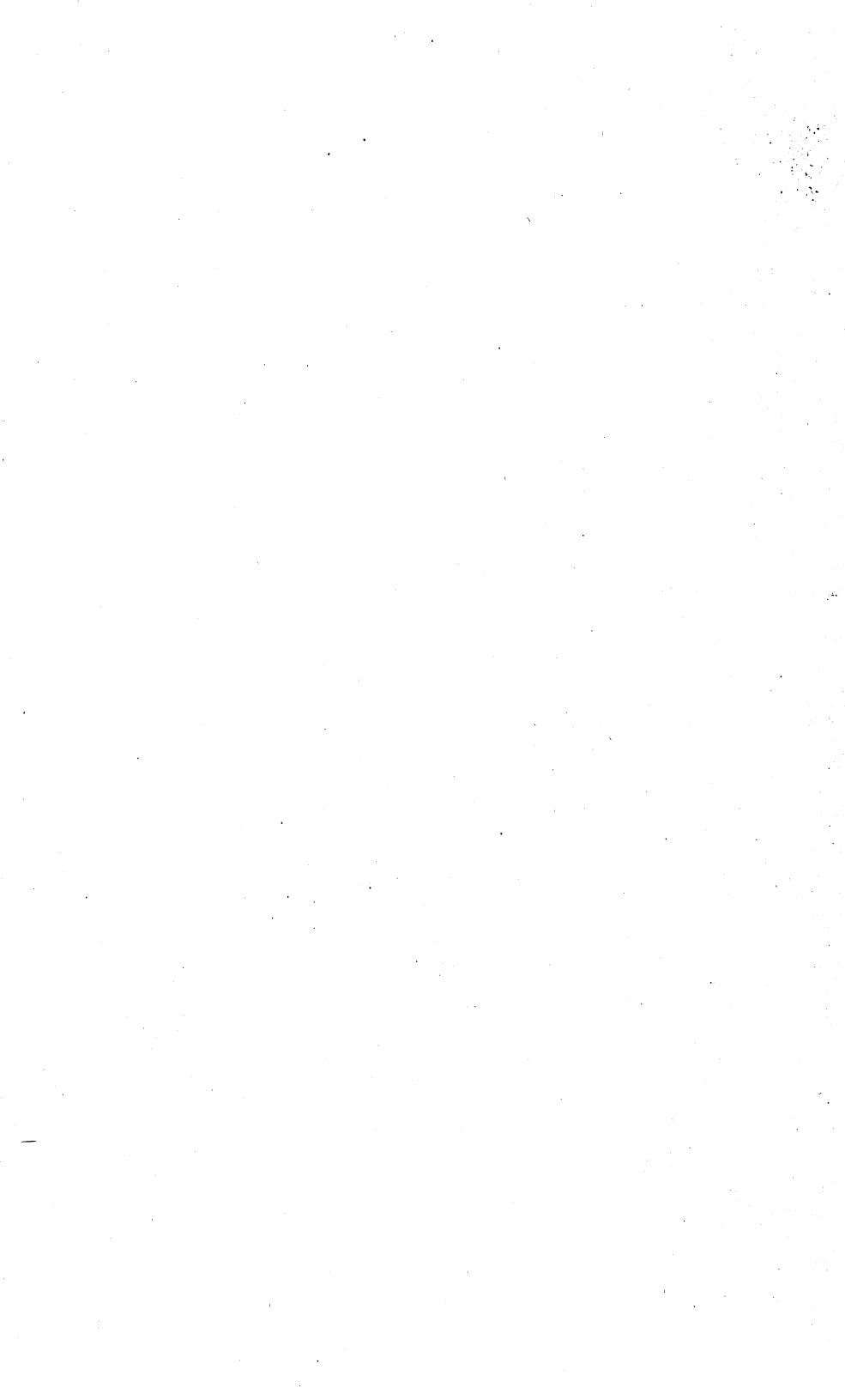


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1864

HOUSE JOURNAL.

1864.

STATE OF DELAWARE.

State Doc.

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1864

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF DELAWARE,
AT
SESSIONS OF THE GENERAL ASSEMBLY,
CONVENED AND HELD AT DOVER,

AS FOLLOWS, VIZ :

AN ADJOURNED SESSION ON TUESDAY, THE NINTH OF JUNE, 1863; AN AD-
JOURNED SESSION ON TUESDAY, THE TWELFTH OF JANUARY, 1864;
A SPECIAL SESSION ON THURSDAY, THE TWENTY-EIGHTH
OF JULY, 1864; AND AN ADJOURNED AND SPECIAL
SESSION ON TUESDAY, THE EIGHTEENTH OF
OCTOBER, 1864.

DOVER, DEL.
PRINTED BY JAMES KIRK.

1864.
THE DEPARTMENT OF THE
UNIVERSITY OF DELAWARE

1864

Figure 1 consists of two rows of scatter plots. The top row shows the relationship between the number of children (x-axis, 0 to 11) and the number of adults (y-axis, 0 to 11). The bottom row shows the relationship between the number of children (x-axis, 0 to 11) and the number of adults (y-axis, 0 to 11). The plots show a positive correlation between the number of children and the number of adults.

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF DELAWARE.

At an adjourned session of the General Assembly of the State of Delaware, convened and held in Dover, on Tuesday, the ninth day of June, in the year of our Lord one thousand eight hundred and sixty-three, there were present of the members of the House of Representatives of said State,

Messrs. John Hays, John A. Duncan, Solomon M. Curtis, David W. Gemmill, Merritt H. Paxson, and John Whitby, of New Castle County;

Messrs. Benjamin S. Gootce, John H. Bewley, James Williams, John Slay, William B. Stubbs, Robert Raughley, and Curtis S. Watson, of Kent County; and

Messrs. Major W. Allen, William A. Scribner, John Sorden, Luther W. Fisher, William D. Waples, (of P.,) Isaac H. Bailey, and George W. Horsey, of Sussex County.

At the hour fixed by the Joint Resolution adjourning the General Assembly, the Speaker called the House to order, in pursuance of said resolution.

Prayer by the Chaplain, Rev. Cyrus Huntington.

On motion,

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

WEDNESDAY, June 10, 1863—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Watson presented the petition of William Tharp and others, for an act authorizing the laying out of a public road in Kent County,

Which,

On his motion,

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

Whereupon,

Messrs. Watson, Gemmill, and Fisher were appointed said committee.

Nathaniel B. Smithers, Esq., Secretary of State, being admitted, presented a special message from His Excellency, the Governor, with accompanying resolutions from the States of Kentucky and Missouri,

Which,

On motion of Mr. Bewley,

Were read, as follows :

M E S S A G E .

To the Senate and House of Representatives of the State of Delaware :

In compliance with the request therein contained, I have the honor to lay before you resolutions of the Legislature of Kentucky, and also resolutions of the Legislature of Missouri, with the Special Message of his Excellency, Governor Gamble, the latter resolutions and message being in response to certain resolves of the Legislature of Delaware transmitted to that body.

It is unnecessary to accompany these papers by any extended remarks addressed to you.

My views upon the subjects of which they treat are too well known to you to require elucidation.

It is obvious that the prospect of a convention or armistice is as visionary as its realization would be disastrous. The rebels have always declared with a persistency admitting no change and a direct-

ness defying misunderstanding, that the separation is final and irremediable. They will listen to no proposition but disunion, and accept no termination of the contest, except a full and complete recognition of their absolute independence.

To this end they have taken up arms against the Government, and from the beginning, have proclaimed their determination with unwavering constancy. In this view the proposal of an armistice is a mere subterfuge; the plea for a Convention, a bitter mockery.

The practical result could only be to distract the people of the Loyal States, and give to the enemy time for preparation and increased capacity to sustain the conflict. It would be an admission either of the rightfulness of their cause or of the inability of the government to cope with the rebellion. Foreign intervention, now dead, would be revived, and dangerous complications, perhaps foreign war, would ensue.

There is but one admissible basis of settlement—the restoration of the authority of the National Government over the whole land. There is but one mode of adjustment—the employment of the whole military power of the Republic in the utter suppression of rebellion.

For this purpose all incidental questions should be postponed, and all issues tending to divide the loyal people of the United States should be avoided. Their discussion has already done more to protract the conflict and procrastinate the resumption of authority by the civil magistracy, than the armed power of the rebels. Dissension among the people of the Loyal States is their only hope of success. Had men who profess loyalty, been united in a firm support of the government and a vigorous prosecution of the war, the supremacy of the laws would long ago have been re-established.

Upon the Southern rebels rests the guilt of the commencement of the contest; upon the Northern peace-men the terrible responsibility of its protraction; upon both the necessity for the sacrifice of hecatombs of human lives to preserve the Union. Posterity will judge between us.

WILLIAM CANNON.

DOVER, June 9th, 1863.

COMMONWEALTH OF KENTUCKY, EXECUTIVE DEPARTMENT, }
FRANKFORT, March 11th, 1863. }

To His Excellency, the Governor of Delaware :

SIR: I am instructed by the General Assembly to transmit you the enclosed resolutions, with the request that you lay the same before the Legislature of your State.

Very respectfully,

J. F. ROBINSON.

RESOLUTIONS ON FEDERAL RELATIONS ADOPTED
BY THE LEGISLATURE OF KENTUCKY.

1. *Resolved*, That our institutions are assailed by an armed rebellion on one side which can only be met by the sword; and on the other by unconstitutional acts of Congress, and startling usurpations of power by the Executive, which we have seen by experiment can be corrected by the ballot-box. Policy, as well as principle, requires that Kentucky shall await the process of reform, which is slow but sure, and refrain from all unlawful and unconstitutional acts which have already brought terrible calamities upon the country, whilst we invoke the aid of all patriotic men, to avert the evils that threaten our free institutions.

2. *Resolved*, That this General Assembly declares, as before it has often times declared, that the State of Kentucky hath ever been, and is, loyal to the Government of the United States of America, and is determined to maintain that loyalty against both domestic and foreign foes.

3. *Resolved*, That this General Assembly recognizes a manifest difference between any administration of the Government and the Government itself. The one is transitory, limited in duration only to that period of time for which the officers elected by the people are charged with the conduct of the same; the other is permanent, intended by its founders to endure forever.

4. *Resolved*, That this General Assembly now, in the exercise of its right to differ in opinion with the National Executive, enters its solemn protest against the Proclamation of the President of the United States, dated 1st of January, 1863, by which he assumes to emancipate all slaves within certain States—holding the same to be unwise, unconstitutional, and void.

5. *Resolved*, That this General Assembly declares that the power which has recently been assumed by the President of the United States, whereby, under the guise of military necessity, he has proclaimed and extended martial law over States where war did not exist, and has suspended the writ of *habeas corpus*, is unwarranted by the Constitution, and its tendency is to subordinate civil to military authority, and to subvert constitutional and free government.

6. *Resolved*, That this General Assembly declines to accept the President's proposition for Emancipation, as contained in his Proclamation of the 19th May, 1862.

7. *Resolved*, That this General Assembly deems it proper further to declare, that it, together with all the loyal people of the State, would hail with pleasure and delight any manifestation of a desire on the part of the Seceded States to return to their allegiance to the Government of the Union, and would, in such event, cordially and earnestly co-operate with them in the restoration of peace, and the procurement of such guarantees as would give security to all their interests and rights.

8. *Resolved*, That Kentucky will adhere to the Constitution and the Union as the best—it may be the last—hope of popular freedom; and for all wrongs which may have been committed, or evils which may exist, will seek redress under the Constitution and within the Union, by the peaceful but powerful and irresistible agencies of the suffrages of a free people.

9. *Resolved*, That this General Assembly hails with pleasurable hope the recent manifestations of conservative sentiment among the people of the non-slaveholding States in their late elections, and regard the same as the earnest of a good purpose on their part to co-operate with all other loyal citizens, give security to the rights of every section, and maintain the Union and the Constitution as they were ordained by the founders of the Republic.

10. *Resolved*, That in the judgment of this General Assembly, a Convention should be called for the purpose of proposing such amendments to the National Constitution as experience has proved to be necessary to maintain that instrument in the spirit and meaning of its founders; and to that end we re-affirm and adopt the resolutions recommending a call for a Convention of the United States, approved January 25, 1861.

11. *Resolved*, That the laws of this State must be maintained and enforced, and that it is the duty of the constituted authorities of the State to see to it that by all constitutional means this indispensable end shall be attained.

12. *Resolved*, That the Governor be requested to forward a copy of these resolutions to the President of the United States, and to the Governor of each State, with a request that he lay the same before the Legislature of his State, and to each of our Senators and Representatives in Congress. Our Senators are instructed, and our Representatives requested, to use their best efforts to accomplish the objects of these resolutions.

EXECUTIVE MANSION, JEFFERSON CITY, April 8th, 1863.

His Excellency, WILLIAM CANNON,

Governor of the State of Delaware:

Sir: At the request of the General Assembly of Missouri, I enclose to you herewith a copy of resolutions adopted by that body in response to certain resolutions of the General Assembly of the State of Delaware. As the message which I sent to the General Assembly, accompanying the Delaware resolutions, was adopted by that body as its response to those resolutions, a copy of the Message is herewith forwarded.

I have the honor to be,

Your obedient servant,

H. R. GAMBLE,

Gov. of Missouri.

JOINT RESOLUTIONS IN RESPONSE TO CERTAIN
RESOLUTIONS OF THE LEGISLATURE OF
THE STATE OF DELAWARE.

WHEREAS the Legislature of the State of Delaware has transmitted to his Excellency, H. R. Gamble, Governor of this State, a series of resolutions, wherein are contained grave errors in principle, and in our opinion, if entertained favorably by the respective loyal States, would prove destructive of the last hope of the re-construction of the Federal Union, and go far towards sustaining the idea of our incapacity for self-government; and

WHEREAS the comity between sister States requires at our hands a response to said resolutions; Therefore,

Resolved, by the General Assembly of the State of Missouri, as follows:

1st. That we heartily endorse the logical, dignified, and appropriate message of his Excellency H. R. Gamble, to this Legislature, in relation to, and accompanying the said resolutions of the Legislature of the State of Delaware, and that we do hereby accept and adopt the same as a suitable response to said resolutions.

2d. That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolutions, together with his said message, to the Governor of the State of Delaware, with the request that the same be laid before the Legislature thereof, to the President of the United States, and to our Senators and Representatives in Congress.

L. C. MARVIN,

Speaker of the House of Representatives.

WILLARD P. HALL.

President of the Senate.

Approved March 18, 1863.

H. R. GAMBLE.

MESSAGE.

To the Senate and House of Representatives:

I transmit herewith a copy of certain resolutions adopted by the General Assembly of the State of Delaware, which I am requested by that body to lay before you.

Courtesy to a State in the Union, requires that I should thus respect the request of its Legislature, whatever may be my opinion of the resolutions they have adopted.

It is cause of the deepest regret, in the present condition of our nation, when the Government is struggling to maintain its own being, that the authorities of any State should add to its embarrassment by the adoption of resolutions which are calculated to withdraw the attention of the people from the grand issue involved in the present contest, and to weaken its energies in the suppression of the present rebellion. The resolutions, now transmitted, divide themselves into three classes—those which declare the principles upon which the Government was established—those which denounce unconstitutional acts and purposes of the present Administration—and those which propose to terminate the war by an armistice and a National Convention. What is the grand issue involved in the present contest? It is this: Shall the nation be dissolved and anarchy prevail over the whole country? It may certainly be assumed at this day, as true, that all the loyal States repudiate the doctrine that any State has the right, under the Constitution, to dissolve its connection with the other States by any act of Secession.

