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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF DELAWARE,

AT A SESSION OF

THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY THE FIRST DAY OF JANUARY,

IN THE YEAR OF OUR LORD

ONE THOUSAND EIGHT HUNDRED AND THIRTY-NINE,

AND OF THE

INDEPENDENCE OF THE UNITED STATES OF AMERICA

THE SIXTY-THIRD.

DOVER, DELAWARE

S. Kim

THE RECORDS OF THE
HOUSE OF REPRESENTATIVES
OF THE STATE OF DELAWARE

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



At a session of the General Assembly commenced and held at Dover, on Tuesday the first day of January, in the year of our Lord, one thousand eight hundred and thirty-nine, and of the Independence of the United States of America, the sixty-third.

Messrs. Alexander M. Biddle, John D. Dilworth, William H. Rogers, Nathan Boulden, Andrew Kerr, William Hemphill Jones, and Harry Williamson, from New Castle county;

Messrs. Presley Spruance, Thomas A. Rees, John Frazer, Robert Frame, Henry Pratt, Samuel B. Cooper and Philip D. Fiddeman, from Kent county; and

Messrs. John P. Brinkloe, James Hopkins, Robert Houston, Joseph W. Neal, Aaron Marshall, jr., Richard Jefferson and Robert Hopkins, from Sussex county, appeared.

The members all being present, the returns of the election for Representatives of the several counties of the State, were read.

By the returns of the officers of New Castle county, appointed by law judges of elections, it appears that on the second Tuesday of November last, at the several and respective places specified by law for holding the elections in and for the said county, the following persons were chosen to represent the said county, in the House of Representatives of the State of Delaware; viz:—Alexander M. Biddle, John D. Dilworth, William H. Rogers, Nathan Boulden, Andrew Kerr, William Hemphill Jones and Harry Williamson, Esquires.

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

viz:—Presley Spruance, Thomas A. Rees, John Frazier, Robert Frame, Henry Pratt, Samuel B. Cooper and Philip D. Fiddeman, Esquires.

By the returns of the officers of Sussex county, appointed by law, judges of elections, it appears that on the second Tuesday of November last, at the several and respective places, specified by law, for holding the elections, in and for the said county, the following persons were chosen to represent the said county, in the House of Representatives of the State of Delaware, to wit:—John P. Brinkloe, James Hopkins, Robert Houston, Joseph W. Neal, Aaron Marshall, jr., Richard Jefferson and Robert Hopkins, Esquires.

On motion of Mr. Dilworth,

The House proceeded to elect by ballot, a Speaker, whereupon JOHN P. BRINKLOE, was elected.

The Speaker was then qualified, according to the Constitution of the State, and the act of congress entitled “An act to regulate the time and manner of administering certain oaths,” and then took his seat in the Speaker’s chair.

The Speaker then qualified, in due form of law, the members present.

On motion of Mr. Frame,

The House proceeded to ballot for a Clerk, and Henry Todd was duly elected, introduced, sworn, and took his seat at the Clerk’s table.

On motion of Mr. Rogers,

The House proceeded to ballot for a Seargeant-at-arms, and Josiah Marvel, was duly elected.

On motion of Mr. Jones,

Resolved, That the Clerk be directed to inform the Senate that the House of Representatives is duly organized and ready to proceed to business.

On motion of Mr. Rogers,

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



WEDNESDAY, 10 o’clock A. M. January 2, 1839.

The House assembled pursuant to adjournment.

Roll called, journal read and found to be correct.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, informed the House that the following resolution had passed the Senate, and that the concurrence of the House was desired in the same, to wit :

“IN SENATE, January 1, 1839.

Resolved, That a committee of two members be appointed on the part of the Senate, to act jointly with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor and in-

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form him, that a quorum of both houses of the Legislature have now convened, and are ready to receive any communication which he may wish to make.—Messrs. Polk and Herdman were appointed that committee on the part of the Senate.

“Extract from the Journal.”

S. G. LAWS, Clerk.

“For concurrence.”

And he withdrew.

On motion of Mr. Jones,
Said resolution was read and concurred in by the House.

On motion of Mr. Frame,
Resolved, That a committee to consist of three members on the part of the House be appointed, to act jointly with the committee appointed on the part of the Senate, to wait upon his Excellency the Governor, and inform him that a quorum of both houses of the Legislature have convened, and are ready to receive any communication he may think proper to make.

Messrs. Fiddeman, Williamson and Marshall, were appointed that committee.

Ordered, That the Clerk proceed to the Senate, and ask their concurrence in the same.

The committee then withdrew for a short time, when they returned to the House, and Mr. Fiddeman from said committee, informed the House that the Governor would forthwith make a communication to both Houses of the Legislature.

A message from the Governor by the Secretary of State:

Charles Marim, Esquire, Secretary of State, being admitted, laid on the table a written Message of the Governor of the State, with its accompanying documents,

And he withdrew.

On motion of Mr. Frame,
The clerk read the Message as follows, to wit:—

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

In presenting to you my first biennial communication, I cannot forbear to congratulate you on the condition of our beloved State. At no former period, has Delaware exhibited so many indications of growing prosperity as at the present. The spirit of enterprise and the ardour of pursuit seem to pervade all classes of her citizens. Agriculture, stimulated by the interest which it has awakened in all directions, is flourishing beyond recent, if not all former example. Every other branch of industry presents a flattering aspect, and is meeting with encouraging success. Intelligence and morality are progressing under the influence of our benign institutions. Our citizens are strengthened in attachment to their native soil. The discontent which for a while prevailed and caused so many emigrations to the west has happily subsided; and all appear now satisfied, that our State, though small in extent, combines, within its limits, every essential element

to its moral and physical advancement. I have reason also, to congratulate you on the peace and tranquility in which you are permitted to assemble: The spirit of rebellious violence, however dominant in other directions, finds no congenial materials here. The supremacy of the law and the silent authority of the ballot box retain their legitimate influence. No riotous commotion has yet received the sanction of our citizens and blotted the pages of our history. Order still prevails, and a laudable submission to the constituted authorities is the distinguished characteristic of the people. We have therefore, abundant cause for thankfulness to the Great Giver of all good for His gracious protection, and our hearts should be inspired with the most humble devotion for a continuance of his mercy.

The confidence reposed in you by your fellow-citizens, and the weighty responsibilities of the trust committed to your hands will, I have no doubt, excite you to a diligent and anxious application to your engagements. In entering upon your duties, it will be prudent to consider that, as on the one hand, radical changes in the law are exceedingly unwise and dangerous, so on the other, the mind of the legislator should not content itself with prejudices or authorities which will not stand the test of fair and impartial investigation. In a government, such as ours, the habits and manners of the people require that the spirit of inquiry should be fostered, and that all questions which relate to the well being of the community should receive the most anxious deliberation. In studying the interests of the commonwealth, we cannot be too mindful of the respect and veneration which is due to the common law—its general adaptation to the affairs of men, and its intimate connexion with our institutions and system of jurisprudence. We should beware of the substitution of fanciful theories for those established principles, which have ever been regarded as the landmarks of right, and for many centuries have received the admiration of the world. Still, on such subjects as, from the fluctuating interests of society the public welfare and sound expediency may require legislative interference, it would be manifestly improper to suffer an attachment to former prejudices to so far operate as to prevent salutary changes. Entertaining these views, and placing a firm reliance on your discretion, I should hardly deem it necessary to offer you any suggestions, were I not admonished by the constitution, of my duty "to give you information of affairs concerning the State, and recommend to your consideration such measures as I shall judge expedient."

In performing this duty, it is almost unnecessary for me to remark, that education is entitled to your first and most vigilant attention. It has been to me a source of deep regret, that while the current of opinion appears to be evidently in favor of a system of public instruction, there should nevertheless exist, in some directions, considerable discontent in reference to the plan which has been adopted in this State. Whilst all are ready to acknowledge the importance of learning and the propriety and justice of a general extension of its benefits, by means of primary schools, there are still many of our citizens, not only hostile to the taxing feature, but to any augmentation of the income of the school-fund by voluntary contribution. The present plan had to contend, in the outset, and for several years afterwards, with many disadvantages. The experiment amongst us was new and untried, and the people were alarmed at any innovation, which would increase the public expense. In several of the districts, the provi-

sions of the law were rejected, because the amount distributed was considered too small to justify the people in lending the necessary aid, to render it available for the purpose for which it was designed. I am gratified to believe that this objection has been, in a great measure, if not entirely, removed by the addition which has been made to the income of the fund, from the interest of this State's portion of the surplus revenue. In the act to provide for its distribution, passed at the last session of the Legislature, the share of New Castle and one-third of the share of Sussex county, were appropriated to this purpose, whilst that of Kent was directed to remain in the hands of the State Treasurer, subject to the order of the Levy-court of that county. That body, at its next meeting, applied the whole sum allotted to the county, to the support of public schools. This augmentation of the income affords a ground for believing that the amount, annually receivable from the school-fund, by the several districts, will, in many of them, be alone sufficient to keep a school in active operation; while in none of them, will the people be compelled to bear any considerable portion of the expense. In a large majority of the districts, the system has been satisfactorily tried and its advantages acknowledged; and I do not doubt that, as its utility becomes more apparent, it will advance in public favor and finally meet with universal approbation. Deeply penetrated with its importance, I trust that you, Gentlemen, will render it such further aid as, in your opinion, it may require.

In connexion with this subject, I consider it my duty to present to your notice the condition of Newark College. Although that institution is deservedly rising in public estimation, it is greatly to be feared that without some addition to its resources, it will not be able to continue in operation many years longer. The advantages which must accrue to this State from possessing, as her own, a seminary devoted to the highest branches of instruction, must be obvious to every friend of education; and I sincerely hope, that a portion of the patronage which has been so liberally extended to the common school system, will be no longer withheld from an institution which, if permanently established, cannot fail to add to our character abroad and increase our respect and dignity at home.

By an act, passed at the last session of the Legislature, commissioners were appointed to procure three sets of standard weights and measures, to conform to the set to be delivered to the Governor, in pursuance of a resolution of Congress, approved June 14, 1836. It is a source of regret that circumstances should have occasioned any delay in relation to a subject, in which the people of this State have ever manifested such deep solicitude. The delay, however, has not arisen from the indisposition of the commissioners to perform their duty, but from their inability to act until the set, intended for this State shall be received. From a communication received from the Treasury Department, more than a year ago, I anticipated its delivery to me and the consequent preparation of those intended for the several counties before now. The progress of manufacturing the standards, intended for the States and custom-houses, has I understand, been unavoidably retarded by other important engagements of the superintendent appointed by the Secretary of the Treasury. I am happy, however, to inform you that he has been able, partially, to perform the service required of him, and that a complete set of the standard *weights*, intended for the State, have been delivered to the commissioners, who have already

ordered duplicates to be manufactured for the several counties. I regret that I cannot give you any definite information when the set of *measures*, intended for the State, will be forthcoming; but understand it to be in a course of preparation, I presume it will be ready for delivery at no very distant period. I rejoice at the prospect of the speedy attainment of an object of so much importance to the community, as the system of weights and measures, shortly to go into operation. Eminating from the national authority and resting, for its basis and elements, on scientific investigations, it cannot fail to be of immense utility in promoting the convenience of trade and securing the integrity of contracts.

In my inaugural address to the Legislature, in 1837, I had the honor of recommending a repeal of certain provisions in our criminal code. Experience has since strengthened the opinion which I then entertained, and I am now supported in the belief, by the concurrent sentiment of intelligent men, that our system of criminal jurisprudence requires revision. However pure and laudable may have been the motives which led to its establishment, it is nevertheless, in many of its particulars, repugnant to those benevolent feelings which distinguish a free and enlightened community, without being essential to the safety of the body-politic or the happiness of the people. I cannot believe that the whipping-post and pillory are consistent with the genius of the age, or should any longer be sanctioned in a State, so generally distinguished as ours has been, for the intelligence of her law-givers and the wisdom of her legislative enactments. The enlightened spirit of the times, the growing influence of refined and elevated feelings, to say nothing of the increased diffusion of christian principles and christian knowledge, require the adoption of some other plan, for the punishment of crime, more humane in its character, and better calculated to promote the reformation of the offender and the well being of society. But there is another feature in our criminal code which loudly calls for legislative interposition. I refer, particularly, to the provision which directs the sale of convicts, as a part of their punishment, without restriction to the limits of the State. Experience has shown the operation of this provision to be unequal and oppressive. The selling of a white man, under it, though inimical to the spirit of our free institutions and degrading to our character abroad, is nevertheless, a mere form, combining none of the substantial ingredients of a sale, and resulting in no change, in the convict's condition, from freedom to servitude. The convict, so far as exemption from servitude is concerned, is left precisely where he was found. The law of public opinion, in this respect, paramount to that of the State, protects him from bondage, and he is thrown again upon society, subject to no restraint and having undergone no discipline, calculated to induce his reformation. The case is wholly different with the negro. Although ordered to be disposed of as a servant for a term of years, perpetual slavery in the south is his inevitable doom; unless, peradventure, age or disease may have rendered him worthless, or some resident of the State, from motives of benevolence, will pay for him three or four times his intrinsic value. It matters not for how short a time he is ordered to be sold, so that he can be carried from the State. Once beyond its limits, all chance of restored freedom is gone—for he is removed far from the reach of any testimony to aid him, in an effort to be released from bondage, when his legal term of servitude has expired. Of the many colored con-

victs, sold out of the State, it is believed none ever return. Of course, they are generally purchased with the express view to their transportation for life, and bring such enormous prices as to prevent all competition, on the part of those of our citizens who require their services and would keep them in the State. The consequence is, that a traffic is promoted, which, whilst it debases those who are engaged in it, and not unfrequently leads to the grossest violations of the law and convictions for kidnapping, is constantly draining us of a population which, in spite of all the evils that are connected with it, we are not yet prepared to dispense with. The intention of the law is therefore perverted, in precisely opposite extremes. I respectfully suggest to you, gentlemen, whether the purposes of justice would not be answered by abolishing the sale of white convicts altogether, and substituting some other punishment, better suited to their condition; and also, by lengthening the term of servitude in the case of negro convicts, ordered to be sold, and preventing their removal from the State, except in extraordinary cases. In calling your attention to the subject of criminal jurisprudence, allow me to remark, that my sentiments are still unchanged in regard to the penitentiary system, and that I cannot appreciate a reason, sufficiently strong, to prevent us, in this respect, from conforming to the humane and wholesome policy of our sister States. I am persuaded that an institution, adequate to our wants, could be established and carried into operation, at a moderate cost, which, by prudent management would not only sustain itself, but eventually yield a revenue to the State. I am borne out in this conclusion by a report of the state-prison accounts of New Jersey, for the year 1837, and a communication from Governor Vance, to the Legislature of Ohio, in 1838, to which I beg leave, particularly, to refer you, for interesting details in reference to the system. I consider it needless to enlarge on the immense utility of such an institution. The experience of other States is a sufficient argument in its favor.

Our laws for the relief of the poor have, undoubtedly, been productive of all the beneficial results which could have been expected from their humane provisions. The poor-house, in the different counties, judiciously controlled, by the proper authorities, have relieved from want and suffering many unfortunate persons, who, otherwise, would have been reduced to adject mendicancy and its attendant, moral debasement. The relief afforded, however, does not reach the cases of many meritorious individuals, whose condition in life is such as to require aid, but who are, nevertheless, restrained by circumstances, from availing themselves of the county charity. I consider it a question, well worthy of your consideration, whether some provision cannot be made, on economical principles, to meet cases of this description. I am inclined to think that an allowance of much less than the expense of supporting a pauper would, in many such cases, be of adequate advantage.

I would invite your attention to that part of the act, passed on the 27th of January 1829, which compels the prothonotaries to sell the acts of assembly and pay over the proceeds to the Secretary of State. The duty to be discharged is troublesome, and the amount of sales is too inconsiderable to require the care and attention which it receives. Besides, it may be doubted whether it is not the duty of the State to furnish to its citizens, without cost, the laws which have been enacted for their government. While on this subject, permit me to suggest to you the propriety of so amending the act, before mentioned, as to provide for the printing of

laws, not of a public nature. Such laws are now directed to be recorded within a year from the time of their passage, or to be void. From the neglect, or oversight, in many cases, of those for whose benefit they were enacted, much inconvenience has resulted; and the Legislature are, not unfrequently, called to pass subsequent laws, to revive those of a former session which have not been recorded. I am satisfied that much embarrassment would be prevented by following, in this respect, the example of most, if not all the other States in the Union, and that the additional expense would be trifling, when compared with the various individual interests, which would thereby be promoted.

Having communicated to the Legislature, at its last session, my opinion in reference to imprisonment for debt, I consider it unnecessary to say more on the subject at present, than to direct your attention to the suggestions I offered on that occasion, and to repeat, most earnestly and respectfully, a desire for its speedy abolishment.

There are, in the office of the Secretary of State, sundry papers relating to the revolutionary war, which consist principally of muster rolls and monthly pay and subsistence rolls of the different troops from this State, belonging to the continental army, and are the only records which furnish evidence in behalf of the officers and soldiers who served in the old Delaware line. As they are much defaced by the hand of time and are otherwise injured by having been frequently examined, and as it is probable they will be needed for future reference for several years to come, I would suggest to you the propriety of making some provision for having them transcribed, in a volume to be procured for that purpose.

Since the last session of the Legislature, I have received from the United States arsenal at Frankford, and caused to be deposited in the arsenal at this place, 250 muskets, and their appendages, being equal to 254 10-13th muskets, due the State, under the act of April 1808, and which are in full of the quota due up to the 31st of December 1837. The probable balance, due up to the end of the year 1839, as stated by the colonel of Ordinance, will be two hundred and two. I have already given directions for their delivery in kind. In regard to the arms already on hand, I will remark that application was, on one occasion, made to me by a volunteer company at Wilmington for permission to take from the arsenal, at that place a requisite number of rifles for equipping it. As I doubted my authority to grant the application, under the provisions of the militia law, I was reluctantly compelled to refuse the necessary permission. As it is manifestly important that every encouragement should be afforded to volunteer companies, I request that such an alteration be made in the law, as will enable the Executive to act favorable, in reference to such applications in future. I would also recommend that some efficient provision be made for calling in the arms and accoutrements, belonging to the State, which are in the possession of any person without authority.

I lay before you a certificate from the stockholders of the Farmers' Bank of the State of Delaware, under the hand of the Chairman and Secretary of a meeting held at the banking-house in Dover, on the fourteenth day of March 1837, whereby they signify to me their acceptance of the act, passed on the eighteenth day of February 1837, entitled "A further supplement to the act entitled 'An act to establish a bank and incorporate a company under the name of the Farmers' Bank of the State of Delaware.'"

I also lay before you a certificate from the President, Directors and Company of the Bank of Wilmington and Brandywine, under the hand of the President and Directors and seal of the Corporation, bearing date the sixth day of April 1837, whereby the stockholders signify to me their acceptance of the act passed on the eighteenth day of February 1837, entitled "A further supplement to the act entitled 'An act to incorporate the Bank of Wilmington and Brandywine, in the Borough of Wilmington.'"

I have received from the Governor of Maine a report and resolutions, adopted by the Legislature of that State, in relation to the North-eastern boundary—from the Governors of Massachusetts, Maine, Vermont and Mississippi, respectively, resolutions adopted by their respective Legislatures, on the subject of extending the franking privilege—from the Governors of Connecticut and Arkansas, resolutions adopted by their respective Legislatures on the subject of the public lands—from the Governors of Ohio, Rhode Island, and Alabama, resolutions, adopted by their respective Legislatures, in reference to the annexation of Texas to the United States—from the Governor of Kentucky, sundry resolutions, adopted by the Legislature of that State, in relation to the currency and the administration of the General Government—from the Governor of Connecticut, resolutions of the Legislature of that State, on the subject of National Executive patronage—from the Governor of Georgia, a report and resolutions of the Legislature of that State, on the subject of the refusal of the Executive of the State of Maine to deliver up certain fugitives from justice; and from the Governor of Missouri, a preamble and resolutions of the Legislature of that State, approving the conduct of the Hon. Thomas Hart Benton, in having expunged from the Journal of the Senate of the United States, the condemnatory resolution of that body, against the President of the United States; all of which I herewith communicate for your consideration. I also lay before you a communication, just received, from the board of commissioners of the Charity Hospital of New Orleans.

I transmit, herewith a schedule of sundry books and documents which have been received at the Executive Department since my inauguration, and which I have caused to be deposited in the public library.

I cannot close this communication without expressing a hope that your proceedings may be characterized by a spirit of harmony and conciliation, and devoutly invoking upon your deliberations the blessing of the Great Author of the universe.

C. P. COMEGYS.

Dover, January 1, 1839.

DOVER, *March 14, 1937.*

At a meeting of the stockholders of the Farmers' Bank of the State of Delaware, held according to adjournment at the banking-house in Dover, on Tuesday the 14th March, Jonathan Jenking was appointed Chairman, and Caleb H. Sipple, Secretary. Whereupon, there appeared to be represented at said meeting 1753 shares of stock held by individuals, the following persons present voting for themselves and by proxy, to wit:—H. M. Ridgely, R. Frame, Jas. Anderson, J. Raymond, H. Jenkins, J. Cowgill, J. M. Clayton, T. Robinson, ——— Dupont, Esq., Jon. Jenkins, C. H. Sipple, J. A. Bayard and the stock of the State amounting to 3714 shares, making the total number of shares represented 4467.

On motion, it was

Resolved unanimously, That the act of the General Assembly of the State of Delaware, passed at Dover on the 18th day of February 1837, entitled "A further supplement to the act entitled 'An act to establish a bank and incorporate a company under the name of the Farmers' Bank of the State of Delaware,'" be and the same is hereby accepted by the stockholders of said bank.

Resolved unanimously, That the foregoing resolution be certified to the Governor of this State, by the Chairman and Secretary of this meeting under their hands respectively.

JONA. JENKINS, *Chairman,*

(Attest.)

C. H. SIPPLE, *Sec'y.*

STATE OF MAINE.

EXECUTIVE DEPARTMENT,

Augusta, March 30, 1837.

SIR,

In compliance with a request of the Legislature of this State, I have the honor to transmit to you the accompanying Report and Resolutions.

I am,

Very Respectfully,

Your Obedient Servant,

ROBERT P. DUNLAP.

STATE OF MAINE.

IN THE HOUSE OF REPRESENTATIVES,

February 2, 1837.

The joint committee to whom was referred so much of the Governor's Message as relates to the North Eastern Boundary and the documents and evidence, together with an order of the two Houses instructing the committee "to inquire into the expediency of providing by law for the appointment of commissioners on the part of this State, by the consent of the government of the United States, to survey the line between this State and the Province of New Brunswick according to the treaty of 1783, to establish monuments in such places as shall be fixed by said commissioners and by commissioners to be appointed on the part of the government of Great Britain;" have attended to the duties assigned them with the industry and solicitude which the importance of the subject demanded. Could the committee have spared the time, and had the means to obtain documents not within the jurisdiction of the State, and consequently out of its power, a more clear, methodical and perfect view of the subject would have been presented. But as there had been hitherto so much procrastination, and the impatience of the public, already great, was becoming

more and more intense, your committee without further preamble or apology, ask leave to present the following

REPORT.

The Legislature and the people of Maine, we believe, will not contend that the treaty making power of the United States does not extend to a final adjustment of a disputed and undefined line of boundary between a State and a foreign nation. *But we do insist* that no power is granted by the Constitution of the United States to *limit or change the boundary of a State, or cede a part of its territory without its consent*. It is even by no means certain how far *such consent* would enable the treaty authority to exert its powers. *Citizens* might be made the subjects of a treaty transfer, and these citizens, owing allegiance to the State and to the Union, and allegiance and protection being reciprocally binding, the right to transfer a citizen to a foreign government—to *sell* him, might well be questioned, as being inconsistent with the spirit of our free institutions. But be this as it may, Maine will never concede the principle that the President and two-thirds of the Senate can transfer its territory, much less its citizens, without its permission given by its constitutional organs.

Your committee, however, deem it but fair to admit that they have discovered no inclination in the General Government or any department of it to assume this power. On the contrary, the President has repeatedly declined the adoption of a conventional line deviating from the treaty of 1783—upon the express ground, that it could not be done without the consent of Maine.

It is due nevertheless to the State of Maine, to say that the committee have no evidence that any conventional line has been proposed to them for their consent. It indeed appears that the consent of Maine had not been given to the adoption of any other boundary than that prescribed by the treaty of 1783, up to the 29th February, 1836, and we are well assured that no proposition for a different boundary has since that time been made to any department of the government of this State.

The President of the United States on the 15th June last, communicated to the Senate in compliance with their resolution, a copy of the correspondence relative to the N. E. Boundary. This correspondence embraced a period from the 21st July 1832, to the 5th March 1836.

The opinion and advice of the king of the Netherlands to whom the controversy was referred, by the provisions of the treaty of Ghent was made on the 10th January, 1831, and of the three questions submitted, viz: *The northeastern boundary—the northwesternmost head of Connecticut river and the 45th parallel of latitude, he seems to have determined but one*. He did decide that the source of the stearn running into and through Connecticut lake is the true N. W. head of that river, as intended by the treaty of 1783—and as to the rest, he *advises* that it will be *convenient (il convindra)* to adopt the ‘Thalweg’ the deepest channel of the St. Johns and St. Francis from the north line; and that the 45th degree is to be measured in order to mark out the boundary to the St. Lawrence, with a deviation so as to include Rouse’s point within the United States. As to *the convenience* of establishing the St. Johns and St. Francis as the northern boundary of Maine, we have only to observe that however ‘convenient’ it may be to Great Britain to obtain so large a portion of our territory and waters, it would certainly be *inconvenient* to us, and inasmuch

as we are probably capable of judging of our own "convenience" and have never solicited *the advice* of any one on this point, it is scarcely to be expected that we shall be *advised* to adopt a line, so preposterous and injurious.

It was in this view and in strict conformity with the constitution conferring the treaty power, that the President on the 7th December, 1831, submitted to the Senate this "award" and "advice" of the king of the Netherlands—Senators were divided on a principal point—some insisting that to carry the award or opinion into effect was only *in execution* of the treaty and it therefore belonged exclusively to the President "to take care" that this "supreme law" was faithfully executed or to reject it altogether.

But the prevailing opinion was, that this "award" or "advice" was *perfecting an unfinished* treaty, and that therefore it could not be effected by the President without "the advice and consent of the Senate, two-thirds of the members present concurring therein." So far from the concurrence of two-thirds *for* the measure, there were *thirty-four* to *eight against* it, and it was consequently rejected and a recommendation to the President was adopted to open a new negotiation to determine the line of boundary according to the treaty of 1783.

It is insisted by the British ministers that a due north line from the monument at the source of the St. Croix, will intersect no highlands described in the treaty of 1783. Now this is an assumption, by Great Britain, totally unwarranted by any evidence. The boundaries bearing upon the question are thus given: "From the N. W. angle of Nova Scotia, *to wit*: That angle which is formed by a line drawn due north from the source of the St. Croix river, to the highlands—along the said highlands, which divide *the rivers*, that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river."—"East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy, to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the St. Lawrence."

The first object, starting place or *terminus a quo*, is this *N. W. angle of Nova Scotia*. It is the corner of the British province, *designated by themselves*. It was presumed and it is still believed that they knew the identical spot. We have a right to demand of them to define it. In the treaty of 1783 they were disposed to define it, and hence they say it is *that angle which is formed by a line drawn due north from the source of the St. Croix, to those highlands which divide the rivers that flow into the St. Lawrence from those which flow into the Atlantic Ocean*.

Nothing can be more clear than that the British negotiators of the treaty of 1783, had reference to their east and west line between Canada and Nova Scotia. This in 1755-6 was matter of controversy between France and England—the French claiming that it was far south, and the British strenuously contending that these very highlands were even more north than we have endeavored to fix them.

The controversy resulted in a war, which after the capture of Quebec was terminated by the peace of 1763, whereby Great Britain obtained both sides of the line and she then established the north line of Nova Scotia about where we contend it should be. So far from admitting that a due north line from the monument will not intersect the highlands intended by

the treaty of 1783, the State of Maine has always insisted, and still insists, that no known obstacle exists to the ascertaining and accurately defining them, and thus establishing the *terminus a quo, to wit, the N. W. angle of Nova Scotia*. It would seem strange indeed that as this line so fully discussed and controverted between the English and French in 1755-6, should have been left unsettled still, when both provinces became British. It is impossible to imagine such ignorance of so important a point as this N. W. angle, so often referred to and spoken of as a notorious monument.

The peace of 1783 was considered by Great Britain as a *grant by metes and bounds*. The boundaries were prescribed; and this N. W. angle was *the commencement*. Twenty years only before this (1763) Nova Scotia had been organized as a distinct province—then including what are now Nova Scotia and New Brunswick—and this angle was referred to as a boundary without hesitancy or doubt. Indeed the treaty itself, as if to make assurance doubly sure, fixed it where a due north line from the source of the St. Croix will intersect those highlands which divide the rivers which flow into the *river* St. Lawrence from those which flow into the Atlantic Ocean. This source of the St. Croix has been determined and a monument fixed there by the commissioners under the 5th article of the treaty of 1795 (Jay's).—Now the assumption that the north line from this monument, will intersect or meet no such highlands, is entirely gratuitous.

