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

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*At a session of the General Assembly, convened and held at Dover, on Tuesday, the seventh day of January, in the year of our Lord, one thousand eight hundred and fifty one, and of the Independence of the United States of America, the seventy-fifth.*

Messrs. Aquilla Derrickson, William C. Lodge, Abraham Boys, Albert O. Newton, Samuel Jefferson, James B. Rogers and Nathan T. Boulden, of New Castle county; and

Messrs. Enoch Spruance, Francis B. Harper, Caleb Smithers, John G. Chambers, Benjamin Harrington, Nathaniel C. Powell and Capt. Elias Smithers, of Kent county; and

Messrs. John W. Scribner, Peter Marsh, William D. Waples, Job Pride, Dr. John Martin, John Hosea and James Satterfield, of Sussex county, appeared and took their seats.

The foregoing members being all present, except Enoch Spruance, the returns of the elections 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 appeared that on the second Tuesday of November last, at the several and respective places specified by law for holding the elections in and for said county, the following persons were chosen to represent the said county in the House of Representatives of the State of Delaware, viz: Aquilla Derrickson, William C. Lodge, Abraham Boys, Albert O. Newton, Samuel Jefferson, James B. Rogers and Nathan T. Boulden.

By the returns of the officers of Kent county, appointed by law judges

of elections, it appeared 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: Enoch Spruance, Francis B. Harper, Caleb Smithers, John G. Chambers, Benjamin Harrington, Nathaniel C. Powell and Capt. Elias Smithers.

By the returns of the officers of Sussex county, appointed by law judges of elections, it appeared that on the second Tuesday of November last, at the several and respective places specified by law for holding the elections in and for said county, the following persons were chosen to represent the said county in the House of Representatives of the State of Delaware, viz: John W. Scribner, Peter Marsh, William D. Waples, Job Pride, Dr. John Martin, John Hosea and James Satterfield.

On motion of Mr. Newton,

The House proceeded to elect by ballot a Speaker; whereupon, Samuel Jefferson, Esq., was elected.

The Speaker after returning his thanks to the House, for the honor conferred upon him, 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 took his seat in the Speaker's chair.

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

On motion of Mr. Marsh,

The House proceeded to ballot for a Clerk, whereupon Dudley B. Tinker was duly elected, sworn and took his seat at the Clerk's table.

On motion of Mr. Martin,

The House proceeded to ballot for a Sergeant-at-arms and door-keeper, and Nathaniel B. Covington was elected and duly qualified.

On motion of Mr. Marsh,

The House proceeded to ballot for a Messenger, whereupon Thomas B. Lister was duly elected.

On motion of Mr. Newton,

The Clerk was directed to inform the Senate that the House of Representatives was duly organized and ready to proceed to business.

Which was done.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate was duly organized, and that it was ready to proceed to business.

And he withdrew.

Mr. Martin offered the following resolution, which

On his motion, *Resolved*  
Was read, as follows:—

*Resolved*  
*That*

**Resolved**, That a committee of three on the part of the House, be appointed to act jointly with a like committee on the part of the Senate, to wait on His Excellency the Governor, and inform him that a quorum of both Houses of the Legislature have convened and duly organized, and are ready to receive any communication he may see proper to make.

Mr. Scribner moved,  
That the resolution be adopted.

Which motion

*Prevailed.*

Whereupon,  
Messrs. Martin, Smithers and Boys were appointed said committee.

**Ordered** to the Senate for concurrence.

Mr. Martin then offered the following resolution, which

On his motion,  
Was read, as follows :

**Resolved**, That the Clerk of the House of Representatives be authorized to furnish to the members of the House, one newspaper of their choice during the session.

On motion of Mr. Boys,  
The resolution was

*Adopted.*

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the joint resolution appointing a committee to wait upon His Excellency the Governor, and that Messrs. Jump and Smith had been appointed said committee, on the part of the Senate. And he withdrew.

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

WEDNESDAY, 10 o'clock, A. M., January 8, 1851.

The House met pursuant to adjournment.

Mr. Spruance appeared, was duly qualified and took his seat.

Mr. Newton offered the following resolution, which

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

**Resolved**, That William Huffington be allowed the privilege of a seat on the floor of the House, in order to report the proceedings.

On motion of Mr. Scribner,  
The resolution was

*Adopted.*

Mr. Boulden offered the following resolution, which,

On his motion,  
Was read, as follows :—

*Resolved*, That the Rev. Thomas G. Murphy be invited to act as Chaplain of the House of Representatives, during the present session of the General Assembly; which,

On motion of Mr. Marsh,  
Was

*Adopted.*

Mr. Martin, from the committee appointed to wait on the Governor, reported that the joint committee had discharged the duty imposed upon them, and that His Excellency would make a written communication to both Houses forthwith.

Daniel M. Bates, Esq., Secretary of State, being admitted, presented a written message from His Excellency the Governor, together with sundry papers and documents.

And he withdrew.

On motion of Mr. Scribner,

The communication from His Excellency the Governor, was read, as follows, to wit :—

*Gentlemen of the Senate,  
and of the House of Representatives :*

The periodical assembling of the Representatives of the people for the general supervision of their interests, serves as a way-mark in the public progress, at which we naturally turn to review the past and thus to derive lessons of wisdom and encouragement for the future. It always furnishes suitable occasion for an acknowledgment in the name of our constituents to the Divine Ruler, for the unnumbered favors which have distinguished us as a people. Our national blessings, always abounding, seem to multiply with the progress of years. The period which has intervened since your last session has been pre-eminent above all that preceded it. In addition to the usual blessings of peace, plenty, health and general prosperity, our Union,—the ark of our political safety, and which also bears all the hopes of human freedom,—has been thus far safely conducted through another of those severe trials which have occasionally threatened, but in the result served only to prove, its integrity and stability. It is not enough formally to acknowledge mercies so signal and overflowing. We should be truly affected with a grateful sense of the Divine Goodness, and inspired with earnest determinations to fulfil the obligations it imposes upon us.

I deem it a suitable occasion to present a general view of the financial interests of the State, in order that the Legislature may consider the expediency of making some provision by which the ordinary revenues of the State, applicable to the support of its government, shall be made fully and uniformly adequate to defray the public expenditures.



The entire annual revenue of the State, derived from investments of its surplus funds, fees for various licenses and commissions, fines, &c., may be estimated at forty-eight thousand dollars; but by the liberal provision made for common school education, the far larger portion of this amount has been appropriated to the school fund, leaving to the State for the support of its government, about fourteen thousand dollars annually, consisting of dividends upon stock of the Farmers' Bank and of the Bank of Delaware, taxes upon certain corporations, fines, fees for commissions, for retailers, pedlars and lottery licenses, and the proceeds of sale of vacant lands. The following statement will show the amount of revenue derived from each of these sources during the year 1849, viz :

Dividends on 1275 shares of capital stock of the Farmers' Bank	\$3,835 00
Dividends upon 20 shares of capital stock of the Bank of Delaware	640 00
Taxes upon corporations	5,960 00
Fees for retailers' and pedlars' licenses	2,370 29
Fees for commissions, lottery licenses and impressions of the great seal	697 45
Fines	204 23
Sale of vacant lands	57 85
Total amount	<u>\$13,764 82</u>

The ordinary public expenditures during the year in which the General Assembly is in session may be estimated, from data furnished by the annual reports of the Auditor, at \$21,083 33, and for the year during which there is no session of the General Assembly, at \$9,783 33, making an aggregate expenditure for the two years of thirty-one thousand dollars. To meet this expenditure the public revenues for the like period, as above exhibited, can hardly exceed twenty-eight thousand dollars; and therefore, supposing the State to depend upon its ordinary resources, there would be a biennial deficiency of about three thousand dollars.

This deficiency, which has existed more or less during the period of the present constitution, and which must otherwise have accumulated to a large amount, has been fortunately supplied by several extraordinary accessions to the public funds. In 1837 this State received from the General Government for its share of the surplus revenue of the United States, distributed by act of Congress, \$286,751 49, of which sum \$265,793 83, was invested for the benefit of the school fund. The balance (\$20,957 66) passed into the treasury. Also between the years 1836 and 1845, the Delaware College lottery offered an additional relief to the treasury, yielding to the State within the period referred to, an aggregate sum of \$13,206 90. It appears from the report of the legislative committee appointed to settle with the State Treasurer in January, 1840, that the interest and dividends upon the investments of the surplus revenue, directed by the act of February 22, 1837, to be apportioned among the several

counties, chiefly for the benefit of the school districts, were not so distributed, but that the sum of \$11,752 76 of such interest and dividends was carried into the treasury; nor does it appear that this sum was ever restored to the school fund.

The effect of these extraordinary accessions to the public funds in sustaining the treasury of the State is now about exhausted. By them, in addition to the ordinary revenues, the public expenditures were fully defrayed to the close of the year 1848, and a balance then left in the treasury of \$3,931 02.

During the past two years the expenditures of the State have exceeded the ordinary biennial expenditures to the amount of about six thousand dollars; this excess being composed of the cost of investigating the claim of Messrs. Hall and Matthews to seats in the last House of Representatives, amounting to \$2,437 38; the expenses of the commission relative to the junction stone between this State, Pennsylvania and Maryland, amounting to \$2,594 63; and the appropriation of \$1,265 00, for the purchase of copies of Smith & Wistar's Map of the State. The extraordinary burden thus imposed upon the treasury, may have been relieved by the surplus of 1848 above referred to, and the bonus of \$3,000 00 paid by the Bank of Delaware for the extension of its charter. If so, it may be presumed that there was but a small deficiency, if any, at the close of the last year; but the important consideration which it is the object of these remarks to leave with the Legislature is, that the treasury, although from the circumstances above stated, it may now be unembarrassed, is without reliable resources adequate for future expenditures.

I shall content myself with having spread these facts before you, without obtruding suggestions of my own as to legislative action. It is for your wisdom to determine what provision the occasion requires.

The subject of a Convention to amend the Constitution of the State, comes before this General Assembly with an almost commanding claim upon its attention. The general agitation of the subject among the people for several years; the fact even that one of the leading political parties, embracing about half the legal voters of the State, has avowed itself favorable to constitutional reform; and the vote for a convention at the late general election, indicating at least an extensive desire for an opportunity to test the popular sense upon this question, are considerations which, in my humble judgment, leave to the legislature no alternative but promptly to provide such an opportunity, or to evince a distrust of the people not becoming their representatives. Nothing, it would really seem, can add to the force of these considerations, unless it should be a call for the appropriate legislative action by an ascertained popular majority. To affirm the right of the people to alter at pleasure their organic law is only to utter a truism; it cannot be less self-evident that for the exercise of this right they should at all times possess convenient facilities, provided by law. As I had occasion to remark to a former Legislature, "our statute book ought never to be without such a law." But to withhold these facilities altogether, or until they shall be demanded by a majority, is in effect

an infringement of the popular sovereignty; because it is for the very purpose of legally ascertaining such majority, when it exists, and of giving effect to its will, that legislative provision for taking a vote upon the question of a convention is necessary.

There are many considerations which enforce the propriety of obtaining, without needless delay, an expression of the sense of the people upon this subject. The present constitution, as is well known, was at its adoption greatly obnoxious to some of the most enlightened and patriotic minds in the convention which formed it: it is without the sanction of a ratification by the people: nor does it receive that general approval of intelligent and judicious citizens which the fundamental law of the State should command. Moreover, it was framed upon principles in regard to which public sentiment has since undergone considerable modification. The doctrine, transmitted to us from our mother country and upon which the present constitution was in a great degree constructed,—that the powers of government must be removed from direct popular control, is no longer held as an undisputed, conservative principle of political organization. Experience has gone far to establish the contrary opinion,—that the administration of government should be brought as much as practicable under the control of the elective franchise. Accordingly we see on the part of our sister States a simultaneous movement to conform their State constitutions to this principle; which while it is more consonant with the true republican spirit, is none the less really conservative. For in bringing the government near to the people, you bring home to them its high responsibilities, and thus awaken a sense of popular responsibility,—which, after all, is the only sure guaranty for the safety of free institutions. If it were conceded that popular action is liable to all the errors, instability and excess which the most distrustful apprehend, he must be a bold man who would hope to correct these evils by the futile attempt to impose checks and restraints upon the will of a people so fully conscious of their sovereignty as ours. But that these inseparable incidents of the fallibility of our nature are by no means ruinous and do not impair the full capacity of our people for self-government, is conclusively attested by the history of this Union, where the most popular institutions on earth afford the utmost individual security, prosperity and happiness, and at the same time accelerate to a surpassing rapidity the national progress. Far less mischievous and more easily corrected are the errors of the people than are the corruptions of cabals, under the influence of which the administration of public affairs will inevitably fall, just so far as it is withdrawn from popular influence.

I do not share in the apprehensions entertained by many of danger from what is termed "the progressive spirit of the age." This apprehension is not new. It has been encountered at every stage of the advancement of our race. Yet it cannot be denied that the history of the past shows a constantly ameliorating progress of society, gradually elevating its habits, sentiments, temper and civil polity. Who can say that such will not also be the history of the future? That this progress should be marked with an unvarying order and tranquility is not consistent

with the human condition. Heretofore the advance of popular rights, being in necessary collision with existing institutions and the numberless interests and prejudices which are fostered by a present order of things, has been achieved, at every step, through agitation, conflict and revolution. Our own progress, since it does not encounter force, we may expect will be without violence and disorder; but that it can be wholly free from agitation and irregularity, that it will not defeat the interests of some and excite the terrors of others, is too much to hope from human infirmity and fallibility. These are unavoidable conditions of political progress; they give to it, in the view of many, an aspect for the time being of evil; yet with all this it will go on, and posterity will regard our fears of its progress with the same wonder which we express at those of former days. It is the slow, resistless developement of the destiny of mankind; and until its end is accomplished it is vain to insist upon a stereotyped civil polity. The world never saw but one code that might be written upon tables of stone; we know not when it will see another.

Under the joint resolution of the General Assembly of February 10, 1847, I appointed on the 17th September, 1849, George Reed Riddle, Esq., commissioner to act with similar commissioners of Pennsylvania and Maryland, in ascertaining the original site from which the boundary stone marking the junction of this State, Pennsylvania and Maryland had been removed, lost or destroyed, as mentioned in the resolution, and in erecting thereon some suitable monument.

I have received Mr. Riddle's report, dated March 8, 1850, which with the accompanying papers I lay before you.

I find myself unable, as requested by the report, to recommend the expediency of another commission to mark the circular line between this State and Pennsylvania.

The proprietary title to the part of this State binding on Pennsylvania and extending twelve miles below the town of New Castle, was acquired by deed of feoffment, dated August 24, 1682, from the Duke of York to William Penn, conveying the town of N. Castle, and all that tract of land lying within the compass or circle of twelve miles about the same. The line therefore between this State and Pennsylvania is the circumference of a circle of twelve miles radius from New Castle, the centre.

On the 28th of 8th mo. 1701, William Penn issued his warrant to two surveyors, Isaac Taylor, of the county of Chester, and Thomas Pierson, of the county of New Castle, requiring them, in the presence of the magistrates of both counties, to survey and well mark this circular line; and by a return dated the 4th of 10th mo. 1701, this warrant appears to have been executed in the presence of certain named magistrates. A month seems to have been devoted to the survey. Since that time, a period of one hundred and fifty years or more, the people of Chester and Delaware counties, Pennsylvania, and the people of New Castle county, under different State jurisdictions, on the respective sides of the line having a right to vote in one State and no right to vote in the other, being eligible to office in one State and not eligible in the other, and amenable to the criminal law of the one State and not of the other, have held up to an

acknowledged State line, so as to be entirely familiar with their respective State localities, and no confusion, not even inconvenience has been experienced. No complaint has ever been heard. Possibly there may be inconveniences in the present line; but it is to be remarked, that at the day when it was run surveyors from being constantly employed had much practical skill. Had there been any call for a re-survey of the line, Mason and Dixon, who had been sent from England on account of their superior qualifications, would probably have been employed to complete the circle, a small arc of which they marked in settling the lines between Lord Baltimore and Thomas and Richard Penn. The inaccuracies must be of little account; of no consideration to either State; and any variation might produce confusion and inconvenience. What has been acquiesced in one hundred and fifty years ought not to be disturbed.

The report of Col. Graham shows what was done under the commission. The work appears to have been begun upon the ground on the 13th November, 1849, (Col. Graham having been engaged from the 30th October previous in examining records and preparing instruments,) and it ended in February following: the reports and draughts were prepared and the commission closed on the 4th March. The statement of expenses shows the costs, so far as allowed by the commissioners, amounting to the sum of \$3,533 91: these do not include any compensation to the commissioners, nor as stated in Mr. Riddle's report "any compensation to Col. Graham over the per diem for expenses due his grade;" these per diem expenses amounting to \$480 75. The portion of this State of the above amount is \$1,177 97. This has been paid; but not deeming myself justified in paying any sum not reported by the commissioners, I have not paid Col. Graham's charge, the whole being \$2,000, and the share of this State \$666 66. I refer to the papers marked D. E. F. G. upon this point.

I have on former occasions adverted to the importance of encouraging and fostering agricultural labor, as being in fact the primary interest of the country, and more especially of our State. I am happy to say that an opportunity now offers for the Legislature to evince its appreciation of the claims of this branch of industry and to contribute some influence towards its advancement. The establishment of a Bureau of Agriculture in connection with the Department of the Interior at Washington, charged with the promotion of agricultural improvement throughout the Union, is a measure of such obvious importance and utility, that we can only wonder it should never yet have been adopted. The leading objects proposed to be accomplished by such a board, is to collect together and diffuse throughout the country new facts and improvements in agriculture, suggested by experience or developed by science, and by awarding suitable premiums to stimulate enterprise, and encourage and assist a spirit of improvement. The measure has been approved by the Legislatures of several States, and is sanctioned by the President's recommendation in his late message to Congress. I suggest, that by suitable instructions to our Senators and Representative in Congress, the Legislature add its influence to the accomplishment of an object of so much interest to this State.

Agreeably to the directions of the act of the last General Assembly entitled "An act to procure a Map of this State," the Secretary of State on the 19th March, 1849, entered into a written contract with Robert P. Smith and Isaac J. Wistar, of the city of Philadelphia, for two hundred and fifty-three copies of a map of the State, to be constructed as prescribed in said act. In fulfilment of this contract Messrs. Smith & Wistar have constructed and delivered to the Secretary of State, for the use of the State, the stipulated number of maps, and the consideration therefor has been paid according to the directions of the act. The surveys were approved by me during the progress of the work, upon the best information which I could obtain from experienced surveyors familiar with the various localities of the State. Two hundred and sixteen copies of the map have been delivered to the trustee of the school fund, for the use of the school districts, and the residue are deposited in the State Library, subject to the disposal of the Legislature.

I have received and deposited in the State Library sundry books and pamphlets presented to the State by Mons. Alexander Vettmare, the distinguished projector of the system of International Exchange. It has been found impracticable to carry into effect the joint resolutions of the last General Assembly, directing the presentation to certain institutions in France of copies of our laws, legislative journals, documents, &c. So little care has been given to the preservation of our public documents, that but few copies can be found of the legislative journals prior to a comparatively recent period. As the number required by the resolutions could not be supplied, I deemed it advisable to defer acting under them, and to await the opportunity of consulting the views of the Legislature upon the subject.

I have performed the agreeable duty enjoined upon me by the joint resolutions of the last General Assembly, directing the presentation of swords to Brevet Capt. C. P. Evans and Passed Midshipman Robert Clay Rogers, as a testimony of the respect entertained by the Legislature for their distinguished participation in the brilliant achievements of American arms in the late war with Mexico. At the instance of these gentlemen the presentation was in each case by letter. Copies of the correspondence are herewith communicated.

At the June term of the Court of Errors and Appeals for the year 1849, it became my duty under the ninth section of the sixth article of the amended constitution, to commission a judge ad litem in the case of Stockton's administrator vs. Guthrie. The appointment was accepted by James A. Bayard, Esq., and it becomes necessary for the Legislature to make a suitable appropriation for his services.

I transmit to you, as requested, a communication from the "American Association for the advancement of Science;" also, copies of the resolutions of the Legislatures of several of the States on various subjects; and the usual schedule of books and documents received for the use of the State since the last session, and deposited in the State Library.

I lay before you a copy of the preamble and resolutions of the Southern

Convention, in its session at Nashville, in November, with the communication of Charles J. McDonald, the president, transmitting them.

This paper imputes aggressive policy upon the domestic institutions of the slaveholding States to the Federal Government, urged on by the non-slaveholding States, with the object to "finally overthrow these institutions and abolish the existing relation between master and slave." It complains, that "restrictions and prohibitions against the slaveholding States appear to be the fixed and settled policy of the government; that they have been outraged by gross misrepresentations of their moral and social habits; that their property has been enticed off and means of recovery denied by their co-states; that they have been denied their rights in the Territories of the Union; that their peace has been endangered by incendiary appeals, and that the Union, instead of being considered a fraternal bond, has been used as the means of striking at their vital interests: "The admission of California," "the recent purchase of territory by Congress from Texas," are set forth as grievances.

The resolutions, taking for their basis "that the UNION of the States is an Union of equal and independent sovereignties, and that the powers delegated to the Federal Government can be resumed by the several States, whenever it may seem to them proper and necessary," recommend to the slaveholding states "to meet in a Congress or Convention, to deliberate and act with the view and intention of arresting further aggression, and if possible of restoring the constitutional rights of the South, and if not, to provide for their future safety and independence."

This recommendation directly contravenes the Constitution of the United States. In section 10, article 1, are these prohibitions: "No State shall enter into any treaty, alliance or confederation." "No State shall without the consent of Congress enter into any agreement or compact with another State."

The nature and tendency of the measure recommended make it as inexpedient as its object is unconstitutional, and manifest the wisdom of these prohibitions. Our government resting upon the will of the people, harmony among them throughout the extent of our country is of highest concern. Through the infirmity of our nature and the condition of human affairs, there will always be real or supposed grievances, sometimes the more intensely bitter because of the distance of the parties from each other. The only method of conciliation is for the parties or those delegated by them, to meet and represent, discuss, understand and adjust their differences. But if those united by what they deem common suffering meet by themselves, to estimate their own wrongs and prescribe their own remedies, the result will be mutual aggravation, and they will encourage and stimulate each other, through rash counsels, to reckless determinations; while those whose injustice they arraign, so far from being convinced of wrong and persuaded to redress it, will become obstinate in their course and answer threats with defiance.

The method of conciliation above suggested, which approves itself to common sense and uniform experience, is provided by the Constitution of the United States. The object which its framers had in view and at heart

was "the preservation of the Union." One of its declared purposes was "to insure domestic tranquility." According to its provisions there is a President elected by the people of the United States, the whole people, a Senate chosen by the several State legislatures, and a House of Representatives chosen in the States, in every district of each State, so as to bring together the mind, the temper and the interests of the whole nation and every part of it, to investigate, discuss and authoritatively settle whatever concerns the Union. This method commends itself to the sound judgment of every considerate, impartial man, and the practice has proved as satisfactory as the provision is judicious. It is a very impressive fact that all the matters of complaint of the Southern Convention at Nashville were investigated with unwearied pains and labor at the last session of Congress, and under the counsels of the President and the discussions of the Senate and House of Representatives, after long, patient and full examination, were adjusted by measures that have received approbation from large majorities, as believed, of the thoughtful and patriotic in every part of this nation. Most of them are in fact, and all should be regarded as irrevocable, and further agitation can only be productive of increased exasperation and distraction. I heartily assent to these measures; and I see not how any lover of his country, any well wisher to the progress and extension of human liberty and happiness, can do otherwise than rejoice at this restoration of harmony to this Union, the preservation of which not only is vital to our peace and prosperity, but involves the solution of that most important of all questions, whether man is capable of self-government.

It is true that fanaticism in some of the northern States is exerting itself with all its vigor to prevent the healing efficacy of these measures. Its voice is heard in gross misrepresentations, gratifying the malignity of its spirit and exerting itself to consummate the wickedness of its intention. But this fanaticism, although active and noisy, is confined to few; the public mind is against it; but with that spirit of liberty that animates all our institutions, and which is the pride and safety of us all, it cannot be restrained; and we must not forget that there are rights which even the common law of England, sanctions as "rights of the vulgar," and not impute to communities what is true only of a small and unworthy portion.

I ought not to pass without notice, the resolution which I have quoted. It cannot be maintained "that the powers delegated to the Federal Government can be resumed by the several States whenever it may seem to them proper and necessary." The *Union* is a *Government*, not a treaty of alliance; a government formed *by* the people of the Union *for* the people of the Union. The constitution is an act of the people of the United States, of the same nature and effect as the constitutions of the States are the acts of the people of the States. The States are sovereign States; but constitutionally sovereign, governments of laws. The attributes of their sovereignty are defined by their own constitutions and the constitution of the United States. By the Constitution of the United States, the Union is formed and invested with certain powers of government emanating from and resting upon the authority of the people of the United States.



The people are the paramount sovereign power, from whom the powers of the State Governments and the powers of the United States Government alike proceed. Whether the Government of the United States shall exercise its constitutional powers within the limits of a State is not at the option of the State, or of the people of a State, but according to the will of the people of the United States. Of this will the Constitution of the U. States is the expression. If a State determine that the Government of the United States shall not exercise its constitutional powers within its bounds, the issue will depend, not upon argument but force. It is devoutly to be hoped we may never see the day when this matter must be tested.

We have a glorious country, invited to lofty destinies—stretching from the Atlantic, where we are placed by means of steamers, the product of the ingenuity of our own countrymen, in the near neighborhood of Europe and Africa, reaching to the Pacific, on which through the same facilities we are in contact with Asia, of the immense resources of which the vast Empires of China and Russia afford us some conception,—a country presenting every variety of soil and climate, abounding in mineral wealth and all kinds of agricultural produce, watered with lakes and rivers such as are not found in any other part of the globe; our people educated, enterprising and free; our government the embodiment of popular rights and well regulated liberty, under which there can be no oppression, but every one has the free and full exercise of his talents, skill and industry, and the undisturbed enjoyment of his earnings. What may we not aspire to, for ourselves, for our race, if the Union remains undisturbed, and our citizens have nothing to do but in harmony pursue the arts of peace? But if unquietness and impatience shall end in disunion, then discord and lawless violence will exert their wasting power, the arts of peace will give place to the destructives of war, and even the human mind among us will lose its proper character, becoming brutalized, obscured and debased by the atrocities which such a condition engenders. These are items which should have a place in the computation of those who calculate the value of the Union. For history does not allow us to doubt that to the evils besetting States, under distinct governments, in neighborhood to each other, without any common bond, there is no end but ruin and desolation.

WILLIAM THARP.

*Dover, January 7, 1851.*

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#### SCHEDULE

*Of books and public documents received at the Executive Department since the last biennial session of the General Assembly.*

Two copies, Digest of statutes of Arkansas, 1848, two volumes.

One copy twenty-sixth volume Maine Reports, one volume.

Two copies eleventh volume Metcalf's Reports, two volumes.

One copy of each of first and second volumes Barbour's Sup. Court Reports, New York, two volumes.

One copy of second volume Strobhart's (S. C.) Law Reports, one volume.

One copy of each of first and second Gill's Rep. Reports, two volumes.

" eighth volume Humphrey's (Tenn.) Reports, one volume.

" eighth volume Iredell's (S. C.) Law Reports, one volume.

" Texas Reports, one volume.

" Revised Statutes of Connecticut, 1849, one volume.

Three copies of acts and resolves of Maine, 1848, three volumes.

" Laws of New Hampshire, Nov. Sess., 1848, three volumes.

One copy of Journal of Senate of Florida, Nov. Sess., 1848, one vol.

" House " "

Two copies each Journal Senate and House of Representatives of New Hampshire, 1849, four volumes.

One copy of acts of Louisiana, 1848, one volume.

" acts of Florida, 1848-9, one volume.

Thirty-nine copies of acts and resolutions of second session, thirtieth Congress 1848-9, thirty nine volumes.

One copy of laws establishing a common school system, &c., in Florida, 1848-9, one volume.

One copy of second volume Archer's Florida Reports, one volume.

One copy of Laws of North Carolina, 1848-9, one volume.

Three copies of House Journal, first session, thirtieth Congress, 1847-8, three volumes.

Three copies of fifth series American Archives, first volume, 1776, three volumes.

Two copies of acts of General Assembly of Kentucky, 1848-9, two volumes.

One copy of eighth volume B. Monroe's (Kentucky) Reports, one vol.

Two copies General Laws of the State of Indiana, 1849, two volumes.

" Local laws, " "

One copy of Journal House of Representatives of Kentucky, 1848-9, one volume.

Three copies of Senate Journal at the second regular session of the General Assembly of the State of Iowa, 1849, three volumes.

One copy of Journal of the Senate of Kentucky, 1848-9, one volume.

" Reports communicated to Legislature of Kentucky, December session, 1848-9, one volume.

One copy of Florida Reports, January term, 1849, one volume.

One copy of sixty-second Annual Report of the Regents of the University of the State of New York, 1849, one volume.

Three copies of acts and resolves of the Legislature of Wisconsin, 1849, three volumes.

One copy of proceedings of General Assembly of North Carolina, on the subject of International Exchanges, 1848-9, one volume.

One copy of the nineteenth Annual Report of the Inspectors of the Eastern State Penitentiary of Pennsylvania, 1848, one volume.

One copy of the thirtieth Annual Report of the Controllers of Public Schools of Philadelphia, 1848, one volume.

One copy of the twenty-first annual report of House of Refuge, of Philadelphia, 1849, one volume.

One copy of the sixteenth Annual Report of the Managers of the Pennsylvania Institution for the Instruction of the Blind, 1849, one volume.

One copy of the seventeenth volume Griswold's (Ohio) Reports, one volume.

One copy of the Laws of Ohio, 1848-9, one volume.

Three copies of acts and Resolves of the General Assembly of Massachusetts, 1849, three volumes.

Two copies of Laws of New Jersey, 1849, two volumes.

One copy of first volume Zabriskie's (New Jersey) Reports, parts first and second, from July term, 1847, to January term, 1848, one volume.

One copy of fifth volume North Carolina Reports, one volume.

“ Laws of Michigan, 1849, one volume.

One copy of third volume Arkansas Reports, one volume.

Three copies of Executive Documents, first session thirtieth Congress, 1847-8, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, twenty-seven volumes.

Three copies of Senate Documents, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, first session thirtieth Congress, 1847-8, twenty-seven volumes.

Three copies each of the fourth, fifth, and sixth volumes Senate Documents of the second session twenty-eighth Congress, 1844-5, nine volumes.

Three copies of Reports of Committees, vols. 1, 2, 3 and 4, first session thirtieth Congress, 1847-8, twelve volumes.

One copy of Senate Miscellaneous Documents, first session thirtieth Congress, 1847-8, one volume.

One copy of Senate Reports, first session thirtieth Congress, 1847-8, one volume.

One copy of Senate Journal, “ “ “

“ House, “ “ “

“ Miscellaneous Documents, first session thirtieth Congress, 1847-8, one volume.

Twelve copies of Biennial Register of officers and agents, civil, military and naval, in the service of the United States, for the years 1822-4, 1830-32-33-35-38-9-41-43-45-47, twelve volumes.

One copy of Laws of Pennsylvania, 1849, one volume.

Two copies of Laws of New Hampshire, 1849, two volumes.

“ Address of M. Alexandre Vettermare, before the Legislature of New Hampshire, January 28, 1849, two volumes.

Two copies of Resolutions of the Legislature of New Hampshire, 1849, two volumes.

One copy of eleventh volume Smedes & Marshall's Mississippi Reports, November term, 1848, one volume.

Three copies of Laws of New York, seventy-second session, 1849, three volumes.

Three copies of House Journal, second session thirtieth Congress, 1848-9, three volumes.

Three copies of Laws of Missouri, 1849, three volumes.

One copy of eleventh volume Missouri Reports, one volume.

“ fourth volume Vermont “ “

Three copies Laws of Vermont, 1848, three volumes.

Two copies of Acts, Journals, Reports and resolutions of the General Assembly of South Carolina, 1848, two volumes.

Three copies of Laws of Illinois, 1849, three volumes.

One copy of Synopsis of School Law of Illinois, 1849, &c., one volume.

One copy first volume Comstock's (New York) Reports, one volume.

One copy of third volume Barbour's (New York) Reports.

Two copies each of the Senate and House Journals of the State of New Hampshire, June session, 1849, four volumes.

Three copies of the Laws of Connecticut, May session, 1849, three volumes.

Two copies of Resolutions and Private Acts of the General Assembly of Connecticut, May session, 1849, two volumes.

One copy of Senate Journal of Connecticut, May session, 1849, one volume.

One copy of first volume Haslett's Chancery Reports, New Jersey, one volume.

Two copies of Laws of Arkansas, 1849, two volumes.

One copy of second volume Douglass' (Michigan) Reports, one volume.

Two copies of Revised Statutes of Wisconsin, 1849, two volumes.

Three copies of Acts, Memorials and Resolutions of the second General Assembly of the State of Iowa, three volumes.

One copy of twelfth volume Smede's & Marshall's Mississippi Reports, one volume.

One copy of 20th vol. Washburn's Vermont Reports, one volumes.

Three copies of Laws of Vermont, 1849, three volumes.

“ Executive Documents, vols. 1, 2, 3, 4, 5, 6, 7, second session, thirtieth Congress, 1848-9, twenty-one volumes.

Three copies of Senate Documents, vols. 1, 2, 3, 4, second session, thirtieth Congress, 1848-9, twelve volumes.

Three copies of Senate Miscellaneous Documents, vols. first and second session, thirtieth Congress, 1848-9, six volumes.

One copy of House Miscellaneous Documents, second session, thirtieth Congress, 1848-9, one volume.