The logical consequence of the denial of the right of secession, is that all the States which have attempted secession are still parts of the United States, and all their citizens are still citizens of the United States, although in rebellion against the Government. It is still true, that the Constitution of the United States and the acts of Congress passed in pursuance thereof, are the supreme laws of those States, as well as of the loyal States. It is still true, that the President is under the constitutional obligation to "take care that the laws be faithfully executed" in those States as well as in the loyal States. Under his oath of office he is still bound to "preserve, protect and defend the Constitution of the United States," in the revolted as well as in the loyal States. It is still the duty of the Government to maintain its authority and suppress rebellion in all the States. These consequences inevitably result from the denial of the right of secession. What is now the condition of our country? Several States claim that they have adopted proceedings by which they have rightfully withdrawn from the Union, and have formed themselves into a separate and independent nation. They resist the authority of the Government of the United States within their borders by force of arms. They seek no change of measures or policy on the part of the Government, as affecting them, as part of the Union, but claim as their right the recognition of their independence. This is their sole and peremptory demand. They ask no armistice. They seem content to determine the issue by arms. If we look to the Constitution of the United States, we will find that there is no power conferred by that instrument upon any one department of the Government, nor upon all the departments combined, to dissolve the Government and destroy the nation, by acknowledging the independence of any of the States. If the instrument (designed to organize a National Government) had conferred such power to commit suicide upon any of the departments of the Government, the whole instrument would be in-

finitely absurd. If then, in the present contest, one party demands a recognition of its independence, and the other has no power to comply with the demand, it is manifest that the question can only be settled by the sword. We may desire peace, we may pray for peace, but no peace is possible, unless the revolted States will submit. To make peace upon any other terms would be to dissolve the Union among all the States, because they, each for itself, entered into a Union that then embraced some or all of the revolted States, and to change that Union is to make a new Government, which would require a new consent of the States to be included in it.

What then is the use of calling a National Convention under such circumstances? We know that the revolted States would not go into such Convention, because it would be an abandonment of their claims of independence. They ask for no such Convention. If it were to be formed of delegates from the loyal States alone, it could have no power in restoring the Union, otherwise than by so abasing the nation at the feet of the rebellion that the rebels would graciously condescend to receive us back into a Union with them. Such a Convention would be much more likely to produce alienation and exasperation among the loyal States, than to restore the Union as it was. It would be unjust to the Legislature of Delaware, to suppose that when they resolve in favor of a "National Convention," for the purpose of adopting a plan which will "secure the integrity of the Union," they desire to have a Convention which will dissolve the Union by acknowledging the independence of the revolted States; and yet, in present circumstances there is no warrant for believing that a Convention could be held, which would embrace more than the loyal States; nor is there any ground to suppose that anything short of a recognition of the independence of the revolted States, would satisfy them.

It is well for all who are willing to divide the country, to understand that the States of the Northwest, when looking down the Mississippi to the Gulf, will never consent to find the line of a foreign nation crossing that stream, and so the separation of the States in the Southern part of the Mississippi Valley from the Union, is with us wholly inadmissible.

If it be desired by the Legislature of Delaware to have a Convention for the purpose of proposing amendments to the Constitution, then it is to be called by Congress, upon the application of the Legislatures of two-thirds of the States, and the amendments must be ratified by the Legislatures of three-fourths of the States before they become parts of the Constitution. Upon the supposition that the revolted States are still parts of the Union, no amendments can be adopted without being ratified by some of them, and surely it will be time enough to propose amendments to the Constitution for their benefit when they acknowledge that they are subject to its provisions, and renounce their claim of independence. It is sufficient to call your attention to considerations such as are thus briefly stated as an

answer to the proposals to have a National Convention. So in regard to an armistice. An armistice is commonly agreed upon preliminary to negotiation between the belligerents, but when the only question is whether the Union shall be dissolved, we are not going to negotiate about it, and therefore an armistice would be but a waste of time. Inexorable logic requires us to settle the dispute by fighting, and that with as little delay as possible. It is true that if we are willing to admit that we are beaten, and that we cannot suppress the rebellion, the sooner we stop fighting the better. But I apprehend the loyal men of the loyal States do not admit that the nation is beaten. Nor should they, when we are to-day in possession of more of the territory of the revolted States than we have occupied since the commencement of the rebellion, and when our preparations are greater than ever before. The Legislature of Delaware denounces many acts of the present Administration of the United States Government, and the purposes for which the war is carried on as unconstitutional. I will not enter into an examination of the constitutionality of these alleged acts and designs. Our laws furnish redress for injuries received from unconstitutional acts, when they affect individuals, and an officer is responsible to the public through forms of proceedings recognized by the Constitution and Laws.

But the reason for abstaining from any discussion of such questions here, is that the great question, whether the nation shall live or die, ought to absorb our chief attention. The stupendous violation of the Constitution attempted by the revolted States, engrosses my attention, as no doubt it will yours. If we can prevent the success of that we can attend to other violations afterwards. In all probability, resolutions of similar import will be received from other States, and when received they will be communicated to you. Whether you will notice those now submitted by any resolutions of your own, or simply pass them by in silence as is often done, is referred to your own judgment. It is worthy of consideration, however, whether the latter course is not to be preferred until it shall appear whether anything seriously affecting the unity of the nation is contemplated by the bodies which adopt such resolutions.

H. R. GAMBLE,

Gov. of Missouri.

And,

On the further motion of Mr. Bewley,

The consideration thereof was postponed until the second Tuesday of January next.

Mr. Bewley presented the account of James Kirk with the House of Representatives,

Which,

On his motion,

Was read and referred to the Committee on Accounts.

And also,

The claim of James Kirk, for advertising, &c.,

Which,

On his motion,

Was read and referred to the Committee on Claims.

Mr. Bewley offered a joint resolution adjourning the two Houses of the General Assembly over until the second Tuesday of January next,

Which,

On his motion,

Was read,

And,

By the unanimous consent of the House was afterwards withdrawn.

Mr. Gemmill offered a joint resolution adjourning the two Houses of the General Assembly over from 12 o'clock, M., this day, until the second Tuesday of January next.

Mr. Lattomus moved,

That the resolution be adopted.

On the question, "Shall the resolution be adopted?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Bewley, Curtis, Duncan, Gemmill, Hayes, Lattomus, Paxson, Raughley, Slay, Stubbs, and Whitby—11.

Nays—Messrs. Allen, Gootee, Horsey, Scribner, Waples, Watson, Williams, and Mr. Speaker—8.

So the resolution

Was

Adopted.

Ordered to the Senate for concurrence.

Mr. Gootee offered a resolution,

Which was read, as follows :

Resolved by the House of Representatives, That the members of said House decline to receive any compensation for their attendance at this adjourned term, and direct the Committee on Accounts to omit any allowance therefor in their report.

And moved its adoption.

On the question, "Shall the resolution be adopted?"

The yeas and nays were ordered,
Which, being taken, were as follows :

Yeas—Messrs. Allen, Bewley, Duncan, Gemmill, Gootee, Horsey, Raughley, Scribner and Whitby—9.

Nays—Messrs. Curtis, Hayes, Lattomus, Paxson, Slay, Stubbs, Waples, Watson, Williams and Mr. Speaker—10.

So the motion was lost, and the resolution

Was

Lost.

Mr. Gemmill moved,

That the Clerk inform the Senate of the passage by the House of the Joint Resolution adjourning the two Houses over until the second Tuesday of January next.

On the question, " Shall the Clerk be so instructed ?"

The yeas and nays were ordered,
Which, being taken, were as follows :

Yeas—Messrs. Bewley, Curtis, Duncan, Gemmill, Hayes, Lattomus, Paxson, Raughley, Slay, Stubbs and Whitby—11.

Nays—Messrs. Allen, Gootee, Horsey, Scribner, Waples, Watson, Williams, and Mr. Speaker—8.

So the motion

Prevailed,

And the Clerk was so instructed.

The Speaker presented the resignation of John B. Penington as Clerk of this House,

Which,

On motion,

Was read by Mr. Williams.

Mr. Bewley moved,

That the resignation be accepted,

Which motion,

Was

Lost.

Mr. Bewley moved,

That William B. Stubbs be appointed Clerk, *pro tem*.

On the question, " Shall Mr. Stubbs be appointed Clerk *pro tem* ?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Bewley, Curtis, Duncan, Fisher, Gemmill, Hayes, Lattomus, Paxson, Raughley, Slay, Whitby and Williams—12.

Nays—Messrs. Allen, Bailey, Gootee, Horsey, Scribner, Stubbs, Waples, and Mr. Speaker—9.

So the motion

Prevailed,

And Mr. Stubbs was appointed Clerk *pro tem*.

On motion of Mr. Gemmill,

Mr. Stubbs was directed to inform the Senate of the passage of the Joint Resolution of the House adjourning the two Houses of the General Assembly over until the second Tuesday of January next.

On motion of Mr. Bewley,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

The resignation of Mr. Penington, as Clerk, not having been accepted, he resumed the duties of his office.

Mr. Williams presented the claim of C. P. Johnson against the State,

Which,

On his motion,

Was read and referred to the Committee on Claims.

Mr. Allen moved,

That Rule 7 be suspended, in order that he might introduce a bill,

And on the question, "Shall Rule 7 be suspended for that purpose?"

The yeas and nays were ordered,

Which, being taken, were as follows:

Yeas—Messrs. Allen, Bailey, Fisher, Gootee, Horsey, Scribner, Stubbs, Waples, Watson, and Mr. Speaker—10.

Nays—Messrs. Bewley, Curtis, Duncan, Gemmill, Hayes, Paxson, Raughley, Slay, Whitby, and Williams—10.

So the motion was

Lost.

Mr. Martin, Clerk of the Senate, being admitted, presented for the concurrence of the House, a joint resolution adjourning the two Houses of the General Assembly over until the second Tuesday of January next, at 10 o'clock, A. M.,

Which,

On motion of Mr. Gemmill,

Was read,

And,

On motion of Mr. Watson,

Concurred in.

Ordered that the Senate be informed thereof, and the resolution returned to that body.

On motion of Mr. Allen,

The Clerk was instructed to purchase 2,200 three cent postage stamps, for the use of the House,

And,

On his further motion,

The Clerk of the Committee on Military Interference was directed to furnish the members of the House with their respective shares of the copies of the report of, and testimony taken before, said committee, authorized to be published by a joint resolution of the General Assembly.

Mr. Martin, Clerk of the Senate, being admitted, presented for the signature of the Speaker of the House, the enrolled Senate Joint Resolution adjourning the two Houses of the General Assembly over until the second Tuesday of January next, at 10 o'clock, A. M.

Mr. Williams, from the Committee on Enrollment, reported said joint resolution duly and correctly enrolled, and presented the same for the signature of the Speaker of the House.

Mr. Watson offered a resolution,

Which,

Was read, as follows :

Resolved by the House of Representatives, That John Sorden, Esq., Speaker of the House, be and he is hereby authorized to draw a draft on the State Treasurer, in favor of John H. Bateman, Esq., Postmaster, at Dover, for the sum of sixty-six dollars, in full for two thousand two hundred three cent postage stamps, this day ordered and received by the House; and the said State Treasurer is hereby authorized and required to pay the same.

Which,

On the further motion of Mr. Watson,

Was

Adopted.

On motion of Mr. Bewley,

The House adjourned until the second Tuesday of January, A. D.
1864, at 10 o'clock, A. M.

ATTEST,

JOHN B. PENINGTON,

Clerk of the House of Representatives.

TUESDAY, January 12, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Gemmill,

Mr. A. R. Reger was permitted to take a seat on the floor of the House, to report the proceedings of the House.

On motion of Mr. Watson,

Twenty-one copies of the acts of the General Assembly, passed at the regular session of 1863, were procured for the use of the House.

Mr. Fisher presented the account of Isaac Tunnell with the House of Representatives,

Which,

On his motion,

Was read and referred to the Committee on Accounts.

Mr. Fisher also presented a claim of Isaac Tunnell against the State,

Which,

On his motion,

Was read and referred to the Committee on Claims.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Watson, on behalf of the committee to whom was referred the petition of William Tharp and others, for an act authorizing the laying out a public road in Milford Hundred, reported adversely to the prayer of the petitioners, and asked to be discharged.

On motion of Mr. Curtis,

The report was accepted and the committee discharged.

On motion,

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

WEDNESDAY, January 13, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Allen gave notice that he would on to-morrow or some future day, ask leave to introduce a bill entitled, "An act to amend Chapter 320 of the Laws of the State of Delaware."

Mr. Slay presented a claim of Joshua T. Heald against the State,
Which,

On his motion,

Was read and referred to the Committee on Claims.

Mr. Gemmill presented a claim of Lewis W. Stidham against the State,

Which,

On his motion,

Was read and referred to the Committee on Claims.

Mr. Gemmill also presented the petition of Moses Lambson and others, heirs of Giles Lambson, deceased, for an act authorizing the executors of said decedent to sell certain real estate,

Which,

On his motion,

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

Whereupon,

Messrs. Gemmill, Horsey and Raughley, were appointed said committee.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House bill entitled, "An act to divorce Luther T. Moore and Adaline Moore from the bonds of matrimony," and returned the same to the House.

Mr. Allen presented the petition of James Stewart and others, for an act to lay out a public street in the town of Seaford,

Which,

On his motion,

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

Whereupon,

Messrs. Allen, Gootee and Paxson were appointed said committee.

Mr. Allen also presented the petition of Allen V. Leslie and others, commissioners of the town of New Castle, for an act authorizing the opening of a certain street in the town of New Castle,

Which,

On his motion,

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

Whereupon,

Messrs. Allen, Gemmill and Watson were appointed said committee.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Gemmill, from the committee to whom was referred the petition of Moses Lambson and others, heirs of Giles Lambson, deceased, reported a bill entitled, "An act to enable the Executors of Giles Lambson, deceased, to sell and convey certain real estate,"

Which,

On his motion,

Was read.

Samuel M. Harrington, Esq., Secretary of State, being admitted, presented a special message from His Excellency, the Governor.

On motion of Mr. Bewley,

The Special Message of the Governor,

Was read, as follows :

M E S S A G E .

STATE OF DELAWARE, EXECUTIVE DEPARTMENT, }
January 12, 1864. }

*To the Senate and House of Representatives
of the State of Delaware in General Assembly met :*

Subjects requiring legislation render it proper that I should address you at this adjourned session.

In the month of August last, I received a communication from David Wills, Esq., agent for His Excellency, the Governor of Pennsylvania, in relation to the burial of the Union soldiers who fell at the battle of Gettysburg. The plan proposed included the purchase, laying out and completion of a suitable monument to the gallant men who fell in that engagement. The necessary expenses were to be borne by those States whose sons were interred therein. The whole amount to be divided among them upon the basis of their respective representation in the House of Representatives of the United States. I at once commended the plan as a measure of justice and humanity, and regretted that having no appropriation by law applicable to such objects, I was precluded from an immediate and official sanction of the project. I however expressed my intention to recommend the matter to the General Assembly, and my opinion that no reasonable doubt could be entertained of their approval of so worthy an object. I at the same time requested that the agent for the State of Pennsylvania would attend to the selection of the lot of this State and the interment of her dead. My request was faithfully and generously complied with. Twelve soldiers from this State who had fallen in defense of Freedom and Union, and whose graves had been marked by their surviving comrades, now rest beneath the field that their lives were given to win.