The treaty does not speak of mountains nor even hills, but of "highlands" that divide rivers flowing different ways. It was well known that rivers did fall into the St. Lawrence and into the Atlantic—that these rivers would run *down* and not *up*, and it was consequently inferred that the *land* from whence these *rivers* flowed, must of necessity be *high*—and unless there are to be found in that region *geological phenomena* which exist no where else on the face of the globe, this inference is irresistible.

The truth is that these highlands have been known and well understood by the British themselves ever since the grant of James the First to Sir William Alexander in 1621. The portion of the boundary there given which relates to this controversy is "from the western spring head of the St. Croix by an imaginary line, conceived to run through the land northward to the next road of Ship's river or spring, discharging itself into the great river of Canada, and proceeding thence *eastward* along the shores of the sea of the said river of Canada, to the road, haven or shore, commonly called *gaspeck*"—(*gaspe*.)

The cession of Canada by France made it necessary to define the limits of the province of Quebec, and accordingly his Britannic majesty by his proclamation of 7th Oct. 1763, is thus explicit, as to what affects this question—"passing along the highlands which divide the *rivers* that empty themselves into the said *river* St. Lawrence, from those which fall into the sea, and also *along the north coast of the Bay de Chaleurs* and the coast of the *gulf* of the St. Lawrence to *Cape Rosiers*," &c.

The act of Parliament of the 14th, George III, (1774) defines thus the south line of Canada—"south by a line from the Bay de Chaleurs along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which flow into *the sea*." The north line of the grant to Alexander is from the source of the St. Croix to the "spring head" or source of some river or stream which falls into the river St. Lawrence, and thence *eastward* to Gaspe bay which communicates with the gulph of St. Lawrence lat. 49, 30, and would make nearly an east and west line.

The proclamation of 1763 defines the *south* line of the province of Quebec as passing along the highlands which divide the rivers that fall into the St. Lawrence from those which fall into the sea, and also along the north coast of the Bay de Chaleurs, to the *gulph* of St. Lawrence. This is the *south* boundary and consequently in an *east* and *west* direction, but it passes *north* of Bay de Chaleurs, wherefore the south boundary of the province must of necessity be north of Bay de Chaleurs. The eastern boundary is northerly by the gulph to *Cape Rosiers*, in about lat. 50, long. 64, north of Gaspé bay, and at the mouth of the river St. Lawrence where it communicates with the gulph or sea. And the act of Parliament makes *this south side* from this same bay, along those highlands, and it must *inevitably run west* or *it is no south* boundary. Now no one can doubt that in the proclamation of 1763 it was the intent to adopt Sir William Alexander's *northern* for this *southern* boundary of the province of Quebec.

Indeed it appears in every commission to the Governor of Nova Scotia and New Brunswick from 1763 to 1784, and after the treaty of peace of 1783, that the province of Nova Scotia extended to the southern boundary of the provinces of Quebec. It then irresistibly and inevitably follows, that a west line from the Bay de Chaleurs intersecting a due north line from the monument is the identical N. W. Angle. Now a line from Mars Hill direct to Cape Rosiers instead of being *easterly*, would be north of north-east, crossing the Bay de Chaleurs. But passing along its north coast, as the proclamation provides, the line from this Mars Hill must be more northerly still. Indeed, the pretence that a pyramidal spur or peak, such as this hill, should constitute the range of highlands, mentioned in the treaty, is so utterly visionary, that it is entitled to *no sort of respect*.

We may now, by these facts and reflections, give this inquiry a right direction, to wit:—to the ascertainment of the north boundary of Nova Scotia, which is the southern boundary of Canada. We have always been lured from this by the British negotiators, to the *left* or *west* of this north line from the monument.

No one, who is in the least conversant with the subject, can suppose for a moment, that this N. W. Angle can be found in such a direction. The question for us is, are there any highlands north of the Bay de Chaleurs, extending in a *western direction towards* a north line drawn from the monument. If this line westerly from the bay be not distinctly marked so far as to intersect this north line, the principle is, to extend it in the same direction to the place of intersection; that is, if the line between Nova Scotia and Canada is *west* to within say 30 miles of the north line from the monument, and the rest of the way is indefinite or obscure; extend it on, in the same direction, until you form a point of intersection, and this will be the N. W. Angle of Nova Scotia. But the truth is, *the highlands are there*, and have been found in running due north from the monument.

The elevations were taken by the British surveyor from the source of the St. Croix, at the monument to the first waters of the Ristigouche; and at Mars Hill forty miles—the summit of this isolated sugar-loaf was 1100 feet and at the termination of the survey at the Ristigouche waters 100 miles further, the elevation was 1600 feet, consequently the summit of Mars Hill, 1100 feet above the waters of the St. Croix is 500 feet lower than the lands at the Ristigouche, and yet the pretence is that there are no

highlands, but this detached spur Mars Hill! Still further, the highest position surveyed, is nearly 50 miles short of the *Metis*, which falls into the St. Lawrence and we do not perceive that the elevations have been taken there at all; but we do find, it is here that *the waters separate* and consequently the land must be still higher.

In failure of highlands (*assumed* not to exist) the British negotiators claim a line, which instead of dividing the St. Lawrence and Atlantic waters would actually extend between two rivers, *both of which fall into the Atlantic*.

To say nothing of the absurdity, not to say arrogance, of such a claim, it is enough that it is in the teeth of the treaty itself. It is painful to repeat the argument that no other highlands were intended, for all others were expressly excluded, but those which divide the waters that flow in those different directions. The effect of their construction, as we all know, is to give them the whole of the St. John, with its tributaries and a tract of territory south of that river, equal at least to 75 miles square.

Whether from the peaceful spirit of our government, the christian patience of Maine, or the "modest assurance" of the British negotiators, any or all, certain it is, that his Britanic majesty's pretensions *are growing every day*. It is not only an after-thought, but one very recently conceived, that we were to be driven south of the St. John.

His Britanic majesty's agent (Mr. Chipman) who has been lately urging us south of that river, was also agent to the commission under the treaty of 1795, to ascertain the true St. Croix, and in insisting on a more *western* branch of this river, gives as a reason, that a line due north will cross the St. John *further up*, whereas, if you take an *eastern* branch, such line will cross near Frederickton, the seat of government of New Brunswick, and materially infringe upon his majesty's province. He not only admits, but contends, that this north line *must* cross the river. Here are his words: "This north line must of necessity cross the river St. Johns." Mr. Liston, British minister, in a private letter to Mr. Chipman of 23d October, 1798, recommends a modification of the powers of the commissioners, for the reason, that *it might give Great Britain a greater extent of navigation on the St. Johns river*. The same agent (Mr. Chipman) was also agent under the fourth article of the treaty of Ghent, and we find him contending there, that the N. W. angle of Nova Scotia is the same designated in the grant to Sir William Alexander, in 1621, "subject only to such alterations as were occasioned by the erection of the province of Quebec, in 1763." Now we have already seen that this south line of the province of Quebec, so far from altering this N. W. angle, in fact confirms it.

In perfect accordance with this disposition to encroach, is a proposition of the British minister (Mr. Vaughn,) that inasmuch as the highlands cannot be found, by a due north direction from the monument, we should *vary west* until we should intersect them, *but not east*! Now that, in case a monument cannot be found in the course prescribed, you should look for it, *at the left, but not to the right*, seems to us a very *sinister* proposition. We have shown, and, as we think conclusively, that the range of highlands is to be looked for on British ground and no where else; because it is their own boundary, and a line which must, with an ascertained north line, form the angle of one of their Provinces. And yet we are not to examine there at all, we have never explored the country

there, and are expected to yield to such arrogant, extravagant and baseless pretensions!

We would ask, why? in what justice, if we cannot find the object in the route prescribed, are we to be thus trammelled? Where is the *reciprocity* of such a proposition, so degrading to the dignity, and insulting to the rights and liberties of this State? No—the people of Maine will not now, and we trust they never will, tamely submit to such a *one-sided* measure.

The next restriction or limitation, with which this negotiation is to be clogged, is an admission that the Ristigouche and St. Johns are not Atlantic rivers—because one flows into the Bay de Chaleurs and the other into the Bay of Fundy—yet neither falls into the river St. Lawrence. They would then find those highlands between the St. Johns and the Penobscot. There cannot be a more arrogant pretension or palpable absurdity. Suppose the waters of both these rivers are excluded, as flowing *neither way*, still the waters that flow *each way*, are so far separated, as to leave a tract of country which, if equally divided, would carry us far beyond the St. Johns. But we admit no such hypothesis. The *Atlantic* and the *sea* are used in the charters as *synonymous terms*. The Ristigouche uniting with the Bay de Chaleurs, which communicates with the sea, and the St. Johns uniting with the Bay of Fundy, which also communicates with the sea, and that too by a mouth 90 miles wide, are both Atlantic rivers. These rivers were known by the negotiators not to be *St. Lawrence rivers*, they were known to exist, for they were rivers of the first class. If they were neither St. Lawrence nor Atlantic why were they not excepted? They were not of the former, therefore they must be included in the latter description. Indeed if rivers uniting with Atlantic bays are not Atlantic rivers, the Penobscot and Kennebec, which unite with the respective Bays of Penobscot and Sagadahock would not be Atlantic rivers; and then where are those highlands which divide the waters referred to in the treaty of 1783? Should we leave this question unsettled a little longer and the British claims continue to increase, we might very soon find these highlands south of the Connecticut and all the intermediate country would be *recolonized* by “construction.” We therefore invoke the sympathy of all New England with New York besides, to unite against this progressive claim—this avalanche which threatens to overwhelm *them as well as ourselves*.

Again, if this Mars Hill (and we confess we cannot speak of the pretension with any patience) is *the N. W. angle*, and the north boundary of Nova Scotia and the south boundary of the province of Quebec are the same and north of the Bay de Chaleurs, then there is indeed *no N. W. angle*; for a line, due north from the monument, passing by Mars Hill, must pursue nearly the same direction to get to the north of that Bay without crossing it; and whoever thought of an angle at the side of a continuous line? Now according to the British maps, taken in this very case, you must run a course of north about 14 degs. east to obtain the north side of the Bay without crossing it, and the distance would be in this almost due north direction more than 100 miles—while that from the monument to Mars Hill would be little more than 40. Now when we consider that this northerly line must form nearly a right angle, to pass along the north shore of the Bay de Chaleurs, that this is 100 miles further north than Mars Hill, where instead of an angle there can be only an inclination of

14 degs., can there be a greater absurdity, than the British claim, founded on these facts?

We will now present some facts and remarks in regard to the surveys and explorings made by the commission under the 5th article of the treaty of Ghent. And the first fact that occurs is, that the elevations taken by the British surveyor, stop far short of where the waters divide, and we find no proof that these elevations were carried through by our own surveyors. If the British surveyor, after ascertaining *he was still ascending* and had in fact arrived at the lands at *a branch of a river*, elevated 500 feet even above the summit of Mars Hill, *found it prudent to stop short*, we see no good reason why the American agent did not *proceed on* and take accurate elevations, at a place where the waters divide. If such a survey was made, the committee have not been able to obtain the evidence—it is not in the maps or documents in the Library or office of the Secretary of State, and the committee believe that no such elevations have been taken northerly of the first waters of the Ristigouche. It is indeed a little singular that we have so little evidence, not only in regard to this height of land, but also of the rivers which flow into the St. Lawrence *to the left*, and *especially to the right*, of the north line from the monument.

We know some of them, to be sure, such as the *Ouelle Kamouska*, *Verite*, *Trois Pistoles*, *Remouskey*, and *Metis* on the left, and the *Blanche Louis*, *Magdalane*, and others on the right of this line, but we know them chiefly as *on maps*, and as transcribed from older maps—but very little from actual survey or even exploration. An examination of the sources of those rivers at the right of this north line, with the important natural boundary—the north shore of the Bay de Chaleurs, would accurately define the divisional line, between the province of Quebec and Nova Scotia, which extending west, would intersect the due north line and thus form the N. W. angle of Nova Scotia.

It moreover appears that little or no exploration has been made of the lands *east* of the due north line. It seems strange to us, although it may be satisfactorily explained, why we should have been drawn away from this very important region. It is indeed the true source of enquiry. In this direction the evidence is to be found; and Maine can never be satisfied until it is looked for here.

An extraordinary method of adjusting this question, though in perfect accordance with other pretensions, has been proposed by Great Britain—that the disputed territory should be divided in equal portions, each party being satisfied of the justice of its claims. To this proposition we cannot subscribe. It is equally unjust between nations and individuals. Whether a party in controversy is satisfied or not with the justice of his claims, is what is only known to himself, and consequently the one whose claims are most exorbitant, however unjust, will always get the best end of the bargain. But such a rule would in this case apply most unfortunately to Maine. We are limited, at farthest to the St. Lawrence, and to a very narrow point there—while the British may extend their claims to the south and west indefinitely. Establish this principle, and we shall soon find their claims, already so progressive, stretched over to the Piscataqua, and then, if we are to divide equally, both as to *quantity and quality*, the divisional line then would fall south of the Kennebec. If the want of the consent of Maine is the obstacle to such an adjustment, we trust it will

always remain an insuperable one. Indeed, we protest against the application to us, of such a rule, as manifestly unequal and unjust.

We come now to the recent transactions of the British colonial authorities, sanctioned, as it appears by the government at home—and we regret to perceive in them also, those strong indications of continual and rapid encroachment, which have characterized that government in the whole of this controversy. Mr. Livingston in his letter of 21st July, 1832, proposes that “until the matter be brought to a final conclusion both parties should refrain from the exercise of “jurisdiction,” and Mr. Vaughan in reply of 14th April, 1833, in behalf of his government “entirely concurs.” Here then the faith of the two governments is *pledged* to abstain from acts of jurisdiction until all is settled. Now how are the facts? We understand and indeed it appears by documents herewith exhibited, that an act has passed the Legislature of New Brunswick, “incorporating the St. Andrews and Quebec Rail Road Company,” that the king has granted £10,000 to aid the enterprise, and that the Legislature of Lower Canada, by its resolutions of both Houses, has approved the scheme and promised its co-operation. It may be, that the government at home was not aware that this rail road must inevitably cross the disputed territory.

But this ignorance of the subject seems incredible. A rail road from St. Andrews to Québec would be *impossible* unless it crossed the territory in question. Even next to impossible and totally useless, were it to pass at the north of the St. Johns. It seems therefore extraordinary indeed that the British government, even in the incipient stages of this enterprise, should make an appropriation which is in direct violation of its solemn pledge. To give to a rail road corporation powers over our rights and property is the strongest act of sovereignty. It is an act of delegated power which we ourselves give to our own citizens with extreme caution, and with guarded restrictions and reservations. This rail road *must* not only cross the disputed territory, but it crosses it 50 miles south of the St. Johns and almost to the southerly extremity of the British claim, extravagant as it is. By the map herewith exhibited, of the survey or the route, it appears that the road crosses our due north line at Mars Hill, thence doubling round it, towards the south, it crosses the *Roostic* between the great and Little *Machias*—the *Alleguash* at the outlet of *first Lake*—a branch of the St. Johns south of *Black river*, and passes into Canada between “Spruce Hills” on the right and “Three Hills” on the left, thus crossing a tract of country south of the St. Johns 100 by 50 miles. We have not a copy of the act of Incorporation of New Brunswick, and cannot therefore say that the route there defined is the same as on the map. But be this as it may, certain it is, as any one will see, that no possible route can be devised which will not cross the territory in question. It is then a deliberate act of power, palpable and direct, claiming and exercising sovereignty far south even of the line recommended by the king of the Netherlands.

In all our inquiries and examinations on this subject there has been great negligence in regard to this N. W. angle. Judge Benson, one of the commissioners under Jay’s treaty, in a letter to the President of the United States expressly and clearly defines this angle. He states distinctly that the due north line from the source of the St. Croix is *the west side line* and the highlands are *the north side line* which form this angle and this had never been questioned by the British themselves.

This due north line—viz: the west side line, was established by the commission of which Judge Benson was a member, and the British have made the north side line to be north of the Bay de Chaleurs, and yet with these postulates to pretend that the points of intersections cannot be found is one of the greatest of their absurdities. And another absurdity quite equal, is, that after passing west along the north shore of this Bay, they would fall down nearly south more than 100 miles to Mars Hill about 60 miles from the south shore of the province at the Bay of Passamaquoddy, which is part of the Bay of Fundy; and this point too of so little inclination that it is a palpable perversion of language to call it *an angle*, much more a N. W. angle.

It is indeed time for us to begin to search and in the right places too, in order to put a stop to those perpetual encroachments upon our territory and rights. Our first object should be to ascertain and trace the north boundary of Nova Scotia which is the south boundary of the province of Quebec, and see if Canada comes as far down as Mars Hill. And we should proceed to finish taking the elevations on the due north line to some point where the waters divide. The General Government should be immediately called on to execute the work with the co-operation of Massachusetts and Maine. Notice should be given to the British authorities to unite in the undertaking, and if they refuse, our government ought to proceed *ex parte*. The act would be entirely pacific, as the object would be *to ascertain facts*, much more pacific than the survey, *without notice*, of the St. Andrews and Quebec Rail Road, through our territory, not for the purpose of ascertaining a boundary, but to assume jurisdiction.

Your committee have gone through this tedious investigation with all the deliberation, exactness and candor, which our time, means and feelings would allow. Our animadversions, may, in some instances, have been strong and even severe, but we think we have expressed the sentiments and feelings of the people of Maine, suffering under protracted injuries. The State should take a firm, deliberate, and dignified stand, and one which it will not retract. While it awards to the General Government all its legitimate powers, it will not be forgetful of its own. We call upon the President and Congress, we invoke that aid and sympathy of our sister States, which Maine has always accorded to them; we ask, nay we demand, in the name of justice, how long we are to be thus trampled down by a foreign people? And we trust we shall meet a cordial and patriotic response in the heart of every republican of the Union. Your committee, therefore, submit the following Resolutions.

L. J. HAM,	} Of the Senate.
NATHANIEL S. LITTLEFIELD,	
SAM'L. P. BENSON,	
EBEN'R. HIGGINS,	
JOHN R. REDMAN.	
JOHN HOLMES,	} Of the House.
J. A. LOWELL,	
NATHAN IDE,	
DANIEL SMALL,	
SEWALL PRESCOTT,	
EPHRAIM WEEKS,	
JAMES BURBANK,	
CHARLES HUNT,	
JOHN D. RICHARDS,	

STATE OF MAINE.

Resolves relative to the North Eastern Boundary.

Resolved, That we view with much solicitude the British usurpations and encroachments on the northeastern part of the territory of this State.

Resolved, That pretensions so groundless and extravagant indicate a spirit of hostility which we had no reason to expect from a nation with whom we are at peace.

Resolved, That vigilance, resolution, firmness and union on the part of this State, are necessary in this state of the controversy.

Resolved, That the Governor be authorized and requested to call on the President of the United States to cause the North Eastern Boundary of this State to be explored and surveyed, and monements erected according to the treaty of 1783.

Resolved, That the co-operation of Massachusetts be requested.

Resolved, That our Senators in Congress be *instructed*, and our Representatives *requested*, to endeavor to obtain a *speedy* adjustment of the controversy.

Resolved, That copies of this report and resolution, be transmitted to the Governor of Massachusetts, the President of the United States, to each of our Senators and Representatives in Congress, and other Senators in Congress, and the Governors of the several States.

In the House of Representatives, March 24, 1837.

Read and passed.

H. HAMLIN, Speaker.

In Senate, March 25, 1837.

Read and passed.

J. C. TALBOT, *President*.

March 25, 1837. APPROVED,

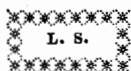
ROBERT P. DUNLAP.

To CORNELIUS P. COMEGYS,

Governor of the State of Delaware.

The President and Directors of the Bank of Wilmington and Brandywine hereby certify, that the Act of the General Assembly of this State, entitled "A further supplement to the act, entitled 'An act to incorporate the Bank of Wilmington and Brandywine, in the borough of Wilmington'" passed at Dover, the 18th day of February, A. D. 1837, has been submitted to a meeting of the stockholders of said bank, regularly and legally convened for that purpose, and held at the city of Wilmington on the 3d day of April, A. D. 1837, and that thereupon, a majority in value of all

the stockholders of the said bank did then and there approve and accept of the same.



Witness the seal of the Corporation and the hands of the President and Directors aforesaid, this sixth day of April A. D. 1837.

WM. SEAL, *Pres't.*

JAMES GARDNER,	} <i>Directors.</i>
GEO. BUSH,	
MAHLON BETTS,	
VINCENT GILPIN,	
WM. CHANDLER,	
GEO. JONES,	
JACOB PUSEY,	
SAM'L. M'CLARY,	

COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand eight hundred and thirty-seven.

RESOLVES RESPECTING THE FRANKING PRIVILEGE.

Resolved, That the Franking Privilege should be extended to the Governors of the several States, and to the Secretaries thereof; and also, to the chief Clerks of both branches of the several State Legislatures.

Resolved, That His Excellency the Governor, be requested to transmit a copy of these Resolves to each of our Senators and Representatives in Congress, and to the Governors of the several States.

HOUSE OF REPRESENTATIVES, April 19, 1837.

Passed.

JULIUS ROCKWELL, *Speaker.*

IN SENATE, April 19, 1837.

Passed.

HORACE MANN, *President.*

April 20, 1837.—Approved.

EDWARD EVERETT.

A true copy.—Attest,

JOHN P. BIGELOW,

Secretary of the Commonwealth.

EXECUTIVE DEPARTMENT,
JACKSON, July 10th, 1837.

His Excellency,

The Governor of the State of Delaware,

SIR:—In conformity with a request of the Legislature of this State, I herewith enclose your Excellency a copy of certain Resolutions, adopted at its late session, relative to the extension of the franking privilege.

I am Sir,

With great respect,

Your most ob't.

CHARLES LYNCH.

RESOLUTIONS.

Resolved by the Legislature of the State of Mississippi, That so much of the Resolutions of the General Assembly of Maryland, as recommend the extension of the franking privilege to the Governors of the several States be concurred in.

Resolved, That the extension of the franking privilege to members of the Legislatures, is unnecessary, and that so much of said resolutions as recommend such extension, be not concurred in.

Resolved, That His Excellency the Governor, be respectfully requested to transmit a copy of these resolutions to the Governors of the several States, and also to our Senators and Representatives in Congress.

A. G. BROWN,

Speaker of the House of Representatives pro tem.

A. G. McNUTT,

President of the Senate.

Approved May 13th, 1837.

CHARLES LYNCH.

EXECUTIVE DEPARTMENT,

City of Jefferson, Missouri, June 20, 1837.

To His Excellency,

The Governor of Delaware.

SIR,—In obedience to the request of the General Assembly of this State, I have the honor herewith to transmit you a copy of the annexed preamble and resolutions.

I have the honor to be,

With sentiments of high respect,

Your ob't servant,

LILBURN W. BOGGS.

WHEREAS, intelligence has just reached this city, that the Hon. THOMAS H. BENTON, Senator from this State, by his untiring diligence and unshaken perseverance, has finally succeeded in expunging from the records of the country, the condemnatory resolution of the Senate of the United States, against the Chief Executive Officer of the Republic—a resolution fraught with the most dangerous consequences to the rights and privileges of the people of this country, as it sought to establish a system of trial and condemnation by self-constituted judges, not only contrary to the forms of law, but in open violence to the chartered rights of the citizen—a resolution which not only trifled with the personal rights and well earned reputation of the President, by attempting to perpetuate in the archives of the country, the evanescent calumnies of the day; but which even invaded the sanctity of the tribunals of justice, by a form of trial and condemnation as unparalleled in the annals of jurisprudence, as it was unlimited and unmerited in its censure—Therefore,

Be it Resolved, by the General Assembly of the State of Missouri, That we most cordially approve of the untiring and persevering efforts and final success of our Senator, the Hon. THOMAS H. BENTON, in

having expunged from the Journals of the Senate, the history of this unjust, unmerited and unprecedented trial and condemnation of the President of the United States:

2d. That we regard his success in having this resolution expunged, as restoring the sacred principles of the Constitution, which guarantees to the citizen, when accused, the right to be confronted with his accusers, to be tried by his peers, and heard in his defence:

3d. That a copy of this preamble and resolutions be forwarded by the Governor, to each of our Senators and Representatives in Congress—and also, to the President of the United States, the President elect of the United States, and to the Governor of each State in the Union.

JOHN JAMESON,
Speaker of the House of Representatives.

FRANKLIN CANNON,
President of the Senate.

Approved Feb. 6, 1837.

LILBURN W. BOGGS.

STATE OF MISSOURI:

The foregoing is a correct copy of the original roll now on file in the office of Secretary of State, of the State aforesaid.

L. S.

In Testimony Whereof, I have hereunto set my hand, and affixed the seal of my office, the 20th day of June, A. D. 1837.

PETER G. GLOVER,
Sec'y. of State, State aforesaid.

STATE OF VERMONT.

EXECUTIVE DEPARTMENT,
Montpelier, Nov. 5, 1837.

SIR,—In compliance with a request of the Legislature, I have the honor to enclose the accompanying resolutions, and am,

With great consideration,
Your ob't. servant,

S. H. JENISON.

Resolved by the Senate and House of Representatives, That the franking privilege ought to be extended to the Governors of the several States.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to the Governors of the several States, and also to our Senators and Representatives in Congress.

SECRETARY OF STATE'S OFFICE,
Montpelier, Nov. 5 1837.

I certify that the foregoing are true copies of resolutions passed by the Legislature of this State, October 30, A. D. 1837.

CHAUNCEY L. KNAPP,
Secretary of State.

EXECUTIVE DEPARTMENT,
 PROVIDENCE, RHODE-ISLAND, *Dec. 20, 1837.*

Sir,

In obedience to the request of the General Assembly of this State, I have the honor herewith to transmit you a copy of the annexed Resolutions.

I have the honor to be,
 With sentiments of high respect,
 Your obt serv't.

JOHN BROWN FRANCIS.

*To his Excellency,
 The Governor of Delaware.*

STATE OF RHODE ISLAND AND }
 PROVIDENCE PLANTATIONS. }

In General Assembly, Oct. Session, A. D. 1837.

WHEREAS the compact of Union between these States was entered into by the people thereof in their respective States, "in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity;" And thereupon, a Representative Government was instituted by them, with certain limited powers, clearly specified and defined in the Constitution. All other powers, not therein expressly relinquished, being "reserved to the States respectively or to the people." And whereas this limited government possesses no power to extend its jurisdiction over any foreign nation; and no foreign nation, country or people can be admitted into this Union but by the sovereign will and act of the free people of all and each of these United States: nor without the formation of a new compact of Union; and another frame of government radically different, in objects, principles and powers from that which was framed for our own self-government; and deemed to be adequate to all the exigencies of our own free Republic.

Therefore Resolved, That we have witnessed with deep concern the indications of a disposition to bring into this Union, as a constituent member thereof, the foreign province or territory of Texas.

Resolved, That although we are fully aware of the consequences which must follow the accomplishment of such a project, could it be accomplish-

ed: aware that it would lead speedily to the conquest and annexation of Mexico itself, and its fourteen remaining provinces or intendencies, which, together with the revolted province of Texas, would furnish foreign territories and foreign people for at least twenty members of the new Union. That it would load the nation with debt and taxes; and by involving it in perpetual wars and commotions, both foreign and internal, would furnish a pretence (which a state of war never fails to furnish) for the assumption and exercise of powers incompatible with our free republican institutions, and subversive of the liberties of the people. That the government of a nation so extended and so constructed, would soon become radically changed in character, if not in form; would unavoidably become a military government; and under the plea of necessity would free itself from the restraints of the constitution, and from its accountability to the people. That the ties of kindred, common origin and common interests, which have so long bound this people together, and would still continue to bind them;—these ties, which ought to be held sacred by all true Americans, would be angrily dissolved; and sectional political combinations would be formed with the newly admitted foreign States, unnatural and adverse to the peace and prosperity of the country. That the civil government, with all the arbitrary powers it might assume, would be unable to control the storm. The usurper would find himself in his proper element; and, after acting the patriot and hero for a due season, as the only means of rescuing the country from the ruin which he had chiefly contributed to bring upon it, would reluctantly and modestly allow himself to be declared “Protector of the Commonwealth.”—That we are fully aware of the deep degradation into which this young Republic would sink itself in the eyes of the whole world should it annex to its own vast territories other and foreign territories of immense, though unknown extent, for the purpose of encouraging the propagation of slavery, and promoting the raising of slaves within its own bosom,—the very bosom of freedom, to be exported and sold in those unhallowed regions. Although we are fully aware of these fearful evils and numberless others which would come in their train, yet we do not here dwell upon them, because we are firmly convinced that the free people of most, and we trust of all these States, will never suffer the admission of the foreign territory of Texas into this Union as a constituent member thereof: will never suffer the integrity of this Republic to be violated either by the introduction, and addition to it of foreign nations or territories, one or many, or by the dismemberment of it by the transfer of any one or more of its members to a foreign nation. The people will be aware that should one foreign State or country be introduced, another and another may be, without end, whether situated in South America, in the West India Islands, or in any other part of the world. And that a single foreign State, thus admitted, might have it in its power, by holding the balance between contending parties, to wrest their own government from the hands and control of the people, by whom it was established for their own benefit and self-government. We are firmly convinced that the free people of these States will look upon any attempt to introduce the foreign territory of Texas, or any other foreign territory or nation, into this Union, as a constituent member or members thereof, as manifesting a willingness to prostitute the constitution and dissolve the Union.