Three copies of Reports of Committees, vols. first and second, second session, thirtieth Congress, 1848-9, six volumes.

One copy of House Journal, second session thirtieth Congress, 1848-9, one volume.

One copy of Senate Journal, second session, thirtieth Congress, 1848-9, one volume.

One copy of Senate Reports, second session, thirtieth Congress, 1848-9, one volume.

One copy of Senate special session, 1849, one volume.

One copy of the Statutes at Large and Treaties of United States of America, commencing with the second session thirtieth Congress, 1848-9, one volume.

One copy of first volume G. Green's Iowa Reports, one volume.

Two copies of Journal House of Representatives, of the second regular session of the General Assembly of Iowa, 1848, two volumes.

One copy of ninth volume Iredell's (North Carolina) Law Reports, one volume.

One copy of second volume Strobhart's Equity, (South Carolina) one volume.

One copy of fifth volume Gilman's (Illinois) Reports, one volume.

One copy of Laws of Virginia, 1849, one volume.

Three copies of Laws of New Jersey, 1850, three volumes.

Two copies of Acts and Resolves of the Wisconsin Legislature, 1850, two volumes.

Two copies of twenty-seventh and twenty-eighth volumes Maine Reports, two volumes.

One copy of Acts and Resolves of the Legislature of Maine, 1849, one volume.

One copy of twelfth volume Metcalf's (Massachusetts) Reports, one volume.

One copy of first volume Cushing's (Massachusetts) Reports, one volume.

Two copies of Laws of Kentucky for 1849-50, two volumes.

One copy of House Journal, Legislature of Kentucky, 1849-50, one volume.

One copy of Senate Journal Kentucky Legislature, 1849-50, one volume.

One copy of Reports to the Legislature of Kentucky, 1849-50, one volume.

One copy of ninth volume B. Monroe's (Kentucky) Reports, one volume.

One copy of Laws of Michigan, 1850, one volume.

Two copies of Laws of the State of Mississippi, 1850, two volumes.

One copy of Laws of the State of Virginia, 1848-49-50, one volume.

One copy of eighth volume Blackford's (Indiana) Reports, one volume.

One copy of Journal Documents of the General Assembly of Indiana, 1849-50, one volume.

Two copies of Laws of Indiana, 1850, two volumes.

Three copies of Laws of Massachusetts, 1850, three volumes.

One copy of Laws of Rhode Island, 1850, one volume.

Three copies of Laws of New York, three volumes.

One copy of House Journal of Mississippi Legislature, 1850, one volume.

One copy of Senate " " "

- One copy of Laws of Alabama, 1849-50, one volume.  
 Two copies of Laws of Louisiana, 1850, two volumes.  
 Three copies of Laws of New Hampshire, 1850, three volumes.  
 One copy of the Laws of Pennsylvania, 1850, one volume.  
 One copy of Laws of Ohio, vol. 48, 1849-50, one volume.  
 " eighteenth volume Griswold's Ohio Reports, one volume.  
 Two copies of Laws of South Carolina, 1849, two volumes.  
 One copy of Laws of Maryland, 1849-50, one volume.  
 " first volume Zabriskie's (New Jersey) Reports, 1850, one volume.  
 One copy of nineteenth volume Day's (Connecticut) Reports, 1850, one volume.  
 One copy of twelfth volume Robard's (Missouri) Reports, one volume.  
 One copy of each of fourth and fifth volumes Barbour's (New York) Supreme Court Reports, two volumes.  
 Two copies of Laws of Rhode Island, August, 1850, two volumes.  
 Thirty-seven copies of the acts of first session, thirty-first Congress, thirty-seven volumes.  
 Three copies of Public Acts of Connecticut, 1850, three volumes.  
 " Resolutions and Private Acts, 1850, three volumes.  
 One copy of each of the Laws and Journals of the Legislative Assembly of Minnesota, Ta., 1850, two volumes.  
 One copy each of the Journals of New Hampshire Legislature, June, 1850, two volumes.  
 Four copies of United States Exploring Expedition, four volumes.  
 One copy of Pennsylvania Journal Prison Discipline, vol. 2, No 3, July, 1846.  
 One copy of Penn. Journal Prison Discipline, vol. 3, No. 4, Oct. 1848.  
 " " " 4, 1, Jan. 1849.  
 " " " 4, 2, Ap. 1849.  
 One copy of inquiry in reference to separation of convicts.  
 One copy of official Army Register for 1849.  
 " Address on laying corner stone of North Carolina Institution for Deaf and Dumb, by Harvey P. Pect, M. A., April 14, 1848.  
 One copy of Address on laying corner stone of House of Refuge for colored juvenile delinquents, July 1, 1848, Philadelphia, by Jas. J. Barclay.  
 One copy of Oration by Hon. Robert C. Winthrop, on laying corner stone of National Washington Monument, July 4, 1848.  
 One copy of Address on the organization of Normal School, Philadelphia, by Jas. J. Barclay, January 13, 1848.  
 One copy of Pennsylvania Journal Prison Discipline, July, 1849.  
 One copy of Reports of the Board of Visitors and Trustees and of the Superintendent of the New Hampshire Asylum for the Insane, June session, 1849.  
 One copy of Reports of the Warden, Physicians and Chaplain of the New Hampshire State Prison, June session, 1849.

One copy of Reports of the Bank Commissioners, made to His Excellency the Governor of New Hampshire, June session, 1849.

Two copies of Pennsylvania Journal Prison Discipline, &c., October, 1849.

One copy of second Biennial Report of the President and Directors of the Illinois Asylum for the education of Deaf and Dumb, 1847-48.

One copy of an appeal in behalf of common schools in Illinois, by Horace S. Cooley, Secretary of State.

One copy of Report of the Prison Association of New York, 1849.

" Pennsylvania Journal Prison Discipline, vol. 5, No. 1, January 1850.

One copy of twenty-fourth Annual Report of Board of Managers of the Prison Discipline Society, Boston, May, 1849.

One copy of abstract of the returns from banks and from institutions for savings in Massachusetts, October, 1849.

One copy of the Annual Report of the Board of Directors of the Pennsylvania Institution for the Deaf and Dumb, for 1849.

One copy of Annual Report of the Trustees of the State Library of the State of New York, January 15, 1850.

One copy of thirty-third Annual Report of the American Colonization Society, with the proceedings of the Board of Directors and of the society at its annual meeting, January 15, 1850.

One copy of Pennsylvania Journal Prison Discipline, April, 1850.

One copy of proceedings of a meeting of citizens of central Mississippi, in relation to the slavery question; also, the proceedings of the State Convention, on the same subject held at Jackson, October, 1849.

One copy of Resolutions of the Legislature of Mississippi, relative to the Nashville Convention.

One copy of Catalogue of the State Library of Maine, 1850.

" One copy of Pennsylvania Journal of the Prison Discipline, &c., July, 1850.

One copy of sixty-third Annual Report of the Regents of the University of the State of New York, to the Legislature, March 1, 1850.

One copy of Education Documents, Wisconsin, January, 1850.

" abstract of the returns from Banks and from Institutions for Savings in Rhode Island, Sept. 22d and October 1st, 1849.

One copy of Message of the Executive to the General Assembly of Maryland, December session, 1849.

One copy of Journal of the Proceedings of the House of Delegates of the State of Maryland, December session, 1849.

One copy of Journal of Proceedings of the Senate of Maryland, December session, 1849.

One copy of Pennsylvania Journal Prison Discipline, October, 1850.

WILLIAM THARP.

## REPORT

*Of the Committee of the Maryland Reform Convention, on the late Acts of Congress forming the Compromise, &c.*

MR. CHAMBERS, from the committee, presented the following Report:

*Whereas*, The Constitution of the United States was designed more effectually to secure the civil and political rights of the citizens of every part of the Union, and especially to protect their persons and property as well in other States as in the State in which they might reside: And whereas, amongst the rights of property there was none more generally known or more distinctly recognized, than that of holding slaves: and whereas, the peculiar risk of loss to which this species of property was exposed, was so obvious, and the absolute necessity of a suitable provision to guard against it so universally felt, that no one hesitated to acknowledge that without such provision the Union could not have been framed: and whereas, certain persons in various portions of the Union, instigated by a spirit of fanaticism, have combined for the purpose of openly resisting and defying the guarantees of the constitution and laws by which alone the slave-holding States can be assured of the rightful possession, and just protection of their property, we the members of the Convention of Maryland, lately elected from the body of the people, and intimately acquainted with their feelings and opinions, deem it proper to declare in calm and deliberate terms, what we believe to be their views in relation to the exciting subjects to which we have referred and do,—  
Therefore,

1st. *Resolve*, That the Constitution of the United States, has accomplished all the objects, civil and political, which its most sanguine framers and friends anticipated, and that the affections of the people of Maryland are justly rivetted to its principles, by the memory of the sacrifices of the wise and good men who framed it, as well as by the blessings it has so liberally dispensed to our country.

2d. That a proper appreciation of these blessings should lead every State in the Union to adopt all such measures, as from time to time may be necessary to give complete and full effect to any provision of the constitution or of the laws pursuant thereto, intended for the protection of any portion of this great family of States.

3rd. That while we do not conceal that the several acts of Congress passed at their late session, relating to the admission of California, to the territorial governments of Utah and New Mexico, to the adjustment of the boundary of Texas, to the prohibition of the slave trade in the District of Columbia, and to the reclamation of fugitives from labor, do not, to the extent we desired, meet the just demands of the South; nevertheless, viewing these several acts as parts of an entire system, to be adhered to and maintained as a whole, proceeding on the basis of compromise, and intended by a permanent adjustment of so many critical questions, to heal



the public agitations and perpetuate the Union, they have received our acquiescence, and have inspired us with admiration of those eminent statesmen, who rising above the influence of party and sectional considerations, periled their well earned reputation for the enduring welfare of their country.

4th. That the vigorous and faithful execution by the General Government of all laws made in pursuance of the constitution, is its primary duty, and affords the only security for the just protection of the rights and property of the citizens, and for the permanency of the Union; and it is equally the duty of all good citizens to encourage and support the officers of the Government in the execution of the laws, and to discountenance and rebuke the efforts of those who seek to subvert them; and while therefore we entertain every proper confidence in the ability and determination of the Chief Magistrate of the Union, faithfully to perform his duty in the present crisis, and take the opportunity to tender to him our assurances that in any emergency that should require it, he may safely rely upon the cordial co-operation of the people of Maryland, we cannot withhold the warmest expression of our firm and continued reliance upon the patriotism of those of our countrymen, in all sections of the Union, who have fearlessly asserted the constitutional rights of the South; and in view of the calamities which must ensue, if those rights continue to be violated, we would earnestly suggest to the governments of the non-slave holding States, the propriety and importance of enacting such laws as will facilitate the recovery of fugitives from labor; and upon the citizens of every State, we would anxiously urge the absolute necessity of maintaining and enforcing each and all of the measures of adjustment adopted at the last session of Congress.

5th. That the aforesaid series of laws that intended to ensure the restoration of fugitives from labor is the only one professing to protect the peculiar rights and institutions of the Southern States, from the mischievous hostility of a wicked fanaticism in other portions of the Union, is but a tardy and meagre measure of compliance with the clear, explicit and imperative injunctions of the Constitution, and holds out the only hope that the protection which the South was authorized to expect from the Union of the States, to this species of property will be afforded them, and being the chief inducement to the South for its accession to the compromise, the repeal of that law, or the failure to enforce its provisions, could only be regarded as evidence of a determined purpose in other States, to violate the sacred charter of our rights, or a want of ability in the General Government to enforce the laws made for our protection, and in either event there would be a failure to comply with the solemn obligations which give to the constitution its chief value, and binding force, and which could not be violated or deliberately evaded without leading to a dissolution of the Union.

E. F. Chambers, Chairman,  
James R. Hopewell,

A. Randall,

Geo. W. Weems,  
James M. Buchanan,  
John Dennis,  
William H. Tuck,  
L. L. Dirickson,  
R. C. Carter,  
Washington Waters,  
Jacob Shower,  
John D. Gaither,

Wm. D. Merrick,  
Edward Lloyd,  
Louis McLane,  
William Grason,  
Samuel M. Magraw.  
Lewis P. Fiery,  
W. M. Hollyday,  
Robert J. Brent,  
W. T. Goldsborough.

Which was read.

*Proceedings of the Convention on the Report:*

On the question being put, "Will the Convention adopt said resolutions?"

Mr Chambers, of Kent, moved for the yeas and nays, which being ordered, appeared as follows:

Affirmative:—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Ricaud, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Sollers, Merrick, Jenifer, Buchanan, Bell, Welsh, Chandler, Ridgely, Lloyd, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Grason, George, Wright, Dirickson, McMaster, Fooks, Shriver, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Harbine Neill, Michael Newcomer, Waters, Kilcour, Davis, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—81.

So the resolution was unanimously assented to.

*Dec. 10, 1850.*

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STATE OF VIRGINIA.

EXECUTIVE DEPARTMENT,

*Richmond, Virginia, Feb. 13, 1850.*

SIR,

I have the honor to transmit to you the accompanying preamble and resolutions adopted by the General Assembly of the State of Virginia.

Very respectfully,  
Your ob't serv't,

JOHN B. FLOYD.

*To His Excellency,  
The Governor of Delaware.*

WHEREAS, the recent action of the General Assembly upon the Wilmot Proviso and kindred subjects, and in relation to fugitive slaves, has met with no other response from the non-slaveholding States than violent denunciation and a systematic perseverance in the wrongs of which we complained: And whereas, it is apparent that the inevitable result of such a course of action on the part of a portion of the States must be to excite bitterness, jealousy and distrust among the rest; to kindle the angriest passions, to extinguish that spirit of concession, and destroy that mutual forbearance and fraternal affection which founded and have sustained our confederacy; and, finally, to dissolve the Union itself: And whereas, we are anxious, if possible, to avert the evils which threaten us, and believe that the most effectual means of doing this are to be found in the cordial union of the whole South for the maintenance of the constitution, and the preservation of the Union, if it can be preserved, and for their own preservation if it cannot:

1. *Be it therefore resolved by the General Assembly of Virginia,* That upon the question thus perseveringly and recklessly forced upon the country, Virginia has taken her position, and that position will be maintained. Her loyalty to the Union is no matter of empty profession. It is stamped upon every page of her history. No State has done as much to form the Union; none is prepared to do more to perpetuate it in the spirit in which it was formed, and in which alone it can be preserved. But, loyal as she is and always has been, it were a fatal error to suppose that Virginia will ever consent that that Union, to which she has looked as a source of happiness and honor, shall be converted into an instrument of degradation and oppression.

2. *Resolved,* That in the event of the passage of the Wilmot Proviso, or of any law abolishing slavery in the District of Columbia, or in any manner interfering with the rights of slaveholders therein, or abolishing slavery in or the slave trade between the States, Virginia will be prepared to unite with her sister slaveholding States, in convention or otherwise, in the adoption of any measures that may be necessary to provide for their mutual defence or to secure their common safety.

3. *Resolved,* That, in the opinion of this General Assembly, a Southern Convention, in which the States as States are represented, should consist of delegates selected by the people of the several States in convention assembled, who should carry with them all the authority derived from such an appointment, and be prepared to act for those whom they represent.

4. *Resolved, therefore,* That upon the happening of either of the contingencies contemplated in the second resolution, the Governor be authorized and requested (instead of convening the Legislature) to issue his proclamation for the election of delegates to a State Convention to take into consideration the mode and measure of redress, with power to appoint delegates to a Southern Convention, and to adopt such measures as the

crisis may demand: The said delegates to be chosen by each city, county or election district, according to its representation in the House of Delegates, and to receive the same pay and mileage as members of the General Assembly.

5. *Resolved*, That regarding the convention proposed to be held at Nashville, on the first Monday in June next, as intended to enable the people of the South to take counsel together as to the best and most effectual means of resisting the aggressions of the North, of enforcing a compliance on their part with their constitutional obligations, and thereby of preserving the union of these States, now in imminent peril by reason of the course pursued by the non-slaveholding States, and their representatives in Congress, in the ceaseless agitation (and that too in the most unfriendly spirit) of questions involving the peace, institutions and the very existence of the Southern States—and approving the objects of said convention, as above set forth, the General Assembly doth recommend to the good people of this commonwealth to send delegates thereto; and that to this end they hold primary meetings in each city, county and election district in this State, and appoint delegates to a convention, to be held in each congressional district, in the month of May next; and that the district conventions, so constituted, do each select two persons (one from each of the two political parties of the country) who shall be delegates to the said Nashville Convention.

6. *Resolved*, That the Governor of this Commonwealth be requested to send a copy of these resolutions to each of the States of this Union, and also to our senators and representatives in Congress.

Adopted by the General Assembly, February 12th, 1850.

GEORGE W. MUNFORD, C. H. D.

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## STATE OF SOUTH CAROLINA.

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EXECUTIVE DEPARTMENT, }  
Columbia, Dec. 20, 1849. }

SIR,

His Excellency, Whitemarsh B. Seabrook, Governor of South Carolina, has instructed me to forward to you the resolutions herewith, approving of the recommendation of the State of Mississippi of a Southern Convention, to be held at Nashville, Tennessee, on the first Monday in June next.

In accordance with the third resolution, the following gentlemen were elected to represent the State at large in said Convention, viz: Langdon

Cheves, Franklin H. Elmore, James H. Hammond and Robert W. Barnwell.

I have the honor to be,  
Your obedient servant,

B. F. WATTS,  
*Secretary.*

*To His Excellency,  
The Governor of Delaware.*

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STATE OF SOUTH CAROLINA.

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*Columbia, December 10, 1849.*

At an adjourned meeting of the members of both branches of the Legislature of South Carolina, held in the chamber of the House of Representatives, on the night of the 10th December, the following resolutions were unanimously adopted:

1. *Resolved*, That we regard with feelings of lively satisfaction the late movement in Mississippi, in defence of the rights and interests of the South; and hail it with joy, as the first step towards that "firm, united, and concerted action among the Southern States," which a sense of their common danger imperiously demands.

2. *Resolved*, That the recommendation of the State of Mississippi of a Southern Convention, to be held at Nashville, Tennessee, on the first Monday in June next, should be cordially embraced by the whole South, that by common counsels we may avert the common calamities impending over us through the action of the General Government, driven on by the lust of power, and the fell spirit of fanaticism.

3. *Resolved*, That for the purpose of carrying out the recommendations of the people of Mississippi, it is expedient that, in Legislative Caucus, we should nominate four delegates to represent the State at large in the Convention proposed to be held at Nashville.

4. *Resolved*, That still further to carry out the recommendations of the people of Mississippi, we respectfully recommend to the people of this State to meet together, on the first Monday in April next, in the various parishes and districts of the State, to nominate as many delegates as they have members of the Legislature, to meet on the first Monday in May succeeding, at some central and convenient point in their respective Congressional Districts, then and there to nominate two delegates to represent such Congressional District in the State in the proposed Convention.

5. *Resolved*, That, entertaining a sincere desire to co-operate with our sister States of the South in any movement which they may deem necessary for the common good, and having entire confidence in the wisdom,

integrity, and firmness of the Southern people, when assembled in said Convention, we feel and express an undoubting confidence that the people of the State of South Carolina will yield a faithful and unflinching support to any measure which said Convention may recommend.

JOHN IZARD MIDDLETON, *Chairman.*

WM. E. MARTIN, *Secretary.*

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STATE OF SOUTH CAROLINA.

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COLUMBIA, S. C., Oct. 24, 1849.

DEAR SIR—

Will you be kind enough to communicate to the Legislature of Delaware the accompanying memorial, and oblige

Yours,

Very respectfully,

ROBERT W. GIBBES.

*His Excellency,  
Governor Tharp.*

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AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF  
SCIENCE.

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

GENTLEMEN :—

At the second meeting of "The American Association for the Advancement of Science," held at Cambridge, in August last, the following resolution, reported by the Standing Committee, was unanimously adopted.

*Resolved,* That the American Association for the Advancement of Science, cordially approves of the establishment of societies for the development of the Geology and Natural History of the several States, and that a committee be appointed to memorialize the State Governments which have had no Geological Surveys, or which have had them suspended, on the importance and necessity of establishing or resuming them.

In accordance with this resolution, the undersigned committee respectfully asks the attention of your honorable body to the object of the memorial.

The importance and necessity of Geological Surveys have long since been settled in the communities of the old continent; and in our own land wherever the great interests of education have seriously occupied the public mind, the utility of such explorations has been properly appreciated. In many of the States of the Union, partial surveys have commenced—

amounting, in some to a mere reconnoissance of the prominent features of the formations, and in others to more elaborate investigation. Among the latter, New York has set an example of liberality, public spirit, and high appreciation of this useful work, worthy of all praise, and, in addition to the great local interests which have been developed as the fruits of her bounty, she has the proud satisfaction of having erected a scientific monument in the published reports which may well serve as a model for her sister States.

Massachusetts has done much, and the results have been given in valuable publications which do honor to that State; but there remain yet to be accomplished objects of large scientific interest, which, no doubt will be effected. In other States, the published reports may be considered as only preliminary to more extended and elaborate productions. In several of the States surveys have been completed, but the results have not yet been given to the public.

In relation to the great agricultural interests of the country, the value of Geological investigation cannot be too highly estimated. The origin and formation of soils—their fixed and transient properties—their chemical and mechanical composition—their mineral constituents—the means of improving or correcting their qualities—of adding to or reducing certain constituents—their adaptation to peculiar culture—all these are dependant on principles which Geology and its associate sciences point out.

In anticipation of having our land traversed in all directions by railroads, such surveys are of lasting importance, and the choice of location may often be influenced to the saving of large amounts of money, by the knowledge of the topographical geology of their proposed course.

To the Civil Engineer and Architect, the knowledge of practical Geology is all important, that they may adapt their plans and estimates to the condition of the country in which they are employed, and in the selection of materials present, which, from local circumstances, may be most available, and in many cases more suitable than what may be brought from a distance. It is but recently that the new Houses of Parliament of Great Britain have been constructed of a stone which was selected by a Geological commission appointed for the purpose, as better adapted than what was in ordinary use. Our Capitol at Washington is a prominent and familiar example of the want of such knowledge and foresight in the selection of a perishable material for its construction. Egypt and Greece and Rome now enjoy the sympathy of other nations, from the grandeur of their architectural remains. Fortunately their great works were of durable materials, and instead of crumbling and unmeaning masses of decomposing matter, we have models presenting beauty of design and architectural elegance, as the memorials of perfected skill of a refined people who enjoyed all the luxuries of improved taste. In the progress of the Mechanic Arts, knowledge of Geology and Mineralogy contributes largely in furnishing constant materials for their various processes. In Europe, Mining is a special branch of education, and with us the development of our extensive mineral resources makes its study a matter of necessity, as the want of education in miners is seriously felt. Silver, Cop-

per, Lead, Manganese, Zinc and other ores of the useful metals and valuable minerals exist in abundance in many parts of our land, but skill is essential to appreciate their convertibility to use, and to work them to advantage.

A bare allusion to the inestimable value of Iron ores is sufficient to bring to your minds the utility of Geological investigation for their discovery and developement. A reference is scarcely necessary to the commercial wealth of those sections of our land which are blessed with the presence of Coal, so essential in its application to the useful arts and to the domestic comforts of life. As a source of mineral wealth, its extent is incalculable. Scientific Geology has settled with so much precision the boundaries of its local position, that the errors of expending £10,000, or even £20,000, as has happened in Great Britain, for a single experimental search without the aid of geology, will never again occur.

Artesian wells are becoming objects of interest in many sections of the Union, and without geological knowledge, their location is as much a matter of uncertainty as the search after coal.

In an educational point of view, Geology and Natural Science are parts of true progress in knowledge, and are calculated to rouse a spirit of enquiry among our people, and to stimulate the young to investigate the phenomena of Nature, and their relations in the great economy of the Universe. The observation of their results requires so extensive an application of other departments of learning, that it may be, in fact, considered as embracing the whole circle of the positive sciences. In our higher Collegiate institutions, they are now considered branches of learning necessary to a liberal education. Surveys of the several States are of great value to them individually, in comparison with the small amount of expenditure required in effecting them—and as contributing to develop the geology and mineral resources of the whole country, are of immense importance. Nothing would contribute more to the advancement of Geology, than a complete geological map of the United States, but this cannot be effected without the co-operation of the individual States.

The science of the Union is beginning to be represented. The high position of its representatives is acknowledged and respected in the older communities in the seats of learning which have long held supremacy in philosophical investigation. The scientific character of the several members of the Union is an object of anxious interest with all, and the Association which is here represented has been established to aid in bringing together and combining the labors of individuals who are widely scattered, into an institution that will represent the whole. The purpose of the Association being "the advancement of science," the committee represents its earnest hope in praying the State Governments who have suspended or imperfectly carried out their surveys, to renew them until fully completed, and such as have not yet engaged in them, to have them instituted.

In conclusion, the committee respectfully, but earnestly recommends not only the establishment of surveys, but also the publication of reports with proper illustrations, as the intimate connection of the associated



sciences is such, that plates of the fossils are essential to a proper understanding of the geological results.

Trusting that your honorable body will appreciate this expression of opinion of the Association, here briefly given,

We are,

With great respect,

Your obedient servants,

Robert W. Gibbes, M. D., Columbia, S. C.

E. Hitchcock, D. D., President of Amherst College, Mass.

H. D. Rogers, State Geologist of Pennsylvania.

L. Agassiz, Prof. of Geology, Lawrence Scientific School, Cambridge.

B. Silliman, Prof. Chemistry and Geology, Yale College.

S. G. Morton, M. D., Philadelphia.

C. T. Jackson, M. D., U. S. Geologist, Boston.

J. W. Mathews, Governor of Mississippi.

G. Troost, M. D., State Geologist of Tennessee.

W. B. Rogers, Prof. Nat. Philos. and Geology, University of Virginia.

J. Hamilton Couper, Darien, Georgia.

T. Romeyn Beck, M. D., Prof. Mat. Med. Albany Med. College, N. Y.

Jos. Delafield, Prest. Lyceum of Nat. History, New York.

Lewis C. Beck, Prof. Chemistry, Rutgers College, N. Brunswick, N. J.

Joseph Henry, Secretary of the Smithsonian Institution, Washington.

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## STATE OF GEORGIA.

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MARIETTA, GEO. Dec. 2, 1850.

SIR,

I have the honor to forward to you a copy of the preamble and resolutions, adopted by the Southern Convention, at its late session in Nashville. You will perceive that it was the expectation of the Convention that this document would be laid before your Legislature at as early a day as it may suit your Excellency's convenience, with the hope that their proceedings may produce harmony of action among the States interested in the subject to which they relate.

I have the honor to be,

Very respectfully,

Your ob't serv't,

CHARLES J. McDONALD.

*His Excellency,*

*The Governor of Delaware.*

*Preamble and Resolutions of the Southern Convention.*

SOUTHERN CONVENTION, }  
 November 18th, 1850. }

*The following Preamble and Resolutions were reported by the Committee on Resolutions, and adopted by the Convention.*

We, the delegates assembled from a portion of the States of this Confederacy, make this exposition of the causes which have brought us together, and of the rights which the States we represent are entitled to under the compact of union.

We have amongst us two races, marked by such distinctions of color, and physical and moral qualities, as forever forbid their living together on terms of social and political equality.

The black race have been slaves from the earliest settlement of our country, and our relations of master and slave have grown up from that time. A change in those relations must end in convulsion, and the entire ruin of one or both races.

When the constitution was adopted, this relation of master and slave, as it exists, was expressly recognized and guarded in that instrument. It was a great and vital interest, involving our very existence as a separate people, then as well as now.

The States of this Confederacy acceded to that compact each one for itself, and ratified it as States.

If the non-slaveholding States, who are parties to that compact, disregard its provisions, and endanger our peace and existence by united and deliberate action, we have a right, as States, their being no common arbiter, to secede.

The object of those who are urging on the Federal Government in its aggressive policy upon our domestic institutions, is, beyond all doubt, finally to overthrow them, and abolish the existing relation between master and slave. We feel authorized to assert this from their own declarations, and from the history of events in this country for the last few years.

To abolish slavery or the slave trade in the District of Columbia—to regulate the sale and transfer of slaves between the States—to exclude slaveholders with their property from the territories—to admit California under the circumstances of the case, we hold to be all parts of the same system of measures, and subordinate to the same end they have in view, which is openly avowed to be, the total overthrow of the institution.

We make no aggressive move. We stand upon the defensive. We invoke the spirit of the Constitution, and claim its guaranties.—Our rights—our independence—the peace and existence of our families—depend upon the issue.

The Federal Government has within a few years, acquired, by treaty and by triumphant war, vast territories. This has been done by the

councils and the arms of all, and the benefits and rights belong alike and equally to all the States. The Federal Government is but the common agent of the States united, and represents their conjoined sovereignty over subject matter granted and defined in the compact.

The authority it exercises over all acquired territory, must, in good faith, be exercised for the equal benefit of all the parties. To prohibit our citizens from settling there with the most valuable part of our property, is not only degrading to us as equals, but violates our highest constitutional rights.

Restrictions and prohibitions against the slaveholding States it would appear, are to be the fixed and settled policy of the Government—and those States that are hereafter to be admitted into the Federal Union from their extensive territories will but confirm and increase the power of the majority; and he knows little of history who cannot read our destiny in the future, if we fail to do our duty now, as free people.

We have been harrassed and insulted by those who ought to have been our brethren, in their constant agitation of a subject vital to us and the peace of our families. We have been outraged by their gross misrepresentations of our moral and social habits, and by the manner in which they have denounced us before the world. We have had our property enticed off and the means of recovery denied us by our co-States. We have been denied our rights in the Territories of the Union, which we were entitled to as political equals under the constitution. Our peace has been endangered by incendiary appeals. The Union instead of being considered a fraternal bond, has been used as the means of striking at our vital interests.

The admission of California, under the circumstances of the case confirms an unauthorized and revolutionary seizure of the public domain, and the exclusion of near half the States of the Confederacy from equal rights therein—destroys the line of 36 30 which was originally acquiesced in as a matter of compromise and peace, and appropriates to the Northern States 120,000 square miles below that line, and is so gross and palpable a violation of the principles of justice and equality as to shake our confidence in any security to be given by that majority who are now clothed with power to govern the future destiny of this confederacy.

The recent purchase of territory by Congress from Texas, as low down as 32 degrees on the Rio Grande, also indicates that the boundaries of the slaveholding States are fixed, and our doom proscribed, so far as it depends upon the will of a dominant majority, and nothing now can save us from a degraded destiny but the spirit of freemen who know their rights and are resolved to maintain them, be the consequences what they may.

We have no powers that are binding upon the States we represent. But in order to produce system and concerted action, we recommend the following resolutions, viz:

*Resolved*, That we have ever cherished, and do now cherish a cordial attachment to the constitutional Union of the States, and that to preserve

and perpetuate that Union unimpaired, this Convention originated and has now re-assembled.

*Resolved*, That the Union of the States is a Union of equal and independent sovereignties, and that the powers delegated to the Federal Government, can be resumed by the several States, whenever it may seem to them proper and necessary.

*Resolved*, That all the evils anticipated by the South, and which occasioned this Convention to assemble have been realized, by the failure to extend the Missouri line of Compromise to the Pacific Ocean; by the admission of California as a State; by the organization of Territorial Governments for Utah and New Mexico, without giving adequate protection to the property of the South; by the dismemberment of Texas; by the abolition of the slave trade and the emancipation of the slaves carried into the District of Columbia for sale.

*Resolved*, That we earnestly recommend to all parties in the slaveholding States, to refuse to go into, or countenance any National Convention, whose object may be to nominate candidates for the Presidency and Vice-Presidency of the United States, under any party denomination whatever, until our constitutional rights are secured.

*Resolved*, That in view of these aggressions, and of those threatened and impending, we earnestly recommend to the slaveholding States, to meet in Congress or Convention, to be held at such time and place as the States desiring to be represented, may designate, to be composed of double the number of their senators and representatives in the Congress of the United States, entrusted with full power and authority to deliberate and act with the view and intention of arresting farther aggression, and if possible, of restoring the constitutional rights of the South, and if not to provide for their future safety and independence.

*Resolved*, That the President of this Convention be requested to forward copies of the foregoing preamble and resolutions to the Governors of each of the slaveholding States of the Union, to be laid before their respective Legislatures at their earliest assembling.

CHARLES J. McDONALD, *President*.

REUBEN CHAPMAN, *Vice-President*.

E. G. EASTMAN, *Secretary*.

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## IN THE HOUSE OF REPRESENTATIVES.

### RESOLUTIONS TO SEND DELEGATES TO THE NASHVILLE CONVENTION.

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The Joint Committee on the State of the Republic, to whom were referred certain Resolutions of the members of the Legislature of the State

of South Carolina, and other resolutions introduced in the House of Representatives of this General Assembly, relative to a proposed convention of the people of the slaveholding States, recommend the adoption of the following resolutions:

*Resolved 1st.* That this General Assembly regard most favorably the recommendation emanating from the people of Mississippi—that the people of the slaveholding States, meet in convention at Nashville, on the first Monday in June next, as eminently conducive to harmonious and efficient action among them in defence of the Institutions of Slavery, and all the rights incident thereto, guarantied by the letter, and by the spirit of the Constitution.

*Resolved 2d.* That both branches of the General Assembly will meet in the Representative Hall on Thursday next, at 11 o'clock, for the purpose of sending four delegates from the State at large to the Nashville Convention.