Subsequently, at the invitation of the agent for the Governor of Pennsylvania, I appointed a commissioner to meet commissioners from the other States interested in the Soldiers' National Cemetery, and to arrange for the completion thereof. The commissioners met in the city of Harrisburg, on the 17th of December last, and recommended the following plan to be submitted to the different States interested, through their respective Governors :

First. That the Commonwealth of Pennsylvania shall hold the title to the land she has purchased at Gettysburg for the Soldiers' National Cemetery, in trust for the States having soldiers buried in said Cemetery, in perpetuity for the purpose to which it is now applied.

Second. That the Legislature of the Commonwealth of Pennsylvania be requested to create a corporation to consist of one trustee, to be appointed by each of the Governors of the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and such other States as may desire to be represented in this corporation, which trustees shall at their first meeting be divided into three classes. The term of office of the first class to expire on the 1st of January, 1865. The second class on the 1st of January, 1866. The third class on the 1st of January, 1867. The vacancies thus occurring to be filled by the several Governors, and the persons thus appointed to fill such vacancies to hold their office for the term of three years. This corporation to have exclusive control of the Soldiers' National Cemetery.

Third. The following is the estimated expense of finishing the Cemetery: Enclosing grounds \$15,000; burial expenses and superintending \$6,000; headstones, \$10,000; laying out grounds and planting trees, \$5,000; lodge, \$2,500; monument, \$25,000; total, \$62,500.

Fourth. That the several States be asked to appropriate a sum of money to be determined by a division of the estimated expenses according to representation in Congress, to be expended in defraying the cost of removing and reintering the dead, and finishing the Cemetery under direction of the Cemetery corporation.

Fifth. When the Cemetery shall have been finished, the grounds are to be kept in order, the houses and enclosures in repair, out of a fund created by annual appropriations made by the States which may be represented in the cemetery corporation in proportion to their representation in Congress.

In accordance with the second paragraph of the aforesaid plan, I appointed John B. Latimer, Trustee, on the part of this State in order that his name might be included in the act of incorporation to be submitted to the Legislature of Pennsylvania.

I recommend that the General Assembly appropriate the sum of \$425, the amount determined by a division of the estimated expenses according to the representation in Congress, to be expended in defraying the cost of removing and re-intering the dead, and finishing the cemetery under the direction of the cemetery corporation.

At the session of the General Assembly held on the 6th day of January, A. D., 1863, an act was passed entitled "An act to cede certain lands to the United States of America." This act contained conditions and qualifications that rendered it unacceptable to the

general government. The government, therefore, declined to use the lands for the purpose mentioned in the act. I recommend that the present act be repealed and that an act be passed ceding to the United States so much of the land lying on Delaware Bay southeast of the old mole and between said old mole and the point of Cape Henlopen, not exceeding 200 acres, as may be deemed necessary for the purpose of erecting a fort, battery, fortification or pier thereon.

The subject of furnishing to the government of the United States the required number of troops to aid in quelling the existing rebellion against its authority, is one that has received much of my consideration. Without any legislation and without any fund at my disposal for this purpose, I have not been able to conduct recruiting as efficiently as I could have desired. Elsewhere, large bounties offered by state, county and town, in addition to the bounties already provided by the general government, are securing to the respective States the full numbers of men required. I am convinced that similar efforts and means used in this State would secure the speedy enlistment of sufficient men to fill the quota of the State under the recent call of the President of the United States for 300,000 troops, and would thereby avoid the necessity of a draft in Delaware. I recommend a provision by which every person enlisting in this State, in the Army of the Union, may receive a fair sum as a bounty on behalf of the State.

I had the honor to refer, in my Inaugural Address, to the debt of gratitude due from the State to the noble men who had voluntarily enlisted to sustain the government in its efforts to suppress rebellion. After remarking that "those who have fallen should be hallowed in memory as brave men and true patriots who died for their country," I proceeded to speak of our duty to the living, and to say that "it becomes us, who enjoy the comforts of home by their sacrifices, and to whom security is guaranteed by their perils, to take care that suitable provision be made for the welfare of themselves and their families; and while private citizens are contributing from their bounty, I recommend that the General Assembly shall appropriate such sum as may comport with the honor of the State and adopt suitable measures for its distribution. Especially do I recommend to your consideration the sick and wounded scattered in the various hospitals provided by the government. In this emergency, it is impossible that all can be tenderly cared for by the nation. Our own regiments are the members of our own families—the children of the State. I earnestly advise that an agent be appointed in its behalf to look after their welfare, and that sufficient funds be placed at his disposal to ensure their comfort." The necessity for such measures is more urgent than ever. They are demanded by every consideration that can address itself to the benevolence, patriotism and humanity of us all. They are far above mere partisan issues, and appeal to those higher and better sentiments that cause us to feel a portion of the suffering of our race and call upon us to use every effort to

relieve it. A cold and rigorous winter is upon us; every article of comfort and necessity is dear, and those who have not the means to provide must necessarily suffer much. I earnestly commend them to the sympathy and favorable consideration of the General Assembly.

I cannot close this communication without expressing a profound gratitude to the Almighty for his protection and care throughout another year; for the victories that He has given to the cause of Liberty and Union; for the preservation of our State from invasion; for upholding the Government and the laws; for the manhood which He has developed, and for the fortitude with which He has inspired our soldiers in the field and in the hospital; for the many gentle hands that He has raised to minister to the comfort and repose of the sick and the wounded. I invoke His blessing upon the citizen and the soldier; upon the State and General Government, and trust that this year may witness the authority of the National Government vindicated and maintained, the laws everywhere enforced, and the country restored to permanent and honorable peace.

WILLIAM CANNON.

On motion of Mr. Duncan,

That portion of the Governor's Message which refers to the families of volunteer soldiers,

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

Whereupon,

Messrs. Duncan, Bewley and Horsey were appointed said committee.

On motion of Mr. Gemmill,

That portion of the Governor's Message which refers to a national cemetery at Gettysburg,

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

Whereupon,

Messrs. Gemmill, Slay, and Fisher were appointed said committee.

Mr. Gootee presented the petition of George W. Buchanan for a divorce,

Which,

On his motion,

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

Whereupon,

Messrs. Gootee, Whitby and Scribner were appointed said committee.

Mr. Slay presented the petition of Joshua Scotten for a divorce,
Which,

On his motion,

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

Whereupon,

Messrs. Slay, Curtis, and Bailey were appointed said committee.

Mr. Bewley presented the remonstrance of Sarah E. Scotten against the passage of an act divorcing her and her husband, Joshua Scotten, together with sundry letters,

Which,

On his motion,

Were read and referred to the committee on the petition of Joshua Scotten.

Mr. Gootee gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled, "An act to revise and amend an act entitled 'An act to incorporate the Green Branch Ditch Company.'"

On motion of Mr. Lattomus,

That portion of the Governor's Message which refers to granting bounty to volunteers,

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

Whereupon,

Messrs. Lattomus, Stubbs and Fisher were appointed said committee.

Mr. Watson presented the petition of James Bayard Fisher, (n.) for a divorce,

Which,

On his motion,

Was read.

Mr. Bewley moved,

That the consideration of said petition be indefinitely postponed.

On the question, "Shall the consideration of the petition be indefinitely postponed?"

Mr. Gemmill called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Gootee, Horsey, Lattomus, Scribner, Slay, Stubbs, and Mr. Speaker—10.

Nays—Messrs. Curtis, Duncan, Fisher, Gemmill, Hayes, Paxson, Raughley, Watson, and Whitby—9.

So the motion

Prevailed,

And the consideration of the petition was indefinitely postponed.

Mr. Allen presented the petition of the commissioners of the town of New Castle for an act amending the act of incorporation of said town, passed February 23, 1859,

Which,

On his motion,

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

Whereupon,

Messrs. Allen, Hayes and Raughley were appointed said committee.

Mr. Horsey presented the petition of William W. Dashiell, for an act to locate certain vacant lands,

Which,

On his motion,

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

Whereupon,

Messrs. Horsey, Paxson and Scribner were appointed said committee.

Mr. Duncan presented the petition of the Trustees of the Methodist Episcopal Church, at Newport, for an act to lease, or sell and convey, certain real estate ; and also a communication from Joseph Mason, Presiding Elder, in relation to the same,

Which,

On his motion,

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

Whereupon,

Messrs. Duncan, Stubbs and Bailey were appointed said committee.

On motion,

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

THURSDAY, January 14, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and presented for the concurrence of the House, a bill entitled,

“An act to enable Thomas Slaughter to survey and locate certain salt marsh therein named and complete his title to the same.”

On motion of Mr. Watson,

The bill just received from the Senate,

Was read.

Mr. Allen gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

“An act to amend the act entitled ‘An act to incorporate a bank in Seaford, in the county of Sussex, under the name of ‘The Diamond State Bank.’”

Mr. Watson presented a claim of Dr. Mark G. Lofland, late Adjutant General of the State, against the State,

Which,

On his motion,

Was read and referred to the Committee on Claims.

Mr. Lattomus moved,

That the vote by which the petition of James Bayard Fisher, (n.) for a divorce, was indefinitely postponed, be reconsidered.

On the question, “Shall the vote be reconsidered?”

Mr. Bewley called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Curtis, Duncan, Fisher, Gemmill, Hayes, Lattomus, Paxson, Watson, and Whitby—9.

Nays—Messrs. Allen, Bailey, Bewley, Gootee, Horsey, Raughley, Scribner, Slay, Stubbs, and Mr. Speaker—10.

So the motion was

Lost,

And the vote was not reconsidered.

Mr. Gemmill presented the petition of Abraham P. Shannon and others, for an act authorizing the Levy Court of New Castle County to have constructed a tight bridge across the Christiana Creek at the village of Christiana.

The Speaker presented the remonstrance of Walter F. Southgate against the same; and also, the remonstrance of Samuel L. Eccles and others, against the same,

Which,

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

Whereupon,

Messrs. Gemmill, Bewley and Scribner were appointed said committee.

Mr. Duncan gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled, "An act to amend Section 5 of Chapter 34 of the Revised Statutes of the State of Delaware,"

The Speaker laid on the Clerk's table the petition of James Rawlins and others, for an act authorizing John M. Rawlins to straighten and shorten a certain public road in North West Fork Hundred, Sussex County,

Which,

On motion of Mr. Watson,

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

Whereupon,

Messrs. Watson, Lattomus and Fisher were appointed said committee.

The Speaker also laid on the Clerk's table the petition of Matilda Dickerson for a divorce,

Which,

On motion of Mr. Allen,

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

Whereupon,

Messrs. Allen, Raughley and Paxson were appointed said committee.

Mr. Watson, from the committee to whom was referred the petition of James Rawlins and others, reported a bill entitled,

"An act to authorize John M. Rawlins to change the location of, straighten and shorten a certain public road in North West Fork Hundred, Sussex County,"

Which,

On his motion,

Was read.

Mr. Horsey, from the committee to whom was referred the petition of William W. Dashiell, for an act to locate vacant land, reported a bill entitled,

"An act to enable William W. Dashiell to locate certain vacant land in Broad Creek Hundred, Sussex County, and to complete his title to the same."

Which,

On his motion,

Was read.

Mr. Duncan, from the committee to whom was referred the petition of the Trustees of the Methodist Episcopal Church, of Newport, New Castle County, reported a bill entitled,

"An act to authorize the Trustees of the Parsonage Property belonging to the members of the Methodist Episcopal Church in the village of Newport, New Castle County, to sell or lease certain property in said village,"

Which,

On his motion,

Was read.

Mr. Allen, from the committee to whom was referred the petition of James Stuart and others, for an act to authorize the laying out of a street in Seaford, reported a bill entitled,

"An act appointing commissioners to lay out a public street in the town of Seaford, to be called East Street,"

Which,

On his motion,

Was read.

On motion of Mr. Duncan,

Rule 12 was suspended in order that the bill entitled,

"An act to authorize the Trustees of the Parsonage Property belonging to the members of the Methodist Episcopal Church in the village of Newport, New Castle County, to sell or lease certain property in said village,"

Might be read a second time by its title.

And the bill was so read.

And,

On his further motion,

Rule 12 was again suspended, in order that the bill might be read a third time, with a view of passing the House,

And the bill was so read.

On the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Curtis, Duncan, Fisher, Gemmill, Gootee, Hayes, Horsey, Lattomus, Paxson, Raughley, Scribner, Slay, Stubbs, Watson, Whitby, and Mr. Speaker—19.

Nays—None.

So the question having received a two-third vote,

The bill

Passed the House.

Ordered to the Senate for concurrence.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Gootee, from the committee to whom was referred the petition of George W. Buchanan, for a divorce, reported a bill entitled,

"An act to divorce George W. Buchanan and Hannah Buchanan from the bonds of matrimony,"

Which,

On his motion,

Was read.

Mr. Gemmill gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to enable Samuel Burnham to cut a ditch through land of Samuel Dale, (n)."

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had passed and asked the concurrence of the House in the Joint Resolution convening the two Houses of the General Assembly in joint meeting, in the Hall of the House of Representatives, on Tuesday, the 19th inst., at 7 o'clock, P. M., to hear by counsel the application of Henry Stout for a divorce.

On motion of Mr. Bewley,

The Senate Joint Resolution just received,

Was read, and the further consideration thereof postponed until to-morrow morning, at 10 o'clock.

On motion of Mr. Gemmill,

The bill entitled "An act to enable the Executors of Giles Lambson, deceased, to sell and convey certain real estate,"

Was read a second time by its title.

Mr. Stubbs gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to enable certain persons therein named to erect a gate across a public road."

Mr. Allen gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act relating to the exportation of oysters from this State."

Mr. Gemmill gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend Section 16 of Chapter 16 of the Revised Code."

On motion,

The House adjourned until 9 o'clock to-morrow morning.

FRIDAY, January 15, 1864—9 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Watson,

The reading of the journal of yesterday was dispensed with until the next meeting.

Mr. Allen, from the committee to whom was referred the petition of Allen V. Leslie, Town Commissioner, and others, for an act to vacate a certain street or highway in the town of New Castle, reported a bill entitled,

"An act to vacate a certain street or highway in the town of New Castle and make a new one in its stead,"

Which,

On his motion,

Was read.

On motion of Mr. Horsey,

The bill entitled "An act to enable William W. Dashiell to locate certain vacant land in Broad Creek Hundred, Sussex County, and to complete his title to the same,"

Was read a second time by its title.

Mr. Slay presented the petition of George B. Dickson, for an act to make index to marriage record from 1847 to 1861,

Which,

On his motion,

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

Whereupon,

Messrs. Slay, Gootee and Hayes were appointed said committee.

Mr. Scribner gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to straighten a road in Cedar Creek Hundred, Sussex County."

On motion of Mr. Gemmill,

The bill entitled, "An act to enable the Executors of Giles Lambson, deceased, to sell and convey certain real estate,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Scribner gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend Chapter 290 of the Laws of the State of Delaware."

On motion of Mr. Watson,

The Senate bill entitled, "An act to enable Thomas Slaughter to survey and locate certain salt marsh therein mentioned, and complete his title to the same,"

Was read a second time by its title.

Mr. Allen, in pursuance of previous notice,

Asked,

And obtained leave to introduce a bill entitled,

"An act to amend the act entitled 'An act to incorporate a bank in the town of Seaford, in the County of Sussex, under the name of the Diamond State Bank.'"

Mr. Duncan, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Whitby,

Obtained leave to introduce a bill entitled,

"An act to amend Section V, of Chapter XXXIV, of the Revised Statutes of the State of Delaware,"

Which,

On motion of Mr. Duncan,

Was read.

Mr. Stubbs, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,

Obtained leave to introduce a bill entitled,

"An act to enable certain persons therein named, to erect a gate across a public road,"

Which,

On motion of Mr. Stubbs,

Was read.