Resolved, That His Excellency the Governor be requested to forward a copy of the foregoing Resolutions to each of our Senators and Repre-

representatives in Congress, and to each of the Executives of the several States, with a request that the same may be laid before the respective Legislatures of said States.

A true copy—witness:

HENRY BOWEN,
Secretary State.

BALTIMORE, Md., *December 30th 1837.*

SIR,—

We have taken the liberty of forwarding you by this day's mail, a copy of a *Silk Manual*, compiled and written by one of the undersigned, which we believe contains much matter connected with the Silk Culture, which is worthy of being laid generally before the people of these United States. The work was undertaken from a high sense of the great importance of the culture, as a branch of husbandry, to the agricultural community, and a desire to promote, as far as in his power lied, an interesting source of prospective employment to a large and worthy class of society, whose claims and helplessness come commended to his advocacy, by ties which he could not reject without compromising those impulses which impart to humanity its holiest attributes. Since its publication it has met with numerous evidences of public approbation, as well as an extensive private patronage; but it appears to us that a work of such deep moment to every husbandman in the country, should be generally laid before the people, in a gratuitous form, we have, from an honest conviction of duty, felt ourselves called upon to forward you the accompanying copy of the Manual in question, with a respectful request, that should it be deemed of sufficient importance by you to be entitled to that distinction, that you will do us the honor to submit the propriety of its republication to the Legislature of the State, over which you preside, for gratuitous distribution. The Silk Culture, as you are aware, has awakened the most intense interest throughout the country, and hence the propriety, of placing in the hands of agriculturists, a cheap and efficient guide to direct them in the enterprise upon which they have, or are about to enter, as we trust, with a zeal that will ensure success; and without arrogating any thing to ourselves, we think we can safely aver, that the Manual in question contains every thing necessary to be known by the silk grower. We may be here permitted further to observe, that it was gotten up with double columns so as to enable its publisher to furnish it at a *cheap* rate. It contains more matter than almost any two volumes of the fashionable works now published, which sell for \$1 25 and \$1 50 cts. per volume, and notwithstanding its great mass of matter, should the Legislature of your State determine on issuing an edition of it, we will agree to furnish one of two or more thousands of copies, at 25 cents per copy.

It may not be amiss to state that by the introduction of the *Morus Multicaulis*, or Many Stalked Mulberry, into the culture of this country within the last few years, that the actual outlay for feeding the worms, as well as the trouble, have been decreased more than fifty per cent., nor does the advantage of feeding from it stop here, for in addition to these gratifying facts, we have the following—an acre of ground planted in *Morus*

Multicaulis will afford foliage enough to feed a million of worms, which if successfully treated will make 333 lbs. of Silk, whereas the White Italian Mulberry would only feed a little above one-half of that number. And with a view of showing the value of this quantity, if fabricated into sewing silk, we will state its *minimum* price is \$7 per pound, leaving a clear nett profit per acre of more than \$1,400.

At the last annual session of the Legislature of Maryland, His Excellency Governor Veazey, in a *special* message, recommended the printing of an edition by the State for gratuitous distribution, which recommendation was considered and favourably reported upon by a committee of that body.

In conclusion, permit us to remain, with sentiments of the highest consideration and respect,

Your most obedient servants,

EDW'D. P. ROBERTS.

SAM'L. SANDS.

To His Excellency,

The Governor of Delaware.

EXECUTIVE OFFICE, OHIO,

COLUMBUS, February 24, 1838.

To the Governor of Delaware,

In compliance with the request contained in the second Resolution herewith transmitted, I send you a certified copy of Resolutions passed by the General Assembly of Ohio, protesting against the annexation of Texas to these United States.

These Resolutions passed the House of representatives (the whole number of which is seventy-two) by a vote of sixty-four in favor, and none against them; and passed the Senate by a vote of thirty-six (the whole number) for, and none against them.

I have the honor to be

Your obedient servant,

JOSEPH VANCE.

[A Copy.]

Resolution in relation to the annexation of Texas to the Union.

The subject of the annexation of Texas to the United States having been presented to the General Assembly of the State of Ohio, by numerous petitions, and by a report of a committee of one branch of the Legislature, the following resolutions were submitted by said committee for their definite action and concurrence:

Resolved by the General Assembly of the State of Ohio, That in the name and on behalf of the people of the State of Ohio, we do hereby SOLEMNLY PROTEST against the annexation of Texas to the Union of these United States.

And be it further resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress, and to the Governors of each of the States, a copy of the foregoing Resolution, with a statement of the votes by which it was passed in each branch of the Legislature.

C. ANTHONY,
Speaker of the House of Representatives.
GEORGE J. SMITH,
Speaker of the Senate.

February 23, 1838.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, Ohio, February 24, 1838.

I hereby certify the foregoing Resolution to be a true copy of the original roll on file in this department.

CARTER B. HARLAN,
Secretary of State.

EXECUTIVE DEPARTMENT,
Tuscaloosa, February 5, 1838.

SIR,

Herewith I have the honor to transmit to you a joint Preamble and Resolutions of the General Assembly of the State of Alabama, in favor of the annexation of Texas, to the United States of America, with a request that you will be pleased to lay the same before the Legislature of the State over which you preside.

With very great respect,
I have the honor to be sir,
Your obedient servant,

A. V. BOGBY.

His Excellency,
The Governor of Delaware.

JOINT PREAMBLE AND RESOLUTIONS

Of the General Assembly of the State of Alabama, in favor of the annexation of Texas to the United States of America.

The General Assembly of the State of Alabama, have witnessed with feelings of deep mortification, the course pursued by a few citizens of the United States, in opposition to the admission of the Republic of Texas into the Federal Union.

Professing, as we ever have friendship for civil liberty, and a devotion to the holy cause of freedom, in every clime, it was to have been hoped, that no voice would be heard among us, to rebuke an application from Texas, for admission into this boasted asylum from oppression. Our ports have been ever open to the exile or emigrant from the eastern hemisphere;

invitations and inducements have been extended to all whose interest or inclination led them to our shores, and no one has ever thought of denying comfort and protection to all who have fled from tyranny in that quarter and sought succor and shelter beneath the extended wings of our national eagles. By this policy, many of the enslaved, but worthy and magnanimous sons of Ireland, of France, and of Poland, have been enabled to reach our borders, and "redeemed, regenerated, and disenthralled," to tread our consecrated soil with the firm and elastic step of conscious freedom. With these glaring facts in view, why, it may be demanded, should we reject an overture for similar privileges, coming from the West? Should the circumstance, that the Texians come not as mendicants at our feet, that they can bring with them their lands and habitations, and correct principles, change our policy? We presume not. It is true that these advantages should not impel us to a course different from what we would adopt, if they did not exist; for whatever may be the magic influence of interest, in ordinary cases, it is admitted that its injunctions should be powerless, on the present occasion. But the circumstance is alluded to for the purpose of showing, that although it should weigh but as the dust in the balance, in determining the present question, yet that it should have as little influence against, as in favor of the conclusion to which we arrive. And as far as it can be brought to bear upon the question in a constitutional or political point of view, precedents are not wanting, if justice could require or yield to precedents, which will sustain fully the advocates of the annexation of Texas. We refer to the acquisition of Louisiana, during the administration of Mr. Jefferson, and to the still more recent annexation of Florida, during the administration of Mr. Monroe. The inhabitants of those countries were not admitted into the Union at their own solicitation, but without their formal consent,—they were purchased of their royal and imperial masters with our common treasure, and together with their soil, their religion, their language, their household goods, were brought within the pale of our General Government. How different, in many respects, is the case with the Republic of Texas? Upon the unanimous application of her brave and chivalrous citizens, who may be said to be "bone of our bone and flesh of our flesh," she seeks, "without money and without price" from us, to obtain shelter and protection under the ample folds of our Federal Banner. Is there, in the whole length and breadth of our land, a friend of liberty—a lover of justice—or even a mere philanthropist—who can hesitate for one moment in the decision of the question?

There are some, it is to be apprehended and regretted, who view this subject alone through the dim and deceptive medium of *sectional* party feelings. We cannot consent to be influenced by such sordid and circumscribed motives. And such a view is the more to be deplored, because of its inevitable tendency to blind the honest, to pervert the innate sympathies of their nature for the worst of purposes, and by introducing extraneous matters into an otherwise simple question, to lead the minds of many unsuspecting persons to the contemplation of false issues. For example, many well-meaning, but misinformed females of some of our sister States, whose hearts are thrillingly alive and enthusiastic upon another subject, on false premises, as we know, are induced to believe, that the present question is identical with that, and that if Texas should be admitted into the Union, all their hopes in favor of universal emancipation will become, as they really are, the mere waking reveries of their absurd or distempered

imaginations. But were considerations of expediency to become the only test on this grave and important question, it is not perceived that such a view of the present subject should reverse the policy we propose. Looking to the most exalted aim, in a mere point of expediency, which can possess the bosom of an American patriot and statesman, the preservation through all time of *Constitutional Union*—the only permanent paladium of civil liberty and domestic tranquility—the annexation of Texas appears every way desirable to every portion of our country. The solid and everlasting foundation on which our political fathers sought to establish justice, to ensure domestic peace, to form a perfect Union of our States, and to perpetuate the blessings of liberty to themselves and their posterity, was a well regulated balance of governmental and territorial power. Since the formation of the Constitution, the north and the north-west, have increased more rapidly in numerical power of States and population, than the south and south-west. It needs but a glance at the map to satisfy the most superficial observer, that an *over-balance* is produced by the extreme north-east, as regards territory, would be happily corrected and *counter-balanced* by the annexation of Texas. And when it is recollected too, that the very territory which it is now proposed to acquire, was once within the scope of a just claim of our General Government, extending to the Rio del Norte, and that it was bartered for a mess of porridge by the prime mover of the present opposition to its re-acquisition, there remains no pretext for a subterfuge, under which the adversaries of annexation can hope to disguise the *covert* designs which, there is much reason to fear, prompted the exchange of our claims in Texas for the unpropitiated portions of Florida, consisting mainly of barren sands and poisonous everglades.

It may be apprehended by some, that these is danger, in negotiating with Texas, on this subject, of involving of our General Government in a conflict of arms with Mexico. We cannot perceive how it is possible, upon correct principles, that such a result can ensue. And we presume every patriot, who entertains a proper respect for himself and his country, will be ready to exclaim, that however much such a conflict is at all times to be regretted, yet if it should be urged upon us contrary to the eternal principles of right and justice, let it come! let it come!

But it may not be amiss to examine for a moment, on what foundation such apprehensions repose. Texas is not only independent by declaration, but she is sovereign and independent in substance and in fact, and as far as can be judged from her past history or present condition, and the quiescent course of Mexico towards her for the last twenty months, there exists not the slightest ground to fear, that her independence is not permanent. Is there any substantial reason then, why we should not treat with the Republic of Texas as a sovereign and independent nation of the earth? Should we delicately consult the mere stubbornness of Mexico in this matter? Must we stand as idle spectators of her sroward imitation of Old Spain, in refusing to recognise the independence of her revolted colonies, least she visits upon us the vengeance which she has attempted in vain to inflict upon Texas? If this be a duty of neutrality, then it appears clear, that an equal obligation exists to refrain from any negotiation with a revolted colony until the mother country acknowledges her independence. Such a course, however, is contrary to the invariable custom of nations. Indeed, the previous course of our own government, under almost precisely similar circumstances, has been in accordance with the course for

which we contend. Before Spain had recognized the independence of Mexico herself, and while the latter was far from settled in the exercise of her assumed sovereignty, a negotiation for the purchase of her territory to the Rio del Norte, was urged upon her through Mr. Clay, then Secretary of State, under the administration of the younger Adams. Where then were the constitutional objections to the annexation of Texas? The same policy was pursued and brought almost to a consummation, under the administration of President Jackson. Wherefore now such extreme delicacy on the subject of our foreign relations?

But as it is upon the substance of this important subject, that we desire to be distinctly understood at present; therefore,

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the overture on the part of the Republic of Texas, for annexation to the United States of America, ought to be met by the Federal authorities in the most friendly manner, and should be accepted as soon as it can be done without a violation of our honor as a nation, or any principle of international law.

2. *And be it further resolved,* That our Senators in Congress be instructed, and our Representatives requested, to urge and sustain the foregoing views on all proper occasions.

3. *And be it further Resolved,* That the Governor of this State, be requested to transmit, as early as practicable, a copy of the foregoing Preamble and Resolutions to each of our Senators and Representatives in Congress; a copy to the Governor of each State of the Union: with a request that it be laid before the Legislature of his State; and a copy to the President of the United States.

J. W. M'LUNG,
Speaker of the House of Representatives.

JESSE BEENE,
President of the Senate.

STATE OF KENTUCKY.

EXECUTIVE DEPARTMENT,
Frankfort, February 23, 1838.

To His Excellency,

The Governor of Delaware.

SIR:—I have the honor of transmitting to your Excellency, a series of Joint Resolutions adopted by the General Assembly of the Commonwealth of Kentucky, in relation to the currency, and the administration of the General Government; permit me to request of you, to lay the same before the Legislature of your State.

JAS. CLARK.

Joint Resolutions in relation to the Currency, and the Administration of the General Government.

1. *Resolved*, That the General Assembly of the Commonwealth of Kentucky have seen with deep regret, the derangement in the currency and domestic exchanges, the general prostration of the commercial and manufacturing business, the reduction in the price of agricultural products of the people of this State, in common with the people of the United States, which occurred on the suspension of the banks to pay specie during the last spring, and which still continues to the great distress of the country.

2. *Resolved*, That this deplorable state of things has been, in the opinion of this General Assembly, mainly produced by improvident, rash and arbitrary acts and proceedings of the Executive branch of the Federal Government, commencing with the veto of the bill to re-charter the late Bank of the United States, followed by the removal of the deposits of the public money, contrary to law, from its assigned custody, and terminating in the Treasury Order, exacting specie in all payments for the public lands, which was issued not only without constitutional or legal authority, but in disregard of the known opinion of the Legislative branch of the General Government.

3. *Resolved*, That the General Assembly have seen with surprise and regret, that the present Executive of the United States, instead of manifesting becoming sympathy with a suffering people, and recommending measures to relieve them, and restore that prosperity of which they have been wantonly deprived by the administration of his predecessor and himself, has exhibited, in his late messages to Congress, a cold indifference to the lamentable condition of the country, and a solicitude only to supply the wants of the Treasury, and to protect the interests of the official corps.

4. *Resolved*, That the system of Sub-Treasuries, proposed by the President of the United States, is a dangerous innovation, tending to augment the Executive power to an alarming extent, to the engrossment, by the Executive of the United States, of all the paper emissions; to place in its possession, or under its control, a great portion of the specie of the country; to abuse, waste and corruption; and finally, to the consummation of that perilous union of the purse and the sword in the hands and under the power of one man, at the imminent hazard of the purity and the very existence of our free institutions.

5. *Resolved*, That the people and their government are one and indivisible, and that any attempt to separate them, in interests, in currency, or in fortune, can only proceed from insensibility or infidelity to the duties of the relation in which they stand to each other.

6. *Resolved*, That the General Assembly has seen, with great satisfaction, that a measure fraught with such fatal danger as the experiment of Sub-Treasuries, was defeated at the late session of Congress, by the vote of the immediate representatives of the people, and protesting, as the General Assembly now do, *solemnly* against it if it shall again be proposed, they request their Senators and Representatives of the State of Kentucky, in Congress, to continue to oppose its adoption with the utmost of their zeal and ability.

7. *Resolved*, That the General Assembly have seen with painful regret, that the Executive of the United States, profiting neither by his own experience nor that of his predecessors, appears resolved to persevere in a series of experiments and untried expedients, fatal to the prosperity and dangerous to the liberties of the people.

8. *Resolved*, That it is the duty of the General Government to secure a general medium of circulation, of uniform value, throughout the United States; and that the State of Kentucky has a deep interest in the faithful performance of that duty.

9. *Resolved*, That all experience has attested that the agency of a well regulated Bank of the United States, administered by a corporation blending public and private interests, and under public and private control, is best adapted to furnish and maintain a sound currency, to facilitate and render uniform domestic exchanges, and to inspire general confidence.

10. *Resolved*, That the administration of the General Government, of late years, has been characterized by wasteful extravagance, insomuch that the expenditures of the government have risen in the short space of eight years, from about thirteen millions to the enormous sum of thirty-two millions of dollars.

11. *Resolved*, That the General Assembly have beheld with surprise, and just alarm, the abuse, encroachments and usurpations of the Executive Department of the General Government, since the election of the late President of the United States, in the universal proscription of all who do not conform to the creed of the dominant party; in a new and fearful version of the power of dismission from office; in the illegal and arbitrary removal of the public deposits; in the suppression of bills which had passed both Houses of Congress, thereby preventing the exercise of the Constitutional check upon the veto power; in the promulgation of an edict, by which, an unconstitutional discrimination was made between payments by a common people into the Public Treasury, and finally in procuring, through its influence and partizans, the violation of a public record, the common property of the present generation, and of posterity, the faithful preservation of which was solemnly enjoined by the Constitution of the United States.

12. *Resolved*, That the Executive Department of the General Government, ought to be subjected to just restraints, and brought back to its constitutional limits; that economy, retrenchment and reduction, in the expenditure of the Public Treasure should be enforced, and that every consideration of safety, of interest, and pride of National character, demands a thorough reform in the administration of the General Government.

13. *Resolved*, That the Governor of this Commonwealth be requested to transmit a copy of the preceding resolutions to each of the Governors of the several States of the Union, with a request to lay them before the Legislature of their respective States; and also, a copy to each of the Se-

nators and Representatives of the State of Kentucky, in the Congress of the United States, to be laid before the respective Houses.

ROBERT P. LETCHER,
Speaker of the House of Representatives.

CHARLES A. WICKLIFFE,
Speaker of the Senate.

Approved January 27, 1838.

JAMES CLARK.

By the Governor,

JAMES M. BULLOCK, *Secretary of State.*

PHILADELPHIA, *March 1838.*

SIR,

I take the liberty of inviting your attention to the accompanying recommendations of a work which has been published in this city for eight years, devoted to the collection and preservation of documents and facts relating to the State of Pennsylvania. It contains all important documents, reports, &c. in relation to the Internal Improvements—Education—Finances, Receipts and expenditures of Government—History and Topography of the State—Prisons and Prison Discipline—Public and Private provisions for the Poor—Banks—Canals, Rail Roads—Commerce, Coal Trade—Reports of the various charitable and other institutions—besides miscellaneous matters, and numerous statistical tables, all tending to illustrate the history and progress of the State. The Register of Pennsylvania has been patronized by the Legislature and public offices of the State and City—the Congressional Library, and public offices at Washington, as well as those of several of the States—and is calculated to furnish to other States the best information, in detail, of the whole internal policy of this State, which can be obtained. It is under the belief that it may be found a valuable work of reference on all the important subjects which it embraces—and its design embraces every thing that can be useful, excepting politics—(in the common acceptation of the term,) that I take the liberty of advising you of the existence of such a work, and in the hope that it may be honored with a place in some public office or Library of your State. There have been published 16 Vols. octavo, at \$3, bound—\$48. A line with suitable directions as to the mode of forwarding the work, should you be pleased to order it, will receive immediate attention from

Sir,

Your humble servant,

SAMUEL HAZARD, EDITOR.

RECOMMENDATIONS.

“Among the periodical works of a historical character, ‘Hazard’s Register of Pennsylvania,’ deserves great praise. The volumes that have already appeared, contain a rich fund of useful and important materials. Its

purpose is, to exhibit the statistics, political and civil transactions, progress of internal improvements, and every kind of useful information relating to Pennsylvania. It is made a depository, also, of historical fragments of early times, selections from manuscripts, and re-prints of rare pieces, which have a permanent value. It is the best devised, and most successful attempt of the kind, which we have seen. The plan might be followed with great advantage in every State."

North American Review for Jan. 1830, p. 425.

"Hazard's Register of Pennsylvania is one of the most valuable works in the country."

American Almanac, published in Boston,

Hall of the Historical Society of Pennsylvania.

At a stated meeting of the Historical Society of Pennsylvania, held November 1, 1830, the following resolutions offered by Roberts Vaux, Esq. and seconded by Dr. Parke, were unanimously adopted.

Resolved, That this Society has observed, with great satisfaction, the able manner, in which "The Register of Pennsylvania" has been conducted for several years, furnishing much curious and highly valuable statistical information relating to the State, and preserving various other materials of great worth to the future Historians of our commonwealth.

Resolved, That while the contents of that work are of immediate concern to our fellow-citizens, they are especially important as auxiliary to the purposes of this Society.

Resolved, That our associate, Samuel Hazard, the indefatigable conductor of the Register, is well entitled to our thanks for his labors, and that he be assured of the desire which this society entertains that his work should receive a more liberal patronage than it at present enjoys, so that he may not only be indemnified for its publication, but encouraged to increase its usefulness by being enabled to give it a more extended circulation.

Resolved, That a copy of these resolutions be presented to the Editor of the Register.

W. RAWLE, *President.*

J. R. TYSON, *Secretary.*

Report of a Committee of the Select and Common Councils of Philadelphia.

"The Committee on the Library to whom were referred a communication from Mr. Samuel Hazard, requesting the aid of Councils in behalf of a weekly paper conducted by him, entitled "THE REGISTER OF PENNSYLVANIA," respectfully REPORT: That the object of the work as stated by Mr. Hazard, is 'to collect and preserve all facts and documents which may be wanted for use or as materials for a history of the State.'

The committee have carefully examined the volumes already published, and have no hesitation in saying that in their opinion the important and interesting object proposed has been thus far successfully accomplished. As a depository of rich and valuable information relative to Pennsylvania, the work is entitled to the encouragement of her citizens generally, and as particularly connected with Philadelphia, its annals, and its institutions, it is deserving of the peculiar favor and patronage of the inhabitants of our city.

From the character of the work, and from the fact that it cannot avail itself of the profits upon which papers open to advertisements usually in a great measure rely, it must receive its sustenance from Pennsylvania, and more especially from the people of Philadelphia, or it must close its existence. Impressed with the belief that it is worthy of patronage, and that as a book of reference, it will at all times be of great utility to the city authorities and officers, the committee recommend it to the favorable notice of the Councils.

The committee submit the following resolutions:—

Resolved, That the Clerks of Councils be authorized to purchase seven copies of the eighth volumes now published of HAZARD'S REGISTER OF PENNSYLVANIA; and to subscribe on behalf of the Corporation for seven copies of the said work continued from the eighth volume.

Resolved, That said copies be appropriated as follows, to wit:

One to the Select Council Chamber—one to the Common Council Chamber—one to the Mayor's Office—one to the City Treasurer's Office—one to the Watering Committee's Office—one to any Department or Board which may be established relative to the Girard Estate."

April 12, 1832.

TO THE PUBLIC.

The subscribers, deeply impressed with the importance of preserving, in a permanent form, the records of interesting facts, occurrences and improvements, together with public documents and other papers which may in any manner illustrate the history of our growing commonwealth, and anxious to see due encouragement afforded, to efforts having this object in view, have found no means more direct, economical and effectual, than the support of a periodical publication, principally devoted to the preservation of historical events. They have, from its commencement, been subscribers to the Register of Pennsylvania, edited by Samuel Hazard of Philadelphia, and have uniformly been gratified with the nature and variety of its contents, and the just discrimination which has guided the editor in his selection of materials. As the Register has now reached its twelfth volume, they feel entire confidence in recommending it to the public as a work eminently deserving the support of every enlightened Pennsylvanian, and worthy of a distinguished place in every public Library in our country. Whoever reveres the memory of the founders of Pennsylvania—whoever regards with interest the magnanimous labors that have raised her to the enviable rank which she holds among the States of the confede-

racy—whoever looks with pleasure upon the gigantic public improvements that are scattered over her extended surface, and upon the exhaustless treasures which those improvements are destined to develop, cannot fail to possess a correspondent interest in the work of which it is a leading object, to treasure up the record of those events which have made Pennsylvania what we now behold her.

It having been suggested that the work has a circulation more limited than its merits and importance demand, and that its continuance may possibly depend upon an increase of patronage, the subscribers, without any solicitation on the part of the editor, have ventured to offer to their fellow citizens this expression of their sentiments, in order that all who take pleasure in fostering meritorious enterprises may be induced to consider the claims of the Register of Pennsylvania,—and bestow upon it that encouragement which its estimable object and its able management may seem to deserve.

PETER S. DUPONCEAU,
THOMAS P. COPE,
ROBERTS VAUX,
MATTHEW CAREY,
THOS. C. JAMES,
WALTER R. JOHNSON,
JOHN SERGEANT,

J. R. TYSON,
CH. CHAUNCEY,
W. H. DE LANCEY,
JOHN M. SCOTT,
JOS. HOPKINSON,
HENRY BALDWIN.

December, 1834.

*Extract from the Preface to "View of the Land Laws of Pennsylvania,"
by Thomas Sergeant, Esq.—Philadelphia, 1838.*

"Mr. Samuel Hazard has aided those who feel an interest in the primitive history of Pennsylvania, by publishing, in his Historical Register, many valuable documents, especially those relating to the Dutch and English titles before William Penn, and also by furnishing translations of important portions of the correspondence between the ministry of the Crown of Sweden, and their governors and officers here, and of other State papers, the originals of which, in the Swedish and German languages, were procured in Sweden by the late Jonathan Russell, Esq., and afterwards deposited by him in the Library of the American Philosophical Society at Philadelphia. They constitute a valuable addition to the stock of materials of the history of the earliest period of our State, and of the sources of its settlement and colonization. They afford the means of connecting together the whole history of the modes of disposing of lands, from the earliest times, by the Swedes first, and afterwards by the Dutch and English, prior to the arrival of William Penn; and though the materials are few, they are satisfactory, in showing the uniformity of the methods of proceeding from an early date, and in accounting, in some measure, for the origin of our usages and practice. These antiquities (if they can now be so called,) excite an interest in themselves, independent of their importance to those engaged in the legal study and profession."

STATE OF MAINE.

EXECUTIVE DEPARTMENT,

Augusta, March 1, 1838.

SIR,

In compliance with a request of the Legislature of this State, I herewith transmit to you a copy of "Resolves respecting the Franking Privilege," passed at the present session.

I have the honor to be,
With great respect,
Your obedient servant,

EDWARD KENT.

STATE OF MAINE.

Resolves respecting the Franking Privilege.

Resolved, That the Franking Privilege should be extended to the Governors and Secretaries of the several States.

Resolved, That the same privilege should be extended to the Members of the several State Legislatures, so far as to transmit within the limits of their respective States, documents printed by order of the Legislatures thereof.

Resolved, That his Excellency the Governor be requested to transmit a copy of these Resolves to the Governors of the several States, and to each of our Senators and Representatives in Congress.

IN THE HOUSE OF REPRESENTATIVES, February 22, 1838.

Read and passed,

ELISHA H. ALLEN, Speaker.

IN SENATE, February 23, 1838.

Read and passed,

N. S. LITTLEFIELD, President.

February 24, 1838.—APPROVED.

EDWARD KENT.

SECRETARY'S OFFICE, }
Augusta, March 1, 1838. }

A true Copy of the original on file.

ATTEST,

SAMUEL P. BENSON,

Secretary of State.

PREAMBLE AND RESOLUTIONS.