*Resolved 3d.* That we recommend to the people of this State, to send two delegates from each of their Congressional Districts of this State to said Nashville Convention, to be elected on the first Tuesday in April next, by the people of said Districts, and that His Excellency the Governor, by his Proclamation to the people of this State, make known the day of election herein designated, to be held as elections are for members of the Legislature; and that the returns of the elections so held by the people, shall be made to the Governor as elections for members of Congress by the people are, and upon the returns so made, His Excellency the Governor, shall by his Proclamation, make known the persons so elected; and in the event any of the delegates so elected shall refuse to accept the appointment by the fifteenth of May, or if any vacancy shall in any manner occur, then the Governor shall be and he is hereby requested to fill such vacancy by appointment from whichever party the vacancy shall happen.

*Resolved 4th,* That in the election of delegates to the Convention, we would recommend that the same be done by the election of an equal number from each political party in the several counties in this State.

*Resolved 5th.* That His Excellency, the Governor, be requested to forward a copy of these resolutions to the Executive of each slaveholding State, to be laid before the Legislature of each State.

Agreed to, Feb. 4th, 1850.

JOHN W. ANDERSON,

Speaker of the House of Representatives.

[Attest.] B. K. HARRISON, Clerk of the House of Representatives.

*In Senate*, Concurred in Feb. 5th, 1850.

W. B. WOFFORD,

President of the Senate.

[Attest.] LUTHER J. GLENN, Secretary of the Senate.

Assented to 6th February, 1850.

GEO. W. TOWNS, Governor.

## IN THE HOUSE OF REPRESENTATIVES,

*January 26, 1850.*

**WHEREAS**, The people of the non-slaveholding States have commenced, and are persisting in a system of encroachment upon the Constitution and the rights of a portion of the people of this Confederacy, which, is alike unjust and dangerous to the peace and perpetuity of our cherished Union. Be it

1. *Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly convened*, That the Government of the United States is one of limited powers, and cannot rightfully exercise any authority not conferred by the Constitution.

2. *Resolved*, That the Constitution grants no power to Congress to prohibit the introduction of slavery into any territory belonging to the United States.

3. *Resolved*, That the several States of the Union acceded to the Confederacy upon terms of perfect equality, and that the rights, privileges, and immunities secured by the Constitution, belong alike to the people of each State.

4. *Resolved*, That any and all Territory acquired by the United States, whether by discovery, purchase, or conquest, belongs in common to the people of each State, and thither the people of each State and every State have a common right to emigrate with any property they may possess, and that any restriction upon this right, which will operate in favor of the people of one section to the exclusion of those of another, is unjust, oppressive, and unwarranted by the Constitution.

5. *Resolved*, That slaves are recognized by the Constitution as property, and that the Wilmot Proviso, whether applied to any territory at any time heretofore acquired, or which may be hereafter acquired, is unconstitutional.

6. *Resolved*, That Congress has no power either directly or indirectly, to interfere with the existence of slavery in the District of Columbia.

7. *Resolved*, That the refusal on the part of the non-slaveholding States to deliver up fugitive slaves, who have escaped to said States, upon proper demand being made therefor, is a plain and palpable violation of the letter of the Constitution, and an intolerable outrage upon Southern rights, and that it is the imperative duty of Congress to pass laws providing for the enforcement of this provision of the Constitution, by Federal, Judicial and Ministerial officers responsible to the Federal Government.

8. *Resolved*, That in the event of the passage of the Wilmot Proviso by Congress, the abolition of slavery in the District of Columbia, the admission of California as a State, in its present pretended organization, or the continued refusal of the non-slaveholding States to deliver up fugitive slaves as provided in the Constitution, it will become the immediate and imperative duty of the people of this State to meet in Convention, to take into consideration the mode and measure of redress.

9. *Resolved*, That the people of Georgia entertain an ardent feeling of devotion to the Union of these States, and that nothing short of a persistence in the present system of encroachment upon our rights by the non-slaveholding States, can induce us to contemplate the possibility of a dissolution.

10. *Resolved*, That His Excellency the Governor be requested to forward copies of these resolutions to each of our Senators and Representatives in Congress, to the Legislatures of the several States, (except Vermont and Connecticut,) and to the President of the United States.

Read and agreed to.

JOHN W. ANDERSON,

Speaker of the House of Representatives.

[Attest.] B. K. HARRISON, Clerk of the House of Representatives.

*In Senate.*

Concurred in.

W. B. WOFFORD,

President of the Senate.

[Attest.] LUTHER J. GLENN, Secretary of the Senate.

Assented to 8th February, 1850.

GEO. W. TOWNS,

Governor.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

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EXECUTIVE DEPARTMENT,

PROVIDENCE, R. I., Feb. 25, 1850.

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 obedient servant,

HENRY B. ANTHONY.

*His Excellency, the Governor  
of the State of Delaware, Dover, Del.*

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IN GENERAL ASSEMBLY, JANUARY SESSION, A. D. 1850.

*Resolved by the General Assembly of the State of Rhode Island and Providence Plantations,* That the people of this State retain, with unchangeable fidelity, that attachment to the principles of freedom which has distinguished their whole history; that, having long since abolished slavery within their own borders, they look with gratification and hope to the time when it shall be abolished in the States of our confederacy and throughout the world.

*Resolved,* That the General Assembly having often heretofore expressed its opinion upon the subject of slavery, have full confidence that our Senators and Representatives will use all honorable means to carry into effect the wishes of the people of this State, by aiding to abolish slavery and the slave-trade in all places within the jurisdiction of Congress, and by using their influence to prevent its extension to territories now free.

*Resolved,* That we welcome into the Confederacy the new State which has just been formed upon the western confines of our Republic; and that, in our opinion, any attempt to exclude her from the Union because she has of her own free will prohibited slavery, will be a violation of the true spirit of the constitution, which leaves the subject of slavery in every State to the exclusive control of the people thereof.

*Resolved,* That we believe the preservation of the Union of these States to be important not only to the happiness, honor, and interest of our own country, but to the progress of the principles of republican government throughout the world; and that it is the duty of every patriot and philanthropist to contribute to its preservation by all means not involving a sacrifice of honor or principle, or a violation of our national constitution.



*Resolved*, That all questions which threaten the harmony of our Confederacy should be approached in a spirit of mutual forbearance, and with the consideration that the preservation of our Union is of paramount importance to all temporary or local interests.

*Resolved*, That His Excellency the Governor be requested to cause copies of these resolutions to be communicated to our Senators and Representatives in Congress, and to the Governors of the several States.

A true copy—Witness,

CHRIS. E. ROBBINS,  
*Secretary of State.*

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STATE OF CONNECTICUT.

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EXECUTIVE DEPARTMENT, }  
December 1st, 1849. }

SIR,

I have the honor to transmit to you the accompanying Resolutions, adopted by the General Assembly of this State, at its session in May last.

I am, Sir,

With great respect,

Your obedient servant,

JOS. TRUMBULL.

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

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STATE OF CONNECTICUT.

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GENERAL ASSEMBLY,  
*May Session, 1849.*

Whereas, His Excellency the Governor, has submitted to the consideration of this General Assembly certain resolves of the Legislatures of Virginia, South Carolina and Missouri, in which the power of Congress to legislate on the subject of Slavery in the territories of the United States in the District of Columbia, is explicitly and positively denied.

And whereas, many persons, residing in the slaveholding States, show a settled intention to force the establishment of slavery in the territories of New Mexico and California, and to perpetuate its existence in the District of Columbia:

And whereas, in view of all these facts, we regard it as the duty of each State in the Union, to proclaim its opinions on the momentous subjects

in question, in the most solemn manner, to the other members of the confederacy, and to the world. Now, therefore,

*Resolved*, That Congress has full constitutional power to prohibit slavery in the territories of the United States, by legislative enactment, and that it is the duty of Congress to pass, without unnecessary delay, such strict and positive laws, as will effectually shut out slavery from every portion of the territories of New Mexico and California.

*Resolved*, That the existence of slavery and the slave trade, in the District of Columbia, is a national disgrace which Congress has full constitutional power to remove, and that Congress should use this power, without unnecessary delay.

*Resolved*, That this General Assembly, for and in behalf of the people of Connecticut, hereby publicly and solemnly avow their determination to adhere to and abide by, the compromises contained in the Constitution of the United States, relating to slavery, to the letter, and in the spirit of the same; but that they will oppose, in all constitutional and proper ways, any and every measure of compromise, by which any portion of our free territory may be given up to the encroachments of slavery.

*Resolved*, That this General Assembly, for and in behalf of the people of Connecticut, while solemnly declaring their purpose to use every constitutional and proper effort to resist the extension of slavery into the territories, and the further extension of its influence into the councils of the Federal Government, do as solemnly avow their attachment to the Federal Union, and their determination to stand by its integrity, at all hazards, and to the last moment.

*Resolved*, (in the language of North Carolina,) That we believe the people of Connecticut, of all parties, are devotedly attached to the union of the United States; that they regard it as a main pillar in the edifice of real independence; the support of tranquility at home, of peace abroad; of safety, of prosperity, and of that very liberty they so highly prize; that they cherish a cordial, habitual and immoveable attachment to it, and that they watch for its preservation with jealous anxiety; that they believe it is the duty of their public servants to discountenance whatever may suggest even a suspicion that it can, in any event, be abandoned, and to "repel indignantly every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

*Resolved*, That, in resisting the extension of slavery, we do not make a sectional issue, or oppose the interests of the people of the South, inasmuch as a very large majority of the white inhabitants of the slaveholding States are non-slaveholders, who need and should enjoy the privilege of emigrating to the new territories, without being followed by an institution which is every way hostile to freedom, and which so effectually contributes to degrade the toil and debase the life of the free laborer.

**Resolved,** That our Senators in Congress are hereby strictly instructed, and that our Representatives in Congress are earnestly requested, to vote, in every stage of the question, in favor of the incorporation of the fundamental principles of the Jeffersonian ordinance of 1787, into any acts of Congress establishing territorial governments over New Mexico and California: to vote always, and in every stage of the question, for the abolition of slavery and the slave trade in the District of Columbia; and to vote always, and in every stage of the question, against the admission of another slaveholding State in the Federal Union.

**Resolved,** That the Governor be requested to transmit a copy of these resolutions to the Governor of each State in the Union, and also a copy to each of our Senators and Representatives in Congress.

HOUSE OF REPRESENTATIVES, June 19th, 1849—Passed.

C. W. PHILLEO, *Clerk.*

SENATE, June 20th, 1849—Passed.

H. B. GRAVES, *Clerk.*

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OFFICE OF SECRETARY OF STATE,

*Hartford, December 1st, 1849.*

I hereby certify that the above is a true copy of the original Resolutions, on file in this office.

ROGER H. MILLS,

*Secretary of State.*

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STATE OF VERMONT.

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EXECUTIVE DEPARTMENT,

MONTPELIER, Vt., Nov. 13, 1849.

*His Excellency,*

*The Governor of Delaware.*

SIR:—I have the honor to transmit to you the accompanying resolutions relating to the subject of slavery, recently adopted by the General Assembly of this State, to the end that your Excellency may cause them to be laid before the Legislature of the State over which you preside.

I have the honor to be,

With considerations of high respect,

Your obedient servant,

CHARLES COOLIDGE,

*Governor.*

By the Governor.

GEORGE F. HOUGHTON, *Secretary.*

*Resolutions relating to the subject of Slavery.*

*Resolved by the Senate and House of Representatives,* That slavery is a crime against humanity, and a sore evil in the body politic, that was excused by the framers of the Federal Constitution as a crime entailed upon the country by their predecessors, and tolerated solely as a thing of inexorable necessity.

*Resolved,* That the so called "compromise of the Constitution" restrained the Federal Government from interference with slavery only in the States in which it then existed, and from interference with the Slave Trade only for a limited time, which has long since expired; and that the powers conferred upon Congress by the Constitution to suppress the slave trade, to regulate commerce between the States, to govern the Territories, and to admit new States,—powers conferred with an express intention "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,"—may all rightfully be used so as to prevent the extension of slavery into territory now free, and to abolish slavery and the slave trade wherever it exists under the jurisdiction of Congress.

*Resolved,* That our Senators and Representatives in Congress be requested to resist, by all and every constitutional means, the extension of Slavery in any manner, whether by the annexation to slaveholding Texas of Territory now free, or by the admission to the Union of territory already acquired, or which may be hereafter acquired, without an express prohibition of slavery, either in the Constitution of each new State asking admission, or in the act of Congress providing for such admission.

*Resolved, further,* That our Senators and Representative in Congress be requested to support every just and prudent measure for the exclusion of Slavery from the District of Columbia; for the entire suppression of the slave trade on the high seas, and wherever else Congress has jurisdiction; and generally to relieve the Federal Government from all responsibility for the existence, maintenance, or tolerance of Slavery, or the traffic in slaves.

*Resolved, further,* That our Senators in Congress be instructed and our Representatives requested to use their exertions for the speedy organization of a Territorial Government for New Mexico and California, with a provision forever excluding involuntary servitude, except for crime, therefrom.

*Resolved,* That the Governor be requested to furnish a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to the Governor of each State in the Union.

Approved, November 12th, 1849.

## STATE OF VERMONT.

SECRETARY OF STATE'S OFFICE, }  
 Montpelier, Nov. 14, 1849. }

I hereby certify that the foregoing are correct copies of Resolutions on file in this office.

FERRAND F. MERRILL,  
*Secretary of State.*

EXECUTIVE DEPARTMENT,  
 MONTPELIER, Nov. 13, 1850.

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

SIR—

I have the honor to transmit to you the accompanying resolutions relating to the subject of peace, recently adopted by the General Assembly of this State, to the end that your Excellency may cause them to be laid before the Legislature of the State over which you preside.

I have the honor to be,

With considerations of high respect,

Your obedient servant,

CH. K. WILLIAMS.

By the Governor.

R. F. ANDREWS, *Secretary.*

*Resolutions for the promotion of Peace.*

1. *Resolved by the Senate and House of Representatives*, That our Senators and Representatives in Congress be requested to press upon the consideration of their respective Houses, with as little delay as may be, the propriety of a joint resolution, requesting the President of the United States to propose to all nations, with whom we have regular diplomatic intercourse, the establishment of a permanent Board to settle all international disputes or claims.

2. *Resolved*, That the Governor be requested to forward a copy of these resolutions to the President of the United States, and to the Executive of each of the States of the Union, inviting the latter to lay the same before their respective Legislatures, and request their co-operation.

## STATE OF VERMONT.

SECRETARY OF STATE'S OFFICE, }  
 Montpelier, Nov. 14, 1850. }

I hereby certify that the foregoing are correct copies of Resolutions adopted by the General Assembly of this State, on file in this office.

FERRAND F. MERRILL,  
*Secretary of State.*

## STATE OF INDIANA.

INDIANAPOLIS, Indiana, Dec. 3, 1850.

SIR—

I have the honor to transmit herewith a copy of a Preamble and Resolutions this day adopted by the delegates of the people of the State of Indiana, assembled in Convention to take into consideration the organic law of said State.

Very respectfully,

WM. H. ENGLISH, *Secretary.*

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

**WHEREAS**, The Congress of the United States passed at its last session, a series of Acts, commonly called the Compromise Measures :  
 And whereas, certain misguided individuals, in various States of the Union, have expressed their determination to resist a portion of its laws :  
 Therefore,

*Be it Resolved*, That, in the opinion of this Convention, the common sentiment of the people of Indiana sustains and endorses, in their general features and intention, the said series of Compromise measures as passed by Congress, and recognizes, in the success of these measures, an earnest of security and perpetuity to our glorious Union.

*Resolved*, That whatever may be the opinions of individuals as to the wisdom or policy of the details of one, or any of the acts of Congress above referred to, it is the duty of all good citizens to conform to their requisitions, and to carry out, in good faith, the conditions of that compromise on the subject of domestic slavery which is coeval with the Federal Constitution.

*Resolved*, That a copy of this Preamble and Resolutions be transmitted to the Governors of each State and Territory of the United States, and to each of our Senators and Representatives in Congress.

## RESOLUTIONS ON THE SUBJECT OF SLAVERY.

*Resolved by the General Assembly of the State of Missouri:*

1st, That the Federal Constitution was the result of a compromise between the conflicting interests of the States which formed it; and in no part of that instrument is to be found any delegation of power to Congress, to legislate on the subject of Slavery; excepting some special provisions having in view the prospective abolition of the African slave trade, and for the recovery of fugitive slaves; any attempt therefore, on the part of Congress, to legislate on the subject, so as to affect the institution of slavery in the States, in the District of Columbia, or the Territories, is, to say the least, a violation of the principle upon which that instrument was founded.

2d. That the Territories acquired by the blood and treasure of the whole nation, ought to be governed for the common benefit of the people of all the States; and any organization of the Territorial governments, excluding the citizens of any part of the Union, from removing to such Territories with their property, would be an exercise of power by Congress, inconsistent with the spirit upon which our Federal compact was based; insulting to the sovereignty and dignity of the States, thus affected; calculated to alienate one portion of the Union from another, and tending ultimately to disunion.

3d. That this General Assembly, regard the conduct of the Northern States, on the subject of slavery, as releasing the slaveholding States from all further adherence to the basis of compromise, fixed on by the act of Congress, of the 6th of March, 1820; even if such act ever did impose any obligation upon the slaveholding States, and authorizes them to insist upon their rights under the Constitution; but for the sake of harmony, and for the preservation of our Federal union, they will still sanction the application of the principles of the "Missouri compromise," to the recent Territorial acquisitions, if, by such concession, future aggressions upon the equal rights of the States may be arrested, and the spirit of anti-slavery fanaticism be extinguished.

4th. The right to prohibit slavery in any Territory belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a State Government, or in their sovereign capacity as an independent State.

5th. That in the event of the passage of any act of Congress, conflicting with the principles herein expressed, Missouri will be found in hearty co-operation with the slaveholding States, in such measures as may be deemed necessary for our mutual protection against the encroachments of northern fanaticism.

6th. That our Senators in Congress be instructed, and our Representatives be requested to act in conformity to the foregoing resolutions.

Resolved, By the House of Representatives, the Senate concurring therein, that the Secretary of State be required to transmit a copy of the resolutions passed at this session of the General Assembly on the subject of slavery, to the Executive of each of the States of the Union, with the request that the same be laid before their respective Legislatures; and also, a copy to each of our Senators and Representatives in Congress.

Approved March 10, 1849.

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STATE OF MISSISSIPPI.

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EXECUTIVE DEPARTMENT, }  
Jackson, March 16, 1850. }

SIR,

In compliance with one of the resolutions enclosed, I have the honor to transmit a copy of a memorial of the Legislature of the State of Mississippi, to the Congress of the United States.

Very respectfully,  
Your obedient servant,

J. A. QUITMAN.

*To His Excellency,  
The Governor of Delaware.*

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***A Memorial of the Legislature of the State of Mississippi, to the Congress of the United States.***

WHEREAS, it is represented to this Legislature that sundry Officers and Soldiers of the War of 1812, are now citizens of this Commonwealth; and whereas, the State of Mississippi recognizes the validity of their title to the gratitude of posterity; and (as one of the Confederacy to the success of whose arms they contributed,) claim her proportionate share of the National glory acquired by the brilliant achievements in which they participated; and whereas, also, it is manifestly unjust that their valor and good conduct should be forgotten and go unrewarded, in the enthusiasm excited by more recent, but not more meritorious services, therefore :

*Be it resolved by the Legislature of the State of Mississippi, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in obtaining, during the present session of the Congress of the United States, the passage of a law extending the provisions of the act of 1848, granting land or scrip to the volunteer soldiers of the late war with Mexico, to the officers and soldiers of the war of 1812.*

*And be it further resolved, That inasmuch that this is a subject which a majority, if not all of the States are concerned; the Governor of this*



State be, and he is hereby requested to transmit a copy of this Memorial and Resolutions to the Governors of all the States in the Union, and through them to the several Legislatures, with the respectful recommendation, that they take such action in the premises, as to them may seem best.

*And be it further resolved*, That copies of this Memorial and Resolutions be sent to our Senators and Representatives in Congress, with the request that they introduce the same into their respective branches, as soon as may be practicable, together with such bill or bills as they may deem necessary to carry out the wishes of this Legislature.

JOHN J. McRAE,  
Speaker of the House of Representatives.

JOHN I. GUION,  
President of the Senate, pro. tem.

Approved March 9, 1850.

JOHN A. QUITMAN.

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## STATE OF TEXAS.

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### EXECUTIVE DEPARTMENT,

AUSTIN, March 12, 1850.

*His Excellency,*

*The Governor of Delaware.*

SIR—

I have the honor to transmit to you the accompanying Resolutions relating to the subject of slavery, recently adopted by the Legislature of this State.

Very respectfully,

Your ob't. servant,

P. H. BELL,  
*Governor of Texas.*

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### *Resolutions of the Legislature of the State of Texas, on the subject of Slavery.*

*Resolved by the Legislature of the State of Texas*, That the Territories of the United States belong to the several States composing the Union, and are held by them as their joint and common property.

*Resolved*, That Congress, as the joint Agent and Representative of the Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States, acquired or to be acquired.

*Resolved*, That the enactment of any law which should directly, or by its effects, deprive the citizens of any of the States of this Union from emigrating with their property into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the Constitution, and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of the Union, and would tend directly to subvert the Union itself.

*Resolved*, That, as a fundamental principle in our political creed, a people in forming a Constitution, have the unconditional right to form and adopt the Government which they may think best calculated to secure liberty, prosperity and happiness; and that in conformity thereto, no other condition is imposed by the Federal Constitution on a State, except that its Constitution be republican, and that the imposition of any other by Congress would not only be in violation of the Constitution, but in direct conflict with the principle upon which our political system rests.

*Resolved*, That the abolition of slavery in the District of Columbia, involving, as it does, an exercise of power not granted by the Constitution, and designed, as it is, as a means of affecting the institution of slavery in the States, and against which it is aimed as a blow, should be resisted on the part of the South by whatever means are best adapted to the protection of the Constitution, the defence of herself, and the preservation of the Union.

*Resolved*, That knowing no party names or political divisions upon questions involving in their nature and consequences, the character, property and political existence of those we represent, we are prepared to make common cause with our sister States of the South in defence of the Federal Constitution; that our rights being identical, we will cordially co-operate with the rest of the South in any measure of defence of our Constitutional rights, that may be best calculated to preserve their integrity.

*Resolved*, That the Governor be required to transmit a copy of these Resolutions to the Governor of each of the States of the Union, and to each of our Senators and Representatives in Congress.

Approved, Jan. 30, 1850.

#### STATE OF TEXAS.

SECRETARY OF STATE'S OFFICE,  
Austin, March 12, 1850. }

I hereby certify that the foregoing are correct copies of Resolutions on file in this office.

JAMES WEBB, *Secretary of State.*

*Report and Proceedings of the Commissioners on the part of the States  
of Maryland, Pennsylvania and Delaware.*

WILMINGTON, DELAWARE,  
March 8th, 1850.

*To His Excellency, William Tharp,  
Governor of Delaware.*

SIR,

Pursuant to a commission issued by your Excellency on the 17th day of September, 1849, appointing me a Commissioner on the part and behalf of the State of Delaware, to act in conjunction with similar commissioners on the part of the States of Pennsylvania and Maryland, in ascertaining and marking the original boundary, or point where the three States join each other, I have the honor to inform you that the commission was closed on the 4th instant, at Washington; and herewith you will receive the joint reports of our board, and also the map and elaborate report of Lieut. Col. James D. Graham, of Corps of U. S. Topographical Engineers, which exhibit in detail that the work has been well done and done forever.

I also enclose a summary of the expenses of the commission made up by the board from vouchers and memoranda taken in the prosecution of the work. This statement does not include any compensation for Col. Graham over the per diem, for expenses due his grade.

Duly appreciating the high professional services of Col. Graham, and the alacrity with which he repaired to the field of operations, the Commissioners desired to make him, in some form, a compensation; but as the views of the board in relation thereto did not appear satisfactory to him, he has addressed to each member a letter enclosing a charge (marked D. and E.) which will amount to the sum of two thousand dollars (\$2,000) on the three States. This charge the commissioners preferred should be left to the concurrent action of the Executives, or constituted authorities of their respective States.

The Reports of the Board of Commissioners and Chief Engineer, will furnish a detailed history of all our operations, and show the important and difficult points on the western boundary of the State, which have been permanently fixed, and which may hereafter be ascertained without difficulty.

In searching for the original and official papers of the Penn's and Lord Baltimore, relating to the boundaries of the provinces of Pennsylvania and Maryland, none could be found in the archives of Delaware, notwithstanding it was stipulated in said papers, (afterwards found in the Executive Department of Maryland, at Annapolis,) that they should "be recorded in the offices of record in Maryland, Pennsylvania, and the county of New Castle."

I would, therefore, respectfully suggest to your Excellency, the propriety of urging upon the next Legislature, the necessity for procuring a certified copy thereof, or of such portions as may have a bearing upon the boundaries of our own State, to be recorded or filed as they may in their wisdom direct.

I would also state, that before proceeding with the work, the Commissioners, upon consultation, did not feel authorized, under the acts of their several Legislatures, to mark the circular boundary between Pennsylvania and Delaware, although there can be no doubt that such was the intention of the originators of the bill. The necessity for marking this line with well defined stones or monuments is obvious. No "official record" of it ever having been traced could be found by the commissioners; yet it satisfactorily appears, from a paper deposited in the hall of the Franklin Institute, at Philadelphia, by Professor J. F. Frazer, that such survey was made in pursuance of a warrant issued by William Penn, as proprietary and Governor of Pennsylvania, and the counties annexed, dated 8th mo. 28th, A. D., 1701, and directed "to Isaac Taylor of the county of Chester, in the Province of Pennsylvania, and Thomas Pierson, of the county of New Castle, in 'the territories,' surveyors." This warrant instructs the surveyors "to accompany the magistrates of each county, or any three of them, within the space of forty days after date, and in their presence to admeasure and survey a circular boundary line, struck by a radius of twelve miles from the town of New Castle as a centre; the line to be well marked, and to consist of two-thirds of a semi-circle of twelve miles radius."

It also appears by the Report of the aforesaid surveyors, dated 4 day, 10th month, 1701, that the line was run and marked by them, during the month of September, and in the presence of the following magistrates, viz: Cornelius Empson, Richard Halliwell, John Richardson, Caleb Pussey, Philip Roman and Robert Pyle, Esqrs. The centre of the circle, or beginning of the radius line was then established by the magistrates "at the end of the horse-dike next to the town of New Castle." Thence by various courses, rectified to a due North line, the surveyors produced the radius of twelve miles, terminating at a white-oak tree, marked with twelve notches, upon the land of Samuel Helm, and in a sinuosity of the Brandywine creek: thence they marked the required segment of  $120^{\circ}$ , by uniform angles of deflection from primary chords, extending east and west, and embracing the circular line from the Delaware river, on the upper side of the house of Nathaniel Sampley, to a marked hickory, standing near the western bank of the Christiana creek.

From the time which elapsed between the commencement of this survey and the date of the surveyor's report, it is to be presumed that the work was not performed with proper care and precision. In addition to this, the principles upon which a part of the survey was conducted were not of a scientific character, nor calculated to produce that accuracy which the importance of the line justly demands.

Moreover, most of the traces of the survey of 1701, have long since

been destroyed, and those which remain are only known from traditionary evidence among the citizens in the adjoining counties of the two States.

In consequence of the doubt arising from these facts, great inconvenience has been felt and loss sustained by persons owning real estate near the line, by reason of the uncertainty of titles derived from courts whose jurisdiction may not cover such property. A difficulty, too, different in character, but produced by the same course, may frequently arise upon the river Delaware. The terminus of the circular boundary on the west bank of that river not being marked, it is impossible to designate the point thereon where the jurisdiction of the State begins.

I would therefore suggest, in consideration of these facts, that your Excellency further recommend to the next Legislature, the passage of an act authorizing the surveying and marking (with permanent stones or cast iron monuments,) the circular boundary of Delaware, from the triangular stone at the intersection of the three States to the Delaware river, provided you do not consider yourself already empowered to direct it done. Such an act has been reported to the Legislature of Pennsylvania, providing that the expense shall be shared by the two States, and will probably pass at an early day.

The work which has been done, under the direction of the present commissioners, will greatly facilitate future operations, and insure that degree of accuracy which is so desirable in the boundaries of a sovereign State.

I have the honor to be,

Respectfully,

Your ob't. servant,

GEO. READ RIDDLE.

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To their Excellencies P. FRANCIS THOMAS, Governor of Maryland,  
WILLIAM F. JOHNSON, Governor of Pennsylvania, and WILLIAM  
THARP, Governor of Delaware.

CITY OF WASHINGTON,  
March 1, 1850.

The undersigned commissioners, appointed by your Excellencies in pursuance of the legislation of our respective States for ascertaining and refixing certain boundaries where the States of Maryland, Pennsylvania and Delaware join each other, beg leave to make the following report :

Early in October last we individually and in joint consultation sought the information necessary to the discharge of our duties, and, after conference in the city of Washington, saw that much science and many intricate mathematical problems were involved, that not only required the talents of men as commissioners distinguished in the annals of our country, and surveyors, to carry out the agreement of the proprietary governments, in 1760, but finally enlisted the services of those distinguished mathematicians, Messrs. Mason and Dixon.

The work before us involved the important points where the Peninsula or tangent line intersects the due north line, and where the curve on a radius of twelve English statute miles from New Castle, was required to begin; also the intersection of the said curve with the due north line or point where the three states join each other, and the intersection of the north line with the parallel of latitude; being the north-east corner of Maryland, or boundary of Pennsylvania and Maryland on the north.

Looking to the intricacy of the work, and the distinction of our predecessors, the undersigned sought through your Excellencies assistance from the General Government. The Secretary of War promptly afforded it, in the detail of Lieut. Col. James D. Graham, of the corps of Topographical Engineers, alike distinguished for the corps to which he belongs, and signal ability with which he had executed many national works.

After a full enquiry into the subject, and studious examination of the public archives at Annapolis, where alone they were to be found in preservation, and copious extracts and notes from all connected with the agreement of the proprietary governments of 1732 and 1760, by Col. Graham and the undersigned, we met Col. Graham again, in New Castle, Wilmington and Newark, Delaware, for observation, conference and reconnoissance, when, for the purpose of a proper understanding of our respective duties, the accompanying correspondence, marked A. B. and C. was had. It resulted in an experimental survey under the direction of Col. Graham, with a full corps of Assistant Engineers, and such men for field service as were required by him and approved by the undersigned.

This experimental survey the undersigned were gratified to find result-ed most satisfactorily, so far as land marks, remaining monuments, and supposed positions for some of the lost monuments were involved; and we did hope that said survey might be final and would close our labors, but the computations and platting developed great discrepancies in our work and that of the former commissioners and Messrs. Mason and Dixon, both in measurement and the true position of the tangent point. The measurement too, of the radius, or distance from the centre of New Castle to the aforesaid tangent point, involved consequences important to Maryland, Pennsylvania and Delaware, as well as the correct running of the curve, and determined us, on full consultation with Col. Graham, to prosecute a system of triangulation that would explain all discrepancies, afford accuracy to the different measurements, and supply the true distance from the steeple on the Court-house at New Castle to the aforesaid tangent point, or to any part of the said curve.

This work was entered upon and prosecuted with great diligence, and would long since have been completed but for unsettled weather which retarded the field labor, interrupted instrumental observations, and detained the engineers upon the line from the 15th day of November, to the 7th day of February. On the 8th day of February, all the field hands were discharged, and Col. Graham, with his assistants, repaired to this place to complete their computations, and make out such Report and maps of the work as would afford to all a correct view of the labor they had

encountered, and designation of an important portion of the territorial limits of our respective States.

The undersigned, having determined to meet at this place so soon as their presence was necessary to a final adjustment of accounts, and signing of maps, as well as for an interchange of views as to their joint and several reports, soon ascertained, that while their stay would expedite the result it would be marked with a delay commensurate with all their early misconceptions of the work. We are, however, gratified with the belief that constant and daily intercourse with Col. Graham has better enabled us to appreciate the continued extent of labor, and precise scientific execution that must ensure the confidence of the scientific world; all of which will be properly estimated by your Excellencies, on examining the Map and Report of the Engineers, from which we will not further withdraw your attention, and which are submitted as the result of our commission.

We have the honor to be,  
Respectfully yours,

H. G. S. KEY,  
*Commissioner on the part of Maryland.*

JOSHUA P. EYRE,  
*' Commissioner on the part of Pennsylvania.*

GEO. READ RIDDLE,  
*Commissioner on the part of Delaware.*

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(A.)

WILMINGTON, Delaware,  
November 12, 1849.

To Lieut. Col. J. D. GRAHAM, of the  
U. States Topographical Engineers.

SIR—

The undersigned commissioners on the part of the States of Maryland, Pennsylvania and Delaware, appointed for the ascertainment of the boundary, or point of intersection where the said States join each other, and such other boundaries of the said States as are necessary to accuracy in refixing and establishing the same, are ready under your assistance to proceed with the work; and looking to your experience for the mode or instructions by which the field operations are to be conducted, ask you to furnish "a detailed plan" thereof for the approval of the board, and accomplishment of the purposes of our respective States.

Permit us further to add, that if found necessary to accuracy in ascertaining the above point, it is our purpose to refix such stones as may be broken or lost with new stones or monuments, particularly at the following point, viz :

1. The beginning of the curve or north end of the tangent line.
2. The meridian of the curve between Delaware and Maryland.

3. The point or place of intersection of the due north line and said curve, being the point of intersection of the three States; and

4. The north end of the aforesaid due north line, or intersection of said line with the east and west line of "Mason and Dixon," being "a parallel of latitude fifteen English statute miles south of the most southern part of the city of Philadelphia," and the boundary of Pennsylvania and Maryland on the north.

Respectfully,

H. G. S. KEY,

*Commissioner on the part of Maryland.*

JOSHUA P. EYRE,

*Commissioner on the part of Pennsylvania.*

GEO. READ RIDDLE,

*Commissioner on the part of Delaware.*

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(B.)