On motion of Mr. Bewley,

The Senate Joint Resolution in relation to a joint meeting in the Stout Divorce Case,

Was read.

Mr. Bewley offered an amendment to said resolution,

Which, was read, as follows :

“ Amend the joint resolution by adding the following :

“ ‘ And that John Green, Esq., Speaker of the Senate, be and he is hereby authorized to issue writs of summons, directed to the Sergeant-at-Arms of the Senate, for the appearance of such witnesses as may be designated by the counsel of the respective parties ; and the said Sergeant-at-Arms is hereby authorized and required to serve the same, either by himself or his deputy ; and that in default of the appearance of any of the witnesses, summoned as aforesaid, the said Speaker of the Senate is hereby authorized to issue a writ of attachment, directed as aforesaid, to compel their appearance ; the parties being required to pay the expenses of the witnesses designated by them respectively. ’ ”

Mr. Bewley also presented a letter from John B. Penington, Samuel M. Harrington, Jr., and John O. Slay, counsel for Sophia Stout, wife of said petitioner,

Which,

On his motion,

Was read.

On motion of Mr. Williams,

The Clerk was instructed to request of the Senate to send to the House the papers having relation to the application of Henry Stout for a divorce.

Mr. Martin, Clerk of the Senate, being admitted, presented to the House the papers in the Stout Divorce Case.

On motion of Mr. Williams,

The papers just received from the Senate,

Were read.

On motion of Mr. Bewley,

The amendment offered by him to the Senate Joint Resolution providing for a joint meeting of the two Houses to hear the Stout Divorce Case,

Was

Adopted,

And,

On his further motion,

The Senate Joint Resolution, as amended,

Was

Concurred in.

Ordered that the resolution be returned to the Senate, and their concurrence in the amendment requested.

Mr. Gemmill, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Curtis,

Obtained leave to introduce a bill entitled,

"An act to enable Samuel Burnham to cut a ditch through la
of Samuel Dale, (n.),"

Which,

On motion of Mr. Gemmill,

Was read.

Mr. Martin, Clerk of the Senate, being admitted, informed th
House that the Senate had passed, and requested the concurrence o
the House in a bill entitled,

"An act to divorce William Foreakers and Mary Ann Foreaker
from the bonds of matrimony,"

Which,

On motion of Mr. Watson,

Was read.

On motion of Mr. Gootee,

The bill entitled, "An act to divorce George W. Buchanan and
Hannah Buchanan from the bonds of matrimony,"

Was read a second time by its title.

Mr. Lattomus, on behalf of the committee to whom was referred
that portion of the Governor's Message relating to bounty to volun-
teers or soldiers,

Asked,

And,

On motion of Mr. Watson,

Obtained further time to report.

Mr. Gemmill, on behalf of the committee to whom was referred
that portion of the Governor's Message which relates to the National
Cemetery at Gettysburg,

Asked,

And,

On motion of Mr. Bewley,

Obtained further time to report.

Mr. Duncan, on behalf of the committee on that part of the Governor's Message in relation to aid to the families of volunteers,

Asked,

And,

On motion of Mr. Watson,

Obtained further time to report.

Mr. Allen, from the committee to whom was referred the petition of A. V. Leslie and others, town commissioners of New Castle, in relation to a certain projected change of street in said town,

Asked,

And,

On motion of Mr. Bewley,

Obtained further time to report.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House amendment to the Senate Joint Resolution convening the two Houses, to hear the evidence and counsel upon the application of Henry Stout for divorce.

On motion,

The House adjourned until Monday evening next, at 8 o'clock.

MONDAY, January 18, 1864—8 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Watson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to straighten a road in Cedar Creek Hundred."

Mr. Waples gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to change the name of Williamina Stevens Henry to Maria Margaret Ashton Henry."

Mr. Bailey presented the petition of Ezekiel Blackiston for a divorce,

Which,

On his motion,

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

Whereupon,

Messrs. Bailey, Bewley and Whitby were appointed said committee.

Mr. Watson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"A further supplement to an act granting 'An act to incorporate a bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford.'"

Mr. Waples presented the petition of Davis Marshall and others, devisees of Aaron Marshall, deceased, for an act vesting certain rights in said petitioner,

Which,

On his motion,

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

Whereupon,

Messrs. Waples, Williams and Horsey were appointed said committee.

Mr. Allen presented the petition of H. W. Baker and others, praying an act authorizing the sale of the Academy in Seaford,

Which,

On his motion,

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

Whereupon,

Messrs. Allen, Curtis and Stubbs were appointed said committee.

Mr. Slay, from the committee to whom was referred the petition of Joshua Scotten for a divorce, reported a bill entitled,

"An act to divorce Joshua Scotten and Sarah Elizabeth Scotten from the bonds of matrimony."

Mr. Watson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to revive and continue in force the act entitled 'An act to enable Waitman Jones to locate certain vacant land in North

West Fork Hundred, in Sussex County, and to complete his title to the same,' passed at Dover, February 15th, 1859."

Mr. Waples presented the petition of Mary A. Milby for a divorce,

Which,

On his motion,

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

Whereupon,

Messrs. Waples, Lattomus and Raughley were appointed said committee.

Mr. Bailey presented the petition of Elias Taylor and others, for an act to vacate a public road in Sussex County,

Which,

On his motion,

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

Whereupon,

Messrs. Bailey, Watson and Curtis were appointed said committee.

On motion,

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

TUESDAY, January 19, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Mr. Allen, on behalf of the committee to whom was referred the petition of the Commissioners of the town of New Castle, in relation to a certain projected change of street, reported a bill entitled,

"An act in relation to a certain projected change of street in the town of New Castle,"

Which,

On his motion,

Was read.

Mr. Waples, from the committee to whom was referred the petition of Davis Marshall and others, for an act to vest certain property in fee in the heirs of Aaron Marshall, deceased, reported a bill entitled,

"An act for the benefit of the heirs of Aaron Marshall, deceased,"

Which,

On his motion,

Was read.

Mr. Fisher presented the petition of Aaron B. Marvel and others, for an act authorizing the binding of a certain Index to the Records of the Recorder's office, of Sussex County,

Which,

Was read,

And,

On his motion,

Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon,

Messrs. Fisher, Bewley and Duncan were appointed said committee.

Mr. Watson presented the petition of William Shockley, Jr., and others, for an act for the better protection of sheep,

Which,

Was read,

And,

On his motion,

Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon,

Messrs. Watson, Waples and Whitby were appointed said committee.

On motion of Mr. Duncan,

The House bill entitled, "An act to amend Section 5 of Chapter 34 of the Revised Statutes of the State of Delaware,"

Was read a second time by its title.

Mr. Fisher presented the petition of John Stockley and others, for the passage of an act to authorize the laying out a street in the town of Milton,

Which,

Was read,

And,

On his motion,

Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon,

Messrs. Fisher, Williams and Hayes were appointed said committee.

On motion of Mr. Horsey,

The bill entitled, "An act to enable William W. Dashiell to locate certain vacant lands in Broad Creek Hundred, Sussex County, and to complete his title to the same."

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Watson,

The Senate bill entitled, "An act to enable Thomas Slaughter to survey and locate a certain salt marsh therein named, and to complete his title to the same,"

Was read a third time by paragraphs, and

Passed the House.

Ordered that the Senate be informed thereof, and the bill returned to that body.

On motion of Mr. Slay,

The House bill entitled, "An act to divorce Joshua Scotten and Sarah Elizabeth Scotten from the bonds of matrimony,"

Was read a second time by its title.

On motion of Mr. Watson,

The Senate bill entitled, "An act to divorce William Foreakers and Mary Ann Foreakers from the bonds of matrimony,"

Was read a second time by its title.

On motion of Mr. Allen,

The bill entitled, "An act appointing commissioners to lay out a street in the Town of Seaford, to be called East Street,"

Was read a second time by its title.

And,

On his further motion,

Rule 12 was suspended, in order to read the bill a third time,

And,

On his further motion,

The bill was so read, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Waples presented the petition of James A. Dodd and others, for the passage of an act to enable them to locate certain vacant lands in Lewes and Rehoboth Hundred, Sussex County,

Which,

Was read,

And,

On his motion,

Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon,

Messrs. Waples, Stubbs and Paxson were appointed said committee.

Mr. Watson, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Williams,

Obtained leave to introduce a bill entitled,

"An act to revive and continue in force the act entitled 'An act to enable Waitman Jones to locate certain vacant lands in North West Fork Hundred, in Sussex County, and to complete his title to the same,' passed at Dover, February 15th, 1859,"

Which,

On motion of Mr. Watson,

Was read.

Mr. Allen, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,
 Obtained leave to introduce a bill entitled,
 "An act relating to the exportation of oysters from this State,"
 Which,

On motion of Mr. Allen,
 Was read.

On motion of Mr. Watson,
 The bill entitled, "An act to authorize John M. Rawlins to change the location of, straighten and shorten a certain public road in North West Fork Hundred, Sussex County,"

Was read a second time by its title.

On motion of Mr. Allen,

The bill entitled, "An act to vacate a certain street in the town of New Castle, and make a new one in its stead,"

Was read a second time by its title.

On the further motion of Mr. Allen,

Rule 12 was suspended in order to read the bill a third time,

And,

On his further motion,

The bill was so read,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Watson, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Bailey,

Obtained leave to introduce a bill entitled,

"An act to straighten a road in Cedar Creek Hundred, Sussex County,"

Which,

On motion of Mr. Watson,

Was read.

On motion of Mr. Stubbs,

The bill entitled, "An act to enable certain persons therein named to erect a gate across a public road,"

Was taken up for consideration.

On the further motion of Mr. Stubbs,

The petition accompanying said bill,

Was read,

And,

On his further motion,

The bill was read a second time by its title.

Mr. Watson, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Fisher,

Obtained leave to introduce a bill entitled,

"A further supplement to an act granting an act to incorporate a bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford,"

Which,

On motion of Mr. Watson,

Was read.

Mr. Waples presented the claim of James Kirk against the State,

Which,

Was read and referred to the Committee on Claims.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Gemmill presented the petition of the Levy Court Commissioners of New Castle County, praying for the passage of an act to authorize the erection of a public bridge over Blackbird Creek, in New Castle County,

Which,
 Was read,
 And,
 On his motion,
 Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon,

Messrs. Gemmill, Gootee and Scribner were appointed said committee.

Mr. Slay, from the committee to whom was referred the petition of George B. Dickson, for the passage of an act to authorize the making of an index to marriage record, from 1847 to 1861, reported a bill entitled,

"An act to authorize George B. Dickson to make an index to the old marriage record in the Recorder's office of Kent County, from the year 1847 to 1861,"

Which,

On his motion,

Was read.

Mr. Gemmill, from the committee to whom was referred that portion of Gov. Cannon's Special Message, relating to the National Cemetery at Gettysburg,

Reported a joint resolution directing the State Treasurer to pay to the order of Gov. William Cannon the sum of four hundred and twenty-five dollars toward the Soldiers' National Cemetery, at Gettysburg, with the recommendation that it be adopted by the House,

Which,

On his motion,

Was read.

Mr. Gemmill moved,

That the resolution be adopted.

Mr. Watson moved,

That its further consideration be postponed until next Tuesday morning, at 10 o'clock,

And the House being divided on the question,

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Fisher, Gootee, Horsey, Raughley, Slay, Stubbs, Waples, Watson, Williams and Mr. Speaker—13.

Nays—Messrs. Curtis, Duncan, Gemmill, Hayes, Lattomus, Paxson and Whitby—7.

So the motion

Prevailed,

And the resolution was so postponed.

Mr. Gemmill offered a joint resolution adjourning the two Houses of the General Assembly on Friday, the 22d inst., at 11 o'clock, A. M., *sine die*,

Which,

Was read.

Mr. Gemmill moved,

That the resolution be adopted,

And,

On the question, "Shall the resolution be adopted?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Curtis, Duncan, Gemmill, Hayes, Lattomus, Paxson and Whitby—7.

Nays—Messrs. Allen, Bailey, Bewley, Fisher, Gootee, Horsey, Raughley, Slay, Stubbs, Waples, Watson, Williams and Mr. Speaker—13.

So the motion was

Lost,

And the resolution was lost.

Mr. Duncan presented the claim of C. P. Johnson against the State,

Which,

Was read and referred to the Committee on Claims.

Mr. Waples, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Gemmill,

Obtained leave to introduce a bill entitled,

"An act to change the name of Williamina Stevens Henry to Maria Margaret Ashton Henry,"

Which,

On motion of Mr. Waples,

Was read.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in a bill entitled,

"An act to divorce Charles H. Cattell and Ann B. Cattell from the bonds of matrimony."

On motion of Mr. Allen,

The bill and accompanying papers,

Were read.

On motion of Mr. Duncan,

The further consideration of said bill was postponed until next Friday, at 10 o'clock, A. M.

On motion of Mr. Allen,

Rule 12 was suspended in order to enable him to introduce a bill,

When he sent to the Clerk's table a bill entitled,

"An act supplementary to an act entitled 'An act regulating the sale of intoxicating liquors in the State of Delaware,' passed at Dover, March 6th, 1861,"

Which,

On his motion,

Was read.

Mr. Bewley offered a resolution appointing Charles P. Wetherby Assistant Clerk of the House during the hearing of the application of Henry Stout for a divorce,

Which,

Was read,

And,

On his motion,

Adopted.

Mr. Allen gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act for the benefit of the State of Delaware."

Mr. Duncan gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to define and prevent certain nuisances."

On motion of Mr. Watson,

The Senate bill entitled, "An act to amend an act entitled 'An act authorizing the Recorder of Deeds of Kent County to copy indices,' passed at Dover, January, 24, 1861,"

Was read.

Mr. Bailey, from the committee to whom was referred the petition of Ezekiel Blackiston for a divorce, reported a bill entitled,

"An act to divorce Ezekiel Blackiston and Mary, his wife, from the bonds of matrimony,"

Which,

Was read.

Mr. Bailey, from the committee to whom was referred the petition of Elias Taylor and others, for the passage of an act to vacate a part of a certain public road, reported a bill entitled,

"An act vacating a part of a county road in Sussex County, State of Delaware,"

Which,

Was read.

On motion,

The House adjourned until 6 o'clock and 50 minutes this evening.

SAME DAY—6.50 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Bowley,

The Clerk was directed to inform the Senate that the House would be ready to receive them in five minutes, in joint meeting in the Hall of the House of Representatives, for the hearing of the Stout Divorce Case.

At the time fixed, the members of the Senate, preceded by their Speaker, and attended by their Clerk and Sergeant-at-Arms, entered the Hall of the House and took the seats prepared for them.

JOINT MEETING.

TUESDAY, January 19, 1864—7 o'clock, P. M.

The two Houses being thus convened in joint meeting,

On motion of Mr. Saulsbury, of the Senate,

The joint resolution convening the two Houses of the General Assembly in joint meeting, to hear counsel in the Stout Divorce Case,

Was read.

The names of the witnesses were then called by the Clerk of the Senate.

Eli Saulsbury, Esq., then proceeded to open the case on behalf of his client, Henry Stout, the petitioner, and commenced the examination of witnesses, and after some time spent therein,

On motion of Mr. Saulsbury, of the Senate,

The two Houses separated, to meet in joint meeting, to-morrow evening, at 7 o'clock, and the Senators returned to their chamber.

On motion,

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

WEDNESDAY, January 20, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Williams,

The reading of the journal was dispensed with.

On motion of Mr. Allen,

The bill entitled, "An act supplementary to an act entitled 'An act regulating the sale of intoxicating liquors, &c.,' passed at Dover; March 6, 1861,"

Was read a second time by its title.