Whereas, Arkansas having been admitted into the Union of the States, upon an equal footing with all the other members of the Confederacy, it becomes her imperious duty to institute such a system of law and policy, as will secure to her a high rank among the other States, and, at the same time, insure prosperity to her citizens, and afford them an ample field for laudable enterprise. To effect this, we hold it absolutely necessary that the State of Arkansas should have the entire right to, and the exclusive control over, all the lands claimed by the government of the United States, which are within her borders. We hold it to be evident that the true interest, both of the Federal Government and of Arkansas; is, that the lands should be ceded to the State, upon some fair and equal footing. The influence which necessarily must arise from the disbursements and from the officers absolutely requisite for the disposal of such vast tracts of land, ought of right to be wielded by the State—certainly, it ought not to belong to another government. The exclusive right and possession of the public domain, would give consequence and dignity to the State institutions: it should be hers to say what proportion of land it was necessary for the public convenience to withhold from the people; she alone should prescribe the terms upon which any citizen might acquire and exercise ownership over the soil. Hence it would result, that the community, regarding the State Government as the paramount controlling power in all domestic concerns, would imbibe a feeling of habitual reverence and respect for its authority; and the laws of the State, the strongest possible inducements could be held out, for an intelligent and permanent class of citizens to emigrate to the State, and identify themselves with its interests and welfare. Such a class constitutes the true wealth of every government. Neither a treasury everflowing with gold, nor boundless domain of the most fertile soil, is half so desirable. Such a population furnishes the most certain resource for a revenue, and the most valuable defence against danger of every description. The reason which induced the government of the United States to institute the system of selling its lands to the people of the States, having ceased, the policy should also be abandoned. There can be no apology for a government prosperous and out of debt, to persist in a course calculated to retard the population and improvement of any portion of the nation. There are, in the State of Arkansas, many works of internal improvement which have been commenced by the United States, during the Territorial form of government, which are of the first importance to the country, and which lie in a state of incompleteness and ruin. The State is unable to finish these works, or even to keep them in repair, having no title to the vast tracts of public lands within her borders, nor being able to offer the lands at so reduced a price as to induce their immediate settlement by a population which would afford a sufficient revenue from taxation. If there is in the Union a State to which internal improvement is of more importance than to any other, we are safe in declaring Arkansas to be that one. Our entire western border is inhabited by hordes of savages, who may, at any time, make an irruption upon our settlements, either from revenge or a desire of plunder. We should therefore have every facility of transportation, both by roads and water navigation, which would enable us, with the utmost expedition, to concentrate a force upon our frontier:

Resolved, therefore, That our Senators in Congress be instructed, and our Representative requested, to give their hearty co-operation and support to a bill introduced at a late session of the Congress of the United States, by the Hon. JOHN C. CALHOUN, for the cession of the public lands, whenever the same shall again be brought before them; and in case it shall not be brought up, then that a similar bill, having the same object in view, shall be introduced by them during the present session of Congress.

Resolved, That we consider the passage of such a bill a matter of vital importance to this State, and that no pains should be spared to effect it.

Resolved, That the Governor furnish the Executives of all the States of this Union with a copy of this preamble and resolutions, and request them to lay the same before their respective Legislatures; and that he furnish each of our Senators and our Representative in Congress with a copy.

GRANDISON D. ROYSTON,
Speaker of the House of Representatives.

SAM. C. ROANE,
President of the Senate.

Approved Feb. 24, 1838.

J. S. CONWAY.

I, ROBERT A. WATKINS, Secretary of State of the State of Arkansas, do hereby certify the annexed and foregoing Preamble and Resolutions are a true copy from the original, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and the Seal of office, at Little Rock, this 3d day of March, A. D. 1838, and
[L. s.] of the American Independence the sixty-second.

R. A. WATKINS,
Secretary State.

EXECUTIVE DEPARTMENT,
LITTLE ROCK, ARKANSAS, *March 3, 1838.*

SIR,—

Herewith, on the preceding page, I have the honor to transmit to you a joint Preamble and Resolutions of the General Assembly of the State of Arkansas. In compliance therewith, I have to request that you will be pleased to lay the same before the Legislature of the State over which you preside.

With very great respect,
I have the honor to be, Sir,
Your obedient servant,

J. S. CONWAY.

*To His Excellency,
The Governor of Delaware.*

REPORT

Of the Joint Select Committee, to whom was referred that part of His Excellency's (the Governor of Connecticut) Message, relating to the increase of the National Executive patronage—as reported to the General Assembly of Connecticut, May Session, 1838.

The Joint select Committee to whom was referred that part of his Excellency the Governor's Message, which relates to the increase of the National executive Patronage, have had the same under consideration, and Report:—

That although from the pressure of other duties, they have not been able to devote that time to the subject which its importance demands—yet from a brief and general view of it, which, alone, they have been permitted to take, they are satisfied that a danger exists from this source to our Republican Institutions, calculated to excite the deepest apprehension. The increase of that patronage, and the effects of it are evinced in various modes: In the increase of revenue and expenditure—the number of officers through whose hands, and into whose pockets it passes—the character and circumstances of their appointments—and the result in producing a general subserviency to the appointing power.

Within a little more than eight years, the expenses of the General Government have swelled from about thirteen millions, to about thirty-three millions of dollars. The *first* sum, alarmed the political economists who opposed the administration of Mr. Adams, for the safety of the Republic. Their language was *then* of retrenchment—their cry is *now* that of the horse-leech, for more. For the purpose of collecting and disbursing the present enormous sums, it is believed that there has been at least a corresponding increase of officers and agents. The list has been prodigiously enlarged: and when to the catalogue of those who hold appointments *directly* from the government, in the departments and bureaus at Washington—in the Custom-houses—the land offices—the ramifications of the Post office—the Army and Navy, and the Embassies abroad—we add the contractors, agents and employees of all kinds—many of whom are connected with the press, who depend *indirectly* upon the Government for their daily bread, it presents, indeed a formidable host. But the danger existing from the multitude of these placemen, and the immense funds which they are permitted to handle, is perhaps even less, than that arising from the principle of their selection, and the tenure of their office. The avenues to wealth and distinction in this country are so widely open, that the honest, industrious and capable, are, for the most part, too prosperous and too independent to apply for office. It is usually those of another class, who are the most eager for place, and who come up with their clamors, into the very kneading troughs of the appointing power. The test question respecting an applicant, once was, “is he honest; is he capable? is he faithful to the Constitution?” Of late years a new and fearful rule has been adopted; a rule at war with the fundamental principles of a free government. The offices which have hitherto been considered as a *trust* for the benefit of the people, are now declared to be a *spoils*, for the use of a victorious party. And the question of course *now* is—does the applicant follow the camp of the Conqueror? *Other* new, and strange principles, have lately been advanced: That public officers, instead of being the

agents of the law, are the mere subordinates, the creatures of the President—that this chain of office-holders, from that high functionary down, form especially, *the Government*—and that it is the first duty of the Government, to take care of themselves.

The avowal of such doctrines, seems like giving a pledge to corruption; and from the infirmity of human nature, it would be very extraordinary, if the invitation were not readily understood, and eagerly accepted. The avowal of these doctrines has drawn a line and made an issue, between the ruled and the rulers; between the many and the few. And the rights of the few are declared to be paramount. It is believed, that never before in a free country, has a claim so monstrous been asserted. Not more abhorrent to the feelings of freemen, is the doctrine of the divine rights of Kings.

In the celebrated retrenchment report, made by Mr. Benton to the Senate of the United States in 1826, a maxim is quoted from one of the numbers of the Federalist; “that power over a man’s support has always been held and admitted to be power over his will.” This is doubtless true, but under former administrations so seldom and so gently had this power been used, that it was scarcely known; and the will was left comparatively free. It remained for an administration composed of the leading men who made that report, to establish a principle, whose unerring tendency, is to bind the will of all subordinate officers, as with a chain, to the footstool of the Executive.

In the same report, it is said, that the time will come when the nomination by the President, can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress—when the principle of public action will be open and avowed, “the President wants my vote, and I want his patronage; I will vote as he wishes and he will give me the office I wish for. What will this be but the government of one man, and what is the government of one man but a Monarchy.” “Those who make the President must support him. Their political fate becomes identified, and they must stand or fall together. Right or wrong, they must support him.”

Such is the language of this well known report. Is not that which was *then* prophecy, *now* become history, and made so by the seers themselves. There are none so well qualified to prophecy correctly, as those who are about to cause the fulfilment of their own predictions.

The committee have no time nor disposition to detail cases of political subservency, which the doctrines and the practice of the administration have in reality produced. They refer to the knowledge of the members, and the notoriety of the facts. Are not the most unscrupulous of Executive partizans, every where, those who bear the Executive mark.

One of the most alarming evidences of danger from Government patronage, is found in the facility with which men of the highest official dignity in their respective States, are seduced by enormous salaries, into inferior, national appointments. Governors of States, Members of Congress and other public Functionaries, may thus be led to scramble for a Clerkship in a Department—a place in the Custom House—or the office of a Postmaster. Political divisions in the States can thus be quieted—rivalries can thus be reconciled—opponents can be bought—and partizans rewarded. If a sycophant of the Federal Government is defeated, as the candidate for office in his own State, from a want of confidence in his abi-

lity or honesty, on the part of those who know him best, this *rejection* may be made his passport to a far more profitable place under that government. From an unsuccessful demagogue, he may be converted into a martyr, and receive a martyr's reward.

In the collisions which may occur in Congress, between the interests of the Government and those of the people, separated as they now are, Patronage is an almost unlimited fund in the hands of the former, to buy the chosen champions of the latter. A lure may be held out so attractive, as to tempt even an officer presiding over the people's *own* branch, and extensively controlling its deliberations and proceedings, to become an instrument of the Executive.

It is thus that the independence of the State sovereignties is jeopardized, and a consolidated Government, Republican in name, but a Monarchy in fact, is in danger of being established. Well might the present Chief Magistrate of the Union, *now* take up the lamentation which he once uttered, over the lost rights of the States. At the present time, in the words of that report which has before been referred to, "The Press, with some exceptions—the Post Office—the armed Force, and the appointing Power, are in the hands of the President, and the President is not in the hands of the People. The President *may*, and in the current of human affairs, *will* be, against the people. The arbiters of human fate, must be against them also. This will not do. The possibility of it, must be avoided. The safety of the people is the supreme law, and to ensure that safety, these arbiters of human fate must change position, and take posts on the side of the people."

In conclusion the Committee fully respond to the sentiments of his Excellency's Message, on the danger of National Executive Patronage, and for the purpose of endeavoring as far as possible to check its progress, they recommend the passage of the accompanying resolution, all which is respectfully submitted.

Per order E. WOODRUFF, *Chairman.*

STATE OF CONNECTICUT, SS }
OFFICE OF THE SECRETARY OF STATE, June 13, 1838. }

I hereby certify that the foregoing is a true copy of the original Report on file in this office.



In testimony of which, I have hereunto affixed the Public Seal of this State, and my official signature, on the day and date above mentioned.

ROYAL R. HINMAN, *Secretary.*

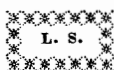
At a General Assembly of the State of Connecticut, holden at New-Haven, in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty-eight.

Resolved by the Senate and House of Representatives in General Assembly convened, That the Senators and Representatives of this State in the Congress of the United States, be, and they are hereby requested to endeavor by all just and proper means, to procure the passage by Congress of an amendment to the Constitution of the United States, in the manner prescribed by the provisions thereof, whereby the power of nominating, appointing or removing any officers of the United States, except of

ficers Naval and Military, Embassadors, Public Ministers and Consuls, shall not appertain to the office of President of the United States, but be vested and exercised in some other manner, as may be specified in such amendment or prescribed by-law.

Resolved, That his Excellency the Governor is requested to transmit copies hereof to each of the Senators and Representatives aforesaid, and to the Governors of the several States, with a request that the same be communicated to their respective Legislatures.

OFFICE OF THE SECRETARY OF SAID STATE, }
June 13, 1838. }



I hereby certify that the foregoing is a true copy of Record in this office, certified by my official signature, and the Public Seal of this State.

ROYAL R. HINMAN, *Secretary*.

EXECUTIVE OFFICE, June 13, A. D. 1838.

In compliance with the above Resolution, I will thank you to communicate the same to the Legislature of your State.

With sentiments of high consideration,

Your humble servant,

WM. W. ELLSWORTH.

*To His Excellency,
The Governor of Delaware.*

THE BOARD OF ADMINISTRATORS OF THE CHARITY HOSPITAL, beg leave to call the notice of your Excellency to the condition of the Institution committed to their charge, in order that you may invite the attention of the Legislature of your State, that they may afford such relief as in their wisdom and generosity may seem meet and becoming.

This Hospital was originally built and endowed by individual beneficence, and exclusively devoted to charitable purposes, to the indigent afflicted with disease, and has since derived large revenues from the same benevolent source. It has little or no independent revenue, and relies for its maintenance on the various grants from the liberality of the Legislature of this State, from various enactments productive of occasional revenue, (and particularly, and until lately, on the tax on gambling licenses, now abrogated,) and from the various donations of individuals.

The rapidly increasing commercial connexions of New Orleans with her sister States and foreign countries, necessarily in an equal degree, increase the demand upon the charity of this institution, and the expenses of its maintenance now amount to about \$50,000 per annum. While the State of Louisiana will not shrink from any proper call upon her humanity, and in the occasional epidemics to which she is still subject, these calls are very heavy, yet she relies upon the justice and proper feeling of her sister States in furnishing, in some degree, the means of relief to *their own citizens* who may be so unfortunate as to be afflicted with the double calamity of sickness and poverty, at a distance from those on whom they have stronger claims than upon us.

Upon reference to the subjoined statements, you will perceive that this State furnishes but about 1-30th of those contributed by the various States

of this Union to its wards, and in the whole aggregate of its admittances, but about 1-90th! This ratio would be much greater, and the propriety of asking assistance would be more apparent, were the numerous thousands to whom relief is afforded in the form of "*Out door Patients*," similarly distributed as to country, of whom no record has been kept.

DAVID JNO. ROGERS,
Vice President.

New Orleans,

List of Admissions into the Charity Hospital of New Orleans, from the 1st of January 1830, unto the 1st day of July 1838.

FOREIGN COUNTRIES.

	1830	1831	1832	1833	1834	1835	1836	1837	'38*	TOTAL.
Ireland,	660	915	842	1206	2354	2476	1544	2142	496	12629
England,	251	314	222	343	440	443	378	410	110	2911
Germany,	116	187	193	378	503	575	262	607	173	2904
France,	142	199	172	253	262	278	201	270	82	1860
Scotland,	86	95	93	123	178	174	168	186	50	1153
Spain,	82	196	32	113	162	148	135	168	53	1139
Sweden,	65	25	26	56	83	45	70	82	19	471
Italy,	11	5	12	43	53	41	35	54	16	270
Canada,	8	24	16	24	36	67	42	8	13	238
Denmark,	12	19	8	13	38	44	42	41	9	226
Switzerland,	5	4	14	40	34	29	30	40	8	204
Prussia,	2	49	12	16	22	26	25	26	13	191
Holland,	12	10	16	16	11	4	34	26	10	177
West Indies,	5	9	16	15	27	3	28	31		169
Norway,	10	15	11	14	29	22	19	27	6	153
Mexico,	30	21	22	14	10	31	11	10		149
Portugal,	8	16	12	15	12	31	15	14	6	123
South America,	16	20	5	17	15	18	18	4	1	114
Poland,	12	7	6		3	40	16	14	6	104
Havana,	12	17	3	5	3	11	11	23	3	88
Hamburg,	10	14	8					10		42
Nova Scotia,	5	9	2			10			6	32
East Indies,	1	2	3	2	4	4	10	2		28
Africa,	3	5	4		6				6	23
Total,	1564	2169	1710	2706	4287	4593	3095	4197	1077	25398

1830	1564
1831	2169
1832	1710
1833	2706
1834	4287
1835	4593
1836	3095
1837	4197
1838	1077
25398	

Foreign, 25,398
United States, 12,370

37,768

For the half year.

List of Admissions into the Charity Hospital of New Orleans, from the 1st of January 1830, unto the 1st day of July 1838.

UNITED STATES.

	1830	1831	1832	1833	1834	1835	1836	1837	'38*	TOTAL.
Pennsylvania,	234	381	111	253	278	359	308	294	85	2303
New York,	185	221	106	213	291	288	254	310	77	1945
Virginia,	131	135	71	108	149	147	142	156	47	1086
Massachusetts,	106	115	80	116	148	120	90	156	42	973
Maryland,	86	83	55	82	84	82	82	87	35	676
Kentucky,	69	67	23	62	93	113	45	96	39	607
Ohio,	34	39	22	43	87	93	106	110	40	574
Tennessee,	42	45	25	39	69	68	81	70	11	450
Maine,	51	57	40	52	52	51	58	58	24	443
North Carolina,	47	51	40	36	63	57	52	64	19	429
Louisiana,	51	59	40	29	49	30	62	51	10	381
New Jersey,	43	44	31	36	38	51	34	41	18	336
South Carolina,	36	39	15	23	49	39	35	50	20	307
Connecticut,	24	27	27	36	49	38	31	51	20	303
Indiana,	82	77	1	7	10	11	7	12	17	224
Rhode Island,	34	37	20	23	25	14	15	28	16	212
New Hampshire,	19	24	11	23	35	32	15	36	9	204
Vermont,	12	18	17	15	23	41	21	28	14	189
Missouri,	6	52	6	9	10	12	7	15	24	141
Delaware,	9	7	2	7	25	17	12	28	20	127
Georgia,	11	17	9	7	19	12	14	20	10	119
Illinois,	5	71	1	2	2	7	2	4	2	96
Columbia,	10	15	10	6	12	5	6	13	6	83
Mississippi,		14	4	8	9	6	8	12	10	71
Alabama,	5	3	1	4	6	3	10	8	5	45
Michigan,	2	2	1	3		1	3	4	7	23
Florida,	2	1	1	1	1	2	3	2	1	14
Arkansas,		3	1	2	1	1		1		9
Total,	1336	1704	771	1245	1677	1700	1503	1806	628	12370
	1830	1336								
	1831	1704								
	1832	771								
	1833	1245								
	1834	1677								
	1835	1700								
	1836	1503								
	1837	1806								
	1838	628								
		12370								

* For the half year.

RESOLUTION

Relating to the disposition of the Public Lands of the United States.

At a General Assembly of the State of Connecticut, holden at New Haven, in said State, on the first Wednesday of May, A. D. 1838.

Resolved by this Assembly, That the public lands belonging to the United States are the common property of all the States, and the proceeds of them should be appropriated to their use and benefit, and to no other purpose whatever without the consent of the States respectively.

Resolved, That this General Assembly do solemnly protest against a cession of any of the public lands to a State in which they may be situated, at a price less than that at which they are offered in market, and also against all pre-emption laws and the grants made under the authority of such laws.

Resolved by this Assembly, That our Senators and Representatives in Congress be requested to use their best endeavors to have the proceeds of the public lands divided among the States severally, as soon as it can with propriety be done.

Resolved, That it is expedient that a portion of the public lands belonging to the United States should be appropriated to the support of education in the original thirteen States of this Union, and that the Senators and Representatives in Congress from this State, be requested to procure the adoption of such a measure.

Resolved by this Assembly, That his Excellency the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, and also to each Executive of the several States, with a request that they may be laid before the Legislatures of their States respectively.

STATE OF CONNECTICUT, (to wit.) }
Office of the Secretary of State, July 13th, A. D. 1838. }



I hereby certify that the foregoing is a true Copy of Record in this office. In testimony whereof, I have hereunto affixed the Seal of this State, and signed the same officially, at said office, at the date last above.

Attest,

R. R. HINMAN, *Secretary.*

STATE OF CONNECTICUT, (to wit.) }
Executive Office, July 18th, 1838. }

To His Excellency,

The Governor of Delaware.

In accordance with the directions of the late General Assembly of Connecticut, I forward to you the accompany resolutions, and request that the

same may be communicated to the Legislature of the State over which you preside.

With sentiments of
High consideration—
Your humble servant,
W. W. ELLSWORTH.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga. 21st August, 1838.

SIR,

In compliance with the request of the Legislature of this State, I transmit to you the copy of resolutions passed at its last session, upon the subject of the refusal of the Executive of the State of Maine to deliver up to the Executive authority of Georgia certain fugitives from its justice; which you are respectfully requested to communicate to the Legislature of your State at its next session.

Very respectfully,
Yours, &c.

GEORGE R. GILMER.

*To his Excellency,
C. P. Comegys,
Governor of Delaware.*

HOUSE OF REPRESENTATIVES.

The Joint Committee on the state of the Republic, to whom was referred so much of the Governor's Message as relates to his correspondence with the Governor of Maine, which correspondence was occasioned by the secret and felonious abduction from the city of Savannah of a negro slave named Atticus, the property of James and Henry Sagurs, by Daniel Philbrook and Edward Kellernan, citizens of the State of Maine, and fugitives from justice; together with the accompanying documents, (to wit.) the affidavit of James Sagurs, one of the owners of said slave, the warrant of the magistrate, and the return of the officer thereon; the consequent demand of the Executive of Georgia upon the Executive of Maine, for the delivery of said fugitives to the agent of the State of Georgia, in order that they might be made amenable to the violated laws of the State, and the refusal of the Governor of Maine to comply with said demand.

REPORT:

That said committee have fully reviewed all the circumstances attending said demand and refusal; that in the opinion of said committee, the Governor of Maine has signally failed to show any good and sufficient cause to justify him in refusing to comply with the just and reasonable demand of the Executive of Georgia—but that, on the contrary, the reply of the Governor of Georgia to the letter of refusal of the Governor of Maine, contains arguments, unanswerable arguments, which should at once have

caused that officer, if at all disposed to comply with the requisitions of the Constitution of the United States, by performing the sacred duties which it imposed upon him, or to preserve that courtesy which should ever subsist between the sister States of this Union upon any and every subject, however trifling it might be in its nature, but more particularly upon questions of such grave import as the one now under consideration, to have caused said fugitives to be arrested, and the necessary notice of such arrest given to the Governor of Georgia, so that they might be made to answer the charges preferred against them—and, if innocent, to vindicate their innocence—if guilty, to endure the just punishment of their crimes.

The refusal of Governor Dunlap, occurring at a period when the minds of the people of the South are justly excited, and their feelings most wantonly outraged by the machinations of certain fanatics of the North, who seem determined, in defiance of sound policy and the dictates of honest patriotism, and of every principle of natural and constitutional law, to keep up an excitement in relation to a certain species of property with which no interference from any quarter whatsoever will be permitted—a property guaranteed to them by the Constitution of the United States, and without which guaranty, this Union never would have been formed, appears, in the opinion of your committee, if not like a disposition on the part of the Governor of Maine, to foster and encourage said fanatics in their unholy crusade against Southern rights, and which, if persisted in, must inevitably lead to a speedy dissolution of the Union, at least like an inclination to wink at their proceedings by screening their miserable agents who alone carry their doctrines into practical effect, by wanton depredations upon our property, from the justice of our laws.

The reasoning of his Excellency of Maine, in his letter of refusal, to the demand of the Governor of Georgia, is, in the opinion of your committee, entirely fallacious, and evasive of the true question at issue. The affidavit of the owner of the stolen slave, directly charges, that the fugitives did, “on or about the fourth day of May, eighteen hundred and thirty seven, *feloniously inveigle, steal, take and carry away*, a negro slave; with having, after the commission of said felony, *fled from the State*; and that they were believed at the time to be within the limits of the State of Maine. Is it for one moment to be presumed that the Governor of the State of Maine was not aware that larceny is made, by the laws of every State in the Union felony; unless, indeed, it may not be so by those of Maine? That State, indeed, may have, in tender mercy to thieves and incendiaries, declared it otherwise; but this your committee does not and cannot believe. Whether however felony or not, by the laws of Maine, is it not a crime? It is so declared by the Penal Code of the State of Georgia, which fact was communicated to the Governor of Maine, by the Governor of Georgia. Has, then, the Governor of Maine done that which not only common courtesy, but justice, policy, patriotism and imperative duty required him to perform. Has he complied with the stern requisitions of the Constitution of the United States, which he was sworn to support and defend? No! But he has disregarded and violated all. The act of Congress, passed February 12th, 1793, “respecting fugitives from justice, and persons escaping from the services of their masters,”—an act passed in furtherance of the second section of the fourth Article of the Constitution, which says “a person charged in any State with treason, *felony or other crime*, who shall flee from justice, and be found in another State, shall, on de-

mand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime"—expressly and peremptorily declares, "that whenever the Executive authority of any State in the Union, or of either of the Territories, Northwest or South of the river Ohio, shall demand any person as a *fugitive from justice*, of the Executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, *or an affidavit made* before a magistrate of any State or Territory, as aforesaid, charging the person so demanded with having committed treason, *felony, or other crime*, certified as authentic by the Governor or Chief Magistrate of the State or territory from whence the person so charged fled, it shall be the *duty* of the Executive authority of the State or Territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority, appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear"—and further provides, that "if no such agent shall appear within six months from the time of such arrest, the prisoner may be discharged," &c. Now by referring to the documents hereunto annexed, it will appear, that every requisition of the above recited act, was strictly complied with by the Executive of Georgia. But the Governor of Maine, in his anxious desire to find an excuse for not doing his duty, says, so far as he has received any information relative to Philbrook and Kelloran, their visit to Georgia was in the course of their ordinary business as mariners; their vessel being at the South, they navigated it homeward, by the usual route, and in the usual time, they had stated homes to which they openly returned; at those homes they took up their residence, and conducted their affairs there without concealment, and in all respects conformably to the usage of innocent and unsuspecting citizens. Whether such a course of conduct is to be a fleeing from justice, within the meaning of the act of Congress, and whether men so conducting are to be viewed as fugitives, may present a question of some importance, which he does not deem it necessary for him to decide. Truly a most wise conclusion. But the Governor of Maine seems to claim it as a matter of right, for him to depend upon information which he received, for refusing to deliver the fugitives, information perhaps false, against a positive oath. Surely then your committee, speaking in behalf of the people of Georgia, if not of the entire South, may be permitted, also, to rely upon information which they have received, for reasons (independent of those already given) why they *should* have been delivered. The vessel of the fugitives left it appears, the port of Savannah, in the usual manner; she pursued the usual track, that of the broad Ocean, (the only one she could possibly pursue), to reach her port of destination; she arrived in the usual time, and, as the Governor of Maine *would have us believe*, "they took up their residence" at their *usual homes*. On the other hand, your committee is informed, upon good authority, that when the owner, who went in pursuit of the stolen slave, arrived at the port to which the fugitives fled, to wit: their *homes*, they themselves could not be found, although their vessel was lying in the port; the slave they did find *concealed in a barn*, and that when the party who arrested him were about leaving with the recovered property, they were pelted by the populace, and the owner with difficulty escaped from the fury of the mob.

But it is unnecessary to dilate further. All the facts of the case show conclusively, that the Governor of Maine if not disposed at the time of the demand to comply with it for want of information, that he should have done so on the reception of Governor Schley's second letter. To that letter no reply, so far as your committee is informed, has ever been received. Compelled therefore from all these circumstances to believe, that the constituted authorities of Maine do not mean to comply with the Laws and Constitution of the country, but in total disregard of both, to treat with contempt the just demands of Georgia, all that remains for your committee to perform is, to suggest the remedy. This is indeed a delicate and difficult task. We cannot close our ports against the vessels of Maine. We cannot declare a non-intercourse with her citizens. Either course would be clearly unconstitutional. To seize upon the persons of her citizens, as hostages, or to levy upon their property found in our State, by way of reprisal, would also be unconstitutional, but if not it would be unjust, because it would be punishing the innocent for the guilty. What then ought to be done? Resort to the *ultima ratio*?—This, in the language of Governor Schley, cannot be resorted to, without a violation of the Federal Compact; and long, long may it be before the States of this Union shall be involved in civil conflict. But knowing that this dreadful alternative must inevitably be ultimately resorted to as a matter of self-defence, by the people of the South, in case the unhallowed example of the Governor of Maine, be followed by the authorities of the other States of the North, and willing to prove to the world, by our forbearance, our reverence for the Constitution, a forbearance which it is hoped will hereafter insure us justice, your committee, although strongly disposed to recommend the passage of a law imposing a quarantine upon all vessels coming into our waters from the State of Maine, in consequence of viewing the doctrine of abolition as a moral and political pestilence, which if not checked will spread devastation and ruin over the land, at this time simply recommend the adoption of the following resolutions :

Be it therefore unanimously resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the refusal on the part of the Governor of the State of Maine to deliver up or cause to be delivered up, upon the demand of the Governor of this State, Daniel Philbrook and Edward Killoran, who stand charged with the commission of a crime against the laws of this State, and have fled therefrom, is not only dangerous to the rights of the people of Georgia, but clearly and directly in violation of the plain letter of the Constitution of the United States, which is in the following words, to wit, "a person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Be it further unanimously Resolved, That the State of Georgia, and each of the other members of this Confederacy, by the adoption of the Federal Constitution, became a party thereto, no less for the better protection of her own than the common rights and interests of all—and when these ends cease to be attained, by the faithlessness of any to the constitutional engagement, she is no longer bound by any obligations to the common compact; and it then becomes not only her right, but her duty,

paramount to *all others*, to seek and provide protection for her *own people*, in her own way.

And be it further unanimously resolved, That so soon as a bill of indictment shall be found true, in the Superior Court of Chatham county, against the said Daniel Philbrook and Edward Kelloran, for the offence aforesaid, the Executive of Georgia be requested to make upon the Executive of Maine, a second demand for the persons of the said fugitives, predicated upon said bill of indictment, and accompanied by such evidence as is contemplated by the act of Congress in such cases made and provided.