NEWARK, Delaware,

November 15, 1849.

GENTLEMEN—

I have the honor to acknowledge the receipt, on the 12th inst., of your joint communication of that date requesting me to present, for the approval of your board, "a detailed plan of operations for the ascertainment of the boundary, or point where the States of Maryland, Pennsylvania and Delaware join each other, and such other boundaries of the said States as are necessary to accuracy in refixing and establishing the same."

Having in company with your board, made an examination of a portion of the boundaries extending from the north-east corner of Maryland, two or three miles south of the tangent point, a point of contact of peninsular line with the periphery circle of twelve miles radius from the centre of New Castle, I now, respectfully submit to you the following suggestions:

It appears that the junction of the boundaries of the three States, is at the northern intersection of the above named circle with the meridian line running due south from the north-east corner of Maryland, and that the said meridian line again intersects this circle at a point one mile and seven hundred and ninety-three yards and 3-10th feet due south of the preceding point. This last mentioned point is the *tangent point* or point of contact of the peninsular line with the said circle.

If this tangent point can be identified with certainty upon the ground, having the direction of the tangent line well marked by monuments already found, the portion of the circle in question can very readily be traced and continued until its chord shall coincide with the meridian line already named, which will give the point required.



If the stone which was originally placed to mark the tangent point is missing, it will be desirable to find that point, and replace the stone monument upon it as a point of beginning to trace the curve.

This may be done by prolonging the direction of the tangent line deduced from any two monuments found upon it, until the direction of a line perpendicular to it shall pass through the centre of the circle of twelve miles radius, which is understood to be the steeple of the court-house at New Castle; or this tangent point, and also the point of junction of the three States may be fixed by prolonging trigonometrically the true meridian direction, from the north-east corner of Maryland due south until the required distances, obtained from the original surveys of Messrs. Mason and Dixon, of three miles and nine hundred and ninety-nine, nine-tenths yards, and five miles and thirty-three yards from the said north-east corner of Maryland shall be reached.

The meridian direction must, in that case, be obtained by astronomical observations with a transit instrument and good chronometers, and the triangulation be executed with a good theodolite, adapted to nice geodetic operations, all of which I already have at my command.

But the first step in the operation I conceive to be, to cause a rapid experimental survey to be made with the chain and small transit theodolite, that shall lay down all the monuments now existing from some point one or two miles south of the tangent point to the north-east corner of Maryland. When this survey is plotted, we shall be enabled to show all the monuments now existing on the ground, and by comparing their distances apart, with those given in the notes of survey of Messrs. Mason and Dixon, to ascertain what monuments, if any, are missing; and then we shall be enabled to ascertain likewise with precision, according to the most applicable of the methods above suggested, the points they should occupy, and hence proceed to erect them under your immediate supervision.

If it meet your approbation, we will proceed at once with the preliminary survey.

I remain, Gentlemen,

Very respectfully,

Your ob't. serv't.,

J. D. GRAHAM,

*Lt. Col. Top'l. Eng'rs.*

To Messrs. H. G. S. KEY,

JOSHUA P. EYRE,

GEO. READ RIDDLE,

*Commissioners, &c. &c.*

(C.)

NEWARK, Delaware.

November 15, 1849.

To Lieut. Col. J. D. GRAHAM, of the  
U. States Topographical Engineers.

SIR—

We have duly received and considered your communication of this day in reply to ours of the twelfth instant, dated at Wilmington, and take pleasure in saying that we concur in your views and plans for the operations necessary to the purposes of our respective States.

The extent of work intimated in your communication is about what we presumed was indispensable to accuracy, from our early examination of the archives of our States, connected with the operations of Messrs. Mason and Dixon, and the observations we had made in a previous examination of much of the lines that might be the field of our labors; and that the main points may be so marked with a view to future permanency, we propose to mark with stations or monuments as follows :

1. The tangent point, or north end of the tangent line, shall be marked with the letters TANGENT, and with the letter M. on the side next to the State of Maryland, and the letter D. on the side next to the State of Delaware.
2. That the meridian of the curve shall be marked on the side next to the State of Maryland with the letter M, and shall be oval, on that side, and shall be marked on the side next to the State of Delaware with the letter D.
3. The point or place of intersection of the due north line and the curve, being the point of intersection of the three States shall be marked with a stone of triangular shape, and the letters M. P. and D. on the sides towards the respective States of Maryland, Pennsylvania and Delaware, and also with the names of the commissioners on some side thereof.
4. The north end of the aforesaid due north line, or intersection of said line with the east and west line of Mason and Dixon, being the boundary between Pennsylvania and Maryland on the north, shall be marked as follows : on the sides next to the State of Maryland with the letter M., and on the sides next to the State of Pennsylvania with the letter P.

We also propose that all the said stones or monuments shall have 1849 inscribed on some side thereof, and be planted at least four feet deep in the ground, and shall show at least thirty inches above the ground.

We beg leave further most respectfully to suggest, that the progress of

your operations may present modifications which will be considered by you and ourselves with due regard to the objects to be attained.

We have the honor to be,  
Respectfully yours,

H. G. S. KEY,  
*Commissioner on the part of Maryland.*

JOSHUA P. EYRE,  
*Commissioner on the part of Pennsylvania.*

GEO. READ RIDDLE,  
*Commissioner on the part of Delaware.*

## COL. GRAHAM'S REPORT.

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WASHINGTON, February 27, 1850.

To Messrs. H. G. S. KEY, JOSHUA P. EYRE and GEORGE READ RIDDLE,  
Commissioners for adjusting and re-fixing certain parts of the boundaries  
of the States of Maryland, Pennsylvania and Delaware.

GENTLEMEN—

Having been invited by you in November last to conduct the surveys and examinations necessary to the elucidation and adjustment of certain portions of the conterminous boundaries of your respective States, known as "Mason and Dixon's line," for which purpose you were appointed commissioners, by the Governors of those States, under authority of recent legislative enactments, I have the honor now, in pursuance of a conference with you upon the subject, to lay before you a report showing all that has been done in the field, and which will serve to show and enable you to decide what more ought to be done, by authority of further legislation, to complete the demarcation of the boundaries of two of these conterminous States; namely, Pennsylvania and Delaware.

As soon as the maps showing the surveys we have already made, can be completed, which I understand you wish to lay before your respective State authorities with as little delay as possible, I propose to make a more full report, embracing such notices as will present a general view of the scientific operations of Messrs. Mason and Dixon, and of their predecessors, in tracing the various lines which now constitute important portions of the boundaries of those States. This report will be duly communicated to you when completed.

In pursuance of authority from the Bureau of Topographical Engineers, I repaired on the 30th of October last to Annapolis to confer with the Governor of Maryland in reference to the duty which relates to the verification of certain points in the boundary between the States of Maryland, Delaware and Pennsylvania, and to investigate the notes of Mason and Dixon, which were understood to be in the archives of the State of Maryland.

These documents, together with the articles of agreement between Charles Lord Baltimore and the heirs and successors of William Penn, of the 10th day of May, 1732, and of the subsequent agreement between Frederick, Lord Baltimore, and Thomas and Richard Penn, the surviving heirs of William Penn, entered into the 4th of July, 1760, and also the records of the proceedings of their commissioners and surveyors, from

time to time duly appointed, all in manuscript, were placed at my disposal by His Excellency Philip F. Thomas, Governor of Maryland. These manuscripts embrace a period of near thirty-seven years, namely, from May 10th 1732, to the end of the year 1768. From them such extracts and brief minutes were made as were deemed requisite to a proper understanding of the lines to be examined.

The articles of agreement finally entered into between the parties, and their instructions to their commissioners, define clearly the lines of boundary between the then provinces of Maryland and Pennsylvania in conformity to the memorable decree of Lord Chancellor Hardwicke, pronounced the 15th of May, 1750, which set at rest for a time, and was the basis of the final settlement of a dispute that had lasted many years between the proprietaries as well as the border inhabitants of these two provinces.

Without quoting these articles at length, it will be sufficient here to state that the boundary between the two provinces was thus required to be run, namely: to begin at Cape Henlopen, and run a line due west to a point midway between that cape and the shore of Chesapeake bay.

From this middle point a line was to be run northerly in such direction that it should be tangent to a circle whose centre was decided to be the centre of the Court-house\* at New Castle, and whose radius should be twelve English statute miles measured horizontally. From the tangent point of contact of the northerly line with the periphery of the circle, the line was to be continued due north until it should reach a point fifteen English statute miles, measured horizontally, south of the parallel of latitude of the most southern point of the city of Philadelphia. †

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\* See the old parchment containing the agreement of May, 1760; and the instructions from the commissioners to the surveyors, given at New Castle the 7th of November, 1761, contained in the proceedings of the commissioners in manuscript at Annapolis. They specify the exact point for the centre of the circle as well as the length of and manner of tracing out the radius.

† The following is an extract from the proceedings of the commissioners, convened at Philadelphia, under date of December 3, 1763: "The commissioners met according to adjournment. Present as yesterday, and also Benjamin Chew, Esq., another of the commissioners from Pennsylvania. The commissioners having in consequence of their agreement of yesterday, requested the Mayor and Recorder, and some of the persons appointed to lay out lots and regulate water courses in the streets of the said city, which office requires that they should be men well acquainted with the exact situation of the several streets and the dimensions of the several squares and lots of ground therein, to show them which is the most southern part thereof. The said Mayor and Recorder, and two of the said regulators, to wit: Alderman Rhodes and Mr. Jacob Lewis, went

From the north extremity of the said due north line, a line was to be run due west, continuing upon a parallel of latitude until the western limits of Maryland and Pennsylvania should respectively be reached, which, in the case of Pennsylvania was defined to be five degrees of longitude west of the river Delaware.

The conclusion of the eighth article of the agreement of 1732, which is incorporated into the instructions of Lord Baltimore and John, Thomas and Richard Penn, to their respective commissions, dated the 12th of May, 1732, and repeated in all the subsequent instructions, provides that "in case said north line from the tangent of the circle of New Castle shall break in upon the said circle, in such case, so much of the said circle as shall be cut off by the said line, shall belong to, and be part of the county of New Castle." \*

In pursuance of the decree of 1750, commissioners and surveyors were

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with the commissioners and Messrs. Mason and Dixon, to the street called Cedar or South street, the south side of which street the said Mayor, Recorder and regulators informed the commissioners is, and as they verily believe ever has been, from the time the said city was first laid out, deemed and taken to be the southern boundary and limit thereof, and to which boundary the Mayor, Recorder and Aldermen of the said city have constantly exercised jurisdiction, by which information and a view of some old deeds that were produced by persons possessed of lots bounding on the said Cedar street, and of a plot of the said city, the commissioners were all satisfied that the north wall of the house at this time occupied by Thomas Plumsted and Joseph Huddle, is the most southern part of the said city of Philadelphia. The commissioners then adjourned to Monday morning, at ten o'clock.

J. RIDOUT,	JAMES HAMILTON,
JNO. LEEDS,	RICHARD PETERS,
JOHN BARCLAY,	BENJAMIN CHEW,
GEO. STEWART,	WM. COLEMAN,
DAN. OF ST. THOS. JENIFER,	JNO. EWING."

*Note 2.*—The latitude of the north wall of this house, occupied in 1763 by Thomas Plumsted and Joseph Huddle, was determined by Messrs. Mason and Dixon, from astronomical observations, in 1763-64, with a zenith sector, to be  $39^{\circ} 56' 29''$ . The point, fifteen English statute miles due south of that parallel, was computed by Messrs. Mason and Dixon, to be in latitude  $39^{\circ} 43' 18''$ . From our knowledge of the dimensions and figure of the earth, we should at this day compute it to be in latitude  $39^{\circ} 43' 26''$ .

\* It seems to have been doubtful when these articles were drawn, whether the direction of the tangent line would be north-westerly or north-easterly from the middle point of the west line run from Cape Henlopen to the shore of the Chesapeake bay.

appointed to run the required lines. In 1751, a line was traced due west from Cape Henlopen to the shore of Chesapeake bay, and its length ascertained, by measuring with a chain, to be sixty-nine miles and two hundred and ninety-eight perches. At the distance of sixty-six miles and twenty-four and one-half perches from the point of beginning, Slaughter's creek was reached, and here Lord Baltimore's commissioners contended the line should end; but those on the part of the Penns insisted that it should be extended to the eastern verge of the bay.

In April, 1751, Charles Lord Baltimore died, and the demarcation of the boundary was suspended. His heir and successor, Frederick Lord Baltimore raised objections to the decree of 1750, and determined to resist its execution, which brought on a new controversy between the proprietaries. Before a decree was had upon it, an agreement was entered into between the parties on the 4th of July, 1760, which in fact adopted the points that had been previously settled by the agreement of May 10th 1732, and the decree of May, 1750, as to the lines defining the boundaries. The proceedings of the former commissioners were also recognized by this agreement, and confirmed by it so far as they were conclusive. Cape Henlopen was determined to be the point previously fixed upon as marking this cape, and the termination of the due west line from thence across the peninsula was decided to be that which had been contended for by the commissioners of Pennsylvania; and the middle point of that line, from whence the tangent line was to start, was decided to be thirty-four miles and three hundred and nine perches from the point of beginning at Cape Henlopen.

At the middle point of this peninsular line, a boundary stone was to be planted at their joint expense, marked on the south and west with the arms of Lord Baltimore, and on the north and east with the arms of the Penn family, graven thereon.

Commissioners were required to be appointed by each of the parties within thirty days after the execution of this agreement, to carry its provisions into effect. This was accordingly done, and the said commissioners met at New Castle the 19th of November, 1760, and immediately entered upon the discharge of the duties committed to them.

The lines, as they were traced and approved by the commissioners, were marked and defined by posts of cut stone about four feet long and ten to twelve inches square, placed at the distance of one mile apart. These stones were prepared in England, and sent over to America from time to time, as the lines progressed. Every fifth mile stone was engraved with the arms of Lord Baltimore on the side facing towards Maryland, and with the arms of the Penn family on the side facing towards Pennsylvania.

The agreement of 1732, stipulated, and it was ordered in the decree, by the Lord High Chancellor, that the bounds should be marked with the arms of the proprietaries on the sides facing towards their respective territories.

The other mile stones were engraved with the letter M. on the sides facing Maryland, and with the letter P. on the sides facing Pennsylvania.

From November, 1760, to the latter part of October, 1763, the commissioners and surveyors were laboring in attempts to trace out the radius of twelve miles, and the tangent line from the middle point of the west line across the peninsula. The measurements were all made with a chain of sixty-six feet, divided into one hundred links, except alone that a triangulation was extended a short distance from the court-house at New Castle, in running out the radius, in order that the true point of departure should be the steeple or centre of that building which could not be reached with the chain. The surveyors were required to compare their chains with a standard measure as often as might be necessary to reduce the chaining to accurate measure.

Several experiments were made to approximate to a proper junction of the radius of the twelve miles, with a true tangent line, from the middle post. In this protracted, tedious and expensive operation, vistas were required to be opened along all the lines traced through the dense forest that then overspread the country.

The rectilinear directions were attempted to be preserved by setting up poles or staves in line, as the work progressed.

As late as the 21st of October, 1763, no practical solution of this problem had been effected, although, as was afterwards ascertained, a close approximation to the true tangent point had been reached.

### M

A post marked XII had been planted at the extremity of a line traced for a radius, west from the court-house at New Castle, and two

### T

other posts, one marked XII and the other marked T. P., had been planted at the northern extremities of lines traced for a tangent. Each of these three posts was supposed, when planted, to approximate very near to the true tangent point.

In the proceedings of the commissioners under date of October 22, 1663, we find the following minute, viz :

“The commissioners having taken into consideration the agreement entered into by them at their last meeting, to represent to their respective constituents what lines had been already run, after what manner, and what had been the issue, in order that they might give the necessary directions for running and ascertaining the tangent line, the Pennsylvania commissioners informed the Maryland commissioners that they had lately received a letter from the proprietors of Pennsylvania, dated the 10th of August last, acquainting them that they and Lord Baltimore had agreed with two mathematicians or surveyors to come over and assist in running the lines agreed on in the original articles, who were to embark for Philadelphia the latter end of August last, and that their arrival might soon be expected. Whereupon, the commissioners were of opinion that it was



better to delay making the representation to their constituents, according to their former proposal, until the arrival of the said mathematicians.

The commissioners then adjourned to the 30th of November next, to meet at the city of Philadelphia; but agreed that if the mathematicians should arrive long before the 30th of November, the meeting should be on such other earlier day as the respective Governors by letter should agree on, and at any other place than the city of Philadelphia, if it should be more convenient for the entering upon their work."

Under date of December 1st, 1763, at a meeting of the commissioners, it is noted that the articles of agreement were read between Lord Baltimore and Thomas and Richard Penn, and Charles Mason and Jeremiah Dixon, bearing date the 4th day of August last, directed to their commissioners; "also, a commission to the said commissioners, recommending it to them to take to their aid and assistance the said Charles Mason and Jeremiah Dixon, and employ them to mark, run out, settle, fix and determine all such parts of the circle, marks, lines and boundaries, as are mentioned in the several articles of agreement or commissions, and are not yet completed. Likewise a paper of hints given by Dr. Bevis and Mr. Harris to Lord Baltimore, and Thomas and Richard Penn, referred and recommended to the consideration of their respective commissioners, and then adjourned to to-morrow," &c. &c.

Thus we are introduced to Messrs. Mason and Dixon, who superseded the former surveyors in the employment of marking out these boundary lines. They immediately entered upon their duties, and were employed in tracing and marking the several lines already described\* until the 26th of December, 1767, when they were honorably discharged. Of the work of their predecessors, the running of the due west line from Cape Henlopen to its termination midway between said cape and the shore of Chesapeake bay, the trace and measurement of the radius of twelve miles from New Castle court-house, and the determination of the tangent point in the circle, only were accepted as settled. The lines traced by their predecessors in their attempts to run the tangent line, a line of eighty-two miles nearly in length, were, however, of great aid to Messrs. Mason and Dixon in finally establishing that line. In tracing it aid of the transit instrument, through a vista which they had opened in 1764, which was assumed by calculation to be the true tangent line, Messrs. Mason and Dixon constantly note how far, at every five mile post, their line passed from the posts previously set by their predecessors.

In their minutes of survey they say: "November 10th, 1764. Produced the line to the point shown us (in the direction of the radius of

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\* The line west from the north extremity of the due north line was not prolonged as far as five degrees of longitude from the Delaware by Mason and Dixon. On reaching a point two hundred and thirty miles, eighteen chains and twenty-one links west of the extremity of the due north line, their further progress was arrested by the Indians.

twelve miles from New Castle, mentioned in the minutes of the 25th and 27th of August,) to be the tangent point settled by the former surveyors, and measured the distance of our line from the said point, and found it was sixteen feet seven inches to the eastward of the said point.

“ We continued our line fifty-two and a half yards and then it was  
T

opposite the point marked XII and found we were sixteen feet from the said post eastward.

We also continued the line forty-one and a half yards farther, and then we were opposite the post marked T. P. and then we measured the distance of our line from the said post and found it was fifteen feet two and a half inches to the eastward.

November 12. Sent two expresses, viz: one to His Excellency Floratio Sharpé, Esq., Governor of Maryland, and the other to the Hon. James Hamilton, Esq., to acquaint them we finished our second line on Saturday last.

November 13. From the data in the minute of the 27th of August, we computed how far the true tangent line would be distant from the post shown us to be the tangent point, and found it would not pass one inch to the westward or the eastward.

On measuring the angle formed by our last line and the radius from New Castle, it was so near a right angle that on a mean from our lines the above mentioned post is the true tangent point.

From the whole we conclude that the offset posts in our second line, marked M D. are (as near as practicable) in the true tangent line.

CHAS. MASON,  
JERE. DIXON.”

From the record of proceedings of the commissioners the following is an extract :

“ SATURDAY, November 27th, 1764.

The commissioners met according to adjournment.

Present as yesterday, [namely : Horo. Sharpe, John Leeds, John Barclay, Dan. of St. Thomaas Jenifer, Benjamin Chew, John Ewing, Edward Shippen, jr., and Thomas Willing.]

The commissioners having resumed the considerations of yesterday.

Agreed, that the post set up by Messrs. Mason and Dixon, and by them marked west, shall be and be deemed and accounted fifteen miles south of the parallel of the most southern bounds of the city of Philadelphia, and that Messrs. Mason and Dixon shall be instructed immediately to proceed in running the west line directed by the articles from the said post till it reaches the river Susquehannah, where an observation shall be made by them.

Agreed also, that the post set up in the extremity of the radius of  
M

twelve miles from New Castle, marked XII shall be and be deemed and accounted to be the true tangent point, and that the surveyors shall proceed to run the north line and such part of the circle as falls to the westward of said line, according to the articles, from the said point, as soon as they have run the said west line to the river Susquehannah.

Agreed also, that the posts set up by Messrs. Mason and Dixon at the eastern extremities of the offsets made from the line they first run from the point marked MIDDLE, and by them marked M D, shall be and be deemed and accounted to stand in the direction of, and to mark and describe the tangent line.

Agreed lastly, that as soon as the surveyors shall have run the said west line to the river Susquehannah, and the said north line and part of the circle, stones shall be set up marked with the arms of the Lord Baltimore on one side, and the arms of the proprietaries of Pennsylvania on the other, as the articles require and direct, along the said tangent line, in the places where the offset posts stand therein, at the tangent point

M  
marked XII, in several points of the periphery of the circle, in the north line, at the point where the said north line shall intersect the said west line, and along the said west line to the river Susquehannah, to be and remain as marks and boundaries forever, between the said province of Maryland and the counties of New Castle, Kent and Sussex, on Delaware, and between the said province of Maryland and the province of Pennsylvania, as far as the river Susquehannah."

The commissioners then agreed to give instructions pursuant to the foregoing agreement and did so; and then adjourned over to the 16th of June next, then to meet at Christiana bridge.

"CHRISTIANA BRIDGE, June 16, 1765.

The commissioners met according to their adjournment of November 24th inst, &c., &c.

Commissions were read from the proprietors, prolonging the time for running the lines to the 31st December, 1765, &c. &c.

Adjourned to to-morrow morning, ten o'clock."

"CHRISTIANA BRIDGE, June 17, 1765.

The commissioners met, &c., &c. The surveyors produced to the commissioners their minute books, which being compared examined and found to agree, it appears thereby that in pursuance of the instructions given them the 24th day of November last, they have extended the west line to the west side of the river Susquehannah; run a north line from the tangent point to intersect the said west line, and also described such part of the circle round New Castle as falls westward of said north line. The

commissioners approving of the lines run by the said surveyors, agreed to have a stone (the only one they have at present, on which are graven the arms of the respective proprietors,) immediately fixed at the said tangent point; another stone at the point where the above mentioned west line and north line intersect each other; one other stone in the said north line, without the periphery of the circle; one at the point where the north line and circle intersect; and three others at different places in the said circle. The six last-mentioned stones to remain only until others more proper for the purpose, and with the arms of the right honorable the Lord Baltimore, and the honorable proprietors of Pennsylvania, graven thereon, can be procured.

And then adjourned to to-morrow morning."

" NEWARK, June 18, 1765.

The commissioners met according to adjournment. Present as yesterday; and went and fixed a stone, marked with the arms of the lord proprietary of Maryland on the west, and the arms of the proprietaries of Pennsylvania on the east side of it, in the tangent point; and also set up stones at the other places, according to their agreement of yesterday;" after which they gave Messrs. Mason and Dixon instructions to proceed with the running of the west line westward of the Susquehannah, as far as the provinces of Maryland and Pennsylvania are settled and inhabited, unless obliged to desist on account of severe weather, or they should before that time receive instructions to desist from the work.

The commissioners then adjourned to meet," &c., &c.

" THURSDAY, November 20, 1766.

The commissioners met, &c., &c. Present as yesterday, [namely: John Barclay, Dan. of St. Thomas Jenifer, J. Beale Bordley, William Allen, Benjamin Chew, John Ewing and Thomas Willing.]

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Messrs. Ewing and Barclay reported to the other commissioners, that in pursuance of their agreement, by their letters of the 5th and 22d of October last, thirty-one stones had been set up at a mile's distance each, in the tangent line, (in the places where posts had been fixed in the said line by Messrs. Mason and Dixon,) from the fiftieth mile stone, set up formerly, to the tangent point; each five mile stone being marked with the arms of the right honorable Lord Baltimore on the west side, and the arms of the honorable proprietors of Pennsylvania on the east, and the other intermediate stones, with the letter M on the west side and the letter P on the east. And the better to distinguish and ascertain the tangent point, another stone marked with the arms of Lord Baltimore on the west side, and of the proprietaries of Pennsylvania on the east, hath been set up at the south side of the stone fixed in the said tangent point, by the commissioners on the 18th of June, 1765.

That one stone marked with the letter M on the west side, and the letter P on east, hath been set up in the arc of the circle; and three stones, marked as the latter, have been set up in the north line from the tangent point, in the places where Messrs. Mason and Dixon had set up mile posts in those lines.

That sixty-four stones have been set up in the west line, the first of which stands at the distance of one mile to the westward of the stone fixed by the commissioners, on the 18th of June, 1765, in the point where the west and north lines intersect, and the others at the same distance from each other, except at the end of sixty-four miles, where a proper stone was wanting, and is to be fixed at a future time, each five mile stone having the arms of the Lord Baltimore graven thereon, on the south side, and the arms of the proprietaries of Pennsylvania on the north, and the intermediate stones marked with the letter M on the south, and with the letter P on the north side.

The rest of the proceedings of this meeting relate to the completion of the west line, and to obtaining the consent of the Indians to its being continued, &c. &c. Then the commissioners adjourned to meet at Chestertown, Maryland, on the 19th of March, 1767, or such earlier or later day as the commissioners may by letter agree on. Their next meeting did not, however, for reasons stated, take place until the 16th day of June, 1767. On that day the commissioners met. Sir William Johnson, his Majesty's agent for Indian affairs, had obtained the consent of the Indians to the tracing of the west line to its western extremity, that is to say, till it should reach to a distance of five degrees of longitude west from the river Delaware.

On the 18th June, 1767, the commissioners met and gave to the surveyor's their instructions for continuing the trace of the west line to five degrees of longitude west from the river Delaware, in the parallel of the said west line, and cautioning them in regard to a conciliatory and proper conduct towards the Indians.

“ FRIDAY, December 25, 1767.

The commissioners met according to adjournment, &c., &c.

The surveyors' books were read, compared and found to agree, by which it appears that they have extended the parallel of latitude, agreeably to the instructions given them by the commissioners on the 18th day of June last, to the distance of two hundred and thirty miles, eighteen chains, twenty-one links from the beginning of said line, and two hundred and forty-four miles, thirty-eight chains, thirty-six links from the river Delaware, near to a path called the Indian war path, but that they were prevented by the Indians deputed to attend them, by Sir William Johnson, from continuing the said line to the end of five degrees of longitude, (the western limits of the province of Pennsylvania,) which, in the latitude of the said line, they find, and the commissioners agree, to be two

hundred and sixty-seven miles,\* fifty-eight chains and ninety links, the said Indians alleging that they were instructed by their chiefs, in council, not to suffer the said line to be run to the westward of the said war path," &c., &c., &c.

On Saturday, December 26th, 1767, the commissioners met and approved the conduct of the surveyors, in desisting from the running of the parallel of latitude, upon the opposition made thereto by the Indians, to the full extent of five degrees of longitude from the river Delaware, pursuant to their former instructions.

After describing the work thus far done, the commissioners agreed to discharge Messrs. Mason and Dixon from their service, they having finished the lines they were employed and sent over by the proprietaries to run, under the directions of the commissioners, of which they give the said Mason and Dixon notice, but agreed to make them satisfaction for a draft or plan they were instructed to prepare.

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The commissioners adjourned to meet at Chestertown, Maryland, the 22d day of March, 1768, or such other day as they may by letter agree upon.

After several meetings and adjournments of the commissioners, the proceedings of which are not necessary to be noticed here, they met on

SATURDAY, November 5th, 1768.

When Mr. Ewing and Mr. Bordley informed the other commissioners that agreeable to the desire of the commissioners they have set up two stones, that is to say, Mr. Bordley has put up one at the *middle* of the due west line run from Fenwick's Island [Cape Henlopen] across the peninsula to Chesapeak Bay, in the place of the post marked 'MIDDLE.'†

"Mr. Ewing has put up the other in the west line run in the parallel of latitude fifteen English statute miles south of the most southern part of the city of Philadelphia, at the intersection of the said west line with the meridian run from the tangent point; the said stones having the arms of Lord Baltimore graved on the south and west sides thereof, and the arms of the proprietors of Pennsylvania on the north and east sides thereof," &c., &c.

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\* From our better knowledge of the dimensions and figure of the earth, we should, at this day, compute these five degrees of longitude to be equal to two hundred and sixty-six and thirty-one hundredths miles, or two hundred and sixty-six miles, twenty-four chains and eighty links.

J. D. G.

† The latitude of this Middle Point was determined from astronomical observations made in October, 1766, by Messrs. Mason and Dixon, with a zenith sector of six feet radius, to be  $38^{\circ} 27' 34''$ . These observations were published in the fifty-eighth volume of the Philosophical Transactions of the Royal Society of London, for the year 1768.

J. D. G.

The following is an extract from the final report of the commissioners, made to the proprietaries of the two Provinces, bearing date the 9th of November, 1768, taken from the original records at Annapolis. It embraces a notice of all the lines and boundaries run out, fixed and determined under their direction as well as those run out by their predecessors and adopted as true boundaries, viz:

"1st. We have completely run out, settled, fixed and determined a straight line, beginning at the exact middle of the due east and west line mentioned in the articles of the fourth of July, one thousand seven hundred and sixty, to have been run by other commissioners formerly appointed by the said Charles Lord Baltimore and the said Thomas Penn and Richard Penn, across the peninsula from Cape Henlopen to Chesapeake Bay, the exact middle of which said east and west line, is at the distance of thirty-four miles and three hundred and nine perches from the verge of the main ocean, the eastern end or beginning of the said due east and west line; and that we have extended the said straight line eighty-one miles seventy-eight chains and thirty links up the peninsula until it touched and made a tangent to the western part of the periphery of a circle drawn at the horizontal distance of twelve English statute miles from the centre of the town of New Castle, and have marked, described and perpetuated the said straight or tangent line, by setting up and erecting one remarkable stone at the place of beginning thereof, in the exact middle of the aforesaid due east and west line according to the angle made by the said due west line, and by the said tangent line; which stone, on the inward sides of the same facing towards the east and towards the north, hath the arms of the said Thomas Penn and Richard Penn graved thereon, and on the outward sides of the same, facing towards the west and towards the south, hath the arms of the said Frederick Lord Baltimore graved thereon; and have also erected and set up in the said straight or tangent line, from the said place of beginning to the tangent point, remarkable stones at the end of every mile, each stone at the distance of or end of every five miles, being particularly distinguished by having the arms of the said Frederick Lord Baltimore graved on the side thereof turning towards the west, and the arms of the said Thomas Penn and Richard Penn graved on the side thereof turning towards the east, and all the other intermediate stones are marked with the letter P on the sides facing towards the east, and the letter M on the sides facing towards the west; and have fixed in the tangent point a stone with the arms of the said Frederick Lord Baltimore graved on the side facing towards the west, and with the arms of said Thomas Penn and Richard Penn graved on the side facing towards the east.

"2dly. That from the end of the said straight line or tangent point, we have run out, settled, fixed and determined a due north line, of the length of five miles one chain and fifty links, to a parallel of latitude fifteen miles due south of the most southern part of the city of Philadelphia, which said due north line intersected the said circle drawn at the distance of twelve English Statute miles from the centre of the town of New Castle,

one mile thirty-six chains and five links from the said tangent point, and that in order to mark and perpetuate the said due north line, we have erected and set up one unmarked stone at the point where the said line intersects the said circle, three other stones at a mile distance from each other, graved with the letter P. on the sides facing the east, and the letter M. on the sides facing the west, between the said place of intersection of the said circle and the said parallel of latitude, and a third\* stone at the point of intersection of the said north line and parallel of latitude; which last stone, on the sides facing towards the north and east, hath the arms of the said Thomas Penn and Richard Penn graved thereon, and the sides facing towards the south and west hath the arms of the said Frederick Lord Baltimore graved thereon.

"3dly. That we have run out, settled, fixed and determined such part of the said circle as lies westward of the said due north line, and have marked and perpetuated the same by setting up and erecting four stones in the periphery thereof, one of which, at the meridian distance of one mile from the tangent point, is marked with the letter P. on the east, and the letter M. on the west sides thereof.

"4thly. That we have run out, settled, fixed and determined a due east and west line, beginning at the northern point or end of the said due north line, being the place of intersection of the said north line with the parallel of latitude, at the distance of fifteen English statute miles due south of the most southern part of the city of Philadelphia, and have extended the said line two hundred and thirty miles† eighteen chains and twenty-one links due west from the place of beginning, and two hundred and forty-four miles thirty-eight chains and thirty-six links due west from the river Delaware, and should have continued the same to the end of five degrees of longitude, the western bounds of the province of Pennsylvania, but the Indians would not permit us. And that we have marked, described and perpetuated the said west line, by setting up and erecting therein, stones at the end of every mile, from the place of beginning, to the distance of one hundred and thirty-two miles, near the foot of a hill called and known by the name of Sideling hill, every five mile stone having on the side facing the north, the arms of the said Thomas Penn and Richard Penn graved thereon, and on the side facing the south, the arms of Frederick Lord Baltimore graved thereon; and the other intermediate stones are graved with the letter P. on the north side, and the letter M. on the south side; and that the country to the westward of Sideling hill, being so very mountainous as to render it in most places extremely difficult and expen-

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\* This is evidently an inadvertent error in the original manuscript. It should be a fourth stone, &c.