Mr. Watson, from the committee to whom was referred the petition of William Shockley, Jr., and others, for the passage of an act for the better protection of sheep, reported a bill entitled,

"An act for laying a tax on dogs, and for the better protection of sheep,"

Which,

Was read.

Mr. Scribner, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,

Obtained leave to introduce a bill entitled,

"An act supplementary to the act entitled 'An act to enable the citizens of the town of South Milford, in Sussex County, to keep in repair the public road in said town and vicinity,'"

Which,

Was read.

On motion of Mr. Watson,

The Senate bill entitled, "An act to divorce William Foreakers and Mary Ann Foreakers from the bonds of matrimony,"

Was read a third time, by paragraphs, in order to pass the House,

And on the question, "Shall this bill pass the House?"

Mr. Scribner called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Fisher, Gootee, Horsey, Lattomus, Paxson, Scribner, Slay, Waples, Watson, and Mr. Speaker—11.

Nays—Messrs. Curtis, Gemmill, Hayes, Raughley, Stubbs, Whitby and Williams—7.

So the question

Prevailed,

And the bill

Passed the House.

Ordered that the Senate be informed thereof, and the bill returned to that body.

On motion of Mr. Slay,

The bill entitled, "An act to divorce Joshua Scotten and Sarah Elizabeth Scotten from the bonds of matrimony,"

Was taken up for consideration,

And the papers accompanying the bill,

Were read,

When,

On motion of Mr. Gemmill,

The further consideration thereof, was postponed.

Mr. Watson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act authorizing William Tharp, Administrator of Bethuel Watson, to pay certain legacies."

Mr. Allen, from the committee to whom was referred the petition of Matilda Dickerson, for a divorce,

Asked,

And,

On motion of Mr. Watson,

Obtained further time to report.

Mr. Horsey gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend Section 1 of Chapter 59 of the Revised Code."

On motion of Mr. Waples,

The bill entitled, "An act for the benefit of the heirs of Aaron Marshall, deceased,"

Was read a second time by its title,

And,

On his further motion,

The bill entitled, "An act to change the name of Williamina Stevens Henry to Maria Margaret Ashton Henry,"

Was read a second time by its title.

On motion of Mr. Watson,

The bill entitled, "A further supplement to an act granting an act to incorporate a bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' Bank at Milford,"

Was read a second time by its title.

On motion of Mr. Allen,

The bill entitled, "An act to amend the act entitled 'An act to incorporate a bank in Seaford, in the county of Sussex, under the name of 'The Diamond State Bank.'"

Was read a second time by its title.

On motion of Mr. Watson,

The bill entitled, "An act to straighten a road in Cedar Creek Hundred, Sussex County,"

Was read a second time by its title.

On motion of Mr. Allen,

The bill entitled, "An act relating to the exportation of oysters from this State,"

Was read a second time by its title.

On motion of Mr. Watson,

The bill entitled, "An act to amend an act authorizing the Recorder of Deeds of Kent County, to copy indices, passed at Dover, January 24, 1861,"

Was read a second time by its title.

On motion of Mr. Slay,

The bill entitled, "An act to authorize George B. Dickson to make an index to the old marriage record in the Recorder's office of Kent County, from the year 1847 to 1861,"

Was read a second time by its title.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Bailey,

The bill entitled, "An act vacating a part of a county road in Sussex County, State of Delaware,"

Was read a second time by its title.

On motion of Mr. Watson,

The bill entitled, "An act to revive and continue in force the act entitled 'An act to enable Waitman Jones to locate certain vacant land in North West Fork Hundred, in Sussex County, and to complete his title to the same,' passed at Dover, February 15, 1859,"

Was read a second time by its title.

Mr. Bewley presented the petition of John P. Springer and others, of Wilmington, for the passage of an act to repeal the law requiring the prepayment of municipal taxes before voting at any municipal election,

Which,

Was read,

And,

On his motion,

Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon,

Messrs. Bewley, Curtis and Waples were appointed said committee.

On motion of Mr. Slay,

The bill entitled, "An act to divorce Joshua Scotten and Sarah Elizabeth Scotten from the bonds of matrimony,"

Was read a third time, by paragraphs, in order to pass the House.

The question being, "Shall the bill pass the House?"

On motion of Mr. Bewley,

The papers accompanying the bill,

Were read.

Mr. Gemmill called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Fisher, Horsey, Lattomus, Paxson, Raughley, Scribner, Slay, Waples, Watson, and Mr. Speaker—12.

Nays—Messrs. Bewley, Curtis, Duncan, Gemmill, Gootee, Hayes, Stubbs, Whitby, and Williams—9.

So the question

Prevailed,

And the bill

Passed the House.

Ordered to the Senate for concurrence.

Mr. Watson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to incorporate 'The Wilmington Connection Railroad,' being a road to connect the City of Wilmington with the proposed road from Washington to New York."

Mr. Fisher, from the committee to whom was referred the petition of A. P. Marvel and others, for the re-binding of a certain record book, reported a bill entitled,

"An act to authorize the re-binding and transcribing of certain indexes to the records in the office of the Recorder of Deeds, in Sussex County,"

Which,

Was read.

Mr. Watson presented the petition of James Hallett, for a divorce from his wife, Ann Hallett,

Which,

Was read.

The Speaker presented a letter from Ann Hallett remonstrating against a divorce,

Which,

Was read.

On motion of Mr. Watson,

The petition and letter of remonstrance,

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

Whereupon,

Messrs. Watson, Whitby and Horsey were appointed said committee.

On motion of Mr. Gootee,

The bill entitled, "An act to divorce George W. Buchanan and Hannah Buchanan from the bonds of matrimony,"

Was taken up for consideration.

Mr. Curtis offered an amendment to the bill,

Which was read, as follows :

"Amend the bill by striking out Section 2 and inserting in lieu thereof, the following :

"SECTION 2. *And be it further enacted*, That from and after the passage of this act, the said Hannah Buchanan shall be known in law, equity and otherwise, as Hannah Bradley; her name previous to her marriage with the said G. W. Buchanan,"

And,

On his motion,

Adopted.

On motion of Mr. Gootee,

The bill was read a third time, as amended, in order to pass the House,

And on the question, "Shall the bill pass the House?"

Mr. Gemmill called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Curtis, Fisher, Gootee, Horsey, Lattomus, Paxson, Raughley, Scribner, Slay, Waples, Watson, and Mr. Speaker—15.

Nays—Messrs. Duncan, Gemmill, Hayes, Stubbs, Whitby, and Williams—6.

So the question

Prevailed,

And the bill

Passed the House.

Ordered to the Senate for concurrence.

Mr. Waples, from the committee to whom was referred the petition of Mary A. Milby, for a divorce, reported a bill entitled,

“An act to divorce Mary A. Milby, of Sussex County, Delaware, and Nathaniel Milby, from the bonds of matrimony,”

Which,

Was read.

Mr. Curtis gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

“An act to cede certain lands to the United States of America.”

Mr. Duncan, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Gemmill,

Obtained leave to introduce a bill entitled,

“An act to define and prevent certain nuisances,”

Which,

Was read.

Mr. Waples, from the committee to whom was referred the petition of James A. Dodd and others, for the passage of an act to enable them to locate certain vacant land, reported a bill entitled,

“An act to enable James A. Dodd, William A. Dodd, Edward S. Tunnell and George M. Cooper, to locate certain vacant marsh land in Lewes and Rehoboth Hundred, in Sussex County, and complete their title to the same,”

Which,

Was read.

Mr. Duncan gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to incorporate Hermann Lodge, No. 29, of the Independent Order of Odd Fellows, of Wilmington, Delaware."

On motion of Mr. Bailey,

The bill entitled, "An act to divorce Ezekiel Blackiston and Mary, his wife, from the bonds of matrimony,"

Was read a second time by its title.

Mr. Stubbs moved,

That the bill entitled, "An act to enable certain persons to erect a gate across a public road," be read a third time, by paragraphs, in order to pass the House.

Pending which question,

On motion of Mr. Bewley,

The further consideration thereof was postponed until to-morrow morning, at 10 o'clock.

On motion of Mr. Allen,

The Senate bill entitled, "An act to divorce Charles H. Cattell and Ann B. Cattell from the bonds of matrimony,"

Was read a second time by its title.

On motion of Mr. Duncan,

The bill entitled, "An act to amend Section 5 of Chapter 34 of the Revised Statutes of the State of Delaware,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Allen, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Fisher,

Obtained leave to introduce a bill entitled,

"An act for the benefit of the State of Delaware,"

Which,

On motion of Mr. Allen,

Was read.

On motion,

The House adjourned until 6 o'clock and fifty minutes this evening.

SAME DAY—6.50 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Williams,

The Clerk was directed to inform the Senate that the House would be ready to receive them in five minutes, in joint meeting, in the Hall of the House of Representatives, for the hearing of the Stout Divorce Case.

At the time fixed, the members of the Senate, preceded by their Speaker, and attended by their Clerk and Sergeant-at-Arms, entered the Hall of the House and took the seats prepared for them.

JOINT MEETING.

WEDNESDAY, January 20, 1864—7 o'clock, P. M.

The two Houses being thus convened in joint meeting,

The list of witnesses was called, and the counsel resumed the examination of witnesses.

A discussion having arisen as to the admissibility in evidence of a certain paper purporting to be a certificate of the marriage of the parties,

On motion of Mr. Williamson, of the Senate,

It was laid aside.

After some further time spent in the examination of witnesses,

On motion of Mr. Allen, of the House,

The two Houses separated, to meet again in joint session, to-morrow afternoon, at 2 o'clock.

On motion,

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

THURSDAY, January 21, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Waples,

The reading of the journal was dispensed with.

Mr. Horsey, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,

Obtained leave to introduce a bill entitled,

"An act to amend Section 1 of Chapter 59 of the Revised Code, entitled 'Of Ditches,'"

Which,

On motion of Mr. Horsey,

Was read.

On motion of Mr. Watson,

The bill entitled, "A further supplement to an act granting an act to incorporate a bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' bank of Milford,"

Was read a third time, and by paragraphs,

And on the question, "Shall the bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows:

Yeas—Messrs. Allen, Curtis, Fisher, Gemmill, Gootee, Hayes, Horsey, Lattomus, Paxson, Raughley, Scribner, Slay, Stubbs, Waples, Watson, Whitby, Williams, and Mr. Speaker—18.

Nays—None.

So the bill having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House bill entitled,

"An act to enable the Executors of Giles Lambson, deceased, to sell and convey certain real estate," with an amendment, in which the concurrence of the House was requested.

On motion of Mr. Watson,

The amendment was read, as follows :

SENATE, January 20, 1864.

"Amend the bill by adding after the word 'therefore,' in the last line of the preamble, as follows, viz: 'Section 1.'

"Extract from the journal. For concurrence.

"E. L. MARTIN,

"Clerk of the Senate."

On motion of Mr. Gemmill,

The amendment was

Concurred in.

Ordered that the Senate be informed thereof.

On motion of Mr. Watson,

The bill entitled, "An act to straighten a road in Cedar Creek Hundred,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Waples,

The House bill entitled, "An act to change the name of Williamina Stevens Henry to Maria Margaret Ashton Henry,"

Was read a third time, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Allen,

The bill entitled, "An act supplementary to an act entitled 'An act regulating the sale of intoxicating liquors, &c.,' passed at Dover, March 6th, 1861,"

Was taken up for consideration.

Mr. Allen offered an amendment to the bill,

Which,

On his motion,

Was read, as follows :

"Amend the bill by striking out all after the enacting clause and inserting as follows :

'SECTION 1. No person shall keep a tavern, with the privilege of selling intoxicating liquors, without having first obtained from the Clerk of the Peace a license for that purpose, upon the recommendation of the Judges of the Court of General Sessions; the petition and license therefor and the privileges thereof, to be the same as under existing statutes.

'SECTION 2. Strike out the words "Grand Jury, given under the hand of the foreman" in the third and fourth lines of Section 7, Chapter 108, passed at Dover, March the 6th, 1861, and insert in lieu thereof the words "Judges of the Court of General Sessions."

'SECTION 3. That all acts and parts of acts heretofore passed, which may conflict with, or be contradictory to the provision of this act, be and the same are hereby repealed, made null and void.'

On motion of Mr. Gemmill,

The further consideration of the bill was postponed until Tuesday next, at 3 o'clock P. M.

On motion of Mr. Waples,

The bill entitled, "An act for the benefit of the heirs of Aaron Marshall, deceased,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Gemmill, from the committee to whom was referred the petition of a majority of the Levy Court of New Castle County, for an act to erect a public bridge over Blackbird Creek, in New Castle County, reported a bill entitled,

"An act to authorize and empower the Levy Court of New Castle County to erect a public bridge over Blackbird Creek, in New Castle County,"

Which,

Was read.

Mr. Lattomus presented a remonstrance of Samuel Townsend and others, citizens of Appoquinimink Hundred, New Castle County, against the passage of a bill for the erection of a public bridge over Blackbird Creek,

Which,

Was read.

On motion of Mr. Watson,

The bill entitled, "An act to revive and continue in force the act entitled 'An act to enable Waitman Jones to locate certain vacant land in North West Fork Hundred, in Sussex County, and to complete his title to the same,' passed at Dover, February 15th, 1859."

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Fisher, from the committee to whom was referred the petition of citizens of Sussex County, for an act to lay out a public road in Broadkilm Hundred, reported a bill entitled

"An act to authorize the laying out a public road in Broadkilm Hundred,"

Which,

Was read.

On motion of Mr. Scribner,

The bill entitled, "An act supplementary to the act entitled 'An act to enable the citizens of the town of South Milford, in Sussex County, to keep in repair the public roads in said town and vicinity,'"

Was read a second time by its title.

On motion of Mr. Watson,

The Senate bill entitled, "An act to amend an act entitled 'An act authorizing the Recorder of Deeds of Kent County to copy indices,' passed at Dover, January 24, 1861,"

Was taken up for consideration.

Mr. Gemmill moved,

To strike out, in the first Section, the name of Philip Culbreth, Esq., and insert in lieu thereof the name of Henry W. Draper,

Which,

He withdrew.

On motion of Mr. Watson,

The bill was read a third time, and

Passed the House.

Ordered that the Senate be informed thereof, and the bill returned to that body.

Mr. Raughley, under a suspension of the rules,

Asked,

And obtained leave to introduce a bill entitled,

"An act entitled a supplement to Chapter 25, entitled 'An act to incorporate the St. Jones' Branch Ditch Company,' passed at Dover, February 7th, 1861,"

Which,

Was read.

On motion of Mr. Watson,

The bill entitled, "An act to authorize John M. Rawlins to change the location of, straighten and shorten a certain public road in North West Fork Hundred, Sussex County,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Allen, from the committee to whom was referred the petition of H. W. Baker and others, citizens of Seaford and vicinity, asking the passage of an act authorizing the Trustees of the Seaford Academy to sell the same at public auction and distribute the proceeds equally between the two public schools in Seaford, reported a bill entitled,

"An act to authorize the Trustees of the Seaford Academy to sell and convey the old Academy building, in the town of Seaford,"

Which,

Was read.

On motion of Mr. Waples,

The bill entitled, "An act to divorce Mary A. Milby, of Sussex County, Delaware, and Nathaniel Milby, from the bonds of matrimony,"

Was read a second time by its title.

Mr. Watson, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Williams,

Obtained leave to introduce a bill entitled,

"An act authorizing William Tharp, Administrator of Bethuel Watson, to pay certain legacies,"

Which,

Was read.

Mr. Horsey gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend Section 3 of Chapter 42 of the Revised Code."

