311.

Wilmington and Christiana Turnpike Company, A supplement to the act of incorporation of the—reported and read 260, read a second time 278, read a third time and passed 282, concurred in by the House 296, enrolled 300.

C.

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COMEGYS, CORNELIUS P.

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COMMITTEE.

Accounts of, appointed 258, reported 321.

Charity, Sisters of, on their petition for an act of incorporation—appointed 193, reported 216.

Conference of, appointed 237, 242, 294, 298, 306.

Delaney, William W. on his petition to locate vacant lands—appointed 211, reported 216.

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Governor, to wait on the—appointed 4, reported 5.

———, to invite to a seat on floor of Senate—appointed 18, reported 18.

———, to wait on the Governor elect—appointed 175, reported 175.

Jackson, Peter R. on his petition for an act to locate vacant lands—appointed 195.

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Lore, Auly, on his petition, to divide certain real estate—presented, read and referred 268, reported 278.

McGee, Elender, on her petition for divorce—appointed 5, reported 35.

Milford Neck, on petition of citizens of—appointed 266, reported 269.

Palmatory, Robert, on his petition for an act to sell ward's lands—appointed 172, reported 173.

Seaford Bridge Company, praying an increase of tolls—read and referred 244, reported 248.

School District No. 65 in Sussex county, on petition for an act to divide—appoint 224, reported 257.

——— Nos. 1 and 2 in New Castle county, on petition for an act to divide—appointed 22, reported 257.

State Treasurer, to settle with—appointed 21, reported 191.

Shell Fishery, on petition for an act for preservation of, appointed 221.

Smith, Samuel G. on his petition for an act to locate vacant lands—appointed 210, reported 214.

Smithers, Joseph, praying an act to enable his children to exchange certain lands—presented, read and referred 244, reported 247.

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Watkins, Joseph, on his petition to locate vacant lands, appointed 36, reported 172.

Wilmington City Charter, on petition for an act to amend the—appointed 187, reported 213.

Wilmington Fire Insurance Company, on their petition for amendment of act of incorporation—appointed 170, reported 187.

Wilmington and Christiana Turnpike Company, on petition praying an amendment to charter of—appointed 257, reported 260.

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Harper, Joseph L. late Auditor, from—177, 196.

Houston, John W. Secretary of State, from—194, 195.

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F.

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POLK, CHARLES,

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Address from 321.

PETITION,

Charity, Sisters of, for an act of incorporation—presented, read and referred 193.

Delany, William W., for an act to enable him to locate vacant lands—presented read and referred 211.

Dogs, praying the repeal of the law taxing—presented and read 256.

Fish and Game, for the protection of—presented and read 254.

Imprisonment for Debt, to abolish—read 249, 289.

Jackson, Peter R., of for an act to enable him to locate vacant lands—presented read and referred 195.

Kent County, from citizens of, praying a revision of school districts in—presented and read 286.

Lore, Auly, praying division of estate—presented read and referred 268.

Lottery, from sundry citizens of Sussex county, praying an act for a—presented read and referred 258.

Lotteries, from citizens of Kent county, concerning—presented and read 307, from citizens of New Castle county, presented and read *ib.*

Milford Neck, a petition from citizens of—presented read and referred 206.

McGee, Elender, of for an act to divorce—presented read and referred 5.

Negroes, Free, in relation to—presented and read 255-6, 307.

PETITION,

New Castle county, from citizens of, praying an amendment to the charter of the Wilmington and Christiana Turnpike Company—presented read and referred 257.

Palmatory, Robert of, for an act to enable him to sell minor's lands—presented, read and referred 172.

Penitentiary, concerning—presented and read 307.

School District No. 65 in Sussex county of, for the division of—presented read and referred 224.

School Districts No. 1 and 2 in New Castle county of—for division of, presented, read and referred 224.

Seaford Bridge Company for an act to raise tolls of—presented, read and referred 244.

Shell Fisheries, for the repeal of an act concerning—presented, read and referred 221.

Smith, Samuel G. of—for an act to enable him to locate vacant lands, presented, read and referred 210.

Smithers, Joseph for an act to enable his children to exchange certain lands, presented, read and referred 244.

Watkins, Joseph of—for locating vacant lands, presented, read and referred 36.

Wilmington City Charter, for an amendment of the—presented, read and referred 187, 236.

Wilmington Fire Insurance Company of, for an amendment of act of incorporation—presented, read and referred 170.

Wilmington and Christiana Turnpike Company, of, praying an amendment to charter—presented, read and referred 257.

Remonstrance against taxing dogs in New Castle county 256, presented and read.

REPORT—

Geological committee of the State, of presented 37, 1000 copies ordered to be printed 189.

Hall Willard, Superintendant of Free Schools, of, presented for consideration, read and 1000 copies printed 227.

RESOLUTION—

Adjournment, for a certain time—presented for concurrence and read 190, concurred in 194.

————— of the respective Houses sine die—presented for concurrence and read 295, concurred in *ib.*

RESOLUTION,

Auditor of Accounts, for the appointment of—presented for concurrence 189, read and amended 190, the House non-concur in the amendment of the Senate 191.

————— for the appointment of—presented for concurrence, read and concurred in 193, enrolled 200.

————— calling on him to report to the Senate the amount of commission allowed State Treasurer, and on what debts collected—presented, read and adopted 176.

————— appointing the, to settle with Elijah Cannon, late State Treasurer—presented for concurrence 226, and concurred in 226, enrolled 320.

Appointments to office by the Governor, calling on the Secretary of State to furnish a tabular statement of—read and adopted 188.

Arsenal, for the repair of, and putting in repair the arms, &c.—presented for concurrence and read 246, amended and concurred in 291, amendment disagreed to by the House 294, reported with amendments by committee of conference 305, concurred in 306, enrolled 326.