J. D. G.

† This distance of two hundred and thirty miles eighteen chains and twenty-one links is erroneously printed two hundred and eighty miles, &c. &c., in M'Mahon's History of Maryland, vol. 1. See p. 46.

J. D. G.



sive, and in some impracticable, to convey stones or boundaries which had been prepared and marked as aforesaid, to their proper stations, we have marked and described the said line from Sideling hill to the top of the Alleghany ridge, which divides the waters running into the rivers Potowmack and Ohio, by raising and erecting therein, on the tops of ridges and mountains over which the said line passed, heaps or piles of stones or earth, from about three and a half to four yards in diameter, at bottom, and from six to seven feet in height, and that from the top of the said Alleghany ridge, westward, as far as we have continued the said line, we have set up posts at the end of every mile, and raised round each post heaps or piles of stones or earth, of about the diameter and height above mentioned.

*“Lastly.* That we have, according to the said articles of agreement, made out, signed and sealed, a true and exact plan and survey, as well of the due east and west line, which was as aforesaid formerly run out by other commissioners, appointed under the before-mentioned articles of agreement, of the tenth day of May, 1732. and decree and subsequent order aforesaid, running across the aforesaid peninsula from the verge of the main ocean towards Chesapeak bay, but stopping in the exact middle of the said peninsula, as of such parts of the said circle, lines, marks and boundaries as have been marked, run out, settled, fixed and determined in manner aforesaid, by the respective commissioners who have been for that purpose appointed, subsequent to the before-mentioned articles of agreement of the 4th day of July, 1760, which plan and survey we have hereunto annexed.

“In testimony whereof, we have hereto set our hands and seals, at Chestertown, in the province of Maryland, the 9th day of November, in the 9th year of the reign of our Sovereign Lord, George the Third, King of Great Britain, &c., and in the year of our Lord one thousand seven hundred and sixty-eight.”

Then follows the certificate placed upon the map, recorded in the proceedings of that date, and the whole is signed by

THORO. SHARPE,	WILL. ALLEN,
J. RIDOUT,	BENJAMIN CHEW,
JNO. LEEDS,	JOHN EWING,
JOHN BARCLAY,	EDWW'D. SHIPPEN, Jr.
GEO. STEWART,	THOS. WILLING,
DAN. OF ST. THOS. JENIFER,	J. BEALE BORDLEY.

I have been thus full in the extracts and minutes from the original manuscripts at Annapolis, because they appear necessary to a clear understanding of the lines we were required to examine, and because we shall have occasion to refer to many of the facts therein set forth, as having an important relation to our survey.

On the 9th of November last I went to New Castle, and on the 10th

to Philadelphia, to obtain the instruments in depot there which were required for our surveys. On the 12th, having met your board in conference at Wilmington, Delaware, I was invited to prepare and present for your consideration and approval, a detailed plan of the field operations necessary to the accomplishment of the objects pointed out by you. I requested an opportunity of previously making a reconnoissance of the line and of the land marks within the limits of the portion of boundary in question, which was assented to, and on the same day I accompanied the board to Newark, Delaware, which was decided on as the most convenient head-quarters of the Engineers during the field operations.

The 13th and 14th of November were spent in making the proposed reconnoissances in company with your board.

We proceeded to the north-east corner of Maryland, or point of intersection of the due north line with the parallel of latitude fifteen miles south of the parallel of the most southern limit of Philadelphia. This point is in a deep ravine, on the margin of a small brook, and near its source. The stone monument with the arms of Lord Baltimore and Thomas and Richard Penn graven thereon, which had been placed by commissioner Ewing, by order of the board of commissioners in 1768, to designate this point was missing.\* From the tradition of the neighborhood, it appeared that some years ago, after it had fallen nearly prostrate from its place, owing to the encroachment of the stream, upon whose margin it stood, some individual had taken it away for a chimney-piece. A stake was found firmly planted in the ground, which we were informed by the neighbors near by, occupied its place.

From this point we proceeded to the west, and found the first, second and third mile stones on the parallel of latitude, marked with the letter M. on the south, and the letter P. on the north sides, as described in the proceedings of the commissioners of boundary of that period. The first of these stones was much inclined in its posture, and somewhat infirm.

We next proceeded to examine the line south from this corner, with the view of ascertaining if the stones at the intersection of the due north line with the periphery of the circle, and at the tangent point, were standing. We extended our examinations to the south, upon the tangent line, as far as the seventy-ninth mile stone from the "*Middle point*" of the peninsular line. We found a number of stones on the line, some unmarked, which we supposed to be on the circumference of the circle. With a radius of twelve miles such a curve is so flat that it is difficult in walking over ground intersected with forest timber, fences and other obstructions, to distinguish without the aid of instruments, the deflections of the lines connecting monuments on its circumference nearly a third of a mile apart. Two of the monuments visited were graven on their east and west sides with the arms so often described in the preceding documents. One of

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\* See the proceedings of the commissioners, under date of November 5th, 1768, noticed at page 68.

these was near Jesse Updegrove's house, and the other in Mr. Reynolds' field, just north of the railroad track.

This last I suppose to be the stone erected to mark the tangent point, as the arms were graven upon it, and it was much less than five miles, (indeed not quite three miles,) from the preceding one, marked in a similar manner, to the southward. The nearest neighbors possessed no knowledge whatever of the particular point intended to be marked by this stone. A vague impression prevailed that it did not now occupy its original position, but that it had been disturbed at some distant but unknown period. On questioning the individuals who entertained this impression as to their reasons, it was stated that within the recollection of some of the inhabitants, fragments of stone, similar both in quality and in cutting to the portion now seen above ground, lay strewed at its base. The inference was that the stone was fractured near its base when taken up, and that the fragments seen were originally a portion of it. An impression likewise prevailed that the stone originally planted at the point of intersection of the due north line with the arc of the circle of twelve miles radius, corresponding at this day with the true point of junction of the three States of Pennsylvania, Maryland and Delaware, was also missing.

These were points that could only be settled by an accurate survey of the portion of the boundary involved in doubt or uncertainty, and then comparing the result with what ought to exist in conformity with the minute details contained in the recorded proceedings of the old commissioners and of their surveyors.

This course was suggested to your board, and met your approbation.

On consultation with the board, and by its approbation, I immediately called to my assistance Lt. Thom, of the Topographical Engineers, and Mr. Charles Radzinski, civil engineer, who were assisted by Mr. Henry C. Derrick as sub-assistant; and the requisite chain-bearers, axemen, &c., and means of transportation on the line, having been provided by you, the survey was commenced on the 16th of November, with a portable transit instrument having an azimuth circle for measuring horizontal angles, divided to read by aid of the vernier to minutes, and a chain of one hundred feet, divided into one hundred links of a foot each, and a standard five feet rod of wood, with which the chain was compared several times every day, in order to reduce the chaining to correct measure.

It was necessary in this survey, and upon the maps designed to accompany it, that we should exhibit a portion of the tangent line, in order to lay down its true point of intersection with the due north line, for the purpose of testing the tangent point. Accordingly, we began at the stone marking the seventy-ninth mile of Mason and Dixon, reckoned from the middle point of the peninsular west line, having the letter M. engraved on the west and the letter P. on the east side, and running northerly to a signal placed at the base of the eightieth mile stone, we thus obtained the direction of the tangent line. This eightieth mile-stone is engraved with the arms of Lord Baltimore and the Penn family on the west and east

sides respectively, precisely as described in the old records. Continuing in this initial direction, by the aid of the transit, our line passed immediately over the eighty-first mile-stone of Mason and Dixon, engraved with the letter M. on the west and the letter P. on the east side; and also immediately over the next stone, which, being engraved with the arms of Lord Baltimore on the west, and with the arms of the Penn family on the east side, was recognized to be the tangent point.

We here deflected at a trial angle of  $3^{\circ} 32'$  to the eastward of the prolongation of our previous line, and pursuing accurately a straight course, we passed four stones on our left, to which offsets were measured, at right angles to our line. The first, second and fourth of these stones were unmarked, but were cut in prismatic form, and rounded at their tops. The third, which at the distance of five thousand one hundred and fifty feet from the tangent stone, was 95.3\* feet perpendicular, and to the west from our line, was marked with the letter P. on the east side, and the letter M. on the west side, and is the stone mentioned in the report of the commissioners of November 9, 1768, as being at the meridian distance of one mile from the tangent point.

These four stones were now recognized to be those described in the proceedings of the commissioners of June 17 and 18, 1765, already quoted, and in their aforesaid report (see pages 69, 70,) as marking the arc of the circle of twelve miles radius, west of the due north line. It seems they were never substituted by stones bearing the arms of the proprietaries, as was contemplated to be done at some subsequent and convenient period, when they were planted by the commissioners in 1765.

At the distance of 7743.7 feet from the tangent stone, we reached an unmarked stone. Our trial line terminated nine feet west of it, measured at right angles to the line we had run upon. This stone was recognized to be the point marked in 1765, for the intersection of the due north line with the periphery of the circle of twelve miles radius, and stood now for the point of junction of the three States.

At every five hundred feet from the tangent stone, and also opposite each of the stones on the arc of the circle to which offsets were made while running this experimental line, we had driven a wooden stake. These were regularly numbered from one to nineteen inclusive. We now computed the angle at which we should, at the tangent stone, have deflected to the right from the prolongation of the tangent line, to obtain the true direction, in a straight line, to the stone intended by Messrs. Mason and Dixon to mark the intersection of the due north line with the periphery of the circle, and found it to be  $3^{\circ} 36' 09''$ .

By computation we also determined the points, and drove a new line of stakes opposite to the former ones, to mark this true direction, and de-

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\* This offsett becomes 101.4 feet from the due north line, as will hereafter appear.

terminated the lengths of the offsets to the stones on the arc of the circle at right angles from the said new line.

Taking up the new direction, obtained by computation, we continued our survey to the north, noting the topography, and carefully measuring offsets to the right and left, to all houses, fences, streams and other remarkable objects within a reasonable distance, as indeed we had done from the beginning of the survey.

Our line passed over three boundary stones marked with the letter P on the east, and with the letter M. on the west sides, corresponding with the description given by the commissioners in their report, and by Mason and Dixon in their notes of survey, of the three stones on the due north line, north of the portion of the circle run out and fixed by them; and at its termination, our line passed immediately over the stake already mentioned as having been found by us in our reconnoissance of the 13th of November, which was said to mark the point where the old stone had stood, at the intersection of this due north line with the east and west line of Mason and Dixon, marked with the arms of Lord Baltimore and the Penn family. We did not deviate two inches to the right or the left of the centre of this State. It was on the 20th of November, that our survey reached this point.

On the following day we proceeded to find the true point of intersection of the east and west line of Mason and Dixon with this due north line.

Beginning at the second mile stone west of the required point on Mason and Dixon's parallel of latitude, we traced out this parallel due east, and at the distance of five thousand two hundred and ninety-five feet, by our measurement, we touched upon the first mile stone on this parallel. Continuing upon the same parallel of latitude, at the distance of five thousand two hundred and eighty-two feet, by our measurement, from the preceding stone, we struck the same stake at which our north line had terminated at a point about one inch north of its centre.

This last line traversed portions of thick forest, through which we were obliged to open vistas, and in several places trees of large size, standing in open ground, had to be cut down to admit of its prolongation, which proved that there could have been no retrace of it until now, since the days of Mason and Dixon.

Having thus by the intersection of the due north line with the parallel of latitude, found the true position of the lost monument, we proceeded to mark and perpetuate it by planting the new monument, which had been prepared under the immediate direction of your board for that purpose.

Before making the necessary excavation, the point to be occupied by the centre of the base of the stone, was preserved by placing four pegs nearly in the form of a square, so that the intersection of their diagonals should correspond with the said point. The next step was to construct a dam to turn off the water of the small brook which washed almost the very point, and thus prevent its filling the cavity.

In making the excavation, we found at the depth of about three feet below the surface, a cut stone unmarked, and of precisely the same form, dimensions and quality, as the unmarked stones on the arc of the circle, and at the intersection of the circle with the due north line, already described.

In turning to the proceedings of the commissioners, under the dates of the 17th and 18th of June, 1765, we find that such a stone was placed by them, to mark that point, on the last mentioned day.—(See page 66.)

It was not until the year 1768, that a second stone, marked with the arms of the proprietaries, was also placed at this point, as will be seen by the records of the proceedings of the commissioners of that date.—(See page 68.)

It is quite within the memory of the neighboring inhabitants, that the stone which stood at this point in a tottering posture, to within a few years past, bore the arms, so often described, graven upon it.

The unmarked stone of 1765, had probably been buried at the base of the one bearing the arms, when the latter was placed at the same point by commissioner Ewing, in 1768.

The evidence afforded by the disinterment of this old stone, that the point fixed upon from our survey, as the intersection of the due north line with the parallel of latitude fifteen miles south of the most southern limit of the city of Philadelphia, being the north-east corner of Maryland, corresponds so well with that originally established by Messrs. Mason and Dixon, is certainly gratifying.

The new stone re-marking this important point, was planted with its base resting on rock, about five feet below the surface of the ground, and its top rising about two feet above the ground. It is of cut granite, and of the following dimensions, viz:—about seven feet long, and squares sixteen by eighteen inches. It is marked with the letter M. on the south and west sides, and the letter P. on the north and east sides. Under this letter, on the north side, the date **1849** is engraved in deep cut figures.

The striking discrepancies between some of our measured distances and those of Messrs. Mason and Dixon, and their bearing upon the demarcation of the arc of the circle west of the due north line, as well as upon the true relative positions of the tangent stone, and the stone representing the intersection of this circle with the due north line, renders it proper that we should here institute a comparison between them, with a view, especially, to ascertain whether the impressions which prevailed, that one or both of the last mentioned stones had been removed from their original positions, were founded in reason.

If it were true that these important monuments had been disturbed, no approximate estimate could be formed of the extent of mischief thus perpetrated upon the boundaries, without such investigations as would lead to a discovery of their original and rightful positions. The ascertainment of the true point of junction of the three States was involved in this

question, and this was the chief object to be investigated and adjusted under the especial legislation of those States authorizing your proceedings. In regard to Delaware, an impression prevailed among her citizens, that a considerable portion of her territory had been abstracted by the curtailment of her rightful radius of twelve miles around New Castle. The unlawful disturbance of these monuments, if true, might well have produced such an effect, and it lay within the powers delegated to you, to correct the wrong, if it could be proven to be owing to such a cause.

The comparison is embodied in the following tabular statement, viz:—

# TABULAR STATEMENT.

DISTANCES COMPARED.	Distances given by Mason and Dixon. *		Distances by our chain measurement in 1849-50.		Difference. G+MD.
	Miles.	Feet.	Miles.	Feet.	Feet.
From the 79th to the 80th mile stone on the tangent point or penin- sular line, . . . . .	1	—	1	32.5	†32.5
“ 80th to the 81st, “ “ “ “	1	—	1	30.	†30.
“ 81st mile stone on do. to the tangent stone, . . . . .	0	5,168.4	0	5,145.9	—22.5
“ tangent stone to the stone on the arc of the circle, marked M on the west, and P on the east side, . . . . .	1	—	0	5,150	—130.
“ tangent stone, to the stone representing the intersection of the due north line with the circumference of the circle of twelve miles radius, and at this day marking the point of junction of the three States, . . . . .	1	2,379.3	1	2,463.7	†48.4
From point on due north line opposite to marked stone on curve, to mile stone on due north line at McCowan's, . . . . .	1	—	1	215.5	†215.5
From mile stone at McCowan's to do. at Steel's, near Christiana Church, on due north line, . . . . .	1	—	1	3.	†3.
From mile stone at Steel's to do., at Gibson's, . . . . .	1	—	1	5.3	†5.3
From mile stone at Gibson's to north-east corner of Maryland, and were discharged from the service of the commissioners. It will be noticed more fully in my forthcoming report to Colonel Abert, chief of the Corps of Topographical Engineers.	1	99	1	119.	†20.
From north-east corner of Maryland, to 1st mile stone on Mason and Dixon's due west line, . . . . .	1	—	1	2	†2.
From 1st to 2d mile stone on Mason and Dixon's due west line.	1	—	1	15.2	†15.2

\* These distances of Messrs. Mason and Dixon form no part of their measurement for determining the length of a degree of latitude in North America. This last-mentioned operation was performed with a very different apparatus in the year 1768, under the auspices of the Royal Society of London, after they had finished the marking of the boundary between Maryland and Pennsylvania, and were discharged from the service of the commissioners. It will be noticed more fully in my forthcoming report to Colonel Abert, chief of the Corps of Topographical Engineers.



The first discrepancy to be investigated was in regard to the length of the chord of the arc cut off by the due north line.

We, therefore, retraced it, by running a straight line from the tangent stone to the stone by the old commissioners to mark the intersection. In addition to the first measurement of this chord, already given, too others were carefully made. The following is a statement of the results of the three, viz:—

By the first measurement,	. . . . .	7,743.7 feet
By the second do	. . . . .	7,742.2 "
By the third do	. . . . .	7,743.1 "
		<hr/>
Mean of the three,	. . . . .	7,743
Length of this chord given by Mason and Dixon, is one mile thirty-six chains and five links, equal to	. . . . .	7,629. "
Our measurement is greater than the length given by Mason and Dixon by	. . . . .	83.7 "
		<hr/>
Again: Mason and Dixon state the meridian distance from the tangent stone to the marked or third stone on the arc of the circle, to be one mile, or	. . . . .	5,280 feet.
Our measurement gives this distance,	. . . . .	5,150 "
		<hr/>
Our measurement is less than the distance given by Mason and Dixon, by		130 "
		<hr/>

These differences not only cast, at the moment, strong suspicion upon the present positions of the tangent and the intersection stones, but they also affect, in a very important degree, the elements of the circle, an arc of which was to mark a part of the boundary between Maryland and what is now the State of Delaware.

We had computed the angle of deflection between the prolongation and of the tangent line and the due north line, to be  $3^{\circ} 36' 09''$ ; and the measurement of that angle afterwards, with the theodolite, verified sufficiently the accuracy of that computation; for we finally found it, by a number of measurements, repeated on all parts of the limb of the instrument, to be  $3^{\circ} 36' 06''$ .

With this angle and the length of the measured chord, the length of the corresponding radius was computed on the supposition that the stones on the arc of the circle truly marked that arc.

Making  $c$  = the chord.

$d$  = the angle of deflection from the tangent line to that chord:

$r$  = the radius.

$c \cdot \cosine d$

We will have  $r = \frac{\quad}{\sin 2 d}$ .

By this equation, with the angle of deflection above given, and the chord, as given by Mason and Dixon, of one mile, thirty-six chains and five links, the corresponding radius is eleven miles and two thousand three hundred and two feet, or 11.44 miles.

With the same angle of deflection, and the chord of seven thousand seven hundred and forty-three feet, which is the actual distance between the tangent and intersection stones, the corresponding radius is eleven miles and two thousand nine hundred and sixty-two feet, or 11.56 miles.

We now made a trace of the curve upon the ground, corresponding to radius of twelve miles. The length of a cord subtending an angle of one degree, at the centre of a circle of that radius, was computed to be 1,105 8-10th feet; and departing from the tangent stone by a deflection, in the first place, of half a degree from the prolongation of the tangent line, to obtain the first chord, and afterwards by deflections of a degree from chord to chord of the above mentioned length, a number of points were obtained upon the circumference of the portion of the circle west of the due north line, which, thus traced, intersected the due north line, two hundred feet in advance, or north of the position of the stone placed, in 1765, to represent that point of intersection.

We next computed the length of the chord actually corresponding to the angle of deflection of  $3^{\circ} 36' 06''$ , and a radius of twelve miles, by the equation

$$c. = r. \frac{\sin 2 d.}{\cosine d.}$$

and found it to be 7,960.6 feet, which is 301 feet 4 inches longer than that given by the survey of Mason and Dixon, and 217 feet 5 inches longer than the actual distance between the tangent stone and the intersection stone.

In this state of the investigation, it was determined, upon my recommendation to your board, representing to you, at the same time, the necessity of the measure to a satisfactory solution of the problem involved, that the actual length of the radius or distance from the spire of the courthouse at New Castle, to some point on the curve, and marked by the old monuments, should be accurately ascertained by a triangulation, which should be extended so as to give also the correct distances both from the tangent stone and the intersection stone, to the north-east corner of Maryland. The last mentioned point, in case of any future disturbance of its monument, may always readily be found, as it is the intersection of two lines, both easily traced. Hence, knowing the distance from it to the other two, all three being upon the same meridian, a certain guide would be obtained for restoring either of the latter to its proper position, if disturbed.

The distances given by the chain measurements of Mason and Dixon are already shown to be too inaccurate to serve for such a guide.

On the 24th of November, I proceeded to Washington, to ascertain if

the records of the coast survey office could furnish us a distance, from its triangulation in this vicinity, that would serve as a convenient base for our triangulation. And I have much pleasure here in acknowledging the courtesy and promptness with which professor A. D. Bache, superintendent of that work, had the records examined, and furnished me, from them, several distances and azimuths which were determined some years past, when that work was under the superintendence of the late Mr. Hassler, and also, sketches of the localities of the several stations, to aid us in finding the concealed monuments by which they were perpetuated.

Some calculations had to be made in order to prepare them, and they were forwarded to me at Newark, on the 9th of December, after my return to that place.

Among them we found the following suitable to our object, viz :

1. From Iron Hill to New Castle court house :

Distance, 16,281.57 metres.\*

2. From Gray's Hill to Iron Hill :

Distance, 4,847.44 metres,\* \*

Azimuth,  $233^{\circ} 48' 07''.8$ .†

The last given distance was adopted as our base in the triangulation, and the necessary preparations were commenced for carrying it on with an excellent theodolite of nine inches diameter, ‡ reading with three verniers to fifteen seconds each, made by E. Draper, of Philadelphia.

In the mean time, a retrace of the arc of the circle west of the due north line was carried on.

On the 9th and 10th of December it snowed heavily.

On the 11th the weather was clear, but very cold, with the snow nine inches deep upon the ground. The work was, however, prosecuted with assiduity, notwithstanding there was great difficulty in clearing the lines through the woods, in consequence of the weight of snow upon the branches of the trees.

The second trace of this curve verified the accuracy of the first. The direction of the tangent line southward from the tangent stone, was also re-examined and verified.

\* Equal to 53,415.1 feet.

At the rate of 39.36850535 inches to the metre as

\*\* Equal to 15,903 feet.

adopted by the coast survey.

† The azimuth is reckoned from the south as 0, round by the west, north, and east, to the south, making  $360^{\circ}$ .

‡ On the 29th of January, while Mr. Radzinski was observing with this theodolite, during a violent gale, of wind, the heavy tripod station above him was blown over, and fell to the ground. It struck and demolished the instrument, and Mr. R. narrowly escaped being killed; the largest timber just brushing his head, without however, injuring him. This instrument was then substituted by another which I had in depot at Philadelphia.

The engineers were then occupied in making the requisite reconnoissances of the surrounding country, in order to select suitable positions for our trigonometrical stations—in erecting those stations, and directing the opening of vistas through the interposing forest, to render those stations visible one from another.

The severity of winter had fully set in. Notwithstanding this, the engineers were actively employed, whenever the weather was clear enough to see the stations, in making the necessary observations; and when prevented from observing, for want of a clear atmosphere, they were engaged in completing the erection of the stations, and directing the clearings, a work which they forwarded with every possible assiduity, often in the rain and snow.

The coast survey stations at Iron Hill and Gray's Hill were discovered buried between two and three feet below the surface of the ground. They were not disturbed, but their centres were indicated in position by the intersection of the diagonal lines of a quadrangle formed by four pegs driven into the ground, about eight feet apart. Then the cavities were carefully filled again with earth, and a peg driven at the intersection of these diagonal lines, to mark the extremities of our base line. In searching for the buried station at Gray's Hill, we could find only one of the points of reference given us in the sketches from the coast survey office, with its distance from the station.

The snow then lay six inches deep upon the ground, and the mode adopted to find this point was to take the stated distance on a cord line, and attaching one end of it to the given point of reference, describe an arc of a circle covering the probable limits.

The snow was then removed from this arc, and afterwards a trench was dug in the ground, following the curve until the station was found.

The trigonometrical stations are all laid down in position on the accompanying maps, where, also, the whole triangulation is shown. These stations were marked upon the ground by tin cones fixed to the tops of stout poles, supported by tripods of heavy undressed timbers, giving them an elevation of sixty to seventy feet above the ground. The cones were adjusted perpendicular over the points marked upon the ground by short stakes, over which the centre of the theodolite was placed, when the angles were observed.

The tangent stone and the stone fixed at the north-east corner of Maryland, stood in such low depressions in the ground, that stations could not be erected at either of them high enough to be seen from the base stations, or indeed from any two of the other stations, suitable for fixing their positions. Two stations were, therefore, erected on the due north line, as near to them as possible; one on the chord of the arc, at the measured distance of 1,701.02 feet north from the tangent stone, and the

other on the due north line, at the measured distance of 730.4 feet,\* south of the monument at the north-east corner of Maryland.

The distance between the trigonometrical stations on the north line, was found by our triangulation to be 24,139.5 feet.

Distance from the south station on north line, to the tangent stone (twice measured,) - - - 1,701.02 "

From the north station on north line, to the monument at the north-east corner of Maryland (twice measured,) 730.42 "

The sum, = the distance from the tangent stone to the north-east corner of Maryland, - - - 26,570.94 "

Or five miles and 170.94 feet.

Deducting from the above our measured distance from the tangent stone, to the intersection stone, - 7,743 "

We have the true distance from the intersection stone to the north-east corner of Maryland, = - 18,827.94 "

Or, three miles and 2,987.94 feet.

The distance from the spire of the court-house at New Castle, to the station on the arc of the circle, which is the actual radius of the circle, marking in part the boundary between Delaware and Maryland, was determined by our triangulation to be - - - 63,357.7 "

Or two feet and four inches less than the stipulated radius of twelve miles.

During the investigations in relation to the arc west of the north line and its chord, I found it necessary to go again to Annapolis, in order to see if a further search into the notes of Mason and Dixon's survey would afford any explanations of the principles upon which they traced this arc, and determined the length of its chord. These notes added to those of their predecessors, and the records of the commissioners of that period, were too voluminous for me possibly to finish their perusal and close examination within the period of my first visit.

The information derived from them, combined with our determinations of the actual length of the radius, and the angle of deflection between the tangent line prolonged, and the north line, served to elucidate the whole difficulty, which had arisen (where it was least to be expected,) in an evident error in a governing element in their computation of the length of this chord, and, consequently, of the lengths of the ordinates at right angles to it, which was the method adopted by them for marking the points upon the arc west of the north line.

The following is an extract from the records of their survey :

\* This is the chained distance corrected to correspond with the point perpendicular under the cone.

"1765, June 3d. Sent expresses to Annapolis and Philadelphia, to acquaint the commissioners we should finish the line betwixt the tangent point and the parallel this week.

Also measured the angle formed by the radius from New Castle, and the north line, and found it =  $86^{\circ} 32'$ . Hence the offsets (at right angles) to the westward from the meridian for the boundary betwixt New Castle county and Maryland, are as follows :

Distance from tangent point.			Offsets.		
No.	Chains.	Links.	Chains.	Links.	
0	0	00	0	00	
1	8	05	0	46	
2	18	05	0	92	
3	28	05	1	28½	
4	38	05	1	54½	
5	48	05	1	70½	
6	58	05	1	75½	" = the middle or greatest offset."
7	68	05	1	70½	
8	78	05	1	54½	
9	88	05	1	28½	
10	98	05	0	92	
11	108	05	0	46	
12	116	05	0	00	

CHA. MASON,  
JERE. DIXON."

"1765, June 4th. Set off the offsets, &c."

We find, on investigation, that the foregoing elements of the arc of Mason & Dixon are based upon the angle of deflection of the chord, from the tangent line produced, of  $3^{\circ} 28'$ , or the complement of the angle,  $86^{\circ} 32'$ , which they measured on the 3d of June, 1765, "formed by the radius from New Castle and the north line." It does not appear that they ever actually measured the angle between the tangent line (or its prolongation,) and the north line. That angle seems to have been assumed upon the supposed accuracy of their observation, noted in their survey book under date of November 13th, 1764, as follows, viz:

"On measuring the angle formed by our last line and the radius from, New Castle, it was so near a right angle, that on a mean from our lines, the above mentioned post [the tangent post fixed by their predecessors, and by them marked XII] is the tangent point."

Now, the accuracy of that angle must have depended upon the coincidence of the exterior termination of the radius of twelve miles, with a per-

fectly straight line prolonged from the court house at New Castle, quite to the tangent point. This radius was determined by the simple method of measuring over the surface of the ground with a surveyor's chain, for which purpose a vista, or "visto," as it was called by the surveyors in those days, was opened through the forest as the work progressed. We are surprised, at this day, that the length of the radius should have been so correctly obtained by such a method. There must have been, by mere chance, a compensation of the errors incident to such a measurement over so great a distance. Very small deviations from the true direction would not, however, produce much effect upon the distance, but this is not true with regard to the angle which would be formed between the tangent line and the radius, or the north line and the radius. A slight deviation in the direction of the radius at its termination, might affect in a material degree, the measure of either of these angles, and we have reason to believe that the angle measured by Messrs. Mason and Dixon, between the tangent line and the radius from N. Castle, which "was so near a right angle," and "the angle formed by the radius from New Castle and the north line," which they found to be  $= 86^{\circ} 32'$ , were both affected by such an error. The tangent stone stands on low ground, very near the margin of a morass, known by the name of Cat Swamp. Looking from thence to the east, the ground is pretty flat for half a mile; then it rises, by a rapid ascent, to the ridge running northward from the summit of Chesnut Hill, distant one mile. This ridge entirely shuts out the view of the whole country to the east of it, from the tangent stone, and must at least have limited the view of the radius, when the angles it formed with the tangent and north lines were measured by Messrs. Mason and Dixon.

These angles were, then, probably affected by whatever errors in direction may have arisen in running eleven miles of that radius from New Castle.

Our own triangulation has given us the data for an accurate determination of the angle formed by the tangent line and the line drawn from the spire of the court house at New Castle to the point of intersection of the tangent stone.

From it we have—

1. The angle at Iron Hill, subtended by the spires of the court-house and the church at New Castle,  $= 0^{\circ} 26' 13'' 3 = a$
2. The angle at New Castle court-house subtended by the stations on Iron Hill, and on the arc west of the north line,  $= 5^{\circ} 18' 31'' = b$
3. Value of the arc of 63,357.7 feet radius, included between the tangent stone and the trigonometrical station on the curve, whose chord was twice carefully measured and found to be 753 feet,  $= 0^{\circ} 40' 51'' 3 = c$

4. Angle of deflection between the tangent line and the north line or chord of the arc of boundary,

$$= 8^{\circ} 36' 06'' = d$$

And here we are again indebted to the coast survey records for the azimuth of the line from Iron Hill to New Castle church spire, which is given to be,

$$261^{\circ} 28' 33'' 9 = e$$

Let the north-east angle formed by the tangent line and the radius drawn from New Castle court-house to the tangent stone,

$$= x$$

And the south-east angle formed by the same lines,

$$= y$$

$$\text{Then } x = a(b-c) - | -e - | -d - 180^{\circ} = 90^{\circ} 08' 32''.9.$$

$$\text{And } y = 360^{\circ} - (a - | -(b-c) - | -d - | -e) = 89^{\circ} 51' 27''.1.$$

So that the tangent line does not form a right angle with the radius of twelve miles drawn from the spire of New Castle court-house to the point occupied by the tangent stone.

The angle, at the tangent stone formed by these two lines, differs  $8' 32''.9$  from a right angle. Now, we find by computation that the small deviation of forty-six and one-half seconds in direction, or thirteen feet one and one-half inch from a straight line at the end of eleven miles, in running this radius from New Castle court-house, would be sufficient to produce this difference of  $8' 32''.9$  in the measurement of Messrs. Mason and Dixon's angle at the tangent post, supposing their view to the east to have been limited to the distance of one mile, as it evidently must have been from the nature of the ground.

Even this is indicative of a very small error in direction in tracing this radius, when we reflect that it was prolonged through the forest by ranging staves or poles in line, one beyond another, as the surveyor's advanced with their work, a method so inaccurate for tracing a straight line that we are surprised it should have been resorted to in so important an undertaking. This was not, however, the work of Messrs. Mason and Dixon, but of their predecessors, who were less versed in science, and in the use of the higher order of geodetic instruments than were Messrs. Mason and Dixon.

That the arc of the circle west of the due north line and the radius terminating at the tangent stone, were traced and determined correspondent with one and the same centre, by the surveyor's under the agreement of 1760 and ourselves—that is to say, the spire of the court-house at New Castle, is manifest from the following evidence and authority.

The decree of Lord Hardwicke, of 1750, touches these two points and the position of Cape Henlopen, in the following words, viz:

“And two questions in particular having been raised in America by the commissioners formerly appointed by the defendant, the Lord Balti-



more, and being now made in this cause, namely, where the centre of the circle, agreed by the said articles [alluding to the agreement of 1732,] to be drawn about the town of New Castle therein mentioned, ought to be fixed, and whether the said circle ought to be of a radius or semi diameter of twelve miles, or only a periphery of twelve miles; and a third question being also made in this cause, namely, at what place the cape called in the said articles Cape Hinlopen is situated, his Lordship doth declare that he is of opinion that according to the true intent and construction of the said articles, the centre of the said circle ought to be fixed in the middle of the town of New Castle, as near as the same can be computed, and the said circle ought to be of a radius or semi diameter of twelve miles, and that Cape Hinlopen ought to be deemed and taken to be situated at the place where the same is laid down and described in the map or plan annexed to the said articles, to be situated. And, therefore, his Lordship doth further order and decree that the said articles be carried into execution accordingly," &c. &c. &c.