Mr. Watson, from the committee to whom was referred the petition of James Hallett for a divorce, reported a bill entitled,

"An act to divorce James Hallett, of the town of Milford, Kent County, Delaware, and Ann M. Hallett, from the bonds of matrimony,"

Which,

Was read.

On motion of Mr. Waples,

The bill entitled, "An act to enable James A. Dodd, William A. Dodd, Edward S. Tunnell and George M. Cooper, to locate certain vacant marsh land in Lewes and Rehoboth Hundred, in Sussex County, and complete their title to the same,"

Was read a second time by its title.

Mr. Watson presented the petition of Mary Campbell and others, of Cedar Creek Hundred, Sussex County, for an act to repair a ditch in Cedar Creek Hundred,

Which,

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

Whereupon,

Messrs. Watson, Stubbs and Lattomus were appointed said committee.

On motion of Mr. Allen,

The bill entitled, "An act for the benefit of the State of Delaware,"

Was read a second time by its title.

Mr. Fisher moved,

That the House adjourn until one o'clock and fifty minutes this afternoon.

And the House being divided on the question,

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Curtis, Fisher, Gootee, Paxson, Raughley, Watson, and Mr. Speaker—7.

Nays—Messrs. Allen, Gemmill, Hayes, Horsey, Lattomus, Scribner, Slay, Stubbs, Waples, Whitby, and Williams—11.

So the motion to adjourn was not agreed to.

On motion of Mr. Slay,

The bill entitled, "An act to authorize George B. Dickson to make an index to the old marriage record in the Recorder's office of Kent County, from the year 1847 to 1861,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Allen,

The bill entitled, "An act to amend the act entitled 'An act to incorporate a bank in Seaford, in the County of Sussex, under the name of the Diamond State Bank,'"

Was read a third time.

And on the question, "Shall the bill pass the House?"

Mr. Allen called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Curtis, Duncan, Fisher, Gemmill, Gootee, Hayes, Horsey, Lattomus, Paxson, Raughley, Scribner, Slay, Stubbs, Waples, Watson, Whitby, and Mr. Speaker
—20.

Nays—Mr. Williams—1.

So the bill having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Duncan,

The bill entitled, "An act to define and prevent certain nuisances,"

Was read a second time by its title.

Mr. Duncan, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,

Obtained leave to introduce a bill entitled,

"An act to incorporate Hermann Lodge, No. 29, of the Independent Order of Odd Fellows, of Wilmington, Delaware,"

Which,

Was read.

On motion of Mr. Bailey,

The bill entitled, "An act vacating a part of a county road in Sussex County, State of Delaware,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Allen moved,

That the House adjourn until ten minutes to two o'clock.

On the question, "Shall the House now adjourn?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Curtis, Fisher, Paxson, Raughley, Scribner, Stubbs, Waples, Watson, Whitby, Williams, and Mr. Speaker—12.

Nays—Messrs. Bailey, Bewley, Duncan, Gemmill, Gootee, Hayes, Horsey, Lattomus, and Slay—9.

So the question was determined in the affirmative,

And the House adjourned until one o'clock and fifty minutes this afternoon.

SAME DAY—1.50 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Watson,

The Clerk was directed to inform the Senate that the House would be ready to receive them in five minutes, in joint meeting in the Hall of the House of Representatives, for the hearing of the Stout Divorce Case.

At the time fixed, the members of the Senate, preceded by their Speaker, and attended by their Clerk and Sergeant-at-Arms, entered the Hall of the House and took the seats prepared for them.

JOINT MEETING.

THURSDAY, January 21, 1864—2 o'clock, P. M.

The two Houses being thus convened in joint meeting,

The list of witnesses were then called by the Clerk of the Senate:

The examination of witnesses for the respondent was resumed, and after some time spent therein,

Mr. Cahall, of the Senate, moved,

That the two Houses separate to meet again in joint meeting, on Tuesday, the 26th inst., at 2 o'clock in the afternoon,

And on the question, "Shall the motion prevail?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Cahall, Hickman, Saulsbury, and Mr. Speaker, of the Senate, and Messrs. Allen, Bailey, Bewley, Gootee, Raughley, Scribner, Slay, Waples, Watson, and Williams, of the House of Representatives—14.

Nays—Messrs. Belville, Tatum and Williamson, of the Senate, and Messrs. Curtis, Duncan, Gemmill, Hayes, Lattomus, Paxson, Stubbs, Whitby, and Mr. Speaker, of the House of Representatives—12.

So the question was decided in the affirmative, and the two Houses separated.

Mr. Watson moved,

That the House adjourn until to-morrow morning, at 9 o'clock.

Mr. Bewley moved,

To amend the motion by striking out "nine" and inserting "ten,"

And on the question, "Shall the amendment be adopted?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Bailey, Bewley, Duncan, Lattomus, Paxson, and Williams—6.

Nays—Messrs. Allen, Curtis, Gemmill, Gootee, Hayes, Raughley, Scribner, Slay, Stubbs, Waples, Watson, Whitby, and Mr. Speaker—13.

So the motion to amend was not agreed to.

The question recurring upon the original motion,

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Gemmill, Gootee, Raughley, Scribner, Slay, Stubbs, Waples, Watson, Whitby, Williams, and Mr. Speaker—12.

Nays—Messrs. Bailey, Bewley, Curtis, Duncan, Hayes, Lattomus, and Paxson—7.

So the motion

Prevailed,

And the House adjourned until to-morrow morning at 9 o'clock.

FRIDAY, January 22, 1864—9 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Gootee, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,

Obtained leave to introduce a bill entitled,

"An act to revive and amend an act entitled 'An act to incorporate the Green Branch Ditch Company,'"

Which,

On motion of Mr. Gootee,

Was read.

Mr. Allen, from the committee to whom was referred the petition of Matilda Dickerson for a divorce, reported a bill entitled,

"An act to divorce Matilda Dickerson and James Dickerson from the bonds of matrimony,"

Which,

On his motion,

Was read.

On motion of Mr. Scribner,

The bill entitled, "An act supplementary to the act entitled 'An act to enable the citizens of the town of South Milford, in Sussex County, to keep in repair the public roads in said town and vicinity,'"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Watson,

The bill entitled, "An act authorizing William Tharp, Administrator of Bethuel Watson, to pay certain legacies,"

Was read a second time by its title.

On motion of Mr. Gemmill,

The bill entitled, "An act to enable Samuel Burnham to cut a ditch through land of Samuel Dale, (n.),"

Was taken up for consideration, and amended.

On his further motion,

The bill was then read a second time by its title.

On motion of Mr. Waples,

The bill entitled, "An act to enable James A. Dodd, William A. Dodd, Edward S. Tunnell and George M. Cooper to locate certain vacant marsh land in Lewes and Rehoboth Hundred, in Sussex County, and complete their title to the same,"

Was taken up for consideration, and amended,

And,

On his further motion,

The bill was read a third time, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House bills entitled,

"An act appointing commissioners to lay out a public street in the Town of Seaford, to be called East Street,"

And,

"An act to enable William W. Dashiell to locate certain vacant land in Broad Creek Hundred, Sussex County, and to complete his title to the same,"

And returned said bills to the House.

Mr. Lattomus, from the committee to whom was referred that portion of the Governor's Message upon the subject of bounty to soldiers, reported a bill entitled,

"An act to provide bounties for volunteers,"

Which,

On his motion,

Was read.

Mr. Watson, from the committee to whom was referred the petition of Mary Campbell and others, for an act authorizing the stopping up or closing a certain ditch in Cedar Creek Hundred, Sussex County, reported a bill entitled,

"An act to authorize the stopping up or closing a certain ditch in Cedar Creek Hundred, Sussex County,"

Which,

On his motion,

Was read.

On motion of Mr. Watson,

The bill entitled, "An act to divorce James Hallett, of the town of Milford, Kent County, Delaware, and Ann M. Hallett, from the bonds of matrimony,"

Was read a second time by its title.

On motion of Mr. Allen,

The bill entitled, "An act to authorize the Trustees of the Seaford Academy to sell and convey the old Academy building, in the town of Seaford,"

Was read a second time by its title,

And,

On his further motion,

Rule 12 was, by unanimous consent, suspended in order that the bill just read a second time might be read a third time, in order to pass the House,

When,

On his further motion,

The bill was read a third time, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Gemmill,

Rule 12 was, by unanimous consent, suspended in order that the bill entitled,

"An act to enable Samuel Burnham to cut a ditch through land of Samuel Dale, (n.),"

Might be read a third time, in order to pass the House,

And,

On his further motion,

The bill was read a third time, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Waples,

The bill entitled, "An act to divorce Mary A. Milby, of Sussex County, Delaware, and Nathaniel Milby from the bonds of matrimony,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Gemmill,

The bill entitled, "An act to authorize and empower the Levy Court of New Castle County to erect a public bridge over Blackbird Creek, in New Castle County,"

Was read a second time by its title.

On motion of Mr. Duncan,

The bill entitled, "An act to incorporate Hermann Lodge, No. 29, of the Independent Order of Odd Fellows, of Wilmington, Delaware,"

Was read a second time by its title.

Mr. Bewley, on behalf of the committee to whom was referred the petition of John P. Springer and others, for an act repealing the law requiring the prepayment of municipal tax in the City of Wilmington, as a qualification to vote at any municipal election in said city,

Asked,

And,

Obtained further time to report.

Mr. Allen moved,

That the House adjourn until 8 o'clock and 30 minutes on Monday evening next.

On the question, "Will the House adjourn until 8 o'clock and 30 minutes on Monday evening next?"

Mr. Williams called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Allen, Gootee, Scribner, Stubbs, Waples, Watson, and Mr. Speaker—7.

Nays—Messrs. Bewley, Duncan, Gemmill, Hayes, Lattomus, Paxson, Raughley, Slay, Whitby and Williams—10.

So the question was decided in the negative,

And the motion was

Lost.

On motion of Mr. Raughley,

The bill entitled, "An act entitled a supplement to Chapter 25 entitled 'An act to incorporate the St. Jones' Branch Ditch Company,' passed at Dover, February 7th, 1861,"

Was read a second time by its title.

Mr. Bailey moved,

That the House adjourn until 8 o'clock and 30 minutes on Monday evening next.

On the question, "Will the House adjourn until 8 o'clock and 30 minutes on Monday evening next?"

Mr. Williams called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Duncan, Gemmill, Gootee, Hayes, Lattomus, Paxson, Raughley, Scribner, Slay, Stubbs, Waples, Whitby and Mr. Speaker—16.

Nays—Messrs. Watson and Williams—2.

So the question was decided in the affirmative,

And the House adjourned until 8 o'clock and 30 minutes on Monday evening next.

MONDAY, January 25, 1864—8.30 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Curtis, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Gemmill,

Obtained leave to introduce a bill entitled,

"An act to cede certain lands to the United States of America,"

Which,

On motion of Mr. Curtis,

Was read.

On motion of Mr. Fisher,

The bill entitled, "An act to authorize the re-binding and transcribing of certain indexes to the records in the office of the Recorder of Deeds, in Sussex County,"

Was read a second time by its title.

On motion of Mr. Gootee,

The bill entitled, "An act to revive and amend the act entitled 'An act to incorporate the Green Branch Ditch Company,'"

Was read a second time by its title.

Mr. Duncan gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend an act entitled 'An act to incorporate the Young Men's Association, of the City of Wilmington, for mutual improvement.'"

On motion of Mr. Horsey,

The bill entitled, "An act to amend Section 1 of Chapter 59 of the Revised Code, entitled 'Of Ditches,'"

Was read a second time by its title.

On motion of Mr. Fisher,

The bill entitled, "An act to authorize the laying out a public road in Broadkilm Hundred,"

Was read a second time by its title.

Mr. Horsey, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Fisher,

Obtained leave to introduce a bill entitled,

"An act to amend Section 3 of Chapter 42, of the Revised Code, entitled 'Of Free Schools,'"

Which,

On motion of Mr. Horsey,

Was read.

On motion of Mr. Watson,

The bill entitled, "An act for laying a tax on dogs, and for the better protection of sheep,"

Was read a second time by its title.

Mr. Gemmill moved,

That the House adjourn until ten o'clock to-morrow morning.

On the question, "Will the House adjourn until ten o'clock to-morrow morning?"

Mr. Stubbs called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Duncan, Fisher, Gemmill, Hayes, Paxson, Raughley, Slay, Waples, Watson, Whitby, Williams, and Mr. Speaker—14.

Nays—Messrs. Curtis, Gootee, Horsey, and Stubbs—4.

So the question

Prevailed,

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

TUESDAY, January 26, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Gootee,

The bill entitled "An act to revive and amend the act entitled 'An act to incorporate the Green Branch Ditch Company,'"

Was read a third time, in order to pass the House.

On the question, "Shall the bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Curtis, Duncan, Fisher, Gemmill, Gootee, Hayes, Horsey, Paxson, Raughley, Slay, Stubbs, Waples, Watson, Whitby, Williams, and Mr. Speaker—19.

Nays—None.

So the question

Prevailed,

And the bill having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Gemmill,

The Joint Resolution in relation to an appropriation for the National Cemetery, at Gettysburg,

Was taken up for consideration, and read.

Mr. Gemmill moved,

That the resolution be adopted.

On the question, "Shall the resolution be adopted?"

Mr. Gemmill called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Bailey, Curtis, Duncan, Fisher, Gemmill, Hayes, Paxson, Slay, Watson, Whitby, and Williams—11.

Nays—Messrs. Allen, Bewley, Gootee, Horsey, Raughley, Stubbs, Waples, and Mr. Speaker—8.

So the question

Prevailed,

And the resolution was

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Allen,

The Senate bill entitled, "An act to divorce Charles H. Cattell and Ann B. Cattell from the bonds of matrimony,"

Was read a third time, in order to pass the House.

Mr. Duncan presented the remonstrance of Ann B. Cattell against the same,

Which,

Was read.

On motion of Mr. Allen,

The petition of Charles H. Cattell, for a divorce,

Was read.

Mr. Gemmill moved,

That the bill be indefinitely postponed.

On the question, "Shall the bill be indefinitely postponed?"

Mr. Bewley called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Bailey, Curtis, Duncan, Fisher, Gemmill, Gootee, Hayes, Paxson, Stubbs, Watson, Whitby, Williams, and Mr. Speaker—13.

Nays—Messrs. Allen, Bewley, Horsey, Raughley, Slay, and Waples—6.

So the question

Prevailed,

And the bill was indefinitely postponed.

On motion of Mr. Horsey,

The bill entitled, "An act to amend Section 3 of Chapter 42 of the Revised Code, entitled 'Of Free Schools,'"

Was read a second time by its title.

Mr. Bewley presented the claim of Robert D. Hoffecker against the State,

Which,

On his motion,

Was read and referred to the Committee on Claims.

Mr. Watson presented the petition of William Hill and others, in favor of the passage of a bill to grant bounty to volunteers,

Which,

On his motion,

Was read and filed with the bill on that subject.

On motion of Mr. Duncan,

The bill entitled, "An act to define and prevent certain nuisances,"

Was taken up for consideration,

And,

On his further motion,

The bill was read for the information of the House.

Mr. Duncan presented resolutions of the City Council of Wilmington,

Which,

On his motion,

Were read and filed with the bill.

Mr. Duncan moved,

To amend the bill by inserting after the words "Shall be fined," in Section 2, the words "from one to five thousand dollars, at the discretion of the Court,"

Which,

Was

Adopted.

Mr. Duncan moved,

Further to amend Section 2 by inserting after the word "within" and before the word "days," the word "twenty,"

Which,

Was

Adopted.