And be it further unanimously resolved, That should the Executive of Maine refuse to comply with such second demand, the Executive of Georgia be requested to transmit a copy of these Resolutions to the Executive of each State in the Union, to be presented to their several Legislatures; and also a copy to the President of the United States, and to our Senators and Representatives in Congress, to be laid before that body. And should the Legislature of Maine, at its session next after the said Resolutions shall have been forwarded to the Executive of that State, neglect to redress the grievance herein before set forth, it shall be the duty of the Executive of Georgia to announce the same by Proclamation, and call upon the people of the several counties, on a day in said Proclamation to be named, to elect, under like restrictions and regulations as in the election of members to the Legislature, a number of Delegates equal to the number of Senators and Representatives to which they may be entitled in the General Assembly, to meet in Convention at the seat of Government, on a day to be fixed in said Proclamation, to take into consideration the state of the Commonwealth of Georgia, and to devise the course of her future policy, and provide all necessary safeguards for the protection of the rights of her people.

In the House of Representatives, agreed to 22d December 1837.

JOSEPH DAY,

Speaker of the House of Representatives.

Attest:

JOSEPH STRUGIS, *Clerk.*

In Senate, concurred in the 25th December, 1837.

ROBERT M. ECHOLS,

President of the Senate.

Attest:

JOHN T. LAMAR, *Secretary.*

Approved 25th December, 1837.

GEORGE R. GILMER, *Governor.*

ACCOUNT

Of Books and Papers, received at the Office of the Secretary of the State of Delaware, since the 17th day of January, A. D. 1837.

Thirty-six copies of the Acts of second session of the 24th Congress of the United States.

One copy of each of the Laws and Resolutions of the State of Massachusetts, passed at the January and September sessions, 1836.

Two copies of the Acts and Resolutions of South Carolina of the December session, 1836.

One copy of the Debates in the North Carolina Convention.

One do. Report of the Geologist of Maryland.

Three do. Laws of New Hampshire of the Nov. session 1836.

One do. Laws of Alabama, of the November session, 1836.

Report of the Legislature of Maine, on the North Eastern Boundary Question.

Remarks and Documents relating to the preservation of the Public Archives, by R. Bartlett.

Prospectus of the American Society for the diffusion of useful knowledge.

Third volume of Blackford's (Indiana) Reports.

Annual Reports of Regents of the New York University for 1837.

One copy of the "Army Regulations"—1835.

Two copies of the Acts of Kentucky—December session, 1836.

Two ditto Laws and Resolves of Massachusetts, January session, 1837.

1 " Laws of South Carolina, at the session of 1836-7.

1 " Session Acts—Legislature of Pennsylvania, 1837.

3 " I bound volume each of Statutes at large of South Carolina, 1836.

3 " Laws of New Jersey of the session of 1836-7.

3 " Laws of New York—January session 1837.

3 " Laws of Louisiana—January session 1837.

3 " Laws of Maryland—session of 1836-7.

1 " Gill & Johnson's (Maryland) Reports.

3 " Of Report of Geological Survey of Connecticut.

3 " (each) of the public and private Acts and Resolutions of the State of Connecticut, passed at the May and December sessions 1836, and at the May session of 1837.

Three sets, each 18 vols. of Documents of the 1st session of the 24th Congress, and three remaining volumes of those of the 1st Session of 23rd Congress.

Third volume of Dane's (Kentucky) Reports.

Three copies of the Laws of Ohio, 1837.

3 " Acts of 1st session of the 9th General Assembly of the State of Missouri.

2 " Of the Laws of New Hampshire, June session 1837.

1 " Of the 7th vol. of the "Vermont Reports."

3 " Of the Journal of the House of Representatives of the U. States, at the 2nd session, 24th Congress.

3 " (each) of the Public Laws, Resolves and Private Laws of Maine, passed at the January session 1837.

36 " Of acts of the 1st session of the 25th Congress.

1 " Laws of Wisconsin, 1836.

3 " (2 vols. each) of Revised Statutes of North Carolina.

3 " (1 vol. each) of the Journal of the House Representatives of the U. S., at the 1st session of the 25th Congress.

One copy of each, of the Journal and documents of the Senate and H. of Representatives of the 1st session of the 25th Congress.

1 ditto of the Laws of South Carolina, December session 1837.

1 " Report of the commissioners of the canal fund of the State of New York to the Legislature 1838.

1 " Session acts of Vermont, October session 1837.

1 " Session acts of Alabama, November session 1837.

Three sets (each 12 volumes) of the documents of the 2d session of the 24th Congress.

3 do (each 4 volumes) of the documents of the 1st session of the 25th Congress.

First report on the Agriculture of Massachusetts.

One copy of the acts of the Legislative Council of Florida, 1838.

Two copies of statistical tables, showing the condition and products of certain branches of industry in Massachusetts for the year ending April 1837.

Report on the Pauper Laws of Massachusetts.

Two copies of the report of Joint Committee of the Legislature of New Jersey, on State Prison accounts.

2 " Silk Manual by E. P. Roberts.

3 " The session acts of the Legislature of New Jersey for the year 1838.

2 " Do. do. of Kentucky, 1837-8.

Annual Report of Regents of New York University, 1838.

Second Report on the Geology of the State of Maine.

do do Geological Survey of Connecticut, 1837.

Two copies Session Acts and Resolves of Massachusetts, 1838.

Acts of the Legislative Council of Florida, 1838.

Two sets of Congressional Documents (each 21 volumes) printed by Gales & Seaton, under the act of 2d of March 1831, and the joint resolution of 2nd March 1833.

Three copies of the acts of the General Assembly of Georgia.

3 " the acts of the General Assembly of Maryland at the December session 1837-8.

3 " vol. 32, of the general and local laws of Ohio.

3 " Session Acts of Louisiana, passed in 1837-8.

1 " do of Virginia, January session 1838.

1 " do do December session 1836-7.

3 " Laws of New York, passed at the sixty-first session of the General Assembly.

1 " Of the Private Laws of Connecticut.

3 " each, of the Public Acts and Resolves of Connecticut.

3 " Laws of New Hampshire, June session 1838.

3 " Pennsylvania, December session 1837-8.

3 " each of the public and private Resolves of Maine.

1 " vol. of Gill and Johnson's Maryland Reports.

31 " Acts and Resolves passed at the 2d session of the 25th Congress.

3 " 1st vol. of American Archives, 4th series—being a portion of the Congressional documents published under the act of Congress of March 2d 1833.

Three copies of the Laws of Michigan, passed at the adjourned session 1837, and regular session 1838.

- 2 " each, of the first and second scientific circular by C. S. Rafinesque, Professor of Historical and Natural Sciences in Philadelphia.

Twelfth Annual Report of the board of managers of the Boston Prison Discipline Society.

Considerations of John L. Sullivan in relation to a National Bank:

Pamphlets relating to the Banks in Massachusetts.

Two copies of a report of the Secretary to the Board of Education in Massachusetts on the subject of school houses.

Nineteenth General Report of the President and Directors of the Chesapeake and Delaware Canal Company.

A brief outline of a plan for a National Bank by a Native Citizen.

A circular of the Rhode Island Historical Society.

Proposals by G. Templeman to publish the Military Laws of the United States.

Twenty-five Queries signed by D. R. for statesmen and legislators.

A communication from Samuel Hazard, with recommendations of his Register of Pennsylvania.

Prospectus of the Army and Navy Chronicle.

do of a Philosophical Grammar of the French Language.

Letter from T. W. Griffith of Baltimore, on the subject of steamboat accidents, &c.

A copy of a memorial to Congress, by Littleton D. Teakle of Maryland, presenting a plan of National Currency, State Banks, &c.

Two copies of the Journals of each Provincial Congress of Massachusetts.

A catalogue of Periodicals for 1838—supplied by Otis, Broaders & Co. of Boston.

A printed circular of Russel Comstock of New York, on the subject of curing diseases in fruit trees, &c.

A pamphlet entitled, "The king's speech on the periodical contest, by Thomas Jefferson Cade, of New Jersey.

Three copies of the Laws of Michigan, 1837-8.

- 2 do of pamphlet containing an abstract of the condition of the Banks in Massachusetts, 1838.

On motion of Mr. Jones,

Resolved, That the Clerk be directed to have five hundred copies of the Governor's Message printed for the use of this House.

On motion of Mr. Dilworth,

The following resolution was read and adopted, to wit:—

Resolved, That a committee to consist of three members, be appointed to draft rules for the government of this House.

Messrs. Dilworth, Houston and Hopkins (of Broad Creek,) were appointed said committee.

On motion of Mr. Frame,

Resolved, That the Clerk of this House furnish each of the members thereof, with a copy of the Digest of the Laws of Delaware, and with the 8th volume of said laws.

On motion of Mr. Frame,

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



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

The House met pursuant to adjournment.

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

On his motion,

Was read as follows, to wit:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Legislature of this State will, on Thursday the third instant, (to-morrow) at 12 o'clock, M., in joint meeting, in the Hall of the House of Representatives, hold an election by ballot, for the purpose of choosing a Senator from this State, in the Senate of the United States, for the constitutional term to commence on the fourth day of March next.

Mr. Frame proposed an amendment to said resolution as follows, to wit: by striking out "the third instant (to-morrow)," and inserting in lieu thereof as follows, viz:—"the seventeenth instant."

Mr. Rogers asked for a division of the questions of amendment proposed, which was granted.

On the question to strike out the words "the third instant (to-morrow,)" the House divided, and Mr. Frame demanded the yeas and nays, which were as follows:—

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

Nays—Biddle, Boulden, Dilworth, Hopkins, of Broad Creek, Hopkins, of N. W. Fork, Jones, Kerr, Marshall, Rogers, Williamson and Mr. Speaker—11 nays.

So the amendment was lost.

Mr. Frame then moved,

To lay said resolution on the table, on which question the House again divided, and Mr. Frame demanded the yeas and nays, which were as follows:—

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

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

So the resolution was laid on the table.

Mr. Rogers then gave notice, that at some early day of the session, he should ask leave to introduce a bill to increase the compensation of Bailiffs attending the Superior court, and also the fees of witnesses attending said court, in cases of appeals from Justices of the Peace.

Also, a bill to take away the jurisdiction of the Superior Court of New Castle county, in cases of applications for tavern licenses in the city of Wilmington.

Also, a bill to enable the Court of General Sessions of the Peace, to exercise some discretion in regard to the amount of punishment to be inflicted in cases of convictions for the crime of larceny.

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

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

Resolved, That be, and he is hereby appoint-
ed messenger of this House.

Mr. Frame then moved,

To fill said blank with the name of Francis Robertson, but on the suggestion of Mr. Rogers, the question was laid over till to-morrow.

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



THURSDAY, 10 o'clock, A. M. January 3, 1839.

The House met pursuant to adjournment.

Roll called, journal read and corrected.

On motion of Mr. Jones,

The joint resolution by him introduced yesterday, fixing the time, in joint meeting of both Houses in the Hall of the House of Representatives, for holding an election by ballot for the purpose of choosing a Senator from this State, in the Senate of the United States, for the constitutional term, to commence on the fourth day of March next, was taken up for consideration.

He then proposed the following amendment thereto, to wit: by striking out the words "Thursday the third instant (to-morrow,)" and inserting in lieu thereof, the words "Tuesday the 8th instant."

Mr. Frame then proposed to amend the said amendment, by inserting in lieu thereof, the words "the seventeenth instant."

The House being divided on the question of the amendment proposed by Mr. Frame to Mr. Jones' amendment, Mr. Frame demanded the yeas and nays, which were as follows:—

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

Nays—Messrs. Biddle, Boulden, Dilworth, Hopkins, of B. C., Hopkins of N. W. F., Jones, Kerr, Marshall, Rogers, Williamson and Mr. Speaker—11 nays.

So the amendment was lost.

The question then recurring on the original amendment proposed by Mr. Jones, said amendment was *Adopted*.

Mr. Frame then moved,

To lay the said resolution, as amended, on the table.

The House being divided on the question to lay on the table, Mr. Frame demanded the yeas and nays, which were as follows:—

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

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

So the resolution was laid on the table.

Mr. Spruance moved,

That a committee on elections be appointed.

The following members were appointed said committee, to wit:—

Messrs. Jones, Hopkins, of N. W. F., and Jefferson.

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

On his motion,

Was read as follows, to wit:—

Resolved, That a committee of claims, to consist of five members, be appointed on the part of this House.

The following members were appointed said committee, viz:

Messrs. Marshall, Houston, Jefferson, Rogers and Boulden.

Mr. Dilworth, Chairman of the committee to draft rules for the government of this House, made the following Report, which

On his motion,

Was read and adopted as follows, to wit:—

Rules for the government of the House.

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

2. Every day, before the House proceeds to business, the Clerk shall call the names of the members in alphabetical order, and shall read the Journal of the preceding day; which may be corrected by the House.

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

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

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

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

7. Every motion either in the House or in committee of the whole, shall be entered on the Journal, with the name of the mover.

8. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

22. Messages to the House shall not be admitted while the House is voting on a question.

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

Mr. Frame laid on the table the claim of Joseph Marsh. for printing the Journal of the House of Representatives for 1837, which

On his motion,
Was read and referred to the Committee on claims.

On motion of Mr. Frame,
The resolution appointing a messenger for this House, was taken up for consideration, and

On his motion,
The blank therein was filled with the name of Francis Robertson.

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



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

The House met pursuant to adjournment.

The Speaker communicated to the House the Report of the Commissioners appointed to procure a Geological and Mineralogical Survey of this State, at the last session of the Legislature thereof, which

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

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

The undersigned commissioners appointed by an act of the Legislature of the State of Delaware, passed at Dover on the 18th day of February 1837, to procure to be made a Geological and Mineralogical Survey of the State, have the honor to report that as soon as they were informed of their appointment, they proceeded to execute the duties assigned to them, by the appointment of Mr. James C. Booth of the city of Philadelphia, who had been recommended to them by several scientific and respectable gentlemen, as a skillful and practical Geologist.

That they entered into a contract with Mr. Booth on the 1st day of June 1837, to perform all the duties enjoined by the act aforesaid, for which they agreed to pay him twelve hundred dollars per annum. That he immediately entered upon his duties in which he is now engaged, and has prepared reports of his progress which have been this day delivered to the Secretary of State, as required by the aforesaid act, and that he expects to complete his examinations by the first of June next, when he will prepare his memoir of the Geology and Mineralogy of the State accompanied by a map exhibiting the localities of all the formations he has discovered.

The commissioners entertain the opinion that the sum appropriated will be sufficient to complete the survey.

Respectfully submitted

By order of the Commissioners.

T. STOCKTON, *Chairman.*

Dover, January 3, 1839.

Mr. Rogers asked, and

On motion of Mr. Dilworth,
Obtained leave to introduce a bill entitled "An additional supplement to an act entitled 'An act providing for the punishment of certain crimes and misdemeanors.'"

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



FRIDAY, 10 o'clock, A. M. January 4, 1839.

The House met pursuant to adjournment.

Roll called, Journal read and found to be correct.

The Speaker communicated to the House, a letter from the Secretary of State, accompanied by the Geological and Mineralogical Reports of James C. Booth, Esquire, State Geologist, for the years 1837 and 1838, which

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

SECRETARY OF STATE'S OFFICE,

Dover, January 3, 1839.

SIR,

Pursuant to the directions of the third section of the "Act providing for a Geological and Mineralogical Survey of this State," I have the honor, herewith to lay before the Legislature two reports which I have received from James C. Booth, Esquire, the State Geologist. The specimens referred to in said reports are in this office.

I have the honor to be,

With the utmost consideration,

Your obedient servant,

CH. MARIM,

Secretary of the State of Delaware.

HON. JOHN P. BRINKLOB,

Speaker of the House of Representatives.

To. CH. MARIN, Esq.

Secretary of the State of Delaware.

SIR:—I herewith transmit you a Report of the progress of the Geological Survey of the State of Delaware, agreeably to the third section of the act, passed at Dover, 18th February 1837, entitled "An act to provide for the Geological and Mineraological survey of the State of Delaware," and with the execution of which I have the honor to be intrusted by the commissioners appointed for the furtherance of the Act aforesaid.

After making a cursory examination of the most important geological formations of the State at the commencement of the season, in order to arrange my plans for the more judicious conducting of the survey, I soon discovered what would be the proper course to be pursued. It became evident to me, as it must to every one after due reflection, that a detailed and careful examination of the mineral contents of each tract of land or farm in the State, would occupy the time and labor of many individuals for years; and therefore, I laid down this principle of action—to institute such examinations in each county, according to the time allotted to me, as would prove of the greatest benefit to the greatest number of individuals, after determining the general geological features of the State; in other words, to make the survey conducive to the interests of the State, and not merely to the interests of individuals.

The general outline of the geology of the State will be readily understood by a glance at the accompanying map, which is to be considered as illustrative of my present report, and not as presenting with accuracy, the areas occupied by the several formations.

That portion of New Castle county lying north of the rail road, belongs to a class of rocks usually denominated primary, consisting of gneiss and occasionally of those of the trappean and granitic order. It includes a small formation of limestone on Pike-creek, which I have endeavored to trace in its north-easterly course, and I believe with partial success. From the great value of this material to the agricultural interests of the upper hundreds of the county, I feel it incumbent on me to pursue the subject farther during the ensuing season. To the north-east of the limestone is a bed of serpentine, associated with felspar of superior quality; and nearly in the same bearing, where the Brandywine enters the State, limestone and serpentine occur together. These data lead me to the belief, that the lime-rock may be found at places intermediate between these extreme points.

The next formation that claimed my attention was that lying between the canal on the north, and on the south the boundary between St. George's and Appoquinimink hundreds. Nearly the whole of this tract is underlaid by green sand at variable depths beneath the surface, but in consequence of numerous creeks and ravines, which have worn away the superincumbent formations, of a loose texture, there is scarcely a farm in the whole of St. George's hundred where this valuable manure may not be obtained with a trifling amount of labor and expense. The green sand or marl, (as it is incorrectly termed,) varies in quality in the same locality, presenting various shades of color from light yellowish and bluish green, to a dark green passing into black, being at times more argillaceous and compact; at others, more loose and sandy in its texture. The dark green and sandy variety is generally subjacent to the argillaceous, and may

more constantly be relied upon as of superior quality; where both occur together, (and this is usually the case,) the sandy kind should always be employed. From my first and succeeding examinations in Kent and Sussex, convinced that this formation would not be found in those counties, and that from its situation on tide water, it could be made available to all the towns of the State, situated on navigable waters, I devoted much time and attention to its development. I ascertained that it approached within a short distance of Port Penn, and understanding that many individuals in the lower counties wished to test its value as a manure, I applied myself to the analysis of a specimen immediately after my return to the city of Philadelphia. As the commissioner for the survey from New Castle county offered to deliver the material at Port Penn (as the most convenient place of export) at the original cost, including excavation and transportation, and as others in that vicinity seemed disinclined to enter into the operation, I analyzed a specimen from a farm belonging to him, about two miles from the Piers.

One hundred parts of this green sand gave:—

47.84	parts of silica (flint,)
24.29	“ protoxide of iron,
7.98	“ alumina (clay,)
10.30	“ potassa,
10.19	“ water.

The potassa (the most important ingredient,) is estimated as chemically pure, and if one hundred bushels of green sand be applied to an acre, the ten per cent would be equivalent to some fifteen bushels of pure potash, or to one hundred bushels of good unleached ashes, on one acre of ground. From this analysis, its great value as a manure will be readily understood, and will, I am confident, induce many enterprising citizens in different parts of the State, to commence the employment of it in place of lime.

I further proceeded to examine the upper part of Kent county, and ascertained it to belong to the tertiary formation, a belt of which crosses the State in the vicinity of Smyrna. Where this formation has been observed, the lime, which it undoubtedly contained at some distant period of time, has now disappeared, but further examination may bring to light some localities where the lime is yet in sufficient quantity to be made available. The same formation, accompanied by the same appearances, has been observed in the vicinity of Milford and Frederica, and I am not without hopes that the intervening part of the county may prove to belong to the same strata; if so, there is a likelihood of finding shell-marl in various parts of Kent county.

I do not anticipate the discovery of shell marl in the lower county, but the beds of shells of recent origin will prove quite as valuable; since they are found to be much commuted and mingled with the soil in which they repose. One of these beds lies about two miles north of Dagsborough, where its thickness and its extent have been partially ascertained by the enterprise of gentlemen of that vicinity. The shells are very friable, and portions of them are so minutely broken and intermingled with the soil, as to be inappreciable to the eye. From this circumstance and the fact that they are contained in an argillaceous earth, the marl will be advantageously applied to the lighter soil of Sussex.

Another bed, the extent of which is not known, exists on the meadows south-east of Lewestown, composed of recent shells, more or less broken down and in a suitable state for application to the adjacent country.

Thus, therefore, the geological formations of the State may be comprised under four general divisions—1st. The primary of the upper part, and 2d. the upper secondary or green sand of the lower part of New Castle county; 3d. the tertiary of Kent; and 4th. the recent formations of Sussex.

After continuing my observations during the ensuing season, I shall probably be enabled to report the completion of my field operations at its close; and after performing the requisite analyses during the present and succeeding winters, I shall, agreeably to the provisions of the Act, draw up a memoir of the geology and mineralogy of the State, containing all the information that has been and will be obtained during the continuance of the survey.

I have the honor to be,
With high esteem,
Your obedient serv't.

JAMES C. BOOTH.

Dover, January 1, 1839.

Second Annual Report of the Geological Survey, &c.

TO CHARLES MARIM, ESQ.

Secretary of the State of Delaware.

SIR,

Conformably to the act passed by the Legislature of the State of Delaware, providing for a geological and mineralogical survey of the State, with the performance of which I have the honor to be entrusted, I proceed to lay before you the second annual report of the progress I have made in my geological and chemical investigations.

In consequence of the lateness of the season at which I commenced my field operations in the summer of 1837, and the short space intervening between their close and the time required for the presentation of my first report, I deemed it inadvisable to produce one which would necessarily be destitute of more accurate information based upon analytic research. I therefore offered a mere outline of the geology of the State, dividing it into different groups, according to the nature and geological age of the several deposits, and accompanied it with an analysis of one variety of the green sand, sufficient to establish its character. My reasons for selecting that marl are there stated, and will undoubtedly be satisfactory to every one. Indeed, had that report been published, some misapprehensions relative to my operations and the nature of the survey could not have entered the minds of a few individuals. I allude in particular to the opinion of a large class of the population that it was my duty to examine every tract of land in the State, a mode of operation which I there demonstrated to be impracticable.

It is a very prevalent but fallacious opinion, that it is impossible to ascertain the general geological character of a district without an exceedingly minute investigation of every portion. Notwithstanding the diversified

features of the surface of the earth, and the length of time it has been subjected to the modifying influences of the great agents employed by nature to produce her changes, the laborious researches of scientific and practical individuals have discovered certain general laws governing the mineral kingdom, which are equally obeyed by the geological formations of Europe and America, and indeed of the whole *terra firma*. Guided by these established laws in the comparison of one section of country with others that have fallen under his observation, aided by the experience of other persons made known to the world by publications, the geologist has it generally in his power to state the nature of the whole by an examination of a part—nay, further, he may frequently predict with some degree of certainty, what formations will be found in a locality not visited, and what probability there is of discovering valuable deposits. Every variety of product in the vegetable kingdom is distributed over the surface of our globe in a beautiful arrangement, each kind generating spontaneously and luxuriantly on the soil, and in the climate best adapted to its structure. Hence the gigantic palm of the tropics, could not endure the rigorous winters of the temperate zone; hence too the valuable Quercitron so abundant in the forests of Delaware, is denied to those of our northern States. In the same manner, the valuable mineral productions of nature do not lie in a chaotic mass, every variety confusedly heaped together in one locality, but are arranged and distributed according to a certain order, determined by circumstances equivalent to the effect of climate on vegetables. The deficiency of a country in one, is generally supplied by the presence of another mineral of value. Knowing therefore, the inutility of a minute survey of many sections of country, I have sometimes been painfully obliged to omit an examination of them, where I was aware it could neither benefit the individual nor the State. If I have in some instances departed from this rule, the chief object has been to scatter the seed of improved principles of tillage, and foster the growing desire for agricultural information. I trust therefore, that all misapprehensions of the character of the survey shall have been dissipated previous to its completion; for although it would be a source of no little gratification to myself, to discover the green sand, iron ore, limestone, or some other valuable mineral deposite in every part of the State, yet it is an evident impossibility, as I have already shown; simply because they are not universally diffused, but confined to certain limited territories.

From the period of presenting my former report until the commencement of field operations in the spring of 1838, I was occupied with the analysis of marls, the most important results of which were published the past summer, at the solicitation of the commissioners. Few persons apprehend the difficulties attendant upon the analysis of green sand, or the length of time required for its completion. Out of sixteen, performed in the course of the preceding winter, I could only rely upon twelve. At the present moment, I have an examination of three new varieties in a state of forwardness, but not sufficiently advanced to permit their introduction into this report.

The principal part of the spring and summer of 1838, has been employed in the investigation of Kent and Sussex counties, commencing at the north and progressing towards the southern boundary of the State. During the fall, my researches were directed to the hundreds of New Castle

and Red Lion, and to the completion of the upper hundreds of New Castle county.

I have deemed it advisable to present in this report, all the details of the survey of 1837-8, that can have a practical bearing upon the interests of the State, reserving the remainder hitherto observed, or that will result from observations during the following summer, together with the analyses to be executed in the course of the winter, for the Memoir of the Geology and Mineralogy of the State, to be issued agreeably to the act, after the termination of the survey.

GEOLOGICAL FORMATIONS.

I.—*Primary Rocks.*

That portion of the State comprehended between the Christiana and White Clay creeks on the south, and the curved boundary of the State on the north, may with propriety be denominated "the primary region," from its being underlaid by rocks, generally termed primary, on the supposition of their having been first formed. Practically speaking, this district contains five kinds of rock, the gneiss, limestone, serpentine, and those of a trappean and granitic character, overlaid by comparatively modern deposits of gravel, sand and clays, mingled in various proportions. These last named, in a state of greater or less comminution and charged with vegetable matter, constitute the surface or soil.

The gneiss and limestone, and probably serpentine, belong to stratified rocks, exhibiting a *bearing* or *direction* which enables us to trace them by means of the compass, through a considerable extent of country with much uniformity of character, and a *dip* or inclination to the horizon at various angles. The trap and granite are evidently of igneous origin, and appear to have been projected in a state of fusion through the stratified rocks, constituting veins with an irregular bearing.

Gneiss.—This formation, the principal basis of the district under consideration, is generally of an uniform composition, consisting of quartz, felspar and mica, in the proportion indicated by the order in which they are named. Its general bearing is N. 55 deg. E., and with a dip or inclination to the horizon of 60 to 80 deg. towards the northwest. It may readily be quarried out in slabs or blocks of greater or smaller dimensions varying with the peculiarities of stratification, and the frequency of great natural joints at irregular intersections, a circumstance that, in connexion with its general durability, attaches importance to it as a material well calculated for architectural purposes. It may be frequently observed in a state of disintegration immediately below the soil, from the action of air and the infiltration of various natural chemical agents in an aqueous solution, upon *felspar* of a *peculiar* character; for it appears from a minute inspection of the rock, that the *felspar* alone suffers change, and that in many instances, where it is in the same exposed situation, this substance itself remains unaltered.

In selecting stone from it for building, regard should be exercised in relation to its compactness and toughness, as well as to its hardness, a

pretty sure indication of the predominance of quartz. Where large blocks are required, in addition to the above characters, it becomes necessary to select that kind, whose planes of easy cleavage lying in the plane of stratification, and whose great joints, do not too closely approximate. Whether all these points are united, in the rock of a particular locality, cannot be determined by a simple examination of that portion directly subjacent to the soil, for it is often in a shattered and disintegrated condition; but by descending, it invariably becomes better adapted to every useful purpose. How far it may be necessary to penetrate, cannot be stated with precision, since the extent of disintegration varies in neighboring localities. At times the mica is replaced by hornblende, distinguished from it by its superior hardness; and when this is the case, I have generally observed the rock to split easily into very small blocks of a regular form, possessing extreme hardness and toughness. Whether the blocks would increase in size, as is probably the case, I have had no means of determining, not having met with a single quarry in this hornblende gneiss. One considerable advantage in the employment of gneiss as a building material, arises from its uneven surface and hackly fracture, enabling it to adhere to mortar with great firmness. I have not hitherto succeeded in discovering a bed of this rock, containing mica as its predominating ingredient, but should it be found, it will prove a useful material in the construction of furnaces and furnace-hearths, capable of resisting the powerful action of fire. Although it may be advantageously employed in the construction of roads, yet want of sufficient hardness and toughness, and the greater regularity of its fragments, render it less valuable for this purpose than the trappean rocks, which I next proceed to describe.

Trappean Rocks.—Next to gneiss, the trap formation extends over the greatest area, occurring chiefly along the border of the Delaware river, from Naaman's creek to the neighborhood of Wilmington, and thence seen at intervals in a more westerly course to the State line. The most convenient practical classification of these rocks is into *coarse and fine grained*, a division established in a great measure by their composition; the former abounding in felspar, and the latter containing quartz as its predominating ingredient. Another feature serves to separate them more completely; for not unfrequently the coarse grained variety, as may be observed at Quarryville, suffers a partial disintegration, that olive colored felspar becoming greyish, more porous and brittle. I have never observed the fine grained rock in a state of decomposition, excepting on the edges of small veins of the coarser kind, that traverse it in a few places.