The above extract is taken from the old parchment, bearing the original agreement of July 4th, 1760, with the autograph signatures and the seals of Frederick Lord Baltimore, Thomas Penn and Richard Penn, belonging to the Executive Department of the State of Pennsylvania, which instrument contains this as well as other recitals from the decree of 1750.

In the body of that agreement are also found the following words, viz:

"That the true length and extent of the said line [alluding to the line across the peninsula from Cape Henlopen] was, and is, and shall at all times hereafter be esteemed, held, taken and adjudged to be sixty-nine miles and two hundred and ninety-eight perches, and neither more or less.

That, consequently, the exact middle of such west line (from whence the other line is to begin which is to run up the said peninsula, till it makes a tangent to the western part of a circle, at the distance of twelve English statute miles, horizontally measured from the Court-house in the said town of New Castle,) was, and is, and shall at all times forever hereafter be esteemed, held, taken and adjudged to be at the exact distance of thirty-four of the said miles and three hundred and nine perches, so measured west from the aforesaid spot or place of beginning of the said west line, as the same were so measured as aforesaid," &c. &c. &c.

Here we have an especial recognition of the *Court-house* in New Castle as the point fixed on for the centre of the circle.

The proceedings of the commissioners appointed on both sides, under the provisions of the agreement of 1760, and their instructions to the surveyors are even more explicit upon this point.

In the record of those proceedings, under the date of November 7th, 1761, we find the following:

*"SATURDAY, the 17th of November, 1761.*

*"Nine o'clock, A. M.*

*"The commissioners met according to adjournment.*

*"Present as yesterday.*

*"The commissioners, having made their calculation, find that the tangent will, at the middle point, make an angle of three degrees thirty-two minutes and five seconds with the meridian line lately run by the surveyors, and they agree that a radius of twelve miles, horizontal measure, shall be run from the centre of the Court-house in New Castle, northwards of the line of intersection lately run from that place, so as to make an angle therewith of nineteen degrees three minutes and fifty-five seconds, which radius the commissioners find, by the calculations they have made, will terminate in the tangent point in the periphery of the circle.*

*"Then the commissioners agreed to give the surveyors the following instructions, viz:*

*"GENTLEMEN:—You are to run a straight line of the length of twelve English statute miles, horizontal measure, or as nearly horizontal as you can, from the centre of the Court-house in New Castle, in such direction as to make an angle of nineteen degrees three minutes and fifty-five seconds northwards with the line of intersection lately run by you from the centre of the said Court-house; and at the end of such twelve mile line you are to set up and secure a post or stone, at the same time making such visible marks near it, as may enable you hereafter to discover and determine its place, in case it should be destroyed or removed. And in order to preserve the direction of the said line, you are, also, at the end of six, ten and eleven miles from New Castle, and at the distance of twenty perches eastward of the end of such twelve mile line, to set up other posts in the said line. November 7th, 1761.*

*J. RIDOUT,  
JNO. LEEDS,  
JOHN BARCLAY,  
WM. COLEMAN.*

*JAMES HAMILTON,  
RICHARD PETERS,  
BENJAMIN CHEW,*

*To Messrs. THOMAS GARNETT, JONATHAN HALL, JOHN LUKENS and ARCHIBALD McCLEAN, Surveyors.*

*The commissioners adjourned to the first day of April next, at which time they agreed to meet again at New Castle.*

*J. RIDOUT,  
JNO LEEDS,  
JOHN BARCLAY,  
WM. CCLEMAN."*

*JAMES HAMILTON,  
RICHARD PETERS,  
BENJAMIN CHEW,*

*We conclude the evidence on this point by quoting from the note book*

of the surveyors, who in the year 1761, traced the radius and fixed the  
M

post marked XII at its western extremity. It will be remembered that this is the post which the commissioners, in their proceedings of the 24th of November, 1764, declared, "shall be and be deemed and accounted to be the true tangent point, and that the surveyors shall proceed to run the north line and such part of the circle as falls to the westward of the said line, according to the articles, from the said point, &c. &c."

The surveyors' records are as follows, viz :

"SATURDAY, November 7, 1761.

In pursuance of the last instructions, and also other directions from the commissioners, we this day went to the post near Joseph Tatloe's house, and from thence extended the direction of the line on which the base was measured for computing the distance from said post to the spire on New Castle court-house, to the distance of twenty-four chains sixty-three links and three-tenths of a link, thereby subtending an angle of  $19^{\circ} 3' 55''$  at the spire aforesaid, that being the angle which by the said last instructions we were required to make with the line of intersection; \* which said distance terminated in a point fixed on a white oak post well secured in the ground in the aforesaid direction, and found, by calculation, to be seventy-five chains thirty-one links and seventy-six hundredths of a link distant from the spire aforesaid, on the twelve mile line therein directed to be run.

JNO. LUKENS,  
AR'D. McLEAN."

JONA. HALL,

"NOVEMBER 8, Sunday, 1761.

NOVEMBER 9, 1761, Monday.

After engaging sundry axemen this morning, Mr. Thomas Garnett, one of the surveyors on behalf of his lordship, having resolved to go home, and Jonathan Hall receiving advice that his wife was sick, thought proper to go home a few days, and there being none other here to act on the part of his lordship, in running and measuring the line, which, by instructions of the seventh instant, we were directed to run and measure, we were, therefore, under the disagreeable necessity, (notwithstanding we have divers persons in pay,) to adjourn to the sixteenth of this month, at which time we agree to meet at New Castle, in order to run and measure the line as instructed.

JNO. LUKENS,  
ARD. McLEAN."

JONA. HALL,

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\* Alluding to the first experimental line run from the court-house to intersect a due north line which was traced up the peninsula from the "middle point" of the line run west from Cape Henlopen.

“ MONDAY, November 16, 1761.

This morning early we met at New Castle, according to adjournment, and went to the post, which, by the direction of the commissioners, we set in the ground on the 7th instant, at the distance of seventy-five chains thirty-one links seventy-six hundredths of a link, by computation from the spire of the court-house at New Castle, and after opening a visto toward the said spire from the point mentioned to be fixed on said post, we extended a line westward in the direction of said spire and point four chains sixty-eight links twenty-four hundredths of a link, to a squared

M

white oak post marked I; which said post is found by the aforesaid computed and measured distances, to be one mile distant from the spire on said court-house.

JON. LULENS,  
AR'D. McCLEAN.”

JON. HALL,

After detailing each day's work, in the prolongation and measurement of this radial line, the surveyors' describe its completion on the twenty-eighth of November, and its remeasurement between that date and the second of December, as follows, viz:

SATURDAY, November 28, 1761.

“Proceeded with the line sixty-three chains, where we fixed and secured firmly in the ground in the meadow, late Lewis Thomas', a squared white-oak post marked M; the said measure ending in a point fixed thereon,

XII

which said post, we are of opinion, is twelve English statute miles, horizontal measure, distant from the spire of the Court-house in New Castle, that being the distance which, by our instructions, we were enjoined to extend the said line, during the measure of which distance we kept the account in four perch chains, tho' where hills intervened the measure was performed by instruments, before prepared for rendering the same horizontal, and, where level, the same was taken by a two perch chain, which we frequently and carefully measured, and after fixing the said twelve mile post, we took the courses and distances from thence to the several trees, as expressed on the next page,\* thereby to determine its place, in case it should be destroyed or removed; afterward we fixed a white-oak post in the said direction, at the distance of twenty perches to the eastward of the said post; which done, we agreed to begin at the said twelve mile post and re-measure the line toward New Castle superficially, least a mistake should have been committed from the different modes we were obliged to pursue or take in order to make the measure horizontal; which

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\* The next page of the old surveyor's book contains the diagram referred to.

re-measure we continued to the ten mile post, and left off. Afterward settled with and dismissed sundry of the laborers.

JNO. LUKENS,	JOHN F. A. PRIGGS,
ARD. M'LEAN,	JONA. HALL.

"NOVEMBER 29, *Sunday*."

"MONDAY, *November 30, 1761.*

"Continued the re-measure of the line (as on the 28th instant,) from the ten mile post to the two mile post, where night came on.

JNO. LUKENS,	JOHN F. A. PRIGGS,
ARD. M'CLEAN,	JONA. HALL.

"TUESDAY, *December 1, 1761.*

"Continued the measure as before from the two mile post, to the post which we set up on the seventh ultimo, from which the direction of the line was taken, and from the proportional agreement between the superficial and horizontal measure, find that no mistake hath been committed.

"Settled with and dismissed the chain-carriers, and all the other hands except the steward and waggoner, then rode to Wilmington, there to take account of and deposite the stores for the winter season.

JNO. LUKENS,	JOHN F. A. PRIGGS,
ARD. M'LEAN,	JONA. HALL."

"WEDNESDAY, *December 2, 1761.*

"This day took account of the stores; stored them in Wilmington, in the care of John Stapler, Esq., settled sundry accounts, dismissed the steward and waggoner.

JNO. LUKENS,	JOHN F. A. PRIGGS,
JONA. M'LEAN,	JONA. HALL."

From the foregoing authorities, no doubt whatever can exist, that the point agreed on and used as the centre of the circle of twelve miles radius by the commissioners and surveyors of Lord Baltimore, and Thomas and Richard Penn, was one and the same as that in reference to which the arc of the circle west of the due north line, and the radius terminating at the tangent stone, were traced and determined by us in our recent survey.

The discrepancies then, which have been shown between our work and theirs, in regard to this arc and the angle formed between the radius and the peninsular or tangent line, at the tangent stone, cannot be attributed to any difference in our positions respecting the centre of this circle.

The radius run out by the surveyors in 1761, indicated by a line drawn

from the spire of the court-house in New Castle, to the present position of the tangent stone, should be revolved about the centre of its circle, (the shire aforesaid,) through an arc of eight minutes and thirty-four seconds and one-tenth of a second to the south, and then produced two feet four inches westward, and the line called the tangent line, should be revolved westward about its southern extremity, at the "Middle point" of the Cape Henlopen line, through the inappreciable angle of one second and two-tenths of a second, and then these two lines would meet at right angles, at the distance of 157.6 feet southward from the present position of the tangent stone.

The slight variation thus required in the azimuth of the tangent line, proves the surprising accuracy of its direction as determined by Messrs. Mason and Dixon, and how truly it divided the provinces, in accordance with the articles of the ancient agreement, as far as it extended, which is given by Mason and Dixon in their notes of survey, to be 81 miles 78 chains and 31 links, or 17.2 yards less than 82 miles.

It is equally surprising that there should have been so great an error in their elements for marking out the arc of the circle west of the north line, and in the length of their chord, which they computed to be 116 chains and 5 links, or 7,659.3 feet.

And which we find to be as actually marked by the tangent and intersection stones, 7,743 "

But which, according to our computations, should have been 7,960.6 "

And should have begun at a point 157.6 feet southward of the present position of the tangent stone, and have ended at a point 143.7 feet north of the present position of the stone set by Mason and Dixon, and the commissioners of their day, to mark its termination, and constituting now the point of junction of the three States.

The origin of this error has, we think, been satisfactorily discovered.

It is our opinion that the stones on the arc west of the north line, stand as originally placed. Of this we have evidence conclusive enough, from the lengths of our measured ordinates of that arc, compared with the 3d, 6th and 9th, in the table of Mason and Dixon, copied at page 84.

The following is a comparison of our measurements with theirs for this arc.

According to Mason and Dixon's survey, made in 1765.			According to our measurements on the ground in 1849.	
	Distances on chord from tangent stone, in feet.	Length of ordinates, in feet.	Distances on chord from tangent stone, in feet.	Lengths of ordi- nates, in feet.
1	1,851.3	84.8	1,855.3	85.4
2	3,831.3	115.8	3,836.7	115.6
3	5,811.3	84.8	5,872.7	84.

We can make no comparison with the marked stone on the arc intervening between the 2d and 3d of the above table, and which was intended to be put at the meridian distance of one mile from the tangent stone, for the reason that Mason and Dixon do not give the length of their ordinate for that one.

We found it, however, to be 101.4 feet perpendicular from the chord, to the west, and we find by computing its place from the elements assumed by Mason and Dixon for marking this arc, that it would be 99.4 feet.

The foregoing table shows conclusively that the tangent stone could never have been moved from its original position, for our first and second distances from it on the chord, or north line, correspond almost exactly with those given by Mason and Dixon, quite within the probable errors of careful chaining at least. The discrepancy in our distances to the third ordinate is no doubt owing to an error in the count of one chain (66 feet) on their part, for our distance was tested by three measurements.

There is no doubt that that stone and the intersection stone remain at this day in the positions given to them by the commissioners and surveyors in 1765.

In addition to the above evidence, we have that which arises from the fact that they both now stand upon their proper lines of direction, which would scarcely have been preserved had they been moved by mischievous interference. The tangent stone stands now precisely upon the same right line, with the three monuments to the southward of it on the tangent line, and the intersection stone stands as truly on the north line. The error in the distance intended to be given them apart by Messrs. Mason and Dixon, (which accidental distance we actually found to be nearer the truth than their computed distance,) was probably one of miscount in their chain measurement, as was also the error of one hundred and thirty\* feet in the meridian distance of the marked stone on the arc from the tangent stone, which they state to be one mile.

Those who believed that the tangent stone had been disturbed in its position because of the fragments of stone of a similar character, which for some time lay strewed at its base, were not carried so far back by tradition as the period when this point was marked by two similar stones, engraved alike with the arms of the proprietaries and placed side by side, "the better to distinguish and ascertain the tangent point," as will appear was done by reference to the records of the commissioners, under the dates of June 18, 1765 and November 20, 1766, given in the preceding extracts and briefs of their proceedings.

The fragments which we were told of while engaged in the reconnoissances, were the remains no doubt of the missing companion of the one we found a little inclined in posture, but firmly planted in the ground. When it was taken up, for the purpose of placing the new stone, which will presently be noticed, it was unbroken and perfect in its form.

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\* This error was probably caused by a miscount of two chains, which would be equal to one hundred and thirty-two feet.

Had Messrs. Mason and Dixon adopted the method of tracing the arc by deflecting from their tangent line (which is so true in its direction,) and then from chord to chord of a constant length to find points on the circumference of that arc, it would not have been affected by the want of perpendicularity in the assumed direction of the radius to the tangent. They would by this method have described the true arc, independent of any reference to the radius, except alone as to its length, and they would have intersected the north line by the curve at precisely the distance from the tangent stone computed by us, that is to say, at 7,960.6 feet from it, and 217.6 feet in advance of its present position.

The error in their curve is not one of moment, as regards extent of territory, as it abstracts from Delaware and gives to Maryland only about 1 57-100 of an acre. The versed-sine of their arc is 115.8 feet, and that of the arc they should have traced is 125.3 feet.

Although their measured distances are found to be affected by many errors, incident always to measurements of great extent with the chain, yet the directions of their lines are correct, and as the only distance included in their portion of the survey, and specified as an element in the boundary, namely, the fifteen miles south of the parallel of the most southern limits of the city of Philadelphia was, after measurement with the chain, corrected by very accurate observations for the corresponding difference of latitude, the absolute division of territory between the then provinces was effected from the south extremity of the tangent line to the north extremity of the north line, on the whole, with great accuracy. Their long west line or parallel of latitude we have had no occasion to test, except for a short distance, but the great care with which their astronomical observations, contained in the old manuscripts at Annapolis, were made, leaves no doubt of the accuracy of that part of their work.

These observations, together with the records of the proceedings of the several joint commissioners charged with the division of the then provinces in question, will be more fully alluded to in a report to Col. Abert, Chief of the Corps of Topographical Engineers, and they will, I hope, be rescued from their long slumber in quiet obscurity, and be laid before the world in a printed form.

The conclusion having been arrived at that none of these monuments found on the curve, at the tangent point, and at the intersection point, had been disturbed in their original positions, which was ratified by your board, the obligation to consider them true marks of boundary is imposed by the declaration to that effect by the commissioners acting on behalf of their respective constituents, Lord Baltimore, and Thomas and Richard Penn, fully expressed on the records of their proceedings.

Accordingly, by your directions, in addition to the new monument fixed at the north-east corner of Maryland, as already mentioned, the following were also erected at the tangent point, at the intersection point, or junction of the three States, and on the meridian of the curve, viz:



At the tangent point, a post of cut granite, 6 feet long, and squaring 18 by 15 inches, was inserted  $4\frac{1}{2}$  feet of its length in the ground, on the north side of and touching the old stone bearing the engraved arms, which remains in its old position. On the north side of the new stone is graved, in deep cut letters, the word TANGENT, with the date 1849.

At the point of junction of the three States, a triangular prismatic post of cut granite, 18 inches wide on each side, and 7 feet long, was inserted  $4\frac{1}{2}$  feet of its length into the ground. It occupies the exact spot on which the old unmarked stone was found. It is marked with the letters M. P. and D. on the sides facing respectively towards the States of Maryland, Pennsylvania and Delaware. On the north side, below the letter P. are the names of the commissioners, in deep cut letters, namely: "H. G. S. KEY, of Md., J. P. EYRE of Pa., G. R. RIDDLE, of Del., COMMISSIONERS," with the date 1849. This boundary stone stands upon land now belonging to Wm. Johnson.

The old unmarked stone was buried, lying in a prostrate or horizontal position, just below the surface of the ground, on the north side of and central with the new stone.

At the meridian, or middle point of the arc, corresponding to the length of the chord, as we actually found it, and at the distance of 118.4 feet perpendicular from the middle point of said chord, a post of cut granite, six feet long, was inserted  $4\frac{1}{4}$  feet of its length into the ground. This stone squares seventeen by fourteen inches. It is rounded on the west side, to indicate that it is on the curve, and on the east side the date **1849** was marked in deep cut figures.

The circular boundary between Pennsylvania and Delaware, from the point of junction of the three States to the river Delaware being yet unmarked, and a number of citizens residing near this common border being in doubt, and anxious to know to which State they belong, at your suggestion the survey was conducted with such precision as to enable us to describe that boundary correctly, as will appear upon our map, for a distance of about  $3\frac{1}{2}$  miles north-eastward from the junction.

We have determined the distance by computation, at which a due east line from the north-east corner of Maryland will cut that circular boundary, and find it to be 4036 feet, or .766 of a mile. We have also computed the angle with the meridian at the said north-east corner, made by a line drawn from thence to the spire of the court-house at New Castle, and find it to be  $70^{\circ} 20' 45''$  east of south. At the distance of 3786 feet, measured on the side line from the aforesaid north-east corner, this line will intersect the circular boundary.

The want of a proper demarcation of the boundaries between States is always a source of great inconvenience, and often of trouble to the border inhabitants, and it is worthy of remark, that as our survey progressed, and while making the necessary offsets to houses on the east of the north line, we discovered that there was an impression among many, that the

boundary of Delaware extended up to the north line, from the junction of the north-east corner of Maryland.

Mr. W. Smith, a gentleman who has once served as a member of the Legislature of Delaware, resides a full half mile within the State of Pennsylvania, measured in the shortest direction from his dwelling-house to the circular boundary.

We find also, by careful measurement, that Christiana Church is in Pennsylvania, full one hundred yards west of the circular boundary. The dwelling-houses of Messrs. J. Jones, Thomas Gibson, Thomas Steel, and J. McCowan, are all within the bounds of Pennsylvania, according to our trace of the circle from computed elements.

I take great pleasure in acknowledging here the valuable aid rendered, in this survey by my assistants, Lt. George Thom, of the Topographical Engineers, and Mr. Charles Radzinski.

The former was obliged, by his duties in the office of the north-eastern boundary, to return to Washington on the 24th of November. He joined us, however, again, on the 29th of January, and participated in the completion of the field work, on the 6th of February, at a time when, owing to the delays which the almost continued stormy and cloudy weather in January had produced, his aid was very important.

Mr. Radzinski remained in the field from the beginning to the end of the work, and used every exertion to forward it. Mr. Derrick, our junior assistant, did the same. They lost not a day that could be appropriated to the out-door work; and often, when the weather was unpromising, they would go out, in order to be ready to observe angles, &c., if it should clear, and would return, drenched with rain, or covered with sleet, during the cold weather of December and January, never regarding their personal comfort, when the work could be forwarded by exposing themselves.

I herewith present three finished maps, one for each of your respective States, constructed from our surveys, and duly certified.\*

All of which is respectfully submitted.

J. D. GRAHAM.

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\* These maps are on a scale of 4 inches to 1 mile, or  $\frac{1}{15840}$ .

J. D. G.

Mr. Newton offered the following resolution, which,

On his motion,

Was read, as follows, to wit:—

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

On motion of Mr. Waples,

The resolution was

*Adopted.*

Mr. Boulden offered the following resolution, which,

On his motion,

Was read, as follows :

*Resolved*, That the Clerk of the House of Representatives be directed to furnish the House with two copies of each of the newspapers printed in this State, during the present session of the General Assembly, which,

On motion of Mr. Martin,

Was

*Adopted.*

Mr. Newton offered the following resolution, which,

On his motion,

Was read as follows, to wit:—

*Resolved*, That a committee of three members be appointed to wait upon His Excellency, the Governor, and invite him to take a seat on the floor of the House of Representatives, at pleasure during the present session; and also, to wait on the Secretary of State and members of the Judiciary of this State, who may be present during the session, and extend to them a similar invitation.

On motion of Mr. Scribner,

The resolution was

*Adopted.*

Whereupon,

Messrs. Newton, Scribner and Spruance were appointed said committee.

Mr. Boulden moved,

That a committee of two be appointed to wait upon the Rev. Thomas G. Murphey, and inform him of his appointment as Chaplain of the House.

Which motion

*Prevailed.*

Whereupon,

Messrs. Boulden and Pride were appointed said committee.

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

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*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Whitely, Clerk of the Senate, being admitted, informed the House that the Senate had adopted and requested the concurrence of the House in a resolution appointing a committee "to settle with the State Treasurer, count the cash on hand, &c.," and that Messrs. Sorden and Philips had been appointed the committee on the part of the Senate.

On motion of Mr. Martin,  
The resolution was read, and

On his motion  
Was

*Concurred in.*

Whereupon,

Messrs. Martin, Chambers and Lodge were appointed said committee, on the part of the House.

Mr. Scribner moved,

That a committee of five be appointed, to constitute a committee of claims on the part of the House.

Which motion

*Prevailed.*

Whereupon,

Messrs. Scribner, Rogers, Powell, Newton and Marsh were appointed said committee.

Mr. Newton, from the committee to invite His Excellency the Governor, the Secretary of State, and the Judiciary to seats on the floor of the House, reported that they had discharged that duty.

Mr. Martin offered the following resolution, which

On his motion,

Was read, as follows :

*Resolved*, That a committee of five be appointed to constitute a committee of elections, on the part of the House.

On motion of Mr. Rogers

The resolution was

*Adopted.*

Whereupon,

Messrs. Martin, Boulden, C. Smithers, Satterfield and Boys were appointed said committee.

Mr. Newton offered the following resolution, which

On his motion,

Was read, as follows :

*Resolved*, That that part of the Governor's Message having reference to the boundary line between the States of Delaware, Maryland and Pennsylvania, and to the compensation of the commissioner on the part of this State, and this State's share of the compensation of Col. J. D. Graham, the Engineer employed by the commissioners, be referred to a select committee of three, with leave to report by resolution or otherwise.

On motion of Mr. Boys,

The resolution was

*Adopted.*

Whereupon,

Messrs. Newton, Derrickson and Harper were appointed said committee.

Mr. Scribner moved,

That a committee of three be appointed to constitute a committee on unfinished business.

Which motion

*Prevailed.*

Whereupon,

Messrs. Scribner, Harrington and Newton were appointed said committee.

Mr. Scribner offered the following resolution, which

On his motion,

Was read, as follows :

*Resolved*, That the use of this Hall be granted to the ladies of Dover, on the evening of the 21st instant, for the purpose of giving an amateur concert, for the benefit of the Presbyterian Church of Dover, which

On his motion,

Was

*Adopted.*

Mr. Boulden moved,

That the rules of the last House of Representatives be adopted as the rules for the government of this House.

Which motion

*Prevailed.*

And the following rules were adopted :—

*Rules for the government of the House of Representatives.*

1. The regular hours of meeting of the House shall be 10 o'clock, A. M., and 3 o'clock, P. M., unless otherwise ordered by the House.

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

3. 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.

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

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

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

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

8. Every motion, either in the House or in committee of the whole, except a motion to adjourn, shall be entered on the Journal with the name of the mover.

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

10. 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.

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

12. Before any petition or memorial addressed to this House shall be

received and read at the Clerk's table, whether the same be introduced by the Speaker or a member, a brief statement of its contents shall be verbally made by the introducer.

13. 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.

14. 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 one majority on the original question; in that case the seconder may be in the minority.

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

16. 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 until the appeal is taken.

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

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

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

20. 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.

21. Any question shall be taken by the ayes and nays, if requested by the Speaker or a member.

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

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

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

The Speaker laid upon the table a report of the commissioners appointed by the joint resolution of the General Assembly, adopted February 28, 1849, to revise the public laws of this State, now in force, and digest and arrange the same under appropriate titles, which,

On motion of Mr. Martin,  
Was read, as follows :

*To the Honorable the Senate and House of  
Representatives of the State of Delaware :—*

The commissioners appointed by the joint resolution of the General Assembly adopted February 28, 1849, to “ revise the public laws of this State now in force, and digest and arrange the same under appropriate titles,” have discharged that duty; and submit herewith as directed by said resolution, a revised digest of the entire public statute laws of the State.

It is divided into twenty-one titles; and one hundred and thirty-five chapters, with an appendix of certain matters which do not fall properly within the body of the work.

The arrangement is as follows :—

## CONSTITUTION OF THE UNITED STATES.

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## CONSTITUTION OF THE STATE OF DELAWARE.

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## REVISED LAWS OF DELAWARE.

ANNO DOMINI, 1851.

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### AN ACT *for revising, arranging and amending the public laws of the State.*

WHEREAS, it is expedient that the general statutes of this State should be revised and arranged under appropriate titles; that omissions should be supplied and defects amended; and that the whole should be made concise and plain; therefore—

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* in manner as stated under the chapters and sections following, that is to say :

### TITLE FIRST.

*Of the jurisdiction and property of the State, its legislation and laws.*

- Chap. 1 Of Sovereignty and Jurisdiction.  
 2 Of Public Lands.  
 3 Of the State House, Library and Public Offices.  
 4 Of Statutes and Legislative Journals.  
 5 Of the Construction of Statutes.  
 6 Of Judicial Reports.



## TITLE SECOND.

*Of the public revenue; and the assessment, collection and appropriation of taxes.*

- Chap. 7 Of the Revenue of the State.  
 8 Of the Levy Court.  
 9 Of the Clerk of the Peace.  
 10 Of Assessors.  
 11 Of the Valuation of Property.  
 12 Of Collectors.  
 13 Of the County Treasurer.  
 14 Of the Treasurer of the Poor.

## TITLE THIRD.

- Chap. 15 Of the Public Arms and Defence.

## TITLE FOURTH.

*Of Elections.*

- Chap. 16 General Provisions.  
 17 Of the Election of Assessors and Inspectors.  
 18 Of the General Election.  
 19 Of Elections in Wilmington Hundred.  
 20 Of Elections of President and Vice President of the United States.  
 21 Of Representatives in Congress.  
 22 Of United States Senators.  
 23 Of Contested Elections.

## TITLE FIFTH.

*Of certain Public Officers.*

- Chap. 24 General Provisions.  
 25 Of Salaries.  
 26 Of the General Assembly.  
 27 Of the Governor.  
 28 Of the Secretary of State.  
 29 Of the State Treasurer and Trustee of the School Fund.  
 30 Of the Auditor.  
 31 Of the Attorney General.  
 32 Of Sheriffs.  
 33 Of Coroners.  
 34 Of Constables.  
 35 Of Recorders of Deeds.  
 36 Of Notaries Public and Commissioners of Deeds.  
 37 Of Prothonotaries.  
 38 Of the Clerk of the Court of Errors and Appeals.

## TITLE SIXTH.

*Of Religion, Public Education and Health.*

- Chap. 39 Of Religious Societies.  
 40 Of the School Fund.  
 41 Of Sabbath Schools.  
 42 Of Free Schools.  
 43 Of Delaware College.  
 44 Of St. Mary's College.  
 45 Of other Schools and Literary Institutions.  
 46 Of Infectious Diseases.  
 47 Of Physicians.

## TITLE SEVENTH.

*Of the Poor, the Insane, Deaf and Dumb and Blind.*

- Chap. 48 Of Alms-houses and the Poor.  
 49 Of the Insane.  
 50 Of the Deaf and Dumb; and the Blind.

## TITLE EIGHTH.

*Of the General Police.*

- Chap. 51 General Provisions.  
 52 Of Free Negroes and Mulattoes.  
 53 Of Taverns, Ale Houses and Victualling Houses.  
 54 Of Jails and Work Houses.  
 55 Of Fish Oysters and Game.  
 56 Of Boundaries.  
 57 Of Fences.  
 58 Of Strays.  
 59 Of Ditches.  
 60 Of Roads and Bridges.  
 61 Of Mills.  
 62 Of Wrecks.

## TITLE NINTH.

*Regulations concerning Trade.*

- Chap. 63 General Provisions.  
 64 Of Limited Partnerships.  
 65 Of Principal and Surety.  
 66 Of Weights and Measures.  
 67 Of the sale and inspection of Bread-stuffs.  
 68 Of Retailers of Goods and Pedlers.  
 69 Of Pilotage, Navigation and Vessels.

## TITLE TENTH.

*Of Corporations.*

- Chap. 70 General Provisions.  
 71 Of Banks.  
 72 Of Canals, Railroads, Turnpikes and Toll Bridges.  
 73 Of the City of Wilmington.

## TITLE ELEVENTH.

*Of the Domestic Relations.*

- Chap. 74 Of Marriage.  
 75 Of Divorce.  
 76 Of Husband and Wife.  
 77 Of Parents and Children; and of the maintenance of bastard children.  
 78 Of Guardians and Wards.  
 79 Of Masters, Apprentices and Servants.  
 80 Of Slaves.

## TITLE TWELFTH.

*Of Titles to Real Property.*

- Chap. 81 Of Aliens.  
 82 Of Escheats.  
 83 Of Conveyances.  
 84 Of Wills.  
 65 Of Intestates Real Estate.  
 86 Of Joint Estates and Partition.  
 87 Of Dower.  
 88 Of Waste.

## TITLE THIRTEENTH.

*Of the Administration of Estates.*

- Chap. 89 Of the settlement of Personal Estates,—and herein of the Register of Wills.  
 90 Of the sale of lands by Executors and Administrators.

## TITLE FOURTEENTH.

*Of Courts.*

- Chap. 91 General Provisions.  
 92 Of the Superior Court.  
 93 Of the Court of Oyer and Terminer.  
 94 Of the Court of General Sessions.  
 95 Of the Court of Chancery.  
 96 Of the Orphans' Court.

## TITLE FIFTEENTH.

*Of Justices of the Peace.*

- Chap. 97 General powers, duties and Jurisdiction of Justices in criminal cases.
- 98 Of the Jurisdiction of Justices in bastardy cases.
- 99 Of the Jurisdiction of Justices in civil cases of debt.
- 100 Of the Jurisdiction of Justices in trespass cases.
- 101 Of the Jurisdiction of Justices in cases of forcible entry and detainer; and of holding over.

## TITLE SIXTEENTH.

*Of Civil Actions in General,*

- Chap. 102 Of the commencement of actions.
- 103 Of Bail.
- 104 Of Attachment.
- 105 Of the Survivency of Actions.
- 106 Of Pleading and Practice in civil actions.
- 107 Of Witnesses and Evidence.
- 108 Of Oaths.
- 109 Of Juries.
- 110 Of Judgments.
- 111 Of Execution.
- 112 Of Defects in Pleadings, and the amendment thereof.
- 113 Of Bills of Exception, Cases stated and Reserved questions.
- 114 Of costs in Civil Actions.

## TITLE SEVENTEENTH.

*Of Proceedings in Special Cases.*

- Chap. 115 Of Habeas Corpus.
- 116 Of Arbitrations and Awards.
- 117 Of Recognizances and Bonds, and proceedings thereon.
- 118 Of suits for Legacies.
- 119 Of Ejectment.
- 120 Of Landlord and Tenant.
- 121 Of Insolvency.

## TITLE EIGHTEENTH.

*Of the Limitation of Actions.*

- Chap. 122 Of the Limitation of Real Actions.
- 123 Of the Limitation of Personal Actions.
- 124 Of the Limitation of Appeals and Exceptions.

## TITLE NINETEENTH.

Chap. 125 Of the fees of public officers.

## TITLE TWENTIETH.

*Of Crimes and Punishments.*

- Chap. 126 Of offences against the sovereignty of the State.  
 127 Of offences against the lives and persons of individuals.  
 128 Of offences against private property.  
 129 Of Forgery and Counterfeiting.  
 130 Of offences against Public Justice.  
 131 Of offences against Religion, Morality and Decency.  
 132 Of offences against public policy.  
 133 Special provisions and penalties.  
 134 General provisions concerning crimes and punishments.

## TITLE TWENTY-FIRST.

Chap. 135 Of the repeal of the statutes herein revised.

## APPENDIX.

1. An act to repeal expressly all the acts which are herein revised.
2. A list of the acts not revised, being such as are not of a general and public nature, or are supposed to be obsolete, or no longer operative; but which are not repealed or affected by this revision.