Betts, Mahlon, authorising him to purchase chairs and desks for the use of House of Representatives—presented for concurrence and read 293, concurred in 306, enrolled 328.

Buckmaster, Joseph, appointing him to take charge of the State library and the chambers of the Legislature—presented for concurrence 235, postponed 236, taken up for consideration and amended 240, amendment concurred in by the House 241, enrolled 326.

Columbia, District of, concerning the remonstrance of the the citizens of—presented for concurrence, read and concurred in 199, enrolled 329.

Comegys, Joseph P., appointing him to cause to be repaired the portrait of Washington, and to take charge of the books and papers of the House—presented for concurrence and read 327, concurred in 328, enrolled 329.

Dawson, Bayard, for his relief—presented for concurrence and read 226-7, concurred in 271, enrolled 301.

Deakne, Thomas, in relation to his death—read and adopted 187.

Delaware Laws, to print 200 copies of the 8th volume of—introduced, read and adopted 222, concurred in by the House *ib.*, enrolled 225.

Digest of the Laws, instructing the prothonotaries to sell—presented for concurrence and read 316, amended 317, amendment concurred in by the House 319, enrolled 325.

Fisher, George P., appointing him to take charge of the books and papers of the Senate, &c.—introduced, read and adopted 328, concurred in by the House 328, enrolled 329.

RESOLUTION,

Farmer's Bank of the State of Delaware, appointing directors for—introduced, read and adopted 26, concurred in by the House *ib.*, enrolled 210.

Fisher, George P., authorising him to purchase furniture for Senate chamber—introduced, read and adopted 317, concurred in by the House 319, enrolled 324.

French Spoliations, concerning of—presented for concurrence and read 214, read and motion for indefinite postponement lost 229, concurred in 302, enrolled 326.

Free Schools, for printing 300 copies of the act concerning—presented for concurrence and read 229, concurred in 285, enrolled 306.

Governor, appointing a joint committee to wait on the—read, adopted and concurred in by the House 4.

———, for a joint meeting to publish the returns of the election for—presented for concurrence 19, concurred in 20.

———, for a joint committee to wait on the Governor elect, and attend him while he takes the oaths of office—presented for concurrence, read and concurred in, and committee appointed on the part of the Senate 176.

Harbor in the river Delaware, at New Castle, requesting our Senators and Representative in Congress, to urge an appropriation by the General Government, for the completion of—introduced, read and adopted 323, concurred in by the House 324, enrolled 329.

Haslet, John, for the removal of the remains of—presented for concurrence and read 177, read a second time, taken up for consideration and non-concurred in 232.

———, for removal of the remains of, introduced and read 232, amended and adopted 233, concurred in by the House with an amendment 235, amendment of the House disagreed to 236, reported by committee of conference with amendments and concurred in 324, enrolled 329.

Houston, Liston A., appointing him Auditor of Accounts—presented for concurrence and concurred in 190.

Judges ad litem, to pay them for services—presented for concurrence and read 215, concurred in 250, enrolled 266.

Kent and Sussex, appointing commissioners to run and mark division line between the counties of—presented for concurrence and read 287, concurred in 291, enrolled 311.

Legislative Committee, for the appointment of—presented for concurrence 243, amended and concurred in 244, enrolled 266.

Librarian of Congress, to transmit to him the sixth, seventh and

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eighth volumes of the Laws of Delaware—presented for concurrence 215, concurred in *ib.* enrolled 326.

Newark College, for a donation of certain books to—presented for concurrence and read 296, indefinitely postponed 297.

New Jersey, concerning the contested election for members of Congress in—presented for concurrence and read 199, concurred in 279, enrolled 301.

Newspapers, to furnish members with—read and adopted 18.

New York and Virginia, concerning a controversy between, on the subject of fugitives from justice—presented for concurrence and read 180, taken up for consideration and postponed till afternoon 242, made order of the day for Wednesday next *ib.* concurred in 285, enrolled 311.

New York, Historical Society of, for furnishing them with copies of Journals, Laws, &c.—presented for concurrence and read 259, indefinitely postponed 303.

President of the United States, for his ineligibility for more than one term—presented for concurrence and read 197, concurred in 237, enrolled 326.

Public Lands, for the distribution of the proceeds of the—presented for concurrence and concurred in 174, enrolled 225.

Revolutionary Rolls and Papers, for the preservation of—presented for concurrence 234, and concurred in 234, enrolled 326.

Senators in Congress, for a joint meeting to elect—introduced, read and adopted 17, returned from the House concurred in 17.

Sheriff of Kent County appointing the—collect arms, &c., presented for concurrence and read 246, amended and concurred in 291, amendments disagreed to by the House 294, reported amended by a committee of conference 305, enrolled 306.

Spearman, Simon appointing him Auditor of Accounts, presented for concurrence and concurred in 193, enrolled 225.

Sub-Treasury Law, for the repeal of—and the establishment of a National Bank, introduced, read and adopted 199, concurred in by the House 211, enrolled 225.

Surplus Revenue, concerning the—presented for concurrence 215, read and non-concurred in 230.

Trustee of the School Fund, directing the Trustee of the School Fund to divide and apportion money in his hands among the several counties of the State, and to invest a sum to be received from D. S. Gregory, & Co.—presented for concurrence and 315, referred 216, amended and concurred in 317, amendment concurred in by the House 319, enrolled 326.

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Waples, William D. voted for as 35.

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BY virtue of an act of the General Assembly of the State of Delaware, passed at Dover, on the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and twenty-nine, 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," I do hereby appoint Samuel Kimmey to print the foregoing Journal and Index.

GEORGE P. FISHER,

Clerk of the Senate of the State of Delaware.

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