This formation is generally styled the blue rock of the Delaware quarries; a name derived from a faint lead-blue tinge, which it evidently possesses, when seen at a short distance. I find this color to be dependent on the quartz, which is of a smoky shade, with a tinge of blue, and hence the coarser kinds, abounding rather in glassy felspar than quartz, do not present the same appearance, but may more properly be said to possess an alive color. Mica is of comparatively rare occurrence in this formation excepting in a few small veins, and then of a jet black color. There are a few veins traversing the finer kinds of rock, that abound in hornblende, and are remarkable for their hardness, toughness, and great specific gravity. The comparative merits of the different species of these trappean rocks, it is not my intention to discuss at this time; suffice it then to say, that the quarries present exhaustless materials, of the greatest va-

lue, for the purposes of construction, either on land or in water, for building with rough or hewn stone, or in laying M^cAdamized roads. The coarse-grained rock from Quarryville, in a partially decomposed state, forms an economical and valuable material for the latter purpose, from its crumbling into small pieces of an irregular form, that will become compact by the passage of vehicles over the road. A more expensive, but at the same time, far more durable turnpike may be made from the blue rock by breaking it into small pieces less than $\frac{1}{4}$ lb. in weight. The hardness, toughness and angular form of the fragments give it a preference over most other stones in the construction of the M^cAdamized road. As a common building material, the expense of trimming would seem to throw it out of competition with gneiss; not so, perhaps, where it is employed for finer architectural objects, in which the difference of expense may be estimated as counterbalanced by greater durability and less liability to injury. Its great value in the construction of works subject to the destructive action of waves, has been sufficiently proved by its stubborn resistance to their power, on the Breakwater at the mouth of the Delaware. It is still largely used in that work, and I hope its superior claims may cause it to be employed until the completion of that great national undertaking.

3. *Limestone*.—Although this formation does not cover an area of great extent, compared with the two preceding, we may assign it a higher place in point of value. The largest quarries of limestone opened in the State, are those of Messrs. Jeanes and Eastburn, adjoining each other in the same range, on Pike-creek, about four miles N. by E. of Newark.

The rocks of this locality bear N. 15 deg. E., and dip at an angle of 40 deg. to S. 31 deg. E., contrary to the general dipping of the gneiss. They are traversed by several veins of granite, with a predominant quantity of felspar, one of which remains standing as a wall in the midst of Jeans' quarry, the lime-rock having been excavated from either side of it. Although the formation presents every variety of texture, its general character is decidedly that of a coarse-grained marble. In the finer kinds only, can a quantity of magnesia be found sufficient to diminish its value when applied to fertilizing the soil, while the general mass of rock, as is usually the case, is either wholly destitute of it, or affords but a trace to the most delicate chemical tests."*

From the great preponderance of the coarser kind and its freedom from magnesia, we may with safety assert its superiority to many other calcareous formations, and its equality with the most celebrated. The upper portion of the quarries contain a limestone that has evidently been much affected by infiltration from the surface of the earth, destroying the cement or cohesion of the small cristalline particles, so that the masses extracted from their bed, will readily crumble down to a coarse powder. By descending, the rock will be observed to become less friable, presenting alternations of compact and friable beds, the former of which constantly increase in thickness; so that at the lowest points to which it has been wrought, it will be necessary to apply a blast to remove the solid rock from its situation; when this is done, we shall obtain blocks of white chrys-

* According to the observations of a late English author, the presence of magnesia does not deteriorate the value of limestone, but until these views are firmly established, I am inclined to adopt the universally received opinion, relative to its injurious effects on vegetation. J. C. B.

taline marble, that will be employed not only for conversion into quick-lime, but may be sought for by the architect and sculptor. That the limestone extends to a sufficient depth to be termed exhaustless, there is no reasonable ground for doubt, but what may be its extension in the line of bearing is a question very difficult of solution, from the fact that the surface-rock generally lies too far below the soil to admit of observation. I have endeavored to trace it by its bearing in a N. E. direction as far as the State line, without meeting with success, unless indeed, the quarry worked by *Jesse Klair* should fall in that line. This small opening lies about two miles S. 80 deg. W. from Centreville, and has nearly the same bearing as the rock of Abel Jeanes' quarry; a reference then to the map will show that their bearings fall nearly in the same line, the variation from this direction being perhaps rather attributable to an error in the map. To ascertain this point with accuracy, might repay the expenditure of time by the discovery of limestone in intermediate places. Beside the localities mentioned, a third exists on the borders of the State line a short distance W. of the point where the Brandywine crosses it, and is termed Bullock's Quarry. The two last named have been wrought only to a limited extent, in consequence of the difficulty of drawing off the water of copious calcareous springs that issue from them. They present similar features to the upper part of Jeanes' quarry, consisting of lime-rock partially disintegrated and interstratified with seams of coarse grained stone of superior quality. The granulated rock lying near the surface may be profitably employed without previous preparation, simply by spreading it over the soil; for its action on the growth of plants, although tardy, will be certain and constant. The lime of the quarries on Pike-creek is deservedly of high repute, and this circumstance, taken in connection with its quality, has often led me to wish that a more ready channel of communication were opened for it to find a market corresponding to its value.

4. *Granite*.—I have but just had occasion to mention a vein of this substance passing through one of the lime quarries, but beside this there are many others observable in the primary region, one of which derives importance from its abundant content of pure white felspar. Indeed, such is the predominance of the spar over the other ingredients, mica and quartz, that it may with more propriety be termed a vein of felspar. It lies about six miles N. W. of Wilmington. Two openings have been made in this vein about one-third of a mile apart, commonly known as the spar quarries of Messrs. Tucker and Dixon, from which considerable quantities of spar were extracted and employed in the manufacture of porcelain, in the city of Philadelphia. Unfortunately, it has been found expedient to suspend the operations of this manufacture for the present, but such is its importance to the country that I look forward to the time, when by its renewal these quarries will again be called on to furnish their quota of the essential constituents of China-ware and porcelain. Large masses of white quartz lie strewn over the surface in the vicinity, the exact locality of which I have not been able to determine. The vein of granite enclosing the spar quarries is of considerable extent, and is observed in connexion with serpentine, which it appears to traverse.

One other measurably large vein of the granitic order, which has fallen under my observation, lies on the State line in the vicinity of Smith's bridge, in the extreme N. W. part of Brandywine hundred. It abounds

likewise in pure felspar and quartz, but has hitherto scarcely received attention.

5. *Serpentine*.—The only locality of this formation of considerable extent is the one already alluded to enclosing the large vein of granite. Its greatest breadth appears to be one-third of a mile, and I have traced its length about one mile. It is found in such a shattered condition as to lose every appearance of stratification, at all times difficult of observation in this rock. But what other effect could be anticipated from the injection of a heavy vein of granite? The serpentine varying in color from a light apple-green to a grass-green, and even presenting at times a dark lead blue shade, together with its easy extraction and durability, offers a handsome and convenient stone for purposes of construction.



II.—*Red Clay Formation.*

Between the southern boundary of the primary district and the St. George's creek, lie a series of comparatively recent formations, consisting of gravel, sands and clays, the latter greatly predominating over the sands, and the gravel subordinate to either of the others. The preponderance of clays with various shades of red and their peculiar vermilion hue serving to distinguish this from other allied formations, I have applied to it the name of red-clay formation. The soil of the district in question is generally of a heavy character, containing a large proportion of clay, intermixed with the underlying sands and gravels; indeed these last sometimes rise to the surface, constituting a soil of looser texture. The principal formation lying beneath the superficial deposits, can rarely be observed excepting in ravines or on the borders of streams, and hence presents no ordinary difficulties of investigation. I am inclined to believe that it overlies the primary rock to a considerable extent, constituting the red clayey gravel on their southern border, remarkably well developed in the neighborhood of Wilmington, and to the N. E., along the shores of the Delaware; but the presence of so large a proportion of gravel, renders it unfit for any practical purpose. On the Christiana and White Clay creeks, it may be observed rising to the height of sixty or eighty feet, recognized by its bright red color; and here too we have the fairest opportunity of observing its characters. Small beds of whitish or lead colored and yellow clay alternate with the red, and with a few thin seams of sand and gravel. The red variety itself deviates in character; for although it is usually very tenacious and plastic, yet we find it at times sandy and friable when in a dry state, while its color varies from a delicate *peach blossom* shade to a blood red. It were useless to point out particular localities for these varieties, for the observations thus far made show that they always exist near together; and the inference is, that the same will hold good throughout the region. The whitish clays might be advantageously employed in the manufacture of pottery, where they exist in sufficient quantity and are plastic and unctious to the touch in a moistened state; these last mentioned characters being referrible to the absence of coarse grains of silicious sand or grit, and without doubt to the hydrated state of alumina and silica. The operation of fire upon them, when lime or oxyde

of iron is present, causes a partial combination, and form sa compact, hard and tough mass, the basis of bricks and pottery. Now, a proper admixture of the light red and tenacious clays with the whiter species present all the necessary conditions for this purpose, the latter being nearly destitute of a fluxing material contained by the red in the form of protoxid of iron. Excepting those beds on the shores of the Delaware, below New Castle, I have no where seen the light colored clays of sufficient extent to justify their extraction, but their existence in quantity at that place and the diffusion of the red clay formation over so large a district, lend probability to the future detection of smaller valuable deposits. Beside the indication thus afforded, the stratum just mentioned as occurring on the river below New Castle, must be considered of great value to the State, not merely as introducing, or rather creating a certain amount of capital in the State at the present moment, but as pointing clearly to a period of time, when the increase of the manufactures of pottery, stone-ware, china and glass, will draw largely from this abundant source.

Although the red clay predominates over the white, in every portion of the region of which we are speaking, yet in this one instance, the latter bears to it a much greater proportion than usual. The two varieties can scarcely be said to alternate, but it would seem as though the white reposed in detached beds, with variable quantities of red disseminated through it. The great curve formed in the river from above New Castle to Delaware city, by throwing the tidal currents along this shore, has caused the excavation of the banks by an undermining operation, which expose a broad surface of the clay to view, from the edge of the banks to the farthest point observable at low water. It is evident that the shallowness of the river for some distance from the shore, is to be attributed to the compact texture of these beds, and the consequent difficulty of their abrasion. The excavation of the banks seems to result from the violent action of the waves during storm tides; for the ordinary tidal wave appears to cover the clay with deposits of sand. The strata, visible in the low banks exhibit red clay of an impure character subjacent to a heavy argillaceous soil and interrupted at intervals by irregular veins of white and yellow clay. Nearly the same order occurs on the shore below high water mark, the impure kinds predominating over the white, although the latter exists in sufficient quantity to be wrought extensively. From the irregular occurrence of these beds, we might anticipate the fact that no rule can be given of any assistance in the search for the better kinds; the plan adopted consisting in following up a valuable deposit until it is *worked out*, or as far as the tide will permit. The clay is of a light grey color when wet, becoming purely white as it dries; cuts with great smoothness, admitting of a high polish; is remarkably free from grit or sand, very soft and plastic, and capable of being moulded with accuracy into any required form. It contains a few spots of ferruginous nature, which but for their rarity would tend to diminish its value. It has been extensively employed for many years in the manufacture of crucibles for the fusion of glass; nor can the characters which I have described, fail of enabling it to enjoy undiminished reputation.

The irregularity of these beds above alluded to, permit no positive assertions relative to their extent, but observation shows the quantity in this locality to be greater than the demand can be during a long period of time; while the frequent occurrence of small portions of the same kind of clay

in various parts of the formation, indicate the probable discovery of other beds of equal extent. The only practicable means of ascertaining their existence must depend on individual research, and will then be the result of accident.

III.—*Green Sand Formation.*

From a line drawn across the State, a short distance north of the canal to one crossing a little below Appoquinimink creek, lies a formation comprising one deposit of greater importance than any other in the State of Delaware.

The soil of the ridge, as is usually the case on the peninsula, is generally argillaceous and heavy, not unlike the neck lands; while the portion lying between offers a medium soil, admirably adapted to cultivation. Beneath these, we find in almost every part of the district, a heavy deposit of sand with a peculiarly light shade of yellow, better recognized by the eye than by description; its greatest thickness being probably sixty feet. If a slight excavation be made into the yellow sand in ravines, on the borders of streams or wherever it is fairly exposed, a dark colored deposit will generally be met with, which though variable in some respects, presents certain distinctive features. In color it is black, brown, or of various shades of green; in texture it is clayey and tenacious, or firm and compact, passing into the nature of stone. But however opposite its external characters may appear, its inherent green color becomes apparent by crushing a small quantity on a white surface, and serves to distinguish it from every other kind of sand. This substance is the *green sand*, a name appropriately given to it from its color and its usually granulated form. Such is its superior value, that this title has been given to the whole formation, of which it constitutes by far the smaller part. It underlies nearly the whole of the district in question, its upper and lower surfaces undulating and unconformable to the surface of the country. Hence we find it near the level of the tide or rising some forty feet above it, and for the same reason, it is sometimes thirty feet thick; while at other times it *finishes out*, and disappears in the yellow sand.

The only general law, I have been enabled to establish, subject of course to exceptions, is the fact, that there are two principal kinds considered with reference to practical value, the argillaceous and sandy varieties; and that they occur together in the same place, the former overlying the latter. Now in regard to comparative worth, we need no chemical analysis to show that the clayey sort is more likely to adhere together in solid masses when dry, and is consequently less convenient for spreading upon land; otherwise, I do not apprehend an essential difference in their chemical constitution, for where the tenacious green sand abounds in clay, the other contains a fair proportion of silicious sand.

Leaving other matters of interest and importance, and considering the composition of the green matter which gives character to the whole, no one, conversant with chemical compounds, can fail of being surprised at the singular union of its ingredients. It is a rare combination of silica with potassa among minerals not subjected to volcanic agency; the large

proportion of iron present is in the state of a protoxid as indicated by its green color; and lastly, the water is also chemically combined. But as interesting as its nature may be, the presence of a large proportion of potassa gives it inestimable value as a means of fertilizing the soil. The average composition of the green grains selected from the mass may be stated thus:—

Silica,	-	-	-	-	50	parts.
Alumina,	-	-	-	-	7	"
Water,	-	-	-	-	10½	"
Protoxid of iron,	-	-	-	-	22½	"
Potassa,	-	-	-	-	10	"
<hr/>						
						100

'That of the green sand taken without selection from different pits would nearly average:—

Silica,	-	-	-	-	58	parts,
Alumina,	-	-	-	-	5	"
Water	-	-	-	-	8	"
Protoxid of iron,	-	-	-	-	22	"
Potassa,	-	-	-	-	7	"
<hr/>						
						100

An inspection of these average results of analysis shows the presence of a large quantity of potassa, and if we desire to ascertain its true worth with reference to agriculture, we must revert to the composition of pure carbonate of potassa. It is composed in one hundred parts of 68.09 of potassa, and 31.91 of carbonic acid. Therefore, the seven per cent. of potassa of the common green sand, would be equivalent to 10½ of pure *potash*. But the potash of commerce is generally very impure, and in order to institute a fair comparison between it and the green sand, we may add 2½ to 10½ making 13, which shows that the average per centage of potassa in the green sand is nearly equivalent to double the quantity of common potash. Now the quantity of pure potash in good oak ashes may amount to 15 per cent., although it is rarely the case, while the common ashes collected from the domestic hearth may average 10 per cent. Hence it is evident, that the average value of green sand is at least equal to that of unleached ashes, compared by equal weights. But the former having nearly double the specific gravity of the latter, it follows that one bushel of the green sand is equal to two bushels of ashes. Now since we have taken an average analysis of several varieties of this mineral, the best containing 8½, and the lowest 6½ per cent. of potassa, it follows that all those examined are to be regarded as very superior to good unslaked ashes, when applied to land. Nor can it be matter of great moment to know slight shades of difference between them, for the reason first stated, and because the difficulties attendant upon their analysis are of a character to throw doubts upon the entire accuracy of the results.

While examining this important formation in the summer of 1837, but few pits had been opened into the green sand, and being unsupplied with an auger, I had few means at command for a thorough investigation. I therefore omitted this region the past season, designing to survey it in the

present year, when greater opportunities will be afforded for observation, in the increased number of excavations; for one result of my former survey has been an extensive individual search for this valuable deposit.

The varieties of green sand which have fallen under my observation in this State, may be arranged in five classes.

1st. Calcareous Green Sands.—They occur chiefly along the canal, and may be found by excavation in nearly every ravine entering it. They are whitish grey, dark grey and even black, the proportion of lime they contain being imperfectly indicated by the lightness of color. Thus a light grey specimen from Philip Reybold's pit yielded 24 per cent. carbonate of lime, a darker kind from below the former in the same pit 20 per cent., while a third of a very dark shade, gave only 3 per cent. A specimen received from John Higgins, obtained by boring, resembled the darker grey of Philip Reybold's, and yielded $18\frac{1}{2}$ per cent., carbonate of lime. All these calcareous marls give a residue after separating the lime of ordinary green sand with its usual impurities, silicious sand and clay. The pure green particles average 35 per cent.; which, in addition to the carbonate of lime, attach a high value to these marls. These particles increase in the same ratio as the lime diminishes, and the marl then passes into a true green sand.

Beside the localities enumerated, the western border of St. George's hundred comprises beds of this class of marl, of variable quality. Those in the vicinity of Murphy's mill on the Bohemia, are much decomposed, some of them containing a little green sand and no lime. Others again in the same neighborhood are of good quality, such as those of Joshua Driver and William Polk, west of Middletown. Individuals, therefore, in possession of the former kinds, should not be discouraged in their search for marl of a better quality.

2. Black colored "green sand."—Excepting the calcareous beds just described, nearly all the remainder of the green sand formation is more or less destitute of shells, the minute quantity of lime they sometimes contain, being in a state of chemical combination with the other materials. For a considerable distance south of the canal the formation has not been found in sufficient quantity, or of a purity to justify a chemical examination, but it is to be hoped that my researches the ensuing season, will discover its existence in this section, of the usual quality. Below this however, a large number of pits have been opened into it, and show a considerable degree of uniformity in its external characters, from the Delaware in the vicinity of Port Penn, to the ridge in a south-westerly line, and as far south as the Appoquinimink. This sand is more or less granulated, and tolerably free from lime, containing however, an increased amount of potassa. There are two principal belts; the more northerly, consisting of black and rather hard grains, commences near Port Penn. The better kinds from this place are found on the farms of William Cleaver, John Cleaver and Thomas Stockton, that of the two former sandy, and of the latter argillaceous. Although it exists abundantly in this neighborhood, yet the openings made in the summer of 1837, were too small to allow judgment to be given of their value; but I stated to the landed proprietors, that further search on their part would discover marl of better quality. The marl from Major Stockton's farm was first analysed, and my reasons for so doing are to be found in my former Report. The operation was performed on the pure green grains carefully selected from the rough marl, and hence the 10 per

cent., of potassa ascribed to it appears to place it above all others, a rank which it cannot claim. Although it is to be regarded as a marl of superior quality, as indeed most of those of St. George's hundred are, I think its external characters place it in the same rank with Gen. Mansfield's lying on the ridge, in a south-westerly course from it. On a branch of Canon's mill-pond are the pits of Gen. Mansfield and James Rogers. The marl obtained from them is black when wet, beoming dark green on drying, is in large and distinct grains mingled with finer particles, and with silicious sand. Analysis proved the amount of potassa to average $6\frac{1}{4}$ per cent. This proportion falls short of the average of all of the marls in a trifling degree, (See page 16,) but yet its content of the alkali elevates it far above ashes as a fertilizing ingredient.

3. *Bright Green Sand*.—South of the preceding, is a belt extending in breadth to the Appoquinimink, and in length from Augustine creek to the Noxentown mill-pond, remarkable for its bright green hue, and its freedom from an excess of foreign matter. Its usual impurity is white silicious sand, the proportion of which varies not only in different pits, but even in the same locality. Near Augustine creek, many openings have been made to a limited extent, but hardly sufficient to determine the particular value of the stratum. Among them are those of John Dale, Joshua Jefferson, Joseph Walraven and John McConaughy. The excavations made by J. W. Karnsner are deserving attention, from the enterprise of that gentleman in opening the first marl-pit in the true green sand, and from the peculiar character of the marl. Unlike other varieties, it is not granulated, and an attempt to "wash it over" to free it from clay, results in the loss of the whole. Beside the other ordinary ingredients of green sand, which are of no importance, it contains 8.54 or $8\frac{1}{2}$ per cent. of potassa. These pits and the deep excavations of Samuel Townsend lie on Silver Run, and but a short distance apart. The latter contain a variety of a darker green color, and a specimen from the bottom of the pit yielded so large an amount of potassa, $11\frac{1}{2}$ per cent., that I wish to repeat the analysis previous to giving a positive assertion relative to its value. Near to these is the pit of Z. B. Glazier, containing argillaceous marl of good quality.

Numerous excavations of greater or less extent have been made on the margin of Drawyer's creek, the most important of which lie above the bridge, on the lands of James Rogers, Edward Croft and William Polk. These three marls lie in the same bed, and are of similar nature and quality. They contain, according to analysis, from 8 to 8.97, averaging therefore, $8\frac{1}{2}$ per cent., of potassa. The beds are remarkable for dryness, compactness, and the uniformity of their color and chemical composition; the chief impurity being white silicious sand, the proportion of which determines the value of the marl. Notwithstanding the thickness of these beds, rising twenty feet, my observations lead me to believe that farther up the stream, towards Thomas' mill, they *fine out* a point which I wish to determine the ensuing season. In a south-westerly direction from Drawyer's bridge, at Murphey's mill, on the Appoquinimink, a similar stratum is visible, of a bright green color and sandy texture. It yielded on analysis 7.97 or 8 per cent. of potassa.

Reviewing the several varieties enumerated, we may safely state their average per centage of potassa at $8\frac{1}{2}$, which gives them great worth among all the marls of the green sand region.

4. *Dark Green Sand*.—I do not consider the names appropriated to the several kinds of green marl as permanent, employing them merely as marks of distinction for the present, until a more accurate investigation of the region shall enable me to designate them with more propriety. The species now under consideration, does not differ materially in external characters from the black variety already described, excepting in the presence of crystals of phosphate of iron and of lime, in addition to a considerable quantity of potassa. When closely observed, it presents in mass a dark bluish green color, and is apparently destitute of argillaceous and silicious matter. A specimen obtained by boring on William Polk's farm near the Bohemia, and on the State line, yielded $8\frac{1}{2}$ per cent. of potassa and $1\frac{1}{2}$ lime: but as it is mingled with the superincumbent soil, there is little doubt that the pure marl will prove of still greater value. Excavations made at this place during the past season show the existence of a heavy deposit of marl, the pure green sand overlaying calcareous beds.

5. *Shelly Green Sand*.—On the southern border of the green sand region, and observed from Cantwell's Bridge along the Appoquinimink, to the western termination of the Noxentown mill-pond, lies a formation, containing much shelly matter, green sand, and the yellow sand. Its greatest ascertained thickness is at least 16 feet. The principal openings made into it are those of John Whitby, one mile S. W. of the bridge, and one of some extent on the lands of Snow Naudain. The shells are much broken and shattered, and the larger pieces are rather hard and tough. Their hardness and the large proportion of yellow sand in many parts of the formation diminish its value, when compared with the pure green marl; nevertheless, when the latter cannot be conveniently obtained, the fertility produced by the shelly variety will amply compensate the expense of its application to the soil. A specimen from John Whitby's, ground to a coarse powder, yielded $58\frac{1}{2}$ per cent. of carbonate of lime, in addition to 5-6 per cent. of green sand. Unless the mass be ground prior to its application to land, I am convinced that not more than one-half of the lime will prove beneficial, since strong hydrochloric acid does not attack the coarser particles without ebullition.

It needs not lengthened directions to point out the most desirable methods of applying the green marl to land, its manner of employment and action not varying essentially from manures in general use. It is a well established fact, that lime requires the presence of decomposed vegetable matter to elicit its virtues, and hence the practice of plowing it under with a sod, or with organic manures. The same is requisite in the use of ashes, and in order to derive the greatest amount of benefit from the application of green marl, it should receive a similar treatment. Where the soil has been exhausted, it should be resuscitated by decomposed organic matter, assisted by mineral manures; for although the former will act beneficially alone, the sum of the advantages resulting from the two combined, will be greater than that of both separately applied. Nor is it a point of great importance what quantity of marl should be applied to land, the proportion regulating itself by the expense of obtaining it, and the quality of the soil. One hundred bushels may be considered a fair average of the requisite quantity, but even 400 or 500 may be applied with impunity as a single dressing. If the soil, however, be impoverished, from 30 to 50 bushels will prove serviceable. Apprehensions seem to be entertained by the proprietors of light lands in Kent and Sussex, that the green marl can be of

no value to them in consequence of its sandy character, an objection founded only on the name of *green sand*. But we have shown that its external characters and composition are essentially different from common sand, the latter being hard and purely silicious, whereas the former is soft, composed of many ingredients, and by decomposition tends rather to render the soil heavier and argillaceous. So far, therefore, from dissuading its use in any part of the State, I would urge every citizen to experiment with it, and compare the increased productiveness of their land with the expenses incurred by its employment. I do not say they will probably meet with success, for it rests upon absolute certainty.

What I have presented above, comprises the chief part of the practical results derived from my geological and chemical researches in the green sand region. Much remains to be done, in order to develop satisfactorily the resources of this highly favored portion of Delaware, and I am convinced that a more thorough examination of its formations, assisted by accurate analysis, will be productive of incalculable benefits to the whole State. It requires but a slight balancing of cause and effect to foresee that in the course of a few years it will be exported in large amount, to various points along the shores of the Delaware, to supply the growing demand for a material to fertilize the soil.



IV.—*Tertiary Formations.*

In the Report of the preceding year, I mentioned the existence of two belts of the tertiary formation, crossing Kent county on its northern and near its southern limits, and guided by various observations, stated my hope that shell marl of good quality would be discovered. After a pretty thorough investigation of the beds exposed to view, I am convinced that they are of no value whatever, having lost the calcareous matter they formerly contained. The upper bed is observed only on old Duck Creek and its branches, about four miles S. W. of Smyrna. It consists of a bluish, very tenacious clay, impervious to water, containing abundance of minute micaceous scales, a little white sand, and sulphuret of iron. At Wales' mill, on old Duck Creek, a bed of casts of shells exist, the upper portion of which has been converted into stone, the lower part passing into blue clay. By taking up this clay with care, we may detect impressions of shells in the soft mass, proving a decomposition of the marl to have taken place *in situ*. That it has suffered a total decomposition is evident from the absence of lime, of which I have been unable to detect a particle in the mass. The same blue clay is observable near the edge of the water farther up the stream at Cloak's mill, and still higher, traces of it are visible; but in no other case, excepting the one alluded to, is it characterized by shells. Pursuing a south-western course across the State to Smith's mill, on the Choptank, we find a similar bed of bluish clay, overlaid by one of a yellowish color, and this again by a deposit of gravel, circumstances also characteristic of the formation on old Duck Creek, the only difference between them being the absence of impressions of shells in the former. From the general bearing of the formations there can be little doubt that they are connected. Wherever this blue clay is found it is distinguished by its astringent

gent taste, arising from the presence of sulphate of iron. When first extracted from its natural bed, this peculiar styptic taste is not perceptible, and only arises after exposure to the air, from which it is reasonable to infer that sulphuret of iron is present, and is converted by the oxygen of the atmosphere into a sulphate; a reaction probably takes place on the hydrated alumina, and forms sulphate of alumina, while the iron becomes peroxidized. Be that as it may, if either of the two sulphates be contained in the clay, it is rendered unfit for agricultural purposes, as indeed a few experiments made with it sufficiently testify. They produced a certain degree of sterility.

If we pass on towards the southern part of Kent and examine the head waters of Murderkill, we find a similar formation to the one described, but much more extensive and more clearly developed. The blue stratum is the lowest, rising but a few feet above tide-water at Spring-mills, and about eleven feet at Jester's mill. It contains many impressions of shells, which are obliterated by the slightest pressure. Capping the clay, is a bed of iron-stone or ferruginous sand-stone, abounding in casts of shells, which seem to make up nearly the whole mass of the superincumbent sandy stratum. The latter is composed of white sand and clay in a semi-indurated state, and would appear to any individual to be a calcareous marl; but after repeated trials, I discovered that lime formed no part of its composition excepting in one solitary instance, where the shell still coated its cast unaltered. Above this deposit are beds of ferruginous clay and sand of a yellow and dark-brownish red color, the former predominating, and the whole is surmounted by diluvial beds of sand and clay, sometimes rising twenty feet. The whole of the series is more clearly exposed to view at Spring-mills than at any other point in the tertiary region. Upon the first examination of these tertiary beds, I had little doubt that calcareous marl of good quality would be discovered, but after searching in vain for a considerable time, I was reluctantly compelled to abandon my hopes in order to do justice to other sections of country.