The plan of the revision has been this:—

1. The law upon each general subject was brought together; amendments which have been authorized made; parts repealed stricken out; and inconsistent or conflicting provisions, which frequently arise from many years of legislation, brought into immediate connection and contrast.

2. A general plan was then adopted for the arrangement of the whole work; placing kindred subjects under the same, or similar heads; and dividing the work into titles, chapters and sections.

From the thorough and critical examination which they have been obliged to make of the whole body of our statute law, comparing it with the laws of other States, the commissioners have been impressed with a high sense of its completeness and perfection as a system. They express the opinion that it requires very little amendment or addition, to meet any known necessity or exigency. But they have been equally impressed with a sense of its defectiveness in arrangement, to which, more than to any omission of needful provisions, or want of skill in the drafting particular laws, they attribute the general opinion that our laws are either defective in themselves or difficult to be understood. Their efforts have,

therefore, been directed more to the systematising and arranging existing provisions, than to originating anything new; and they are confident in the hope that, if they have succeeded in this, our code of statute law will be found to compare favorably with the best systems of our sister States.

The revisers have strictly followed the instructions contained in the resolution under which they are acting. They have not considered the object of their appointment to be to report what, in their judgment ought to be the law, but what the law is; digested into form, simplified in expression, and arranged in such order as will make it easy to be found, and plain to be understood; but they have nevertheless, (also in conformity with instructions) pointed out such defects and inconsistencies as seemed to mar the system, and plainly to call for change. In some instances they have not only made these suggestions, but have also prepared sections, and even chapters, to remedy the defects; but these have been prepared as alternative provisions; and the acceptance or rejection of any of them will not at all interfere with the general revision.

The commissioners have made no *experiments*. They have not sought to introduce any extensive reforms on any subject; except in the chapter on pleading and practice in civil actions, and the chapter concerning defects in pleadings and the amendment thereof. On these subjects, following closely in the steps of the reforms in England, and in many of the State courts, and courts of the United States, the commissioners will recommend some important changes, to be made by the judges in a general revision of the rules of court. In other matters, though many projects have been suggested, and some of them favorably considered; none of them have been carried out, except in the form of isolated and independent provisions substituting something in the body of the revision. If any such change meets the deliberate approval of the Legislature, it will be adopted; and the opportunity is offered of considering such in immediate comparison with the existing law: if any does not present a striking and obvious improvement upon present enactments, the substitute will, of course, not be improved, and the law will remain as it is.

But in any event it cannot be otherwise than useful to have the law on every subject brought together, and systematically arranged. It has been twenty-two years since our laws were revised, and every session of the Legislature has been changing, amending, supplying or repealing them; and, generally in that most mischievous form of legislation,—that of amending by striking out and inserting substitutes, followed by a general repeal of all provisions inconsistent with the amendment. The temptation to this kind of legislation is very strong; for it saves the draftsman, and indeed the Legislature, the trouble of finding out what provisions are inconsistent with the amendment, but it entails on courts and juries, on suitors and citizens, the trouble and expense of making the discovery, whenever the amending law has to be construed. It is in this way, chiefly, that a statutory code soon becomes involved, and needs an entire revision; if it be only to settle what the law is.

Our present acts of Assembly fill four volumes—three since the last revision; and, by reference to those which preceded it, ten volumes. It will be found that, of these, when you come to exclude local and private laws, acts repealed, and repealing and amending acts, more than three-fourths of the former, or nine-tenths of the whole, will be excluded; and that a single volume will contain all the really public statute law of the State.

The manner of the revision has been such as to afford the greatest facility for discovering any departure from the provisions of existing law; or any want of skill or unfaithfulness in expressing them. Each subject is taken by itself—all the laws upon it collated—the result expressed with reference to page, chapter or section and paragraph; so that, taking up any independent part of the work, members of the Legislature will at once satisfy themselves of the closeness and fidelity of the execution. This, of course, does not apply to suggested changes, all of which must rest on their own merits; and the revisers will not seek to advocate any of them in this report, nor elsewhere do more than to state what is the supposed inconvenience, or impropriety, of present provisions; and the purpose and object, and probable effect, of the suggested change.

Much verbiage and tautology have been avoided by a preliminary act, giving a legislative construction to words and phrases. It seems to have been often taken for granted, in drafting laws, that courts and juries were not to understand language as all others construe it, or would be disposed to stick to the letter without respect to the meaning. Hence it has not been unusual, in drafting bills, instead of using a general word which of itself would necessarily include many particulars, to attempt an enumeration of the particulars; to the manifest involvement and obscuring of the whole subject, by overloading the sense with words. We may not have always avoided this. The weight of precedent has been such, that often, insensibly, and in the case of the criminal statutes and some others, and in all forms, designedly, we have followed the old plan; though we have, in the chapter of constructions, provided a legislative approval of the more summary form of expression.

Private acts and corporate charters have been omitted, except with regard to certain corporations of extended operations, and great public importance, and these have been *digested*. The Chesapeake and Delaware canal; the principal railroads and turnpikes, and charters of the several banks in this State, are instances. The General Assembly thought a revision of these unnecessary, as they are extensively published already, and are generally published by the companies themselves for the use of members, stockholders and others. It would be a good general provision to require this in all such acts hereafter to be passed. But without this, these laws are so easy of access to all who are concerned with their provisions, as to make a revision of them unnecessary. They will not, therefore, be in any manner affected by this revision, nor will such as have been merely digested be repealed. In no case will an act be repealed which is not entirely revised and supplied.

The several chapters are accompanied by notes of reference and explanatory remarks either separately, or by way of memorandum in the margin. These will render a more minute reference to them in this report unnecessary. It was thought better to connect any such remarks with each bill than to embrace them in a general report.

All which is respectfully submitted.

SAMUEL M. HARRINGTON,  
JOSEPH P. COMEGYS,  
DANIEL M. BATES.

*Dover, Jan. 8, 1851.*

Mr. Boys then offered 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 a joint committee to consist of two members on the part of the Senate, and three on the part of the House of Representatives be appointed, whose duty it shall be to examine the revised Digest of the Laws, prepared by the commissioners appointed by a resolution of the General Assembly to perform that work, and that said committee make report in the premises as soon as their labors shall have been ended, with such suggestions and recommendations as they may deem necessary.

*Resolved further,* That said committee have power to sit during the time of the meeting of the two Houses, and to cause to be printed such of the acts embraced in such revision as they may judge proper to be brought to public notice, pending the discharge of their duties.

On motion of Mr. Martin,

The resolution was

*Adopted.*

Whereupon,

Messrs. Boys, Harper and Martin were appointed the committee on the part of the House.

*Ordered* to the Senate for concurrence.

On motion,

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



THURSDAY, 10 o'clock, A. M., *January 9, 1851.*

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Martin, chairman of the committee on elections, reported that the returns from the different counties were correct, and the certificates of the same were in proper form and duly certified, by which it appeared that Messrs. Aquilla Derrickson, William C. Lodge, Abraham Boys, Albert O. Newton, Samuel Jefferson, James B. Rogers and Nathan T. Boulden, of New Castle county, and

Messrs. Enoch Spruance, Francis B. Harper, Caleb Smithers, John G. Chambers, Benjamin Harrington, Nathaniel C. Powell and Captain Elias Smithers, of Kent county, and

Messrs. John W. Scribner, Peter Marsh, William D. Waples, Job Pride, Dr. John Martain, John Hosea and James Satterfield, of Sussex county, were chosen to represent the said county respectively in the House of Representatives of the State of Delaware; which

On motion of Mr. Martin,

Was

*Adopted.*

Mr. Boys presented a petition from Charlotte Bayley, praying to be divorced from her husband Nathan Bayley, which

On his motion,

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

Whereupon,

Messrs. Boys, Harrington and Waples were appointed said committee.

Mr. Harper presented a petition from Peter Hinson, of Kent county, praying for an act to authorize him to convey certain lands, which

On his motion,

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

Whereupon,

Messrs. Harper, Derrickson and Satterfield were appointed said committee.

Mr. Rogers presented a petition for the relief of Eleanora Sarah Hill, which,

On his motion,

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

Whereupon,

Messrs. Rogers, C. Smithers and Hosea were appointed said committee.

Mr. Pride presented a petition from Robert Layton, praying to be divorced from his wife Genette, which

On his motion,

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

Whereupon,

Messrs. Pride, Powell and Newton, were appointed said committee.

Mr. Martin presented the following resolution, which,

On his motion,

Was read, as follows :

*Resolved*, That the State Librarian furnish each member of this House a copy of the Digest; eighth and ninth volumes of the Laws of this State, and the acts of assembly since the publication of the ninth volume.

On motion of Mr. Newton,

The resolution was

*Adopted.*

Mr. Newton moved,

That so much of the Governor's Message as relates to the subject of Convention, be referred to a committee of three, with leave to report by bill or otherwise.

Pending which motion,

Mr. Martin moved,

That the committee be increased to five.

Which motion

*Prevailed.*

Whereupon,

Messrs. Newton, E. Smithers, Lodge, Martin and Powell, were appointed said committee.

On motion,

The House adjourned until 3 o'clock this afternoon.

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the joint resolution to appoint a committee to examine the revised Digest of the Laws of this State, and that Messrs. Sorden and Temple were appointed the committee on the part of the Senate.

And he withdrew.

Mr. Newton moved,

That the ladies of the Methodist Episcopal Church, of Dover, have the use of the Hall of the House of Representatives, on the evening of the 20th instant.

Which motion

*Prevailed.*

Mr. Scribner presented a petition from Jesse Workman, praying for a divorce from his wife, Elizabeth, which,

On his motion,

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

Whereupon,

Messrs. Scribner, Chambers and Boulden were appointed said committee.

Mr. Martin moved,

That the report of the commissioners appointed by the last Legislature to revise the laws of this State, be referred to the committee already raised to examine said revision.

Which motion

*Prevailed.*

On motion,

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

FRIDAY, 10 o'clock, A. M., January 10, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

The Speaker laid upon the table a petition from William Streets and forty-nine others, praying for an act authorizing the Levy Court of New Castle county to appoint an additional constable in St. George's hundred, which,

On motion of Mr. Boys,

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

Whereupon,

Messrs. Boys, Chambers and Waples were appointed said committee.

Mr. Scribner, from the committee on unfinished business, submitted the following report, which,

On his motion,

Was read, as follows :

The committee, to whom was referred the unfinished business, beg leave to report the following bill, as remaining on the files of the last session of the House of Representatives:

“An act in relation to a certain bridge in the county of Kent, called ‘Martin’s Bridge.’”

Mr. Scribner then moved,

That the bill be indefinitely postponed.

Which motion

*Prevailed.*

Mr. Boys presented a petition from James Montgomery and others, members of the Sons of Washington, praying for an act to exempt a reasonable portion of goods and chattels from seizure for debt, which,

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

Whereupon,

Messrs. Boys, Harper and Pride, were appointed said committee.

Mr. Rogers, from the committee to whom was referred the petition of Eleanora Sarah Hill, reported a bill entitled “An act for the relief of Eleanora Sarah Hill,” which,

On his motion,

Was read.

Mr. Boys, from the committee to whom was referred the petition of Charlotte Bayley, reported a bill entitled “An act to divorce Charlotte Bayley and her husband, Nathan Bayley, from the bonds of matrimony” which,

On his motion,

Was read.

Mr. Newton moved,

That when the House adjourns, it shall stand adjourned till 11 o'clock, on Monday morning next.

Whereupon,

Mr. Martin called the yeas and nays, which being taken, were as follows, to wit:—

*Yeas.*—Messrs. Boys, Boulden, Chambers, Derrickson, Harper, Harrington, Hosea, Newton, Pride, Powell, Rogers, Satterfield, C. Smithers, E. Smithers, Mr. Speaker—15.

*Nays.*—Messrs. Lodge, Marsh, Martin, Scribner, Waples—5.

So the motion

*Prevailed.*

On motion of Mr. Marsh,  
The House adjourned.

MONDAY, 11 o'clock; A. M., January 13, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Harper, to whom was referred the petition of Peter Hinson, reported a bill entitled "An act for the relief of Peter Hinson," which,

On his motion,

Was read.

On motion of Mr. Rogers,

The bill entitled "An act for the relief of Eleanora Sarah Hill, was read a second time.

Mr. C. Smithers presented a petition from Joseph H. Whitaker and forty-eight others, praying for an act to prevent hogs from running at large in the town of Frederica, which,

On his motion,

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

Whereupon,

Messrs. C. Smithers, Satterfield and Rogers, were appointed said committee.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in the passage of a bill entitled "An act to re-enact the act entitled 'An act to incorporate the New Castle Manufacturing Company.' "

And he withdrew.

Mr. Boulden moved,  
That the communication from the Senate be read.

Which motion

*Prevailed.*

Mr. Newton gave notice that on to-morrow, he should ask leave to introduce a bill entitled "A further additional supplement to the act entitled 'An act to extend the time for recording deeds.' "

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

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in a bill entitled "An act to divorce Sarah Reese and Thomas Reese."

And he withdrew.

Mr. Newton moved,  
That the bill from the Senate entitled "An act to divorce Sarah Reese and Thomas Reese," be read.

Which motion

*Prevailed.*

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

TUESDAY, 10 o'clock, A. M., January 14, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Scribner, from the committee to whom was referred the petition of Jesse Workman, for a divorce from his wife, Elizabeth, reported a bill entitled "An act to divorce Jesse Workman and Elizabeth Workman, late Elizabeth Dykes, from the bonds of matrimony," which,

On his motion,  
Was read.

Mr. Martin offered the following resolution, which,

On his motion,  
Was read, as follows :

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the members of the Senate and members of the House of Representatives assemble in the hall of the House of Representatives, at 11 o'clock, A. M., on Wednesday next, the 15th instant, to be present at the opening and publishing, according to the Constitution of this State, of the returns of the elections holden in the several counties of this State, on the second Tuesday of November last for Governor, and that two tellers be appointed, to wit: one on the part of the Senate, and one on the part of the House of Representatives, to make a list of the votes as the same shall be published from said returns.

*Resolved,* That upon opening and publishing the returns of the said elections by the Speaker of the Senate, in the presence of both Houses of the Legislature assembled as aforesaid, two certificates shall be made according to the following form, viz:—

DELAWARE, SS.

BE IT KNOWN, *That the General Assembly having met at Dover,* Henry B. Fiddeman, Speaker of the Senate, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and fifty-one, did open and publish in the presence of the members of the Senate, and of the members of the House of Representatives, according to the Constitution of the said State, the returns of the elections holden in the several counties of the said State, on the second Tuesday of November last for Governor, and by the said returns it is manifest that was on the said second Tuesday in November last, duly chosen Governor of the State of Delaware, according to the constitution and laws of the said State, to hold his office during four years from the third Tuesday in January (instant,) agreeably to said constitution; and that the said certificates be signed by the Speaker of the Senate, and by the Speaker of the House of Representatives, and that one of the said certificates be deposited by the Speaker of the Senate in the office for recording of deeds, in and for Kent county, and there to be recorded by the Recorder of Deeds for said county, and that the other of the said certificates shall be transmitted by the Speaker of the Senate to the Governor elect, with information that the members of the Senate and the members of the House of

Representatives will attend him on Tuesday, the twenty-first day of January (instant,) while he shall take the oaths of office required by the Constitution of the United States and this State.

Mr. Boys moved,  
That the resolution be adopted.

Which motion

*Prevailed.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Harper,

The bill entitled "An act for the relief of Peter Hinson," was read a second time.

Mr. C. Smithers, from the committee to whom was referred the petition of Thomas Whitaker and others, reported a bill entitled "A further additional supplement to the act entitled 'An act to restrain persons from suffering swine to go at large within certain limits,' " which,

On his motion,  
Was read.

Mr. Newton asked, and

On motion of Mr. Boys,

Obtained leave to introduce a bill entitled "A further additional supplement to an act entitled 'An act to extend the time for recording deeds,' " which,

On his motion,  
Was read.

Mr. Boys, from the committee to whom was referred the petition of William Streets and others, reported a bill entitled "An act allowing an additional constable in St. George's hundred, in the county of New Castle," which,

On his motion,  
Was read.

Mr. Newton, from the select committee to whom was referred that portion of the Governor's Message having reference to the boundary line, asked, and

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

Mr. Harper presented three petitions of the same import, from C. H. Sipple and others, praying for an act to authorize the erection of a "draw bridge over Little Duck Creek," which,



On his motion,

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

Whereupon,

Messrs. Harper, Martin and Lodge were appointed said committee.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the adoption of the joint resolution convening both Houses to count the votes for Governor, and that Mr. Phillips was appointed teller on the part of the Senate.

And he withdrew.

Mr. Pride presented a petition from William Sullivan, praying to be divorced from his wife, Rebecca, which,

On his motion,

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

Whereupon,

Messrs. Pride, C. Smithers and Derrickson were appointed said committee.

On motion of Mr. Boys,

The bill entitled "An act to divorce Charlotte Bayley and her husband, Nathan Bayley, from the bonds of matrimony," was read a second time.

Mr. Martin moved,

That a committee of four be appointed, to constitute a committee of enrolment, which

On motion of Mr. Scribner,

*Prevailed.*

Whereupon,

Messrs. Lodge, Satterfield, Powell and Boulden, were appointed said committee.

On motion of Mr. Boulden,

The bill entitled "An act to divorce Sarah Reese and Thomas Rees," was read a second time.

Mr. Pride, from the committee to whom was referred the petition of Robert Layton, reported a bill entitled "An act to divorce Robert Layton and Genette Layton, late Genette Long, from the bonds of matrimony," which,

On his motion,

Was read.

On motion,  
The House adjourned until this afternoon, at three o'clock.

---

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Scribner moved,

That a teller be appointed on the part of the House, to act jointly with the teller appointed on the part of the Senate, in tallying and counting the number of votes returned for Governor.

Which motion

*Prevailed.*

Whereupon,

Mr. Rogers was appointed said teller.

On motion,

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

---

WEDNESDAY, 10 o'clock, A. M., January 15, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Boys, from the committee to whom was referred the petition of James Montgomery and others, asked leave for further time to report; when,

On motion of Mr. Scribner,

Leave was obtained.

Mr. Boys, chairman of the committee appointed to examine the digested laws, asked, and,

On motion of Mr. Rogers,

Obtained further time to report.

On motion of Mr. Newton,

The bill entitled "A further additional supplement to an act entitled 'An act to extend the time for recording deeds,'" was read a second time.

On motion of Mr. Scribner,

The bill entitled "An act to divorce Jesse Workman and Elizabeth Workman, late Elizabeth Dykes, was read a second time.

Mr. Newton offered 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 a joint committee consisting of three members on the part of the House, and two on the part of the Senate be appointed, for the purpose of taking such measures as may be necessary for ascertaining the vote given at the last general election in favor of a convention, and that they be authorized to send for the ballot boxes.

Mr. Newton moved,

That the resolution be adopted; upon which,

The House being divided,

Mr. Martin called the yeas and nays, which being taken were as follows, to wit: :

*Yeas*—Messrs. Boys, Boulden, Derrickson, Lodge, Marsh, Newton, E. Smithers, Mr. Speaker—8.

*Nays*—Messrs. Chambers, Harper, Harrington, Hosea, Martin, Pride, Powell, Rogers, Scribner, Spruance, C. Smithers, Waples—12.

So the resolution was

*Lost.*

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in a bill entitled "An act to vacate roads therein mentioned."

And he withdrew.

On motion of Mr. Scribner,

The communication from the Senate was read.

Mr. Newton, from the committee on that part of the Governor's Message relative to a convention, asked for, and,

On motion of Mr. Boys,

Obtained further time to report.

On motion of Mr. Boys,

The bill entitled "An act to divorce Charlotte Bayley, and her husband Nathan Bayley, from the bonds of matrimony," was read a third time, by paragraphs, and *Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Harper,

The bill entitled "An act for the relief of Peter Hinson," was read a third time, by paragraphs, and *Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Boulden,

The bill entitled "An act to divorce Sarah Reese and Thomas Reese," was read a third time, by paragraphs, and *Passed the House.*

*Ordered* to be returned to the Senate.

On motion of Mr. Rogers,

The bill entitled "An act for the relief of Eleanora Sarah Hill," was read a third time, by paragraphs, and *Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Harper presented a petition from Jacob Stout and others, for the erection of a draw bridge over Little Duck Creek, which,

On his motion,

Was referred to the committee already raised on that subject.

On motion of Mr. Scribner,

The Clerk was directed to inform the Senate that the House would be ready in five minutes to receive the Senate, in the Hall of the House, in joint meeting, for the purpose of being present at the opening and publishing the returns for Governor.

At the expiration of which time, the members of the Senate, preceded by their Speaker and attended by their clerk, entered the hall of the House, and took the seats prepared for their reception.

The two Houses being thus convened in joint meeting,

On motion of Mr. Scribner, of the House of Representatives,

The resolution convening the two Houses was read.

Henry B. Fiddeman, Esq., Speaker of the Senate, thereupon opened and published the official returns of the elections in the several counties of this State; from which it appeared that on the second Tuesday in November, A. D., 1850, there were given

For William H. Ross,			
In New Castle county,	2580	votes.	
In Kent	"	1354	"
In Sussex	"	2067	"
Total,		6001	"

For Peter F. Causey,			
In New Castle county,	2445		"
In Kent	"	1549	"
In Sussex	"	1984	"
Total,		5978	"

For Thomas Lockwood,			
In New Castle county,	283		"
In Kent	"	00	"
In Sussex	"	00	"
Total,		283	"

Plurality for William H. Ross, 23 "

William H. Ross, having the highest number of votes, was declared by the Speaker of the Senate, to have been duly elected Governor of the State of Delaware, on the second Tuesday of November last, for the constitutional term of four years from the third Tuesday of January (instant.)

The Speaker of the Senate and the Speaker of the House of Representatives then signed four certificates of the election of Governor.

On motion of Mr. Phillips, of the Senate,  
The joint proceedings of both Houses were read and compared.

On motion of Mr. Rogers, of the House,  
The two Houses separated, and the members of the Senate returned to their chamber.

On motion,  
The House adjourned until this afternoon, at three o'clock.

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

The Speaker laid upon the table a communication from William Chapin, Principal of the "Pennsylvania Institution for the Instruction of the Blind," which,

On motion of Mr. Newton,  
Was read.

Mr. Newton then offered the following preamble and resolution, which,

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

WHEREAS, The State of Delaware provides by law for the education of indigent blind in the Pennsylvania Institution for the instruction of the Blind: And whereas, in accordance with the usual custom of the board of managers, they propose that William Chapin, principal of the said institution visit our State, with a delegation of the blind pupils, to give an exhibition of the method and results of their system of instruction, before the Legislature, during its present session. Therefore, be it

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William Chapin, Esq., principal of the institution, with a delegation of the blind pupils, be and he is hereby respectfully invited to visit us at any time during the present session of the Legislature, for the purposes above named.

Which,

On his motion,  
Was

*Adopted.*

*Ordered* to the Senate for concurrence.

On motion of Mr. C. Smithers,

The bill entitled "A further additional supplement to the act entitled 'An act to restrain persons from suffering swine to go at large within certain limits,'" was read a second time.

Mr. Boys, from the committee to whom was referred the petition of James Montgomery and others, reported a bill entitled "An act to exempt from execution process and distress for rent, a certain amount of personal property," which,

On his motion,  
Was read.

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

THURSDAY, 10 o'clock, A. M., January 16, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Newton,

The bill entitled "A further additional supplement to an act entitled 'An act to extend the time for the recording deeds,'" was read a third time by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Newton,

The bill entitled "An act to vacate certain roads therein mentioned," was read a second time by its title; when,

On motion of Mr. Newton,

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

*Passed the House.*

*Ordered* to be returned to the Senate.

On motion of Mr. Boulden,

The bill entitled "An act to re-enact the act entitled 'An act to incorporate the New Castle Manufacturing Company,'" was read a second time; to which,

Mr. Newton offered the following amendment, and,

On his motion,

Was read, as follows, to wit :

Amend the bill by adding at the close of section one—

"*Provided*, That the said corporation shall annually, on or before the first day of February, 1852, and in each and every year thereafter, make a return, attested by the oath of the president, treasurer, or secretary of said corporation, of the transactions of the corporation for the past year to the Auditor of Accounts, in which return, the amount of capital stock subscribed shall be stated, and the amount of the same paid in, and the number of persons employed, and the quantity or amount of goods manufactured by it during the current year."

Mr. Boys moved,

That the amendment be adopted.

On which, the House being divided,

Mr. Newton called the yeas and nays, which being taken, were as follows :—

**Yeas.**—Messrs. Chambers, Harper, Harrington, Hosea, Marsh, Martin,

Newton, Pride, Powell, Scribner, C. Smithers, E. Smithers, Waples and Mr. Speaker—14.

*Nays*.—Messrs. Boys, Boulden, Derrickson, Lodge, Rogers and Spruance—6.

So the motion to adopt the amendment

*Prevailed.*

Mr. Newton then moved,

Further to amend the bill by adding an additional section; which,

On his motion,

Was read, as follows, to wit :

**SEC. 2.** *And be it further enacted*, That the President and Directors of the said manufacturing company of New Castle, shall signify their acceptance of this act through their President to the Governor of this State, under the corporate seal of said company, within three months after the passing of this act, to be by him transmitted to the Legislature; otherwise, the same shall be void and of no effect.

Mr. Boys moved,

That the amendment be adopted, when

The yeas and nays were called by Mr. Newton, which being taken, were as follows, to wit:—

*Yeas*.—Messrs. Boys, Chambers, Harper, Harrington, Hosea, Martin, Newton, Pride, Powell, Scribner, C. Smithers, E. Smithers, Waples, and Mr. Speaker—14.

*Nays*.—Messrs. Boulden, Derrickson, Lodge, Marsh, Rogers, Spruance—6.

So the motion to adopt the amendment

*Prevailed.*

Mr. Boys presented a petition from Willard Hall and others, praying for an act creating a Board of Education in the city of Wilmington, which,

On his motion,

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

Whereupon,

Messrs. Boys, Spruance and Scribner, were appointed said committee.

Mr. Newton presented a petition from George Maxwell, to amend the charter of the Delaware City Bank, which,

On his motion,

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

Whereupon,



Messrs. Newton, Chambers and Martin, were appointed said committee.

On motion of Mr. C. Smithers,

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

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. E. Smithers presented a petition from James P. Lofland and forty-nine others, praying for a charter for a bank in the town of Milford, which,

On his motion,

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

Whereupon,

Messrs. E. Smithers, Pride and Derrickson, were appointed said committee.

Mr. C. Smithers presented a petition from Henry M. Temple and thirty-nine others, praying for an act to prevent swine from running at large within certain limits, which,

On his motion,

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

Whereupon,

Messrs. C. Smithers, Waples and Lodge, were appointed said committee.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the joint resolution inviting Mr. William Chapin, Principal of the Pennsylvania Institution for the instruction of the Blind, with a delegation of his pupils, to visit Dover, during the present session of the Legislature.

He also informed the House that the Senate had passed, and requested the concurrence of the House in a bill entitled "A further additional supplement to an act entitled 'An act to extend the time for the recording of deeds.' "

And he withdrew.

On motion of Mr. Boys,

The communication from the Senate was read.

Mr. Newton presented the petition of Joseph Smith and ninety-nine

others, praying for a law authorizing them to erect a new bridge across Broad Creek in the county of Sussex, which,

On his motion,

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

Whereupon,

Messrs. Hosea, Harper and Rogers, were appointed said committee.

Mr. Derrickson, offered the following resolution, which,

On his motion,

Was read, as follows, to wit :—

*Resolved*, That a committee of three members be appointed, whose duty it shall be to examine the laws of this State “fixing the standard of weights and measures and regulating the same,” with leave to report by bill or otherwise.

On motion of Mr. Boys,

The resolution was

*Adopted.*

Whereupon,

Messrs. Derrickson, Harrington and Martin, were appointed said committee.

On motion of Mr. Boys,

The bill entitled “An act allowing an additional constable in St. George’s hundred, in the county of New Castle,” was read a second time.

On motion,

The House adjourned until three o’clock, this afternoon.

*Same Day, 3 o’clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Scribner,

The bill entitled “An act to divorce Jesse Workman and Elizabeth Workman, late Elizabeth Dykes, from the bonds of matrimony,” was read a third time, by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in a bill entitled "An act to enable James C. Wallace to locate certain vacant salt marsh, situate in St. Jones' Neck, in Kent county, and to complete his title to the same."

And he withdrew.

On motion of Mr. Scribner,  
The bill was read.

Mr. Martin presented the petition of John B. Vickers and Mary E. Vickers, for a law to legalize their marriage, which,

On his motion,

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

Whereupon,

Messrs. Martin, Powell and Lodge, were appointed said committee.

Mr. Newton, from the committee to whom was referred the petition of G. Maxwell, for an alteration in the charter of the Delaware City Bank, reported a bill entitled "An act for the relief of the Delaware City Bank," which,

On his motion,

Was read.

Mr. Boys presented the petition of John Pope, trustee of E. H. Pope, praying for an act to sell certain real estate, which,

On his motion,

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

Whereupon,

Messrs. Boys, C. Smithers and Marsh, were appointed said committee.

Mr. Newton offered the following preamble and resolution, which,

On his motion,

Was read, as follows, viz :

Whereas, by an act of the Senate and the House of Representatives of the State of Delaware, passed at Dover, on the third day of February. 1832, the sole cognizance of granting divorces was vested in the jurisdiction of the Superior Court, where either of the parties had a former wife and husband living at the time of solemnizing the second marriage; or where either of the parties shall be wilfully absent from the other, with the intention of abandonment three years; or in case of adultery;

or where the male party is actually impotent at the time of marriage; or in case of extreme cruelty: Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Judges of the Superior Court be requested to give their opinion for the information of the General Assembly, upon the following question, to wit:—

Has the Legislature the power to grant divorces in those cases where the jurisdiction has been granted to the Superior Court?

On motion of Mr. Boys,

The resolution was

*Adopted.*

Mr. Martin moved,

That a committee of three, constituting a committee of accounts, be appointed.

Which motion

*Prevailed.*

Whereupon,

Messrs. Martin, Harper and Newton, were appointed said committee.

On motion,

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

FRIDAY, 10 o'clock, A. M., January 17, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Scribner,

The bill entitled "An act to enable James C. Wallace to locate certain vacant salt marsh, situate in St. Jones' Neck, in Kent county, and to complete his title to the same," was read a second time.

Mr. Pride presented the petition of John H. Wiltbank and sixteen others, praying for an act to incorporate the Golden Rule Lodge of the I. O. O. F. of Milton, in Sussex county, which,

On his motion,

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

Whereupon,

Messrs. Pride, E. Smithers and Derrickson, were appointed said committee.

On motion of Mr. Pride,

The bill entitled "An act to divorce Robert Layton and Genette Layton, late Genette Long, from the bonds of matrimony," was read a second time.

Mr. Boys, to whom was referred the petition of John Pope and E. H. Pope, to sell certain lots in the city of Wilmington, reported a bill entitled "An act for the relief of John Pope and Elizabeth, his wife, of the State of Tennessee," which,

On his motion,

Was read.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in a resolution "to discharge and release Roger Adams, late sheriff of Sussex county, of a certain fine."

And he withdrew.

On motion of Mr. Scribner,

The resolution was read and

*Concurred in.*

*Ordered* that the Senate be informed thereof.

On motion of Mr. Newton,

The bill entitled "An act for the relief of the Delaware City Bank," was read a second time.

Mr. Martin, to whom was referred the petition of John B. Vickers and Mary E. Vickers, for a law to legalize their marriage, reported a bill entitled "An act confirm the marriage of John B. Vickers and Mary E., his wife," which.

On his motion,

Was read.

Mr. Pride, to whom was referred the petition of William Sullivan, praying to be divorced from his wife, Rebecca Sullivan, reported a bill entitled "An act to divorce William Sullivan and his wife, Rebecca Sullivan, late Rebecca Simpler, from the bonds of matrimony," which,

On his motion,

Was read.

Mr. Chambers moved,

That the joint resolution offered by Mr. Newton to appoint a committee to ascertain the vote given at the last general election for a conven-

tion, and to have power to send for the ballot-boxes, be taken up for a reconsideration.

On which motion,  
The House being divided,

Mr. Chambers called the yeas and nays, which being taken, were as follows, to wit:—

*Yeas.*—Messrs. Chambers, Harper, Powell, Spruance, C. Smithers, E. Smithers and Mr. Speaker—7.

*Nays.*—Messrs. Boys, Harrington, Hosea, Lodge, Marsh, Martin, Newton, Pride, Scribner and Waples—10.

So the motion to reconsider was

*Lost.*

On motion,  
The House adjourned until this afternoon, at three o'clock.

*Same Day, 3 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Boys,

The bill entitled "An act allowing an additional constable in St. George's hundred, in the county of New Castle," was read a third time, by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Newton, from the committee on that portion of the Governor's Message relative to a convention, reported a bill entitled "An act concerning a Convention," which,

On his motion,  
Was read.

On motion of Mr. Boys,

The bill entitled "A further additional supplement to "An act to extend the time for recording of deeds,"" was read a second time.

Mr. Lodge gave notice that he should, at an early day, (provided the act entitled "An act concerning a Convention" becomes a law,) introduce a joint resolution that the two Houses shall adjourn on some day in Feb-

ruary, to meet on the first day of January, A. D. 1852, for the purpose of receiving the returns of the election therein provided for, and also for the purpose of adopting and publishing the revised code.

Mr. Newton moved,

A reconsideration of the vote upon the resolution offered by him yesterday, relative to the opinion of the court, in certain cases of divorce.

Which motion

*Prevailed.*

On motion of Mr. Newton,

The resolution was

*Indefinitely postponed.*

Mr. Newton offered 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 this Legislature at its present session will pass no law, on and after the first day of February, 1851, for divorce in any case cognizable before the Superior Court of this State.