Mr. Duncan moved,

Further to amend the bill by adding the following Section :

SECTION 3. *And be it further enacted*, That no person hereafter shall put or place, or suffer or permit to be put, placed or used, any privy, hog-pen, or slaughter house, over or so near that the excrement or offal therefrom shall escape or run into any stream of running water within the limits of this State, from which the inhabitants of any town, borough or city within the limits aforesaid, are wholly, or in part, furnished with water as a drink or beverage, and any one offending against the provisions of this Section shall be deemed to be guilty of committing a common nuisance, and upon conviction thereof in the Court aforesaid, shall be fined the sum of one hundred dollars, and the Court shall order the nuisance to be abated immediately.

Which,

On his motion,

Was

Adopted,

And,

On his further motion,

The consideration of the bill was postponed until to-morrow, at 3 o'clock.

On motion of Mr. Duncan,

The bill entitled, "An act to incorporate Hermann Lodge, No. 29, of the Independent Order of Odd Fellows, of Wilmington, Delaware,"

Was read a third time, by paragraphs, with a view to its passage.

And on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Curtis, Duncan, Fisher, Gemmill, Gootee, Hayes, Horsey, Paxson, Raughley, Slay, Stubbs, Waples, Watson, Whitby, and Williams—18.

Nay—Mr. Speaker—1.

So the bill having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Allen,

The bill entitled, "An act relating to the exportation of oysters from this State,"

Was read a third time, by paragraphs, with a view to its passage.

And on the question, "Shall this bill pass the House?"

Mr. Fisher called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Gootee, Horsey, Raughley, Slay, Stubbs, Waples, Watson, Whitby, Williams, and Mr. Speaker—13.

Nays—Messrs. Curtis, Duncan, Fisher, Gemmill, Hayes, and Paxson—6.

So the bill having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Gemmill offered the following joint resolution :

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, that both Houses will adjourn on Friday, the 29th inst., at 11 o'clock A. M., sine die. (January 26th, 1864.)

Mr. Bewley moved,

To indefinitely postpone the consideration of the resolution.

On the question, "Shall the consideration of the resolution be indefinitely postponed?"

Mr. Gemmill called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Fisher, Gootee, Horsey, Raughley, Slay, Stubbs, Waples, Watson, Williams, and Mr. Speaker—13.

Nays—Messrs. Curtis, Duncan, Gemmill, Hayes, Paxson, and Whitby—6.

So the resolution was

Indefinitely postponed.

On motion of Mr. Curtis,

The bill entitled, "An act to cede certain lands to the United States of America,"

Was read a second time by its title.

On motion of Mr. Bewley,

The House adjourned until 1 o'clock and 50 minutes this afternoon.

SAME DAY—1.50 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Bewley,

The Clerk of the House was requested to notify the Senate that the House was ready to receive it in joint meeting, to continue the investigation of the Stout Divorce Case.

JOINT MEETING.

TUESDAY, January 26, 1864—2 o'clock, P. M.

The two Houses being convened in joint meeting,

The list of witnesses was called by the Clerk of the Senate and the examination of witnesses was resumed.

A question having arisen as to the admission of a certain part of the testimony of I. L. Crouch, one of the witnesses for the respondent,

Mr. Gemmill, of the House, moved,

That the witness proceed with his testimony,

Which motion

Prevailed.

After some further time spent in the hearing of testimony,

Mr. Saulsbury, of the Senate, moved,

That the two Houses take a recess of fifteen minutes,

Which motion

Prevailed.

At the expiration of said time, the two Houses again convened in joint meeting, and the examination of witnesses was resumed,

Which, being concluded,

On motion of Mr. Saulsbury, of the Senate,

The two Houses took a recess until 7 o'clock this evening.

TUESDAY, January 26, 1864—7 o'clock, P. M.

At the time appointed, the two Houses again convened in joint meeting,

And the counsel of the petitioner and respondent entered upon the argument of the case, and after some time spent therein,

On motion of Mr. Saulsbury, of the Senate,

The two Houses separated, to meet again in joint meeting, to-morrow evening, at 7 o'clock.

On motion,

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

WEDNESDAY, January 27, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Fisher moved,

To reconsider the vote by which the bill entitled,

"An act to divorce Charles H. Cattell and Ann B. Cattell, from the bonds of matrimony,"

Was indefinitely postponed.

On the question, "Shall the vote be reconsidered?"

Mr. Gemmill called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Fisher, Gootee, Horsey, Raughley, Scribner, Slay, Stubbs, Waples, Watson, Williams, and Mr. Speaker—13.

Nays—Messrs. Curtis, Duncan, Gemmill, Hayes, Lattomus, Paxson, and Whitby—7.

So the vote was

Reconsidered.

On motion of Mr. Watson,

The further consideration of the bill was postponed until 3 o'clock P. M.

On motion of Mr. Horsey,

The bill entitled, "An act to amend Section 1 of Chapter 59 of the Revised Code, entitled 'Of Ditches,'"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Paxson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"A further additional supplement to an act entitled 'An act to incorporate a company for the purpose of cutting and making a canal between the Chesapeake Bay and bay or river Delaware, or the waters thereof.'"

On motion of Mr. Watson,

The bill entitled, "An act to divorce James Hallett, of the town of Milford, Kent County, Delaware, and Ann M. Hallett, from the bonds of matrimony,"

Was taken up for consideration.

Mr. Watson presented the certificate of Mary Calhoun,

Which,

Was read and filed with the bill.

The Speaker presented the remonstrance of Mrs. Ann M. Hallett and an accompanying letter,

Which,

Were read and filed with the bill.

Mr. Watson moved,

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

And on the question, "Shall the bill be so read?"

Mr. Gemmill called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Fisher, Scribner, and Watson—3.

Nays—Messrs. Allen, Bailey, Curtis, Duncan, Gemmill, Gootee, Hayes, Horsey, Lattomus, Paxson, Raughley, Slay, Stubbs, Waples, Whitby, Williams, and Mr. Speaker—17.

So the question was decided in the negative,

And the House refused to have the bill read a third time.

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

"An act to amend Section 7 of Chapter 241 of the Laws of the State of Delaware, passed at Dover, February 26th, 1855;"

"An act to enable Greensbury M. Truitt, Sarah Truitt, and Geo. M. Cary, to locate certain vacant lands in Broad Creek Hundred, Sussex County, and to complete their title to the same;"

"An act to amend an act entitled 'An act in relation to free negroes and mulattoes,' passed at Dover, March 18th, 1863,"

And that the Senate had concurred in the House bills entitled :

"An act to amend Section 5 of Chapter 34 of the Revised Statutes of the State of Delaware ;"

"An act to authorize the Trustees of the Parsonage Property, belonging to the members of the Methodist Episcopal Church, in the village of Newport, New Castle County, to sell or lease certain property in said village ;"

"An act to authorize John M. Rawlins to change the location of, straighten and shorten a certain public road in North West Fork Hundred, Sussex County."

On motion of Mr. Lattomus,

The bill entitled, "An act to provide bounties for volunteers,"

Was read a second time by its title.

On motion of Mr. Watson,

The bill entitled, "An act to authorize Joseph G. Morgan and William H. Ratcliff, to stop or dam up a certain ditch leading from Cedar Creek to Mispillion Creek,"

Was taken up for consideration,

And,

On his further motion,

Was indefinitely postponed.

On motion of Mr. Horsey,

The bill entitled, "An act to amend Section 3 of Chapter 42 of the Revised Code, entitled 'Of Free Schools,'"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Raughley,

The bill entitled, "A supplement to Chapter 25, entitled 'An act to incorporate the St. Jones' Branch Ditch Company,' passed at Dover, February 7th, 1861,"

Was read a third time, and by paragraphs, in order to pass the House.

On the question, "Shall the bill pass the House ?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Curtis, Duncan, Fisher, Gemmill, Hayes, Horsey, Lattomus, Paxson, Raughley, Scribner, Slay, Stubbs, Waples, Watson, Whitby, Williams, and Mr. Speaker—19.

Nays—None.

So the bill having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Duncan, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,

Obtained leave to introduce a bill entitled,

“An act to amend an act entitled ‘An act to incorporate the Young Men’s Association for Mutual Improvement, of the City of Wilmington,’”

Which,

On motion of Mr. Duncan,

Was read.

Mr. Duncan presented the claim of Messrs. Allen and Biddle, of Wilmington, against the State,

Which,

Was read and referred to the Committee on Claims.

Mr. Stubbs presented the petition of William Gooden and others, citizens of Kent County, asking for a law to prevent swine running at large in a part of North Murderkill Hundred,

Which,

On his motion,

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

Whereupon,

Messrs. Stubbs, Whitby and Scribner were appointed said committee.

On motion of Mr. Duncan,

The House adjourned until 3 o’clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Watson presented the claim of John Jones against the State,
Which,

On his motion,

Was read and referred to the Committee on Claims.

Mr. Gemmill, from the committee to whom was referred the petition of citizens of New Castle County, asking for the removal of a draw bridge across Christiana Creek, reported that they deemed it inexpedient to legislate further on the subject,

Whereupon,

The committee were discharged.

Mr. Duncan gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

“An act to incorporate the Wilmington City Railway.”

Mr. Waples gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

“An act to repeal and supply Section 1 of Chapter 63 of the Revised Code, entitled ‘General Provisions respecting Trade.’”

Mr. Horsey, on behalf of the committee on enrolled bills, presented as enrolled, bills entitled as follows:

“An act to enable the Executors of Giles Lambson, deceased, to sell and convey certain real estate;”

“An act appointing commissioners to lay out a public street in the town of Seaford, to be called East Street;”

“An act to divorce Luther T. Moore and Adaline Moore, his wife, from the bonds of matrimony;”

“An act to enable William W. Dashiell to locate certain vacant lands in Broad Creek Hundred, Sussex County, and to complete his title to the same.”

On motion of Mr. Watson,

The bill entitled, “An act to amend Section 7 of Chapter 241 of the Laws of the State of Delaware,”

Was read.

On motion of Mr. Fisher,

The bill entitled, "An act to authorize the laying out a public road in Broadkirk Hundred,"

Was taken up for consideration,

And,

On his further motion,

Was laid over until to-morrow.

On motion of Mr. Allen,

The bill entitled, "An act to divorce Matilda Dickerson and James Dickerson, from the bonds of matrimony,"

Was read a second time by its title,

Mr. Stubbs presented the petition of Thomas J. Quigley and others, citizens of Kent County, asking modifications of the "Act in relation to free negroes and mulattoes," passed at Dover, March 18th, 1863,

Which,

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

Whereupon,

Messrs. Stubbs, Paxson and Horsey were appointed said committee.

On motion of Mr. Watson,

The Senate bill entitled, "An act to enable Greensbury M. Truitt, Sarah Truitt and George M. Cary, to locate certain vacant lands in Broad Creek Hundred, Sussex County, and to complete their title to the same,"

Was read.

On motion of Mr. Duncan,

The bill entitled, "An act to define and prevent certain nuisances,"

Was read a third time, and by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Stubbs,

The bill entitled, "An act to authorize certain persons therein named, to erect a gate across a public road,"

Was taken up for consideration.

On his further motion,

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

On the question, "Shall the bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Scribner, Slay, Stubbs, Waples, Whitby, and Mr. Speaker—7.

Nays—Messrs. Curtis, Duncan, Fisher, Gemmill, Gootee, Hayes, Lattomus, Paxson, Raughley, Watson, and Williams—11.

So the question was decided in the negative,

And the bill was

Lost.

On motion of Mr. Gemmill,

The bill entitled, "An act to authorize and empower the Levy Court of New Castle County to erect a public bridge over Blackbird Creek, in New Castle County,"

Was read a third time, in order to pass the House.

On the question, "Shall the bill pass the House?"

Mr. Watson called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen and Duncan—2.

Nays—Messrs. Curtis, Fisher, Gemmill, Gootee, Hayes, Lattomus, Paxson, Raughley, Scribner, Slay, Stubbs, Waples, Watson, Whitby, Williams, and Mr. Speaker—16.

So the question was decided in the negative,

And the bill was

Lost.

On motion of Mr. Gemmill,

The Senate bill entitled, "An act to amend an act entitled 'An act in relation to free negroes and mulattoes,' passed at Dover, March 18th, 1863,"

Was read.

Mr. Watson moved,

That the House adjourn until 6 o'clock and 50 minutes P. M.

And on the question, "Will the House adjourn?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Curtis, Gemmill, Raughley, Scribner, Waples, Watson, and Whitby—8.

Nays—Messrs. Duncan, Fisher, Hayes, Lattomus, Slay, Stubbs, and Mr. Speaker—7.

So the question being decided in the affirmative,
The House adjourned until 6 o'clock and 50 minutes P. M.

SAME DAY—6.50 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Watson,

The Clerk was instructed to notify the Senate that the House would be ready to receive them in joint meeting, in five minutes.

JOINT MEETING.

WEDNESDAY, January 27, 1864—7 o'clock, P. M.

The two Houses being convened in joint meeting,

The argument of the Stout Divorce Case, by counsel, was resumed,
Which, being concluded,

Mr. Williamson, of the Senate, moved,

That the reading and comparing of the journals of the joint meeting be dispensed with; that the Clerks themselves be directed to compare and read the same in their respective Houses, and that the two Houses do now separate,

Which motion

Prevailed,

And the two Houses separated.

On motion of Mr. Bailey,

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

THURSDAY, January 28, 1864—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Slay,

The reading of the journal was dispensed with.

Mr. Watson moved,

That rule 7 be suspended, in order to enable him to introduce a bill.

The rules being suspended,

Mr. Watson introduced a bill entitled,

"An act to authorize the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, to procure a new Press and Seal of office,"

Which,

On his motion,

Was read.

On motion of Mr. Fisher,

The bill entitled, "An act to authorize the laying out a public road in Broadkiln Hundred,"

Was taken up for consideration,

And,

On his further motion,

Was referred to a committee of three, with leave to report an amendment,

Whereupon,

Messrs. Fisher, Hayes and Williams were appointed said committee.

On motion of Mr. Watson,

The Senate bill entitled, "An act to enable Greensbury M. Truitt, Sarah Truitt, and George M. Cary, to locate certain vacant lands in Broad Creek Hundred, Sussex County, and to complete their title to the same,"

Was read a second time by its title.

Mr. Waples, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,

Obtained leave to introduce a bill entitled,

"An act to repeal and supply Section 1 of Chapter 63 of the Revised Code, entitled 'General Provisions respecting Trade,'"

Which,

On motion of Mr. Waples,

Was read.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in a bill entitled,

"An act to vest in Philodemic Lodge, No. 7, I. O. O. F., the title to certain property therein mentioned ;"

Also,

That the Senate had concurred in the following House bills, viz :

"A further supplement to an act granting an act to incorporate a bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' bank of Milford ;"

"An act authorizing William Tharp, Administrator¹ of Bethuel Watson, to pay certain legacies ;"

"An act to vacate a certain street or highway in the town of New Castle, and make a new one in its stead ;"

"An act to enable Samuel Burnham to cut a ditch through land of Samuel Dale, (n.) ;"

Also,

That the Senate had non-concurred in the House bills entitled,

"An act to enable James A. Dodd, William A. Dodd, Edward S. Tunnell and George M. Cooper, to locate certain vacant marsh land in Lewes and Rehoboth Hundred, in Sussex County, and complete their title to the same ;"

"An act supplementary to the act entitled 'An act to enable the citizens of the town of South Milford, in Sussex County, to keep in repair the public roads in said town and vicinity ;'"

On motion of Mr. Watson,

The Senate bill entitled, "An act to vest in Philodemic Lodge, No. 7, I. O. O. F., the title to certain property therein mentioned,"

Was read.