That the blue clay underlies the whole formation, of which it constitutes the principal member, I think may be inferred from the numerous chalybeate springs that issue from it. Like other chalybeates they contain carbonate of iron in solution, but a few of them in addition to it, a little sulphuretted hydrogen, as at Shorts' and Spring mills. The fact that they issue from the blue clay is evident at the celebrated cold spring; for fresh water flows from the yellow clay, while the top of the blue lies above the level of the chalybeate.

Notwithstanding my want of success in discovering good marl in these deposits, which were originally calcareous, in consequence of my limited time, I do not yet give up all hopes that it may be found. For we know where the marl deposits exist, and individual examinations may hereafter open to us beds of great value. So far therefore from desiring to throw a damp upon the spirit of inquiry, I would urge those who have an interest in the vicinity of the two tertiary deposits, not to intermit their investigations, until they ascertain whether the whole of the formation has undergone the changes exhibited to us on Old Duck creek, and the confluent streams of Murderkill.

There exist a few deposits of clay and sand and beds of iron-ore in different parts of Kent, that possess only a limited value, I shall therefore

defer their description to the memoir of the geology of the State, to be prepared after the termination of the survey.

The absence of organic remains in the argillaceous strata and sands of Appoquinimink hundred, and in those of Kent county comprised between the two tertiary deposits, prevents the determination of their geological age; but observations show that the superficial strata at least are of recent origin, formed at a period subsequent to the deposition of the tertiary. Of the same character are the formations of Kent south of the lower tertiary belt, and the whole of Sussex county.



V.—Recent Formations.

Formations of comparatively recent origin present less variety in the several beds composing them, than either primary, secondary or tertiary, comprehending two principal deposits, clay and sand. The former of these predominates in Sussex and Kent; for, notwithstanding the prevalent belief that there is a superabundance of arenaceous matter in Sussex county, it is true that no small portion of the soil may be designated as argillaceous, and frequently the removal of a light covering of sand will detect beds of clay beneath, for the soil of the neck lands, as well as that of the ridge, are usually heavy, beside a large number of bottoms that partake of the same character; and again, as in the neighborhood of Milton, the deposit of clay is not less than 50 to 60 feet thick, capped by a light stratum of sand.

Beds of shells and iron-ores constitute the principal geological deposits that possess value, the latter of which are well known, having been wrought for a period of twenty-four years; and since no increase of worth could be attached to them from my examinations, I have merely visited them in order to present a description, and to collect statistics relative to the export and use of the ores.

Deferring this until chemical experiment shall enable me to treat of them with more accuracy, I wish merely to refute a too commonly received opinion, that the excavation of the ore has been attended only by loss to the State. The whole amount of ore exported since the beds were first opened to the present time, has been about 180,000 tons, which has brought into the State more than \$500,000 for the sale of the ore alone, and although much of this amount has been re-exported, yet the remainder will, in my estimation, more than counterbalance the disadvantages that have certainly resulted from this branch of commerce.

It is difficult to class the different deposits of shells that have fallen under my notice, but to speak in general terms, they may be designated as those of the common oyster; their matrix is either blue clay or sand, and they are small in dimensions and scattered irregularly through Sussex. The largest deposit of the kind is found in the neighborhood of Dagsborough, and was described in the last year's report. Two smaller beds of a similar nature have been found in Baltimore hundred. The gangue of these is a blue clay, and the shells in a very friable state, which circumstance give value to them as a fertilizing material for light lands. There

is no doubt that similar beds will be discovered in many places, thus obviating the absence of heavy marl deposits.

On the borders of Broad-creek and the Nanticoke, very small deposits of shells have been recently discovered, contained in a yellowish clay or sand. I have observed them about two miles S. W. of Laurel, opposite Seaford, and along the Nanticoke near the State line. Judging from what I have observed, they lie in small unconnected nests, and do not offer a prospect of finding them in continuous beds sufficiently large to be wrought. As this part of Sussex remains to be finished in the course of the following season, at the present moment I would rather withhold a decided opinion relative to their value.

I have presented in this report an *outline* of the *geological* formations of Delaware, as far as they can have a practical bearing on the interests of the community, reserving a large amount of matter relative to the improvement of agriculture in different parts of the State, by the use of material every where abundant, to the memoir alluded to above; in which I propose to comprise the chemical researches of the present winter, the observations to be made the ensuing season, and all matter that has been collected during the continuance of the survey.

I have the honor to be,
With great respect,
Yours, &c.

JAMES C. BOOTH.

Dover, January 1, 1839.

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

On his motion,
Was read, and

On motion of Mr. Jones,
Was

Adopted.

As follows, to wit:—

Resolved, That five hundred copies of the first and second reports of the State Geologist be printed: two hundred copies for the use of the members of this House, and one hundred copies to be delivered to each of the commissioners appointed by the act to provide for the Geological and Mineralogical survey of the said State, to be by them distributed throughout their respective counties.

Mr. Jones laid on the table the petition of Catharine S. Baker, widow of William W. Baker, M. D., late of the city of Wilmington, deceased, and Welcome Gray of the said city, administrators of all and singular the goods and chattels, rights and credits of the said William W. Baker, M. D., deceased, praying for an act of the General Assembly of the State of Delaware, authorizing them to sell and dispose of a certain lot of ground therein described, for the benefit of the heirs of the said William W. Baker, M. D. deceased, which

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

Messrs. Jones, Williamson and Neal were appointed said committee.
Mr. Dilworth laid on the table the following resolution, which

On his motion,
Was read and

Adopted.

As follows to wit:—

Resolved, That the Clerk of this House be directed to procure for the use of the General Assembly of the State, thirty-six well bound copies of Southerland's Manuel, to be deposited in the State Library.

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

On his motion,
Was read and

Adopted.

As follows, to wit:—

Resolved, That a committee to consist of five members, be appointed to inquire into the propriety of some general enactment to provide for the sale of the real estate of minors, and that the said committee have leave to report by bill or otherwise.

Messrs. Rogers, Spruance, Fiddeman, Kerr and Marshall were appointed said committee.

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

On his motion,
Was read and

Adopted.

As follows, to wit:—

Resolved, That a committee of three members be appointed for the purpose of inquiring into the expediency of making any Legislative provisions, in regard to the powers of foreign guardians to collect and receive debts, or other demands due their wards, from citizens of this State; and also in regard to the powers of such guardians over any property belonging to their wards, situated or being in this State; and that said committee have leave to report by bill or otherwise.

Messrs. Frame, Jones and Rogers were appointed said committee.

Mr. Rogers asked, and

On motion of Mr. Frame,
Obtained leave to introduce a bill entitled "A supplement to an act entitled 'An act for regulating fees,'" which,

On his motion,
Was read.

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

On his motion,
Was read, and

On motion of Mr. Dilworth, was

Adopted.

As follows, to wit:—

Resolved, That the Clerk of the House be hereby authorized to furnish to the members of the House, two daily, or semi-weekly newspapers, at the instance of the several members thereof, during the session.

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



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

The House met pursuant to adjournment.

Mr. Jones gave notice that at some early day of the session, he should ask leave to introduce a bill entitled "A bill to amend the act entitled 'An act to establish an uniformed militia throughout this State.'"

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

On his motion,

Was read and

Adopted.

As follows, to wit:—

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

Messrs. Dilworth, Frazer and Hopkins of Broad Creek, were appointed said committee.

Mr. Jones laid on the table the claim of William Walker, for certain services therein set forth, which

On his motion,

Was read and referred to the committee on claims.

Mr. Marshall laid on the table two petitions signed by 163 citizens of Sussex county praying for an act of the Legislature, appropriating two thousand five hundred dollars, for the purpose of erecting a pivot bridge over Broadkirk creek, which,

On his motion,

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

Messrs. Marshall, Rees and Biddle, were appointed said committee.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate, being admitted, laid on the table the following resolution, which,

On motion of Mr Dilworth,

Was read, as follows, to wit:—

"IN SENATE, *January 4, 1839.*

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Legislature of this State will, on Thursday the seventeenth day of this present month, (January) at four o'clock in the afternoon, in joint meeting, in the chamber of the House of Representatives, hold an election by ballot for the purpose of choosing a Senator from this State, in the Senate of the United States, for the constitutional term, to commence on the fourth day of March next.

"Extract from the Journal."

S. G. LAWS, Clerk.

"For concurrence."

Mr. Frame moved,
 To lay said resolution on the table.
 The House being divided, Mr. Spruance demanded the yeas and nays,
 which were as follows:—

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

Nays—Messrs. Biddle, Boulden, Dilworth, Hopkins, of B. C., Hopkins,
 of N. W. F., Jones, Kerr, Rogers, Williamson and Mr. Speaker—10 nays.
 So said resolution was laid on the table.

On motion of Mr. Spruance,
 The House adjourned until Tuesday morning next, at 10 o'clock, A. M.



TUESDAY, 10 o'clock, A. M. January 8, 1839.

The House met pursuant to adjournment.

Roll called, Journal read and found to be correct.

Mr Frame moved,
 To take up for consideration the joint resolution, sent from the Senate
 to this House for concurrence, and also the resolution originating in this
 House, fixing the time and place of holding an election for a Senator from
 this State, in the Senate of the United States, for the constitutional term
 to commence on the fourth day of March next.

Which motion

Prevailed.

Mr. Frame then moved,
 That both said resolutions be indefinitely postponed,
 On which question a debate ensued, which continued until 12 o'clock,
 when,

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



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

The House met pursuant to adjournment.

The motion to indefinitely postpone the joint resolutions fixing the time
 and place of holding an election for a Senator from this State, in the Se-
 nate of the United States being still under consideration,

On motion of Mr. Rees,
 The members of the Senate were admitted on the floor of the House
 during the present discussion. The debate was continued, when

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



WEDNESDAY, 10 o'clock A. M. January 9, 1839.

The House met pursuant to adjournment.

Roll called, journal read and corrected.

The consideration of the question to indefinitely postpone the joint resolution of the Senate, sent to this House for concurrence, and also the resolution originating in this House, fixing the time and place of holding an election for a Senator from this State, in the Senate of the United States, was again resumed.

Messrs. Jones and Frame continued the discussion of said question for about an hour, when the vote of the House was taken thereon.

The House being divided, the Speaker ordered the yeas and nays, which were as follows:—

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

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

So the resolutions under consideration, were

Indefinitely postponed.

On motion of Mr. Spruance,

Ordered, That the Clerk of the House inform the Senate that the joint resolution sent to the House for concurrence, fixing the time and place for holding an election for a Senator from this State, in the Senate of the United States for the constitutional term, to commence on the fourth day of March next, had been indefinitely postponed.

Mr. Rogers, chairman of the committee to inquire into the propriety of some general enactment to provide for the sale of the real estate of minors, asked and obtained further time to report.

Mr. Jones, chairman of the committee on elections, and also of the committee on the petition of Catharine S. Baker and Welcome Gray, of the city of Wilmington, asked and obtained further time to report.

Mr. Dilworth, chairman of the committee to examine into, and report on the unfinished business of last session asked, and obtained further time to report.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, informed the House that the following resolutions had passed the Senate, and were presented to the House for concurrence.

And he withdrew.

On motion of Mr. Dilworth,
The communications from the Senate were read as follows, to wit:—

“IN SENATE, *January 9, 1839.*

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

Messrs. Naudain and Herdman, were appointed members of said committee on the part of the Senate.

“*Extract from the Journal.*”

S. G. LAWS, *Clerk.*

“*For concurrence.*”

Also—

“IN SENATE, *January 9, 1839.*

Resolved, That a joint committee, two on the part of the Senate, and three on the part of the House of Representatives be appointed, whose duty it shall be, to wait on his Excellency the Governor, and respectfully invite him to take a seat on the floor of the Senate Chamber, and of the Representative Hall at pleasure, during the present session, and also to wait on his Honor the Secretary of State, and give him a similar invitation.

Messrs. Herdman and Maull were appointed members of said committee on the part of the Senate.

“*Extract from the Journal.*”

S. G. LAWS, *Clerk.*

“*For Concurrence.*”

On motion of Mr. Dilworth,
The resolutions just read, were concurred in by the House, and

Messrs. Spruance, Hopkins, of B. C., and Neal, were appointed members of said committee on the part of the House, to settle with the State Treasurer, and

Messrs. Dilworth, Houston and Jefferson, were appointed members of said committee on the part of the House, to wait on his Excellency the Governor, and invite him to take a seat at pleasure, on the floor of the Senate, and of the House of Representatives during the present session, and on his Honor the Secretary of State, and give him a similar invitation.

Mr. Rogers laid on the table the Report of the Attorney General of the State, made pursuant to the resolution of the Legislature, adopted at the last biennial session thereof, on the 21st day of February 1837, respecting certain proceedings in said resolution directed against the Wilmington Bridge Company, which

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

To the General Assembly of the State of Delaware:

The undersigned would respectfully Report:—That in compliance with a joint resolution of the Legislature, adopted February 21st 1837, a bill in equity was filed to the next term of the Court of Chancery, in and for the county of New Castle, in the name of the State against the “Wilmington Bridge Company” to compel them to come to a full, fair and just account of their nett profits for each and every year since the erection of their bridge over the Christiana, and to pay into the hands of the Trustee of the School Fund whatever shall appear to be due to said fund on such account. To this bill a demurer was filed on behalf of the company, and the case came on to be heard on the 6th September 1838. The question raised by the demurer was in relation to the constitutional power of the Legislature to authorize the proceeding in Chancery to compel an account. It was contended by the counsel for the company, that their contract and rights were impaired by the resolution of the Legislature; that the rights of the State existed only in connexion with its remedy; and that to give the right of action directly to the State was impairing the rights of the company by introducing a new party in place of the Trustee of the School Fund, who alone could sue under the provisions of the charter; and that this prevented the company from relying upon the operation of the Statute of Limitations, of which they might take advantage if the right of action were restricted to the Treasurer.

And further, That the company was a civil corporation, and not within the jurisdiction of the Court of Chancery.

After argument the Chancellor disallowed the objections and over ruled the demurer, and ordered the company to file their answer within a specified period.

Although the time limited has some time since expired, this order has not yet been complied with; but it is still hoped that the answer will be filed in time to put the case at issue, for a final hearing by the next term of the court.

JAMES ROGERS,
Attorney General.

January 11, 1839.

Mr. Jones laid on the table the petition of Mary Ann Humphreys, of the city of Wilmington, praying for a divorce from her husband Peter A. Humphreys, and for other matters therein set forth, which

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

Messrs. Jones, Biddle and Fiddeman, were appointed said committee.

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

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

Resolved, That a committee of three members be appointed, to inquire into the expediency of establishing a Board of Commissioners, for the pur-

pose of investigating the propriety and necessity of improving the existing system and arrangement of free schools—of ascertaining the recent improvements in the school systems of the other States of the Union, and of Europe, and of digesting such a scheme of instruction as may be necessary and suitable to the promotion of the great interests of education, and that the said committee have leave to report by bill or otherwise,

Messrs. Rogers, Hopkins, of B. C., and Pratt, were appointed said committee.

Mr. Neal laid on the table the petitions of sundry persons from North West Fork and Broad Creek hundreds of Sussex county, praying for an Act of Assembly, authorizing an additional justice of the peace in said county, to reside in North West Fork hundred, within the village of Cannon's Ferry, which

On his motion,

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

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

On motion of Mr. Frame,

The House adjourned until 3 o'clock this afternoon.



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

The House met pursuant to adjournment,

Mr. Jones, chairman of the committee on Elections, made the following report, which,

On his motion,

Was read and

Adopted.

As follows, to wit:—

The committee appointed to inquire into the constitutional qualifications of the members of this House,

Report—that they have performed that duty, and find that all the members are constitutionally entitled to their seats.

Mr. Neal laid on the table the petition of Martha Coulbourn of Sussex county, praying for a divorce from her husband, Lewis L. Coulbourn, which,

On his motion,

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

Messrs. Neal, Rogers and Cooper, were appointed said committee.

Mr. Marshall, chairman of the committee on the petitions for a pivot bridge over Broad creek, in Sussex county, asked, and,

On motion of Mr. Frame,
Obtained further time to report.

Mr. Rogers gave notice that on to-morrow, or on some early day of the session, he should ask leave to introduce a bill for the preservation of game.

Mr. Jones laid on the table the petition of Isaac P. Walker, praying for an act of the Legislature, to authorize him to export from this State, into the State of Maryland, a negro boy therein mentioned, which,

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

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

Mr. Dilworth from the committee to wait on his Excellency the Governor, and on his honor the Secretary of State, and invite them respectively, to take seats at their pleasure, on the floor of the Senate, and of the House of Representatives during the present session, informed the House that said committee had performed the duty assigned them.

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



THURSDAY, 10 o'clock, A. M. January 10, 1839.

The House met pursuant to adjournment.

Roll called, Journal read and found to be correct.

Mr. Jones, chairman of the committee appointed on the petition of Isaac P. Walker, praying for an act of the Legislature to authorize him to remove from this State, into the State of Maryland a certain negro boy therein mentioned, reported a bill entitled "An act to authorize Isaac P. Walker to remove a certain slave therein mentioned, from this State into the State of Maryland," which,

On his motion,
Was read.

Mr. Frame, chairman of the committee appointed on the resolution concerning foreign guardians, asked, and obtained further time to report.

On motion of Mr. Jones,
The act entitled "An act to authorize Isaac P. Walker to remove a certain slave therein mentioned, from this State into the State of Maryland, was taken up by special order and read a second time, and

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

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Jones laid on the table two petitions of Henry Whiteley, Esquire, superintendent of the Delaware light-house establishment, one of which praying for and on behalf of the United States, for an act of the General Assembly, ceding to the said United States, five acres of land, situate on the south part, or lower end of Reedy Island, for the purposes therein mentioned.

And the other, for a like act granting to the said United States, five acres of land and marsh, on which to erect a new light-house, at any place between the mouth of Duck creek and that of Little creek.

Both of which said petitions were,

On his motion,

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

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

On motion of Mr. Rogers,

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

He then proposed the following amendment thereto, to wit:—amend the said bill by inserting in the seventh line of the first section, after the word "peace," the words "and gaol delivery," and also "the Mayor's court of the city of Wilmington." Also in the last line of the same section, by striking out the word "court," and inserting the word "courts," which amendment

On his motion,

Was

Adopted.

A message from the Senate by their Clerk.

Mr. Laws, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the bill entitled "An act to authorize Isaac P. Walker to remove a certain slave therein mentioned, from this State into the State of Maryland."

And he withdrew.

On motion of Mr. Rogers,

The bill entitled "An additional supplement to an act entitled 'An act for providing for the punishment of certain crimes and misdemeanors,'" was committed to a committee of three members, with leave to report the same back to the House, with or without amendment.

Mr. Rogers asked, and

On motion of Mr. Dilworth,

Obtained leave to introduce a bill entitled "An act for the preservation of certain game," which

On his motion,

Was read.

Mr. Spruance, chairman of the committee to settle with the State Treasurer, made the following report, which

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

The committee appointed by the House of Representatives, to act jointly with the committee of the Senate, to examine the accounts of the State Treasurer and Trustee of the School Fund, count the cash on hand and effect a settlement with that officer, beg leave to make the following

REPORT :—

On the 14th day of December 1838, the State Treasurer settled with the Auditor of Accounts, at which time there was due from him to the State of Delaware, the sum of \$2969 28

Since then the Treasurer has paid to Dr. Henry F. Hall, for services as a commissioner for a Geological Survey of this State,	\$30 00	
State Treasurer's salary,	500 00	530 00

Balance due the State,	\$2439 28
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On the 14th December last, the Trustee of the School Fund settled with the Auditor of Accounts, at which time, and at the present time, there is due from him to the School Fund and to the Districts the sum of	17219 47½
	<hr/> \$19658 75½

The committee find that the above sum of \$19658 75½ is deposited to the credit of the State Treasurer in the Farmers' Bank at Dover and Georgetown.

Mr. Rogers gave notice of his intention, at some future period of the session, to introduce a bill to authorize and direct the State Treasurer, to sue for and collect the balances due, or becoming due, to the State, from Sheriffs and Constables.

Mr. Dilworth moved,
That a committee of enrollment be appointed.

Messrs. Rees, Neal and Hopkins, of North West Fork, were appointed said committee.

Mr. Marshall presented two additional petitions, signed by sundry persons in Sussex county, praying for an act of the General Assembly appropriating a portion of a certain fund therein mentioned, to the purpose of erecting a pivot bridge over Broadkilm creek, in said county, which

On his motion,
Were read, and referred to the same committee appointed on the former petitions on the same subject.

Mr. Hopkins, of North West Fork, laid on the table the petition of sundry persons in Sussex county, praying for an act of the Legislature, appropriating the whole income of said county's portion of the surplus revenue to the school fund thereof, which

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

Messrs. Hopkins, of North West Fork, Neal and Marshall were appointed said committee.

On motion of Mr. Rees,
The House adjourned until three o'clock this afternoon.



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

The House met pursuant to adjournment.

Mr. Spruance laid on the table the petition of Robert Palmatary, praying for an act of Assembly to authorize him to sell certain real estate therein mentioned, which

On his motion,
Was read and referred to the committee to inquire into the expediency of the passage of a general law on the subject of the sale of the real estate of minors in certain cases.

Mr. Jones, from the committee on the petition of Catharine S. Baker and Welcome Gray, of the city of Wilmington, reported a bill entitled "An act to authorize Catharine S. Baker (widow) and Welcome Gray, administrators of William W. Baker, M. D., late of the city of Wilmington deceased, to make sale of the real estate of the said William W. Baker, M. D. deceased, in manner and form as therein prescribed," which

On his motion,
Was read.

Mr. Rogers laid on the table a joint resolution of the Legislature, which

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

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the commissioners appointed by the act passed at the last biennial session, entitled "An act to provide for a geological and mineralogical survey of this State," be and they are hereby authorized to cause to be printed and distributed, such a number of copies as to them shall seem advisable, of the Memoirs of the Geology and Mineralogy of the State, to be transmitted by the State Geologist, according to the provision of the said act, and all maps which they may deem expedient to have appended to the said Memoir, as soon after the receipt thereof as may be practicable; and that the expenses of the said printing shall be defrayed out of such balance as may remain in their hands, of the appropriation heretofore made by the act aforesaid, which

On his motion,
Was

Adopted.

Ordered, To the Senate for concurrence.

Mr. Jones laid on the table two petitions from New Castle county, signed by two hundred and twenty-five citizens of said county, praying for an act of the General Assembly prohibiting the sale at public auction in this State, of ready made clothing brought from other States, without a license first obtained for that purpose, which

On his motion,

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

Messrs. Jones, Frazer and Boulden were appointed said committee:

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

FRIDAY, 10 o'clock, A. M. January 11, 1839.

The House met pursuant to adjournment.

Roll called, &c.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the joint resolution providing for the printing and distribution of the Memoirs of the State Geologist.

And he withdrew.

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

On his motion,

Was read as follows, to wit:—

Resolved, That John P. Brinkloe be, and he is hereby removed from the office of Speaker of this House.

Mr. Frame then demanded the yeas and nays on the adoption of said resolution; but before the call had commenced,

Mr. Dilworth moved,

That said resolution be laid on the table until this afternoon. The House being divided, Mr. Jones called for the yeas and nays, which were as follows:—

Yeas—Biddle, Boulden, Dilworth, Fiddeman, Frame, Frazer, Hopkins, of N. W. F., Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—14 yeas.

Nays—Messrs. Cooper, Hopkins, of Broad Creek, Jones, and Williamson—4 nays.

So said resolution was laid on the table until this afternoon.

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

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

The House met pursuant to adjournment.

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

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

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That
be, and he is hereby chosen a Senator from the State of Delaware, in the Senate of the United States, for the constitutional term of six years, to commence on the fourth day of March next; and that three engrossed copies of this resolution be made and signed by the Speaker of the Senate, and by the Speaker of the House of Representatives, and attested by the Clerks of the said Houses respectively—whereof one copy so signed and attested, shall be transmitted by mail to the President of the Senate of the United States, one to the said the Senator so chosen as aforesaid, and one to the Secretary of State of this State, to be filed in the Secretary's office.

Mr. Dilworth, from the committee on the unfinished business of last session, made the following report, to wit:—

The committee to whom was referred the unfinished business of the House of Representatives of this State at its last session, beg leave to report:—That having carefully examined the files of that session, they find no unfinished business remaining thereon.

Mr. Jones, chairman of the committee on the petitions of Henry Whiteley, Esquire, superintendent of the Delaware Light-house establishment, on behalf of the United States, for the cession of certain land and marsh therein mentioned, reported a bill entitled "An act to cede to the United States, the jurisdiction over a piece of land or marsh therein mentioned," which

On his motion,
Was read.

Mr. Frame then moved,
That the joint resolution for the election of a Senator from this State, in the Senate of the United States, be taken up for consideration.

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

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

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

So said resolution was taken up for consideration.

Mr. Frame then moved,

That to fill the blanks in the said joint resolution, the House now proceed to ballot for a Senator from this State, in the Senate of the United

States, for the constitutional term to commence on the fourth day of March next.

The House being divided, Mr. Frame called for the yeas and nays, which were as follows.

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

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

So the House agreed to go into an election by ballot for a Senator from this State, in the Senate of the United States, for the constitutional term, to commence on the fourth day of March next.

Mr. Spruance moved,
That two tellers be appointed.

Which motion

Prevailed.

And Messrs. Spruance and Neal were appointed for that purpose.

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

For Joseph Maull,	11 votes.
James A. Bayard,	8 “
Blank,	1 “

Joseph Maull having a majority of all the votes given,

Mr. Frame moved,

That the blanks in said joint resolution be filled with his name.

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

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

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

So the blanks were filled with the name of Joseph Maull.

Mr. Frame then moved,

That said joint resolution for the choice of a Senator from this State, in the Senate of the United States, (the blanks therein having been filled with the name of Joseph Maull as aforesaid) be adopted.

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

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

Nays—Messrs. Biddle, Boulden, Dilworth, Hopkins of Broad Creek, Hopkins of North West Fork, Jones, Rogers, Williamson and Mr. Speaker—9 nays.

So the resolution was

Adopted.

Mr. Frame then moved,

That the Clerk of the House be directed to take said resolution forthwith to the Senate for concurrence.

The House being divided the yeas and nays were ordered by the Speaker, which were as follows:—

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

Nays—Messrs. Biddle, Boulden, Dilworth, Hopkins of Broad Creek, Hopkins of North West Fork, Jones, Rogers, Williamson and Mr. Speaker—9 nays.

So the Clerk of the House was directed to take said resolution forthwith to the Senate for concurrence.

Mr. Spruance laid on the table an account of Thomas L. Temple, Esq., and also one of David H. Stayton, Esq., against the State, which said accounts

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

Mr. Frazer laid on the table a petition signed by sundry persons in Little Creek neck, praying for an act of assembly, authorizing a reduction of the width of a certain public road therein mentioned—between certain points also therein described, which

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

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

Mr. Neal chairman of the committee on the petitions from Sussex county praying for an additional justice of the peace in said county, to reside at the village of Cannon's Ferry, reported a bill, entitled "An act allowing for a limited time, an additional Justice of the Peace for the county of Sussex," which

On his motion,
Was read.

Mr. Rogers, from the committee on the petition of Martha Coulbourn, to be divorced from her husband Lewis L. Coulbourn, made the following report to wit:—

The committee to whom was referred the petition of Martha Coulbourn, praying the passage of a special act to divorce her from her husband Lewis L. Coulbourn, pray leave respectfully to report:—That upon due inquiry they find the material facts stated in the said petition to be true, that is to say: that in or about the year 1831, and some years after their marriage, the said Lewis L. Coulbourn abandoned the petitioner, leaving her charged with the maintenance of four children, the issue of the said marriage, and subsequently having left this State, contracted an adulterous connexion with another woman in the State of Maryland, which connexion is believed to be now existing under the pretence of an illegal marriage.

Your committee, under the circumstances, and in pursuance of the mode indicated at the time of their appointment, have determined to report the facts, with a view of ascertaining the sense of the House as to the propriety of a special interference in a case which would seem to come doubly within the provisions of the act of the General Assembly passed in the year 1832, entitled "An act regulating Divorces."

Mr. Rogers also laid on the table the following resolution in relation to the case of Martha Coulbourn, which

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

Resolved, That from the statement of facts reported by the committee to whom was referred the petition of Martha Coulbourn, praying for a divorce from her husband Lewis L. Coulbourn, this House is of opinion that the case falls clearly within the provisions of the act of assembly of 1832, entitled "An act regulating Divorces," by which the Superior Court of the State is invested with full authority to grant the desired relief, and that therefore it is inexpedient to provide a remedy by special legislation.

Mr. Rogers then moved,
To lay, for the present, said resolution on the table.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted presented for the concurrence of the House, a bill entitled "An act to encourage the growth and reeling of Silk within this State."

And he withdrew.

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

A message from the Governor by the Secretary of State.