On motion of Mr. Duncan,

The bill entitled, "An act to amend an act entitled 'An act to incorporate the Young Men's Association for Mutual Improvement, of the City of Wilmington,'"

Was read a second time by its title.

On motion of Mr. Watson,

The Senate bill entitled, "An act to amend Section 7 of Chapter 241 of the Laws of the State of Delaware, passed at Dover, February 26th, 1855,"

Was read a second time by its title.

Mr. Lattomus moved,

That the bill entitled, "An act to provide bounties for volunteers,"
Be read a third time, and by paragraphs, with a view to its passage.

Mr. Lattomus further moved,

That the papers accompanying the bill be read for the information of the House.

On the question, "Shall the bill be read a third time?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Curtis, Duncan, Gemmill, Hayes, Lattomus, Paxson, Whitby, and Mr. Speaker—8.

Nays—Messrs. Allen, Gootee, Raughley, Scribner, Slay, Stubbs, Waples, Watson, and Williams—9.

So the motion was

Lost.

Mr. Lattomus moved,

That the bill be taken up for consideration.

Mr. Watson moved,

That it be laid over until 10 o'clock, on Wednesday morning next.

The Speaker ruled both motions out of order.

Mr. Williams moved,

That the House adjourn.

And on the question, "Will the House adjourn?"

Mr. Williams called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Gootee, Raughley, Scribner, Slay, Waples, Watson, and Williams—8.

Nays—Messrs. Curtis, Duncan, Gemmill, Hayes, Lattomus, Paxson, Stubbs, Whitby, and Mr. Speaker—9.

So the question was decided in the negative,

And the motion was

Lost,

Mr. Paxson, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Duncan,

Obtained leave to introduce a bill entitled,

"A further additional supplement to an act entitled 'An act to incorporate a company for the purpose of cutting and making a canal between the Chesapeake Bay and bay or river Delaware, or the waters thereof.'"

Which,

On motion of Mr. Paxson,

Was read.

Mr. Duncan moved,

That the bill entitled, "An act to provide bounties for volunteers,"

Be taken up for consideration,

And on the question, "Shall the bill be taken up for consideration?"

Mr. Gemmill called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Gemmill, Gootee, Hayes, Lattomus, Paxson, Scribner, Stubbs, Watson, Whitby, and Mr. Speaker—10.

Nays—Messrs. Allen, Curtis, Duncan, Fisher, Raughley, Slay, Waples, and Williams—8.

So the question was decided in the affirmative,

And the bill was taken up for consideration.

Mr. Lattomus moved,

That the further consideration of the bill be laid over until to-morrow morning, at 10 o'clock.

Mr. Watson moved,

To postpone the further consideration of the bill until next Wednesday morning, at 10 o'clock,

And the question being taken on the longest time,

It was decided in the affirmative,

And the bill was postponed until next Wednesday morning, at 10 o'clock.

Mr. Williams gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to increase the salary of the Chief Justice."

On motion of Mr. Gootee,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Whitby presented the petition of Samuel Jefferson and others, citizens of New Castle County, asking for an act to change the location of a certain road,

Which,

Was read,

And,

On his further motion,

Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon,

Messrs. Whitby, Williams and Bailey were appointed said committee.

On motion of Mr. Allen,

The bill entitled, "An act to divorce Charles H. Cattell and Ann B. Cattell from the bonds of matrimony,"

Was taken up for consideration,

Mr. Allen presented the affidavits of James A. Clifton, Albert H. Cook, John B. Shockley, and Zadoc L. Butler,

Which,

On his motion,

Were read and filed with the bill.

On motion of Mr. Bewley,

The further consideration of the bill was postponed for the present.

On motion of Mr. Curtis,

The bill entitled, "An act to cede certain lands to the United States of America,"

Was taken up for consideration,

And,

On his further motion,

Was read for the information of the House.

And further,

On motion of Mr. Curtis,

The bill was read a third time, and by paragraphs, with a view to its passage.

On the question, " Shall the bill pass the House ?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Curtis, Fisher, Gemmill, Hayes, Lattomus, Paxson, Waples, Watson, Whitby, and Mr. Speaker—10.

Nays—Messrs. Allen, Bailey, Bewley, Gootee, Horsey, Raughley, Scribner, Slay, Stubbs, and Williams—10.

So the bill not having received a majority of the votes cast,

Was

Lost.

Mr. Bewley gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

" An act to lay out a public road in Little Creek Hundred, Kent County."

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in a " Joint Resolution of adjournment ;"

He also returned the following enrolled House bills, which had received the signature of the Speaker of the Senate :

" An act to enable the Executors of Giles Lambson, deceased, to sell and convey certain real estate ;"

" An act appointing commissioners to lay out a public street in the Town of Seaford, to be called East Street,"

" An act to divorce Luther T. Moore, and Adaline Moore, his wife, from the bonds of matrimony ;"

" An act to enable William W. Dashiell to locate certain vacant lands in Broad Creek Hundred, Sussex County, and to complete his title to the same."

Mr. Allen moved,

To reconsider the vote by which the bill entitled,

" An act to cede certain lands to the United States of America,"

Was lost.

And on the question, " Shall the vote be reconsidered ?"

Mr. Bewley called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Curtis, Fisher, Gemmill, Gootee, Hayes, Lattomus, Paxson, Raughley, Scribner, Slay, Waples, Watson, Whitby, Williams, and Mr. Speaker—16.

Nays—Messrs. Bailey, Bewley, Horsey, and Stubbs—4.

So the vote was

Reconsidered.

On motion of Mr. Allen,

The further consideration of the bill was postponed until Tuesday next, at 3 o'clock, P. M.

On motion of Mr. Allen,

The bill entitled, "An act to divorce Charles H. Cattell and Ann B. Cattell, from the bonds of matrimony,"

Was taken up for consideration,

And,

On his further motion,

The bill was read a third time, in order to pass the House.

On the question, "Shall the bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Allen, Bailey, Bewley, Fisher, Gootee, Horsey, Scribner, Slay, Stubbs, Waples, Watson, and Mr. Speaker—12.

Nays—Messrs. Duncan, Hayes, Lattomus, Raughley, Whitby, and Williams—6.

So the question was decided in the affirmative,

And the bill

Passed the House.

Ordered that the Senate be informed thereof, and the bill returned to that body.

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

"An act vacating a part of a county road in Sussex County, State of Delaware ;"

"An act to revive and amend an act entitled 'An act to incorporate the Green Branch Ditch Company ;'"

"An act to authorize George B. Dickson to make an index to the old marriage record in the Recorder's office of Kent County, from the year 1847 to 1861 ;"

"An act to amend Section 3 of Chapter 42, of the Revised Code, entitled 'Of Free Schools ;'"

Mr. Watson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act for the relief of the Junction and Breakwater Railroad Company."

On motion of Mr. Gootee,

The House proceeded to the consideration of the Joint Resolution of adjournment.

On motion of Mr. Bewley,

The resolution was read and adopted.

On motion of Mr. Bailey,

The bill entitled, "An act to divorce Ezekiel Blackiston and Mary, his wife, from the bonds of matrimony,"

Was read a third time, and by paragraphs, in order to pass the House.

On the question, "Shall the bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows:

Yeas—Messrs. Allen, Bailey, Bewley, Fisher, Gootee, Horsey, Lattomus, Scribner, Slay, Waples, Watson, and Mr. Speaker—12.

Nays—Messrs. Duncan, Hayes, Paxson, Raughley, Stubbs, Whitby, and Williams—7.

So the question was decided in the affirmative,

And the bill

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Williams,

The House adjourned until 9½ o'clock to-morrow morning.

FRIDAY, January 29, 1864—9½ o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Duncan, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Lattomus,

Obtained leave to introduce a bill entitled,
 "An act to incorporate the Wilmington City Railway Company,"
 Which,
 On motion of Mr. Duncan,
 Was read.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had received and accepted the resignation of the Hon. James A. Bayard, as a Senator from this State, in the Senate of the United States, and presented the same for the acceptance of the House.

On motion of Mr. Watson,
 The resignation of Mr. Bayard,
 Was read, as follows :

"To the Legislature of the State of Delaware :

Having for the reasons assigned in my place in the Senate, determined to withdraw from public life, I hereby resign into your hands the trust and station of a Senator of the United States, to which I was chosen for six years, ending on the 3d of March, A. D. 1869.

I beg leave to express to the members of the Legislature my profound appreciation of the confidence reposed, and the honor conferred in my second re-election by them, and to assure them that my ardent devotion to my native State (with whose history the name I bear has been so long connected) will not be lessened, nor my deep solicitude for the prosperity, welfare and happiness of her people diminished, though I may no longer remain one of their public agents.

I have the honor to be,

With the most sincere respect,

Your obedient servant,

January 29th, 1864.

J. A. BAYARD."

And,

On the further motion of Mr. Watson,

The resignation was accepted.

Mr. Williams offered a joint resolution convening the two Houses of the General Assembly, to elect a United States Senator, to fill the vacancy occasioned by the resignation of the Honorable James A. Bayard,

Which,

On motion of Mr. Williams,

Was read and

Adopted.

Ordered to the Senate for concurrence.

Mr. Williams, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Watson,

Obtained leave to introduce a bill entitled,

"An act to increase the salary of the Chief Justice,"

Which,

On motion of Mr. Williams,

Was read.

Mr. Martin, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the joint resolution convening the two Houses to elect a United States Senator, and returned the same to the House.

On motion of Mr. Bewley,

The Clerk was instructed to inform the Senate that the House was now ready to receive them in the Hall of the House, in joint meeting, for the purpose of electing a United States Senator, in pursuance of the joint resolution this day adopted.

The members of the Senate, preceded by their Speaker, and accompanied by their Clerk and Sergeant-at-Arms, entered the Hall of the House, and took the seats prepared for them.

JOINT MEETING.

The two Houses being convened in joint meeting,

On motion of Mr. Saulsbury, of the Senate,

The joint resolution convening them,

Was read.

On motion of Mr. Williams, of the House,

The valedictory remarks of the Honorable James A. Bayard, in the United States Senate, on resigning his seat in that body,

Were read.

Mr. Saulsbury, of the Senate, moved,

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

Which motion

Prevailed.

On motion of Mr. Saulsbury, of the Senate,

Two tellers were appointed to receive and count the votes for Senator,

Whereupon,

Messrs. Bewley, of the House of Representatives, and Tatum, of the Senate, were appointed said tellers.

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

They were tallied by the respective Clerks, and were as follows :

For George Read Riddle,.....18 votes.

For 8 votes.

The Speaker of the Senate then declared that George Read Riddle having a majority of the whole number of votes, was duly elected a Senator from the State of Delaware, in the Senate of the United States, to fill the vacancy occasioned by the resignation of the Hon. James A. Bayard, late a Senator from said State; and thereupon three certificates of the election of George Read Riddle, to the Senate of the United States, were made out agreeably to the act of Assembly, in such case made and provided; which certificates were signed by the Speaker of the Senate, and Speaker of the House of Representatives, and attested by the Clerks of the respective Houses.

On motion of Mr. Williams, of the House,

The certificates were read.

Mr. Saulsbury, of the Senate, offered the following joint resolution,

Which,

On his motion,

Was read.

Resolved by the Senate and House of Representatives of the State of Delaware, in joint meeting assembled, that the Hon. James A. Bayard, having for reasons set forth in his address, in the Senate of the United States, on the 26th inst., resigned his position in that body, a position which for thirteen years, he has filled with distinguished ability, reflecting honor alike upon himself and his State, we hereby express our high appreciation of his character, as a representative, and ability as a Statesman, and our endorsement and approval of his course as Senator from this State, in the Congress of the Nation.

Mr. Saulsbury, of the Senate moved,

That the resolution be adopted.

And on the question, " Shall the resolution be adopted ?"

Mr. Williamson, of the Senate, called for the yeas and nays,
Which, being taken, were as follows:

Yeas—Messrs. Cahall, Hickman, Saulsbury, and Mr. Speaker, of the Senate, and Messrs. Allen, Bailey, Bewley, Fisher, Gootee, Horsey, Raughley, Scribner, Slay, Stubbs, Waples, Watson, Williams, and Mr. Speaker, of the House of Representatives—18.

Nays—Messrs. Belville, Tatum, and Williamson, of the Senate, and Messrs. Duncan, Hayes, Lattomus, Paxson, and Whitby of the House of Representatives—8.

So the question was decided in the affirmative,

And the resolution was

Adopted.

On motion of Mr. Cahall, of the Senate,

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

On motion of Mr. Saulsbury, of the Senate,

The two Houses separated, and the Senators returned to their chamber.

On motion of Mr. Duncan,

Rule 12 was, by unanimous consent, suspended in order that the bill entitled,

“An act to incorporate the Wilmington City Railway Company,”

Might be read a second time by its title,

And the bill was so read.

On motion,

The House adjourned until 8 o'clock and 30 minutes, on Monday evening next.

MONDAY, February 1, 1864—8.30 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Williams,

The bill entitled, “An act to increase the salary of the Chief Justice,”

Was read a second time by its title.

On motion of Mr. Waples,

The bill entitled "An act to repeal and supply Section 1 of Chapter 63 of the Revised Code, entitled 'General Provisions, respecting Trade,'"

Was read a second time by its title.

Mr. Watson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act extending the term of office of Recorder of Deeds."

Mr. Fisher, on behalf of the committee to whom was committed the bill entitled,

"An act to authorize the laying out a public road in Broadkirk Hundred,"

Reported the bill back, with an amendment.

On motion of Mr. Fisher,

The amendment was read and adopted, and the bill so amended,

And,

On his further motion,

The bill was read a third time, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Waples gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"A supplement to the act entitled 'An act to incorporate the Junction and Breakwater Railroad Company,' passed at Dover, February 13, 1857."

Mr. Duncan gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act for the relief of families of volunteers."

Mr. Slay gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to repeal an act entitled 'An act to amend an act entitled 'A further supplement to the act entitled 'An act to authorize the owners and possessors of the marsh and low grounds, commonly known and called by the name of the Culbreth's Marsh, situate in the forrest of Murderkill and Dover Hundreds, in Kent County, to cut a ditch or drain through the same.''"

On motion of Mr. Watson,

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The bill entitled "An act to authorize the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, to procure a new Press and Seal of office,"

Was read a second time by its title,

And,

On his further motion,

The Senate bill entitled, "An act to vest in Philodemic Lodge, No. 7, I. O. O. F., the title to certain property therein mentioned,"

Was read a second time by its title.

On motion of Mr. Paxson,

The bill entitled, "A further additional supplement to an act entitled 'An act to incorporate a company for the purpose of cutting and making a canal between the Chesapeake Bay and bay or river Delaware, or the waters thereof.'"

Was read a second time by its title.

Mr. Watson presented the petition of William B. Tomlinson and others, for an act appointing commissioners to lay out a new public road in Lewes and Rehoboth Hundred, in Sussex County, &c.,

Which,

On his motion,

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

Whereupon,

Messrs. Watson, Waples and Curtis were appointed said committee.

On motion of Mr. Watson,

The Senate bill entitled, "An act to amend Section 7 of Chapter 241 of the Laws of the State of Delaware, passed at Dover, February 26th, 1855,"

Was read a third time, in order to pass the House.

On the question, "Shall the bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows:

Yeas—Messrs. Allen, Curtis, Duncan, Fisher, Gemmill, Horsey, Lattomus, Paxson, Slay, Waples, Watson, Whitby, Williams, and Mr. Speaker—14.

Nays—None.