Mr. Marim, Secretary of State, being admitted, laid on the table a written communication from his Excellency the Governor, giving his reasons for his frequent exercise of the pardoning power.

And he withdrew.

On motion of Mr. Spruance,
Said communication was read, as follows, to wit:—

EXECUTIVE DEPARTMENT,

Dover, Jannary 11, 1839.

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

The ninth section of the third article of the Constitution directs that the Governor "shall set forth in writing, fully, the grounds of all reprieves, pardons and remissions, to be entered in the Register of his official acts and laid before the General Assembly at their next session." In obedience to this provision, I herewith transmit a copy of the Register of my official acts, setting forth the grounds of such pardons and remissions as have been issued since my inauguration.

C. P. COMEGYS.

1837.

April 29.—At the court of General Sessions of the Peace in and for Kent county at the April term thereof, John Whaley was convicted of being an accessory in kidnapping one Robert Richards, a free negro, and sentenced by the court to stand in the pillory one hour, to receive on his bare back sixty lashes well laid on, to pay a fine of fifteen hundred dollars, to

be-imprisoned for the term of four years, to pay the costs of prosecution, and at the expiration of his term of imprisonment, to be disposed of as a servant for the term of seven years. A petition signed by the jury who convicted Whaley, praying the Governor to remit the corporal punishment, was received. Also a petition signed by a large number of respectable persons stating that Whaley had previously to the offence for which he was convicted, sustained an exemplary character was received. The Governor was also appealed to personally by a considerable number of the most respectable citizens, who represented that the public generally, considered the punishment too severe, and were anxious that a part of it should be remitted. For these reasons, the Governor issued to said John Whaley a pardon of so much of the sentence as required him to pay a fine of fifteen hundred dollars, stand in the pillory one hour and receive sixty lashes on his bare back:—the term of imprisonment was changed from four to two years.

At the late term of the Court of General Sessions of the Peace and Jail Delivery in and for Kent county, Thomas Hudson was convicted of larceny and sentenced to be whipped with twenty-one lashes on his bare back, to pay fourfold the value of the property stolen, and the costs of prosecution. It being represented to the Governor, that the offence committed by said Hudson, was stealing a goose when he was unwell and wanted something to eat, a pardon was issued of so much of the sentence as respected the whipping.

At the late term of the Court of General Sessions of the Peace and Jail Delivery in and for Kent county, James Shockley was convicted of larceny, and sentenced to be whipped with twenty-one lashes on his bare back, to pay fourfold the value of the property stolen, and the costs of prosecution. It being represented to the Governor, that the offence committed by said Shockley, was stealing a pair of shoes, and that he was a proper subject of Executive mercy, a pardon was issued of so much of the sentence as respected the whipping.

May 15.—At the late term of the Court of General Sessions of the Peace and Jail Delivery in New Castle county, Isaac Hinson, (n.) was convicted of an assault and battery with an attempt to commit a rape on one Susan Smith, negro, and was sentenced to pay the costs of prosecution and a fine of four hundred dollars,—to be whipped with sixty lashes on his bare back, to be imprisoned for one year, and at the expiration of his imprisonment to be disposed of as a servant for a period of fourteen years. A petition praying the Governor to remit said sentence, except the costs, signed by A. Macbeth and J. Wales, Esquires, stating that the evidence of the girl, who was the principal witness, was evasive and contradictory, was received. Also a recommendation from the Judges who passed sentence upon Hinson, for the remission of all the sentence, except the felony, costs and twenty-one lashes, was received. The Governor was also waited upon personally by Dr. Black, in whose house, the offence was said to have been committed, and by Mr. Tybout, both of whom were summoned as witnesses in behalf of Hinson, but were not able to be present at his trial. They represented Hinson, who had lived with both of them, to be a man of exceedingly weak intellect and harmless disposition. It was further represented by Dr. Black, that the girl Susan Smith, had lived with him, and that in his opinion, her testimony should not be relied on.

For these reasons, the Governor issued to said Isaac Hinson a pardon of so much of said sentence, as required him to pay a fine of four hundred dollars, be set on the pillory for one hour, to be publicly whipped with sixty lashes on his bare back well laid on, to be imprisoned for one year, and at the expiration of said imprisonment to be disposed of as a servant to the highest and best bidder or bidders for the space of fourteen years.

May 25.—The Governor this day issued a pardon to John Whaley, convicted of being an accessory in kidnapping, at the late court of General Sessions in Kent county, of one year and nine months of his imprisonment in addition to the two years remitted and released by the pardon of the 29th ultimo.

The Governor was influenced by petitions signed by a very large number of respectable citizens praying for the remission of all the imprisonment, and representing Whaley as having always previously to the offence, sustained the character of an excellent citizen, kind neighbor and good farmer, and that he was induced to the commission of the crime by bad and designing men, and by having drunk too freely of ardent spirits. It was also represented to the Governor by two practising physicians of Kent county, that Whaley was suffering from a cancer in his breast, which would in all probability become incurable by his long confinement.

June 5.—This day the Governor issued a pardon to William Parker of Dover hundred, Kent county, of a felony of which said Parker was convicted in the Court of General Quarter Sessions for Kent county, at the December term 1824. Said Parker having suffered the corporal punishment, and satisfied the judgment of the court after conviction. The reason upon which the pardon was issued, was the subsequent good conduct of Parker, and the general wish of those knew him, that the Governor would grant the pardon.

July 15.—This day the Governor remitted to Roger Adams and Andrew Stafford, the forfeiture of their recognizance, entered into by them before the court of General Sessions, in and for the county of Sussex, conditioned for the appearance of Ennals Adams, in the Court of General Sessions aforesaid, to be held at Georgetown, to answer such matters and things as should be objected against him.

The reasons which induced the Governor to grant the remission, was principally the fact that the said Adams and Stafford were recommended to his clemency by a very large number of the most respectable citizens in Sussex county.

October 5.—This day the Governor signed a pardon for John M. Lofland of Kent county, who on the twentieth day of September, was fined by Thomas R. Hammersly, Esquire, a Justice of the Peace of Kent county, for swearing fifty profane oaths, the sum of thirty-three dollars. The reasons which induced the Governor to grant the pardon, were the promise of said Lofland, as expressed in his petition, never to be guilty of a similar offence, and his acknowledgement, that at the time of the offence he was under the influence of ardent spirits,—and also that twenty-three respectable citizens of Kent county, among whom was the Justice who fined him, addressed a paper writing to the Governor, and stated that they were well acquainted with the petitioner, and their belief, that if the fine was remitted, he would not again be guilty of a like offence.

October 25.—At the Court of General Sessions of the Peace and Jail Delivery in and for Kent county, held at Dover on the 23d instant, Ann Hardison was convicted of keeping a tavern without a license. It appeared after her conviction, that the offence of which she was convicted, was committed in her husband's life time, while she was a married woman, acting under her husband's direction and control, and that since the commission of the offence her husband had died.

The Governor considered the conviction illegal—and she being a poor woman, he granted a remission of the fine which the court imposed, to wit: fourteen dollars.

1838.

April 13.—At the Court of General Sessions of the Peace and Jail Delivery, in and for Sussex county, at the April Term thereof, Michael Milman was convicted of kidnapping, and sentenced by the court to pay a fine of one thousand dollars, to be set on the pillory for one hour, to be publicly whipped with sixty lashes on his bare back, and to suffer three years' imprisonment in solitary confinement.

A petition signed by the jury who convicted Milman, stating that their verdict was rendered upon the hope of a pardon from the Executive, was received by the Governor, as also another petition signed by sundry other persons present at the trial, stating that they had heard since the trial, that the testimony of the negro, upon which Milman was convicted, could have been impeached by respectable testimony. The Governor directed a pardon to issue of so much of the punishment as respected the whipping and confinement in the pillory.

April 25.—This day the Governor remitted to John S. Biddle, of New Castle county, the forfeiture of his recognizance, for the appearance of a certain Frisby Hinson (negro,) in the Court of General Sessions, to answer a charge of larceny.

The reason assigned by the Governor, was the hardship of the case against Biddle, who was represented as a man of humble circumstances.

April 26.—This day the Governor remitted to Roger Wright, John Greer and James Whitaker, the forfeiture of their recognizance, entered into by them for the appearance of a certain John Lewis, in the Court of General Sessions of the Peace in Kent county, to answer a charge of kidnapping.

The reasons assigned by the Governor were:—

First.—That Lewis had been taken out of the State by his special bail in a suit at law, in the city of Philadelphia, to the State of Pennsylvania, and confined in the Moyamensing prison in Philadelphia, where he still remains.

Secondly.—The Governor was petitioned to remit the forfeiture, by a large number of respectable men.

“ This day the Governor remitted to David W. Thompson a fine of thirty dollars, imposed on him by the Court of General Sessions, in and for Kent county, for an assault and battery on Henderson Collins. For which he assigns the following reasons:

First.—It was represented by letters and oral communications from

some of the most respectable neighbors of Thompson, that he was an industrious and peaceable citizen, a quiet and well-behaved man, with the exception of the assault and battery on Mr. Collins; that he was poor, with a wife and several small children, and that he was unable to pay the fine added to the costs of prosecution.

Secondly.—He was warmly recommended to mercy, by a petition signed by eighty-five persons, his near neighbors, comprising a large number of the leading men of the town of Milford, many of them professors of religion, and two of them preachers of the Gospel.

28th.—At the present April Term of the Court of General Sessions in Kent county, Aaron Owens (negro,) was convicted of larceny, and sentenced to receive twenty-one lashes.

The Governor directed a pardon of the corporal punishment to issue, for which he assigns the following reasons:

First.—The prisoner was sixty-four years old, and this was the first time he had ever been arraigned on a criminal charge.

Secondly.—The Executive clemency was invoked by a large number of petitioners present at his trial, who represented that they entertained strong doubts of his guilt.

May 7.—At the last term of the Court of General Sessions in Kent county, Edward Gilkey was convicted of keeping a tavern without license, and Ann Hardison was convicted of selling liquor by a small measure, and each fined fourteen dollars, and Triphena Cabbage was convicted of selling liquor by a small measure in two cases, and in each case fined fourteen dollars. The Governor remitted all the fines, assigning as a reason, that the prisoners were poor.

14th.—At the late May Term of the Court of General Sessions of the Peace and Jail Delivery, in and for New Castle County, John Kennedy was convicted of robbery, and sentenced to pay a fine of five hundred dollars, to be set on the pillory for the space of one hour, to be publicly whipped with thirty-nine lashes on his bare back, well laid on, and suffer imprisonment for two years.

The Governor directed a pardon to issue, of so much of the sentence as respected the confinement in the pillory and the whipping, for which he assigns the following reasons:—

First.—It was represented that the prisoner was never before convicted of a criminal offence, and 2ndly., he was warmly recommended to mercy by petitions and letters from a large number of respectable persons, and a petition signed by seventeen ladies of the town of New Castle.

29th.—At a Court of Oyer and Terminer, of the State of Delaware, held at New Castle for New Castle county, on the 28th day of November 1836, Frisby Eliason (negro,) was tried and convicted of manslaughter, and on the 5th day of December following, was sentenced to pay a fine of two thousand dollars, and suffer two years' imprisonment.

From a petition signed by sundry respectable citizens of New Castle county it appeared, that the prisoner had suffered nearly eighteen months of the term of his imprisonment. That his conduct during the time had been exemplary, and that his health had so far declined during his confinement, as to leave little hope of his restoration. The said petition

strongly recommended the prisoner to mercy, and prayed that the fine and remainder of the term of imprisonment be remitted. A certificate from the sheriff of New Castle county, of his good conduct while in prison, and letters from two practising physicians, stating that he was laboring under a disease from which he could not recover, unless discharged from imprisonment, were received by the Governor.

For these reasons the Governor directed a pardon to issue of the fine, and remainder of the term of imprisonment.

July 4.—At a Court of Oyer and Terminer, of the State of Delaware at New Castle, in and for New Castle county, on the 25th day of November 1836, William Smith was convicted of manslaughter, and on the 5th day of December following, was sentenced to pay a fine to the State of Delaware, of two thousand dollars, with the costs of prosecution and suffer three years' imprisonment.

It was represented to the Governor by petitions in behalf of the prisoner, signed by many respectable citizens of New Castle county, that pursuant to said sentence the prisoner was committed to the custody of the Sheriff of New Castle county, and has since remained in jail—that he was poor—without the means of paying any part of the fine and costs, or of procuring comfortable clothing for himself,—and that the purposes of public justice were answered by the long term of imprisonment he had already suffered, and that it was his intention, in the event of being pardoned, to leave the State. A certificate of his good conduct while in prison, signed by the Sheriff of New Castle county, was laid before the Governor. After considering the case, the Governor directed a pardon to issue of the fine and remainder of the term of imprisonment.

October 27.—At a Court of General Sessions of the Peace and Jail Delivery of the State of Delaware, held in Kent county, in the present month, Brinkloe Frisby, negro, was convicted of larceny and sentenced to be whipped with twenty-one lashes.

The Governor directed a pardon to issue of so much of the punishment as respected the whipping; and for doing this, he assigns the following reasons:—

First.—The property stolen was represented to be of trifling value,—the same having been sold for only thirty-three cents.

Second.—The Executive clemency was invoked by a large number of respectable petitioners.

At the late term of the Court of General Sessions in Kent county, Samuel Murry was convicted of breaking into a ware-house, and sentenced to be set on the pillory for one hour, receive thirty-nine lashes, imprisoned ten days, and sold as a servant for a term of three years to the highest and best bidder.

The Governor directed a pardon to issue for so much of the sentence as respected the whipping and confinement in the pillory, and assigns the following reason:—

The prisoner was warmly recommended to mercy by a number of respectable petitioners.

November 15.—The Governor this day remitted to Jacob R. Griffin, Innkeeper of Dover, Kent county, a fine of ten dollars, imposed by the

Court of General Sessions of the Peace and Jail Delivery in and for Kent county, on the day of 1837, for suffering gaming in his house.

For which he assigns the following reasons:—

It was represented by Griffin, that the gaming was done by some young men against his express wish and remonstrance. That for many years prior to his keeping a house of entertainment in Dover, the same thing had been allowed by other Innkeepers of that place with impunity, and consequently he was not aware that he was violating the law. That he has permitted nothing of the kind to take place since he discovered that by so doing he should be guilty of an indictable offence.

In addition to these representations, the Governor was strongly urged to remit the fine by a number of respectable petitioners, residents of the town of Dover.

November 24.—At the late term of the Court of General Sessions in New Castle county, Joseph Richardson was convicted for breaking into a store in the night, with intent to steal, and sentenced to be publicly whipped with thirty-nine lashes on the bare back, to be imprisoned ten days, and disposed of as a servant for four years.

The court recommended him to mercy so far as relates to the order to sell him to the highest and best bidder or bidders, and the Governor accordingly directed a pardon to issue for that portion of his sentence.

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

SATURDAY 10 o'clock, A. M. January 12, 1839.

The House met pursuant to adjournment.

Roll called, journal read and corrected.

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

On his motion,

Was read as follows, to wit:—

Resolved, That the Journal of yesterday be amended by inserting after the yeas and nays, on the question to lay upon the table, the resolution offered for the removal of the Speaker, the following words:—"Mr. Rogers declined voting upon this question upon the ground, that the resolution offered for said removal was *illegal* and a *contempt* of the House."

He then moved,

The adoption of said resolution.

The House being divided on the question, the yeas and nays were ordered by the Speaker, which were as follows:—

Yeas—Messrs. Biddle, Boulden, Dilworth, Hopkins, of B. C., Hopkins, of N. W. F., Jones, Rogers, Williamson and Mr. Speaker—9 yeas.

Nays—Messrs. Cooper, Fiddeman, Frame, Frazer, Houston, Jefferson, Marshall, Neal, Pratt, Rees and Spruance—11 nays.

So said resolution was lost.

On motion of Mr. Neal,

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

On motion of Mr. Jones,

The bill entitled "An act to cede to the United States, the jurisdiction over a piece of land and marsh therein mentioned," was taken up and read a second time.

Mr. Frame then moved,

The following amendment thereto, to wit:—amend the second section, by inserting therein, the word "issuing," between the words "criminal" and "under."

Which motion

Prevailed.

Mr. Rees, from the committee of enrollment, reported the following bill, as duly and correctly enrolled, and presented the same to the Speaker for his signature, to wit:—

"An act to authorize Isaac P. Walker to remove a certain slave therein mentioned, from this State into the State of Maryland."

Ordered, To the Senate for the signature of the Speaker.

Mr. Hopkins laid on the table the petition of Smith Timmons of Sussex county, praying for an act of Assembly to authorize him to locate, and secure a title to a certain piece of land therein described, which

On his motion,

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

Messrs. Hopkins of B. C., Dilworth and Pratt were appointed said committee.

Mr. Jones laid on the table the petition of the officers and members of the Wilmington Atheneum, praying for an act of incorporation, which

On his motion,

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

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

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

On his motion,

Was read as follows; to wit:—

Resolved, That the protest of the delegation from New Castle county, against the resolution for choosing a Senator to represent this State, in the Senate of the United States, and the proceedings connected therewith, be entered on the Journal of the House.

Mr Frame moved,

That said resolution be postponed until Wednesday at 10 o'clock.

The House being divided on the question to postpone said resolution, the yeas and nays were ordered by the Speaker, which were as follows:

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

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

So said resolution was postponed until Wednesday next at 10 o'clock, A. M.

On motion of Mr. Jones,
The House adjourned until Monday next, at 3 o'clock P. M.



MONDAY, 3 o'clock, P. M. January 14, 1839.

The House met pursuant to adjournment.

Roll called, &c.

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

On his motion,
Was read and

Adopted.

As follows, to wit:—

Resolved, That a committee of three members be appointed to inquire into the propriety and expediency of making an appropriation for repairing and preserving the State House at Dover.

Messrs. Dilworth, Marshall and Frame were appointed said committee.

Mr. Jones laid on the table an abstract of the accounts of "The Wilmington and Great Valley Turnpike Company," in pursuance of the law requiring such exhibit.

On motion of Mr. Spruance,
The bill entitled "An act to encourage the growth and reeling of Silk within this State," was taken up and read a second time.

Mr. Frame proposed the following amendment to said bill, to wit:—Amend the first section by adding at the end thereof as follows, viz: "not otherwise appropriated."

Mr. Jones then moved,
That said bill be also further amended, by inserting at the end of the first section thereof the words, "*Provided*, That nothing in this act contained shall extend, or apply to any incorporated companies," both which said amendments,

On motion of Mr. Jones,
Were

Adopted.

On his motion also,
The bill entitled "An act to cede to the United States, the jurisdiction

over a piece of land and marsh therein mentioned" was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Hopkins, of N. W. F., laid on the table the petition of sundry persons in Sussex county, praying for an Act of Assembly, authorizing an additional Justice of the Peace in Sussex county, to reside in the village of Middleford, which

On his motion,

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

Messrs. Hopkins, of N. W. F., Rees and Kerr, were appointed said committee.

On motion of Mr. Rogers,

The bill entitled "An act for the preservation of certain game" was read a second time.

He then proposed the following amendment thereto, to wit:—Amend the bill by inserting as the third section, the following words:

"Sec. 3. *And be it further enacted,* That no person shall kill any pheasant within this State between the tenth day of January and the tenth day of September." Also by altering the number of the remaining sections conformably to their position.

Also, by inserting immediately after the word "wood-cock" wherever it occurs (except in the second section,) the words "or pheasant."

Also in what will be the 6th section (as amended,) by inserting after the word "peace" the words "in like manner as is provided by the act providing for the recovery of small debts."

Mr. Jones proposed the following amendment to said bill, to wit:—

Amend said bill by inserting immediately before the word "kill" wherever it occurs therein, the word "wilfully."

Pending the question on the amendments proposed by Messrs. Rogers and Jones,

Mr. Rogers moved,

That the said bill, together with the proposed amendments, be committed to a committee of three members, with leave to report the same back to the House, with or without amendment.

Messrs. Rogers, Houston and Cooper, were appointed said committee.

Mr. Rogers also moved,

That the communication from his Excellency the Governor, on the subject of pardons and remissions, be referred to a committee of three members.

Messrs. Rogers, Spruance and Neal, were appointed said committee.

Mr. Houston laid on the table the claim of David M. Smith, for certain services set forth, which

On his motion,

Was referred to the committee on claims.

Mr. Hopkins of North West Fork, chairman of the committee on the petition of sundry persons in Sussex county, on the subject of schools, and said county's proportion of the surplus revenue, made the following report, to wit:—

The committee to whom was referred the petition of sundry citizens of Sussex county, praying that all the income of that county's portion of the surplus revenue received by this State, be placed to the credit of the school fund of said county—Report, that after duly considering the subject, the committee are of opinion, that it is inexpedient to legislate upon the subject at this time.

Mr. Marshall laid on the table the petition of a large number of citizens of Sussex county, praying for an act of Assembly, making certain officers therein mentioned, ineligible to re-appointment, or re-election in the same office, in the same manner as is provided by law in regard to Sheriffs, which

On his motion,

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

Messrs. Marshall, Jones and Fiddeman were appointed said committee.

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted returned to the House an enrolled bill that had received the signature of the Speaker of the Senate. And he withdrew.

On motion of Mr. Houston,

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



TUESDAY 10 o'clock, A. M. January 15, 1839.

The House met pursuant to adjournment.

Roll called, journal read, &c.

Mr. Pratt presented the petition of John Hutchins, Thomas M. Hutchins, and Lydia his wife, Fanny H. Hutchins, Lydia Ann Hutchins, and Louisa O. Hutchins, praying for an act of Assembly to enable them to effect a division of certain lands therein mentioned, which

On his motion,

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

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

A message from the Senate by the Clerk.

Mr. Laws, Clerk of the Senate being admitted, presented for the concurrence of the House, a bill entitled "An act to enable Alexander Johnson to locate certain vacant land, situate in Mispillion hundred, in Kent county, and to complete his title to the same."

And he withdrew.

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

Mr. Rogers, from the committee to inquire into the expediency of establishing a Board of Commissioners, for the purpose of investigating the propriety and necessity of improving the existing system and arrangement of free schools, &c., made the following Report, with the accompanying Bill, both which

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

To the House of Representatives:

The committee instructed to inquire into the expediency of establishing a Board of Commissioners, for the purpose of investigating the propriety and necessity of improving the existing system and arrangement of free schools—of ascertaining the recent improvements in the school systems of the other States of the Union and of Europe, and of digesting such a scheme of instruction, as may be necessary and suitable to the promotion of the great interests of education, pray leave to

REPORT:—

That impressed with an almost religious sense of the magnitude and importance of the matters presented to their consideration, they cannot but deeply regret the paucity of the means of information within their reach, and the inadequate opportunity afforded them for patient reflection upon the many questions which properly fall within the immediate scope of their inquiry.

Education is unquestionably the great moral characteristic of the present age, as contradistinguished from the prominent features of preceding eras. It is the vast and engrossing theme which is now beginning to occupy the earnest attention of the whole civilized world. Not only is its wholesome influence pervading the free sovereignties of our own republic, but in the old world it is striding onward with a still more vigorous step; and even despotism itself, is seriously engaged in the most enlightened plans of intellectual reformation. The efforts of the statesman and the philanthropist are walking hand in hand, and that iron policy which, in former times was exerted only for the preservation and extension of feudal subordination, is now directed to the benevolent object of compelling the peasant and the vassal, to avail themselves of the means of public instruction. The Prussian system of education, based on a principle of necessity as unbending as the strict rules of military discipline challenges admiration, as the most glorious triumph ever achieved by the single hand of tyranny. Austria has incorporated the diffusion of knowledge with the perpetuation of her empire, by forbidding the solemnization of marriage, until the future parents are able to read and write. Even the great Autocrat himself is turning from his hordes of war, to point with exultation to an almost miraculous and unprecedented creation of colleges and schools.

All around us, in every quarter of the Union, are to be discovered the indications of advancement and improvement in the means and mode of education, while the people of this State, the preservation of whose very sovereignty is, in a measure, dependent upon their intelligence and moral

influence, seem to be resting from all effort in listless and idle unconcern.

The standing and character of our State has in past times been acquired and maintained solely by the force of intellect, and it is by the future exertion of the same power alone, that it can be perpetuated. Unless, therefore, something is done to renovate both the spirit and the means of improvement, it is not the visionary foresight of fear, but the result of sober calculation to declare, that we may hereafter become incapable of self-government. This apprehension is founded on the belief of a diminution of the general desire of instruction, and the inefficiency of the existing system. Is not this two-fold supposition coincident with the actual facts? An almost universal opinion will fully warrant the assertion. Indifference and inaction in regard to the whole subject of education pervade the mass of the community. The existing plan which is in partial operation, is either inadequate in itself or wretchedly administered, or, as it is believed, deficient in both these particulars. As there is no board of supervision, or any general system of control, or other sufficient source of information in regard to the actual situation of free schools throughout the State, we are entirely dependent upon the limited and perhaps somewhat discordant expression of public opinion. So far as the sentiments of the people have been elicited, it is believed that there is a growing feeling of disapprobation and disappointment in relation to many parts of the system, and certainly in regard to its actual operation.

It is much to be regretted, that there is no particular information of the *results* of the plan, as well as precise and statistical accounts of its organization and progress. The meagre details to be derived from the tables embodied in the reports of the Auditor of Accounts, are entirely insufficient to give even a general view of the working of the system, or the amount of benefit derived from the present application of the fund. Enough however, may be gleaned from these scanty statements, to show that the whole scheme as administered, is utterly inadequate to the great and paramount objects of its creation. It is obviously the interest and the duty of the State, not only to place the means of instruction within the reach of *all her* children, but also to take care that they shall be induced to avail themselves of these benefits. The existing system is inadequate to the accomplishment of both or either of these objects. Disgust has been expressed, and open opposition resorted to, in many parts of the State, against the principle and practice of taxation. Your committee do not pretend to justify this feeling, or to pronounce that portion of the system to be intrinsically defective, but they recognize it as one of those difficulties which have in a great measure, counteracted the anticipated benefits of the mode adopted for the distribution and enlargement of the school fund.

Limited as this State is in population and territory, it would certainly seem practically to extend the benefits of education to every child, of sufficient age, within its boundaries. This might be, and ought to be, made our peculiar boast. But far short of it is the actual condition of things. The census of 1830, presents an aggregate of twenty-two thousand two hundred and forty-six white male and female children, between the ages of five years and twenty, and nine thousand three hundred and ninety-three under the age of *five*; a great proportion of whom are old enough to receive the elemental lessons of knowledge. As the census of 1820 was made under different classifications, it would be difficult to approximate the

average increase since the last enumeration: nor is it necessary,—for assuming the number of white children, capable of deriving the benefits of education, to be the same and no more than in 1830, the frightful disparity between the number of those who are actually receiving the advantages of common schools, and those who must be presumed to be entirely destitute of all means of instruction, presents a most alarming subject of moral and political contemplation. The whole number of scholars attending the free schools throughout the State, during the year 1838, appears to be only *five thousand five hundred and fifty-four*. The number of children educated at academies and private schools, is believed to be very limited;—and, although there is no available source of definite information, it is confidently believed that more than one half the children in this State, are advancing towards the duties and privileges of citizenship, without those necessary qualifications, which can be derived only from moral and intellectual cultivation.

By comparing the statements contained in the reports of the Auditor for the last few years, it would appear that there has not only not been that increase in the number of pupils, which it would be reasonable to expect, but an actual diminution. In 1835, there were taught in one hundred and thirty-eight free schools, 6700 children. In 1836, in one hundred and thirty schools, 5154. In 1837, in one hundred and fifty schools, 4970. In 1838, in one hundred and sixty two schools, 5554. The whole amount annually expended during the same period, for tuition and otherwise, including both the public fund and the amount raised by contribution and taxation, varied from a little less than \$29,000 to nearly \$40,000.

The average number of scholars taught in each school has been about thirty-eight, and the average expense of the tuition of each, including all expenditures, nearly six dollars.

The sum expended during the year 1838, was very nearly \$40,000, of which more than one-half was derived from the school fund. The average time that the several schools, throughout the State, were in operation in the same year, is about seven months. There are in all, one hundred and eighty-five districts, although only one hundred and sixty-two schools appear to have been opened. But *twenty* of these schools, throughout the one hundred and eighty-five districts, were kept open during the whole year,—many only two or three months; especially in the county of Sussex, where there would seem to have been but two schools kept in operation during the whole year.

These statements show an alarming result either of inefficient system, gross mismanagement, or entire public apathy. But in addition to these matters, there is no *method of instruction* in use, and although without the means of information on this subject, your committee believe that they are warranted in the assertion, that the amount of knowledge inculcated through these fountains of morality, intelligence and public virtue, is in sober truth, almost worse than contemptible. And yet it is upon these common schools that we are almost entirely dependent for the future character and prosperity of the State. *The people* are there to be educated. Perhaps not one child out of fifty will be enabled to resort to other or higher sources of learning. Private schools and academies are rapidly declining among us. Except perhaps in the city of Wilmington, there are very few, almost none, in successful existence. The free schools, however conducted, must gradually supersede and expel private institutions. They