Mr. Newton moved,

That the resolution be adopted.

Which motion

*Prevailed.*

On motion,

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

SATURDAY, 9 o'clock, A. M., January 18, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Newton,

The bill entitled "An act for the relief of the Delaware City Bank," was read a third time, by paragraphs, and

*Passed the House,*

By yeas and nays, as follows, to wit :

Yeas—Messrs. Chambers, Harper, Harrington, Hosea, Lodge, Mar-

tin, Newton, Pride, Powell, Scribner, C. Smithers, Waples, Mr. Speaker—13.

*Nays*—Messrs. Boys, Derrickson, Marsh—3.

*Ordered* to the Senate for concurrence.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in a bill entitled "An act allowing an additional justice of the peace in Sussex county."

And he withdrew.

On motion of Mr. Boulden,  
The bill was read.

On motion of Mr. Scribner,

The bill entitled "An act to enable James C. Wallace to locate certain vacant salt marsh, situate in St. Jones' Neck, in Kent county, and to complete his title to the same," was read a third time, by paragraphs, and

*Passed the House.*

*Ordered* to be returned to the Senate.

Mr. Martin, from the committee appointed to settle with the State Treasurer, made the following report, which,

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

The committee appointed to act jointly with a committee of the Senate, in the examination of the accounts of Jacob Ferris, Treasurer, and Trustee of the School Fund, in the settlement with said officer, make the following report. That on the 7th day of January, 1851, the State Treasurer settled with Hiram W. McColley, Auditor of Accounts, at which time there was due from him to the State, the sum of - \$1,087 98

That on the same day the trustee of the school fund settled with Hiram W. McColley, Auditor of Accounts, at which time there was due from him to the said fund, - \$14,065 77

Due district in New Castle county, - 38

" Kent " - 635 77

" Sussex " - 1,786 21

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\$2,422 36

Total due to School Fund, - - - \$16,488 13

" State, - - - 1,087 98

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Total, - - - \$17,576 11



The committee further report that the books are neatly kept and in good order. And they find the sum \$17,576 11, deposited to the credit of the State Treasurer, in the Farmers' Bank at Dover.

*January 18, 1851.*

On motion of Mr. Martin,

The report was

*Adopted.*

Mr. Boys, from the committee to whom was referred the petition of Willard Hall and others, reported a bill entitled "An act to establish a Board of Education in the city of Wilmington," which,

On his motion,

Was read.

Mr. Scribner moved,

That one hundred copies be printed for the use of the House.

Which motion

*Prevailed.*

On motion of Mr. Newton,

The bill entitled "An act concerning a Convention," was read a second time.

On motion,

The House adjourned until 11 o'clock, on Monday morning.

MONDAY, 11 o'clock, A. M., January 20, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Chambers moved,

That the bill entitled "An act concerning a Convention," be taken up for consideration; on which motion,

The House being divided,

Mr. Chambers called the yeas and nays, which being taken were as follows, to wit:—

*Yeas.*—Messrs. Chambers, Harper, Martin, Powell, C. Smithers—5.

*Nays.*—Messrs. Boys, Derrickson, Hosea, Lodge, Marsh, Newton Pride, Scribner, Waples, and Mr. Speaker—10.

So the motion was

*Lost.*

On motion of Mr. Martin,

The bill entitled "An act to confirm the marriage of John B. Vickers and Mary E., his wife," was read a second time.

Mr. Harper, from the committee to whom was referred the petition of Jacob Stout and others, reported a bill entitled "An act to empower the Levy Court and Court of Appeal of Kent county to erect a bridge over Little Duck Creek, at the village of Leipsic," which,

On his motion,

Was read.

Mr. Pride, from the committee to whom was referred the petition of John H. Wiltbank and others, reported a bill entitled "An act to incorporate Golden Rule Lodge No. 17, of the Independent Order of Odd Fellows, of the State of Delaware," which,

On his motion,

Was read.

On motion of Mr. Scribner,

The bill entitled "A further additional supplement to an act entitled 'An act to extend the time for the recording of deeds,'" was read a third by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Pride,

The bill entitled "An act to divorce Robert Layton and Genette Layton, late Genette Long, from the bonds of Matrimony," was read a third time, by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Boys, from the committee to examine the digested laws asked, and,

On motion of Mr. Newton,

Obtained further time to report.

Mr. Pride presented the petition of Greenbury Rogers and others, praying for an act to open Love Lane, in Georgetown, Sussex county," which,

On his motion,

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

Whereupon,

Messrs. Pride, Chambers and Lodge were appointed said committee.

On motion of Mr. Scribner,

The bill entitled "An act allowing an additional justice of the peace in Sussex county," was read a second time, by its title.

On motion of Mr. Pride,

The bill entitled "An act to divorce William Sullivan and Rebecca, his wife, late Rebecca Simpler, from the bonds of matrimony," was read a second time.

Mr. Lodge gave notice that he should, at some future day, ask leave to introduce a bill entitled "An act to repeal an act entitled 'An additional supplement to the act entitled A further additional supplement to the act entitled An act to alter and re-establish the charter of the borough of Wilmington.'"

Mr. Harper presented the claim of Edward W. Wilson, which,

On his motion,

Was read and referred to the committee on claims.

Mr. Boys presented the accounts of Chandler & Harker; also, the accounts of Johnson & Chandler, which,

On his motion,

Was read and referred to the committee on claims.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had adopted and requested the concurrence of the House in the adoption of the resolution to appoint a committee to wait upon the Governor elect.

And he withdrew.

Mr. Scribner moved,

That the resolution be concurred in.

Which motion

*Prevailed.*

Whereupon,

Messrs. Scribner, Newton and Harper were appointed said committee.

On motion,

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

TUESDAY, 10 o'clock, A. M., January 21, 1851.

The House met, pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Harper,

The bill entitled "An act to empower the Levy Court and Court of Appeal of Kent county to erect a bridge over Little Duck Creek, at the village of Leipsic," was read a second time.

Daniel M. Bates, Esq., Secretary of State, being admitted, presented a special message from His Excellency, the Governor, together with sundry papers and documents; also list of pardons and remissions by the Governor, for 1849 and 1850.

On motion of Mr. Boys,

The communications from his Excellency, the Governor, were read as follows, to wit:—

*Gentlemen of the Senate,*

*and of the House of Representatives:—*

I beg leave to submit to you some considerations in addition to those suggested in my biennial message, bearing upon the action of the General Assembly, in regard to the State map and the report of the joint commission relative to the junction stone between this State, Pennsylvania and Maryland.

On both the State map and the map accompanying the Report of the Joint Commission, the boundary between this State and Pennsylvania, is formed by extending to the Delaware river the small arc of a circle of twelve miles radius, from the intersection of this arc with the north and south line drawn from the tangent point of the peninsular line to the north-east corner of Maryland. The line thus formed, cuts off from New Castle county, a small triangular portion of territory lying above the intersection of the arc with the said north and south line.—Over this territory the State has always heretofore exercised jurisdiction. As far back as the knowledge of our northern boundary extends, it has always been regarded as being a circular line running from the river Delaware to the north-eastern corner of Maryland, or the point where the north and south line drawn from the tangent stone on the arc above referred to, intersects the east and west line which forms the northern boundary of Maryland. The intersection of these lines was considered the point of junction between the three States. A reference to the map reported by the joint commission, will render these remarks more intelligible.

The line formed by extending the small arc referred to, was laid down on these maps by the commissioners and the constructors of the State map, because it was considered by them that our northern boundary was to be determined by describing the true circumference of a circle of twelve miles radius from New Castle, according to the grant from the Duke of York to William Penn by deed of feoffment of 1682, irrespective of the territorial jurisdiction which has heretofore been exercised by the States on each side of the line.

It is true, that according to the terms of the deed referred to, our northern boundary is rightly defined as an arc of a circle of twelve miles radius from New Castle, the centre. But it does not therefore follow, that the present jurisdiction of the State is affected by what might *now* be ascertained to be the exact circumference of such a circle. As stated in my biennial message, there is evidence that in 1701, this circular line was marked by surveyors appointed under a warrant from William Penn, issued for the purpose of establishing the dividing line between the counties of New Castle and Chester. Both these counties were then under one proprietorship, and subject to the same colonial government. Subsequently, the counties on the Delaware separated from Pennsylvania and became a distinct government, which is now the State of Delaware. By this separation, it is to be considered that the line which was established under the warrant of 1701, as the boundary between the counties of New Castle and Chester became the true boundary between this State and Pennsylvania; and there can be no doubt that it is in accordance with the line established in 1701, that the conterminous counties have exercised jurisdiction on their respective sides of it up to the present time.

Under this view the accuracy of the circular line laid down upon the State map and the map reported by the joint commission, becomes extremely doubtful; and it is highly important, not only that the Legislature should not authorize the making of a new circular line, but that it should not by any act sanctioning the maps referred to, for the present at least, compromise the territorial rights of the State, or the interests and feelings of those of our citizens who reside upon the small portion of territory which is excluded from the State upon the maps.

The evidence of the survey of 1761, was not known until it was brought to light by the investigations of the joint commission. Had it been before me when the surveys of New Castle county for the State map were presented to me, they would not have received my approval. Anxious to obtain the most reliable information at the time accessible, I referred the surveys to the examination of two prominent surveyors of New Castle county, of skill and experience, and familiar with the general localities of the county; and upon the opinion of these gentlemen in favor of the accuracy of the surveys, I approved them. I desire, by this expression of my views on the subject, to furnish an answer to any argument which might possibly be derived from having approved the New Castle surveys against the jurisdiction of the State over the territory in question.

I take this opportunity to announce to the General Assembly officially, that the act entitled "An act proposing an amendment to the Constitution of the State," passed January 12, 1849, was approved by me on the 10th July, 1850, and published for more than three months next preceding the late general election, in three newspapers of the State, agreeably to the provisions of the amended Constitution.

WILLIAM THARP.

*Dover, January 20, 1851.*

A list of pardons and remissions granted by His Excellency William Tharp, Governor of the State of Delaware, since the session of the General Assembly, in January, 1849, with the reasons upon which they were granted:—

*April 22, 1850.* At the late term of the Court of General Sessions, &c., in and for Sussex county, Moses Burton, a free negro, was indicted, tried and convicted of having received certain stolen goods, the property of William M. Hickman, knowing them to be stolen; and was thereupon sentenced to pay the costs of prosecution, to pay ten dollars as restitution money to the said William M. Hickman, and to be publicly whipped on the bare back, on Saturday, the 27th of April, instant, with twenty-one lashes well laid on.

Upon the unanimous application of the jury in this case, founded upon the mental imbecility of the said Moses Burton, the Governor this day remitted to him so much of the aforesaid sentence as directs that he shall be publicly whipped with twenty-one lashes upon the bare back.

*April 26th.* At the Court of General Sessions, &c., in and for Kent county, now sitting, William Cox was indicted, tried and convicted of the larceny of certain goods and chattels of one Nancy Dill, and was thereupon sentenced by the court to pay the sum of seven dollars, eighty-eight cents to the said Nancy Dill, as restitution money, to be publicly whipped with twenty-one lashes on the bare back and to wear a Roman T. on his back, as a badge of his crime, for six months.

The said Cox has been unanimously recommended to Executive clemency by the jury in the case, and by the court, who represent that in the transaction for which he was convicted, he does not appear to have acted from a depraved disposition, but rather to have been the dupe of designing persons, really more guilty than himself. The Governor therefore directed a pardon to issue to the said William Cox.

*June 3d.* This day the Governor remitted to Thomas Smith, a fine of eight dollars, imposed upon him by the Court of General Sessions, &c., in and for Kent county, at its late session, upon his submission on an indictment for having disturbed a religious meeting. This remission was granted upon the representation of the court and of Smith's counsel, that the evidence for the prosecution presented upon his submission did not substantiate the aforesaid charge, and that the submission was made under a misapprehension on the part of his counsel of the facts of the case.

“ The same day the Governor remitted to Thomas Coulbourn, William Breeding, Samuel Carlisle and Thomas Ferrens severally, a fine of thirty dollars imposed upon each of them by the Court of General Sessions, &c., in and for Kent county, at its late session, for having committed an assault and battery upon one James Richardson. The said parties were additionally sentenced to three weeks imprisonment, com-

mencing on the 15th of May, ultimo, and to pay the costs of prosecution. The term of imprisonment has expired, and the parties have remained in prison a considerable time longer from inability to pay their said fines. In consideration of these facts, and that their further imprisonment is only a charge upon the county, the Governor deemed it proper to remit the fines.

*Dec. 13th.* At the late term of the Court of General Sessions, &c., in and for New Castle county, Joel Porter was convicted of the larceny of a piece of rag carpeting, the property of Robert Montgomery; and was thereupon sentenced by the court to pay two-fold the value of said carpeting as restitution money to the said Montgomery, and the costs of prosecution, to be publicly whipped on the bare back with twenty-one lashes, and to wear a Roman T. upon his back as a badge of his crime, for six months.

It is represented to the Governor by the written petition of the jury who tried the case, that from evidence which came to light after the trial, verified by affidavit, the jury are fully convinced of Porter's innocence of the crime charged, and that had such evidence been presented upon the trial, he could not have been convicted. Upon this ground the Governor granted a full pardon to the said Joel Porter.

*Dec. 13th.* At the late term of the Court of General Sessions, &c., in and for New Castle county, Thomas Demby (free negro,) was convicted of having committed a burglary upon the dwelling-house of one Daniel Stevenson (negro,) and of having stolen therefrom a sum of money, and was thereupon sentenced by the court to be whipped with twenty-one lashes on the bare back, to be set on the pillory for one hour, and to pay to the State a fine of one thousand dollars; for the payment of which fine he was further sentenced to be sold to the highest and best bidder on the 14th inst. Part of said sentence, to wit: the whipping and standing on the pillory has already been executed.

It is strongly and urgently represented to the Governor by the petition of highly respectable and intelligent citizens, who were present at the trial, that the testimony against the prisoner was in their opinion, and in the opinion of the community generally, wholly insufficient to warrant his conviction. The facts set forth in the petition fully sustain this opinion; and they are set forth under the sanction of names which give such weight to the statement, that it cannot be disregarded. The Governor might not be willing to dispense with the whole sentence, but as the prisoner has already suffered a considerable portion of it, and as his being sold into perpetual servitude is a punishment too severe to be inflicted, where there is any risk of injustice, the Governor is induced to remit so much of the said sentence as relates to the fine and directs the prisoner to be sold for the payment thereof.

Extracted from the Executive Register and respectfully submitted to the House of Representatives by direction of the Governor.

DANIEL M. BATES,  
*Secretary of State.*

*Dover, January 20, 1851.*

Mr. Pride presented the petition of Greenberry Rogers and others, praying for a law to increase the price of pedlers' licenses, which,

On his motion,

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

Whereupon,

Messrs. Pride, C. Smithers and Boulden, were appointed said committee.

Mr. Newton presented the petition of Elizabeth C. Hatch, praying to be divorced from her husband, William H. Hatch, which,

On his motion,

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

Whereupon,

Messrs. Newton, Marsh and Spruance, were appointed said committee.

Mr. Harper presented the following resolution, which,

On his motion,

Was read, as follows, to wit:—

*Resolved*, That the State Librarian be requested to furnish from the office of the Secretary of State, four copies of the map of this State, for the use of the House of Representatives, which,

On motion of Mr. C. Smithers,

Was

*Adopted.*

Mr. Scribner, from the committee appointed to wait on the Governor elect, &c., reported that the committee had discharged that duty, in accordance with the resolution under which they were appointed.

Mr. Marsh offered 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 when this General Assembly adjourns on Thursday afternoon, it will stand adjourned until 10 o'clock, A. M., on Tuesday, the 28th instant; which,

On his motion,

Was

*Adopted.*

*Ordered* to the Senate for concurrence.

Mr. Boys presented the petition of F. Sawden, jr., and others, praying for an act to change the place of voting in Christiana hundred, which,

On his motion,

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

Whereupon,

Messrs. Boys, E. Smithers and Satterfield, were appointed said committee.

Mr. Newton asked that the committee to whom was referred the petition of Joseph R. Smith and others, for a bridge in Sussex county, have further time to report; which,

On motion of Mr. Hosea,

Was

*Granted.*

The Speaker laid before the House the accounts of Daniel M. Bates, Esq., Secretary of State, for the years 1849 and 1850. Also, the report of the Secretary of State relative to the distribution of Harrington's Reports, under the act of February, 1849; which,

On motion of Mr. Newton,

Were read, as follows, to wit:—

*Daniel M. Bates, Secretary of State, in account with the State of Delaware, for the year 1849.*

DEBTOR.

		Dolls.	Cts.
1849.			
Jan.	5. To cash from Jno. S. Smith, fee for commission as justice of the peace,	10	00
	“ To cash from Southey A. Polk, fee for commission as constable,	5	00
	“ To cash from Samuel Biddle, prothonotary of New Castle county, for sales of 8th vol. Del. Laws,	8	00
	20. To cash from James Huston, fee for commission as justice of the peace,	10	00
	<i>Amount carried forward,</i>	<hr/>	<hr/>
		\$33	00

## DEBTOR.

		<i>Dolls</i>	<i>Cts.</i>
1849.	<i>Amount brought forward,</i>	33	00
Jan.	27. To cash from Thomas Clements, fee for do.,	10	00
Feb.	3. Do. Jno. Foot, fee for do.,	10	00
	" Do. Robert Sorden, fee for do.,	10	00
	" To cash from Benjamin Burton, fee for impression of great seal,	1	00
	" To cash from H. Todd, fee for commission as clerk of the peace,	10	00
	" To cash from Jas. McBride, fee for commission as constable,	5	00
	10. To cash from Peter R. Jackson, fee for commission as justice of the peace,	10	00
	" To cash from C. C. Windsor, fee for do.,	10	00
	" Do. M. B. Ocheltree, fee for do.,	10	00
	21. Do. Wm. Almond, fee for do.,	10	00
	" Do. N. Y. Davis, fee for do.,	10	00
	28. Do. Wm. L. Timmons, fee for do.,	10	00
	28. To cash from P. B. Vandever, fee for commission as clerk of Orphans' Court,	10	00
Mar.	28. To cash from Sampson Selby, fee for commission as justice of the peace,	10	00
April	2. To cash from Z. B. Glazier, fee for lottery license,	100	00
	29. To cash from A. E. Stinson, fee for do.,	100	00
May	3. To cash from Chas. Tunnell, fee for commission as recorder of deeds,	10	00
	14. To cash from J. B. Stephens, fee for lottery license,	100	00
	26. Do. W. C. Hook, fee for do	100	00
July	16. To cash for impression of great seal,	1	00
	30. To cash from P. Countiss, fee for commission as justice of the peace,	10	00
Aug.	24. To cash from R. H. Moor, prothonotary of Kent county, for sale of 8th and 9th vols. Del. Laws,	10	45
	26. To cash from J. W. Maney, fee for lottery license,	100	00
	" To cash for two impressions of the great seal,	2	00
Oct.	1. To cash from Rhodes S. Hemmons, fee for commission as constable,	5	00
		<hr/>	
		\$697	45
		<hr/>	

## AUDITOR'S OFFICE,

DOVER, Dec. 18, 1849.

The above and foregoing account audited.

(Signed)

H. W. McCOLLEY,

*Auditor of Accounts.*

## CREDITOR.

1849.

*Dolls. Cts.*

Dec. 18. By cash this day paid Jacob Faris, Esq., State  
Treasurer, as per receipt on book of ac-  
count,

697 45

1849, Dec. 18. Received from D. M. Bates, Secretary of State, six  
hundred and ninety-seven dollars forty-five cents, the amount of his ac-  
count of fees received for the use of the State of Delaware.

(Signed)

JACOB FARIS,

*State Treasurer.*

\$697 45.

*Daniel M. Bates, Secretary of State, in account with the State of Del-  
aware, for the year 1850.*

## DEBTOR.

1849.

*Dolls. Cts.*

Dec. 23. To cash from James A. Moore, fee for commis-  
sion as constable,

5 00

1850.

Feb. 27. To cash from E. C. Reed, fee for commission  
as justice of the peace,

10 00

Mar. 28. To cash from W. Saulsbury, fee for commission  
as Attorney General,

10 00

April 1. To cash from Z. B. Glazier, fee for lottery li-  
cense,

100 00

May 27. To cash from W. C. Hook, fee for do.,

100 00

June 2. To cash from L. B. Shockley, fee for commis-  
sion as justice of the peace,

10 00

July 6. To cash from W. N. W. Dorsey, fee for do.,

10 00

" To cash from John D. Dilworth, fee for com-  
mission as clerk of the peace,

10 00

8. To cash from John C. Reed, fee for commission  
as justice of the peace,

10 00

Aug. 12. To cash from R. R. Robinson, fee for lottery  
license,

100 00

*Amount carried forward,**\$365 00*

## DEBTOR.

		<i>Dolls</i>	<i>Cts.</i>
1849.	<i>Amount brought forward,</i>	365	00
Aug. 16.	To cash from Adam Grubb, fee for commission, &c., as sheriff of New Castle county,	10	00
27.	To cash from J. W. Maury, & Co., fee for lottery license,	100	00
Oct. 7.	To cash from Abner Herring, fee for commission as constable,	5	00
Nov. 1.	To cash from George Forwood, fee for do.,	5	00
16.	Do. S. G. Chandler, fee for commission, &c., as sheriff of New Castle county,	20	00
	" To cash from John Stilwell, fee for commission as coroner of New Castle county,	10	00
1850.			
Nov. 16	To cash from John S. Kersey, fee for commission as sheriff of Kent county,	20	00
	" To cash from Robert M. Boyer, fee for commission as coroner of Kent county,	10	00
	" To cash from Philip C. Jones, fee for commission, &c., as sheriff of Sussex county,	20	00
	" To cash from Stephen Gordy, fee for commission as coroner of Sussex county,	10	00
Dec. 6.	To cash from Wm. Porter, fee for commission as justice of the peace,	10	00
	" To cash from Wm. B. Wiggins, fee for do.,	10	00
13.	Do. Wm. H. Richardson, fee for do.,	10	00
	" Do. J. L. Davis, fee for do.,	10	00
20.	Do. Jos. Ward, fee for do.,	10	00
	" To cash for impression of great seal,	1	00
30.	To cash from W. H. Jones, fee for commission as justice of the peace,	10	00
	" To cash from P. B. Vandever, fee for commission as register in chancery,	10	00
1851.			
Jan. 10.	To cash for impression of the great seal,	1	00
	" To cash from Thomas P. Jefferson, fee for commission as justice of the peace,	10	00
	" To cash from Samuel Jefferson, fee for do.,	10	00
	To amount of fees not yet paid, but with which the Secretary of State charges himself,	40	00
		<hr/>	<hr/>
		\$717	00

Examined, January 16, 1851.

H. W. McCOLLEY,  
Auditor of Accounts.

## CREDITOR.

1851.

*Dolls Cts.*

Jan. 16 By cash this day paid Jacob Faris, Esq., State  
Treasurer, as per receipt on book of ac-  
count,

717 00

1851, Jan. 16. Received from Daniel M. Bates, Secretary of State, seven hundred and seventeen dollars, being the amount of his account of fees received for the use of the State of Delaware.

(Signed)

JACOB FARIS,

*State Treasurer.*

\$717 00.

The foregoing accounts are respectfully submitted to the House of Representatives, in obedience to an act entitled "An act establishing certain fees for the use of the State," passed at Dover, Jan. 26, 1826.

DANIEL M. BATES,

*Secretary of State.**Dover, January 20, 1851.**To the Senate and**House of Representatives:*

The Secretary of State respectfully submits the following statement respecting the performance of the duty enjoined upon him by an act entitled "An act for the further distribution of the reports of legal decisions in this State," passed Feb. 21, 1849.

This act directs the distribution among Justices of the Peace, of twenty-one of the thirty copies of Harrington's Reports, which under the act of Feb. 2d, 1841, were directed to be retained in the State library, for the use of the General Assembly.

Upon examination, the following copies of the Reports were found in the State library after the passage of the act of last session, viz:—

Of the 1st volume, 33 copies; of the 2d volume, 29; of the 3d volume, 34; of the 4th volume, 100 copies.

Under the act of 1841, there should have remained after the distribution among States and Territories, and among the public officers of the State, thirty copies for the use of the Legislature, and ten copies for distribution among new States and Territories; making in all forty copies of the 1st, 2d and 3d vols. Of the ten copies reserved for new States and Territories, only one copy had been disposed of prior to the act of last session, which was a copy sent to the State of Texas. There should,

therefore, have been thirty-nine copies of the first three volumes remaining at the passage of the late act.

It is to be supposed that the last Legislature considered that there was this number on hand; and that in disposing of twenty-one additional copies among Justices of the Peace, eighteen copies would remain, viz: nine for the Legislature, and nine for the new States.

Presuming that the Legislature acted under this view, I deemed it to be in accordance with the true intention of the act still to retain eighteen copies, and to distribute only the residuc, although they might be less than the number mentioned in the act. But in disposing of the residuc it became necessary to retain six copies, the number appropriated by the joint resolutions of the last session for presentation to certain institutions in France. Thus there were altogether twenty-four copies to be reserved, leaving the distribution among Justices of the Peace to be as follows:—

Of the 1st volume, 33 less 24, leaving 9.

“ 2d “ 29 “ 24, “ 5.

“ 3d “ 34 “ 24, “ 10.

Of the 4th vol. (one hundred copies of which had but lately been deposited in the library, (there were for distribution among justices the full number, viz: two under the act of 1841, being the remaining copies after distribution, as directed by that act, and the resolutions relative to International exchange, and the twenty-one additional copies under the act of last session, making in all twenty-three copies.

Accordingly, in obedience to said act, I have delivered to Justices of the Peace copies of the Reports as follows:

To James Robinson, 1st, 2d, 3d and 4th volumes.

Henry Hudson, 1st, 2d, 3d and 4th “

John F. Robinson, 1st, 2d, 3d and 4th “

Robert Sorden, 1st, 2d, 3d and 4th “

Peter Countiss, 1st, 2d, 3d and 4th “

Henry L. Peckard, 1st, 3d and 4th “

Ezekiel W. Reed, 1st, 3d and 4th “

Stansbury Cannon, 1st, 3d and 4th “

Bayard Dawson, 1st, 3d and 4th “

Thomas McDowell, 3d and 4th “

Thomas Stevenson, 4th volume.

Robert Sarde, 4th “

David Lockwood, 4th “

James D. Wilds, 4th “

John Whann, 4th “

C. C. Windsor, “

John A. Hazzrd, 4th “

Wm. Hazzard, 4th “

Jno. W. Dean, 4th “

Making in all nine copies of the 1st volume; five copies of the 2d.; ten copies of the 3d., and nineteen copies of the 4th. The justices to whom the 4th volume alone was delivered, are those who had received the other volumes as they were published. The distribution was made according to the order in which the justices applied for the copies, without any preference being given.

DANIEL M. BATES,  
*Secretary of State.*

*Dover, January 20, 1851.*

Mr. Newton presented a remonstrance from John S. Lambdin and others, remonstrating against the passage of an act authorizing the making a new road, and the erection of a bridge over Duck Creek, at or near the town of Leipsic, in Little Creek hundred, Kent county, which,

On his motion,

Was read and referred to the committee already raised on that subject.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act for the relief of Eleanora Sarah Hill."

Also, that the Senate had concurred in the passage of the bill entitled "An act allowing an additional constable in St. George's hundred, in the county of New Castle."

And he withdrew.

Mr. Chambers presented the petition of Barratt P. Conner and others, praying for an act prohibiting swine from running at large within certain limits, which

On his motion,

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

Whereupon,

Messrs. Chambers, Waples and Rogers were appointed said committee.

On motion of Mr. Boys,

The bill entitled "An act for the relief of John Pope and Elizabeth, his wife," was read a third time, by paragraphs, and

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Newton offered the following resolution, which,

On his motion,

Was read, as follows, to wit:—

**Resolved**, That the Clerk be requested to inform the Senate that the House will be ready to meet them in joint meeting in five minutes, for the purpose of being present at the inauguration of William H. Ross, Governor elect; which,

On his motion,

Was

*Adopted.*

**Ordered**, That the Senate be informed thereof.

Mr. Whiteley, Clerk of the Senate, being admitted, informed the House that the Senate would be ready in five minutes to meet the House in joint meeting, for the purpose of being present at the inauguration of the Governor elect.

And he withdrew.

At the expiration of which time the two Houses jointly proceeded to the court room and took the seats prepared for their reception.

The General Assembly being thus convened, the Governor elect attended by the joint committee of the two Houses, His Excellency Governor Tharp, Hon. Edward Wootten, Daniel M. Bates, Esq., Secretary of State, Alfred P. Robinson, Esq., entered the court room, and took the seats prepared for them.

On motion of Mr. Phillips of the Senate,

The resolution for convening the two Houses was read.

The Hon. Edward Wootten then administered the following oaths of office to the Governor elect, viz :

I, William H. Ross, do solemnly swear on the Holy Evangels of Almighty God, that I will support the Constitution of the United States of America. So help me God.

I, William H. Ross, do solemnly swear on the Holy Evangels of Almighty God, that I will support the Constitution of the State of Delaware, and perform the duties of the office of Governor of the State of Delaware with fidelity. So help me God.

His Excellency then delivered the following inaugural address to the two Houses of the General Assembly, to wit :

*Fellow-citizens of the Senate,*

*and of the House of Representatives:—*

The induction to the Executive office has, among us, been always attended with an unostentatious simplicity, and quiet freedom from parade, altogether in harmony with the habits of our citizens and the true character of republican institutions.

In accordance with the time honored characteristic of the present cere-



monial, permit me, in the plain sincerity of a grateful heart, to thank the people of Delaware for the confidence exhibited towards me in this elevation to the honorable post of their Chief Executive Magistrate.

I approach the discharge of the responsibilities of the station with an unaffected distrust of my ability adequately to perform its functions; but with a determination sincerely and honestly to endeavor to sustain the obligations imposed by the constitution, rightly to administer the laws, and faithfully to watch over the welfare of the State.

It is true that a limited population and confined territory, and a remarkable, and perhaps, consequent unity of interest in the community, have reduced the necessary executive duties to the smallest compass compatible with a separate and sovereign State organization; but still the nature of the functions, as comprising all the trusts and responsibilities of a co-ordinate branch of a free government, demand the most zealous exertions, and the untiring vigilance of him who has been selected as a representative and depository of the power of the people. One thing only can I confidently promise—that my best energies and unbiased judgment shall be constantly devoted to a sincere endeavor to discharge the duties I have now assumed under the laws and constitution of the State.

But although the causes adverted to, together with a system of laws seldom and slightly changed—a simple and settled scheme of State policy—the absence of the onerous burthen of a public debt, and the incident evil of oppressive taxation, have preserved us from the agitation of weighty and distracting questions of domestic policy, yet the people of Delaware ever keenly feel, and must always continue, with eager and sometimes painful anxiety, to participate in the great questions and measures which occupy the feelings, and effect the interests of our common country. It is an oft repeated, and most certainly a proper as well as favorite boast, and an honorable distinction, that Delaware was the foremost of the States to adopt the provisions and principles of the Federal Constitution; and it may fairly be added that to the convention by which that glorious instrument was originally framed, she contributed much more than a pro rata proportion of the talent, wisdom and experience, which distinguished that venerable body; nor has she ever faltered in her obedience to the constitution, or wavered in her affection for the Union, or forgotten her gratitude for the labors and the sacrifices by which it was triumphantly accomplished. This feeling springs from no cold, utilitarian estimate of its value as a guaranty of her integral and separate sovereignty, or from its necessity as a shield of common defence; but is a LOVE born in the united struggle for freedom, nurtured by the sacrifices she yielded to that holy cause, and baptized in the martyr-blood of her children:—a passion which has “grown with her growth,” and “strengthened with her strength,” and which no single one of her sons has ever been known to renounce or repudiate.

The whole history of human society teaches us that there can be in no portion of the civilized world an intense and pervading agitation, especi-

ally in relation to political rights, which does not, in some shape or degree, communicate an impulse beyond mere territorial limits, and wherever the enlarging circle of its influence can extend. All excitement is contagious, and whenever the elements of society are in ferment in one country, it will be found that a sympathetic action pervades other lands and exhibits itself in forms which take their impress from the peculiar institutions under which they originate. The heart of the mass is stirred up—opinions run into extremes—partizanship is excited to stronger action, and the very pulse of time seems to beat with feverish acclamation.

Amid the revolutionary movements, the political mutations and the fierce strife of opinions by which Europe has been recently convulsed, it would be natural to find the impulse of agitation re-exhibited in some kind of development among ourselves. The question of slavery therefore has, throughout the Union, embodied the manifestation of the pervading spirit of excitement.

A fanatical and false philanthropy has invested the controversy with a bitterness similar to that which is proverbially ascribed to the rancor of theological discussion. This unfortunate condition of public feeling has been still further stimulated by the insidious exertions of that seditious class of trading politicians, whose existence seems to be an evil necessarily incident to free governments. Through these agencies has been produced a crisis in our national affairs which has threatened the dismemberment of the Union, which still menaces the integrity and virtue of our institutions. The current of disorganization has been stayed by the devoted and fearless exertions of the many patriots, who in all sections of the country, nobly threw themselves into the alarming and wide-spreading breach; but the stream of civil discord still flows, and there can be no effectual or permanent remedy, unless the source of the evil is completely dried up.

I feel that, as one of the selected organs of opinion, I should be recreant to the trust confided to me, did I not attempt, however imperfectly, to announce what I believe to be the settled conviction of the people of Delaware in regard to these momentous issues.

As a mere matter of civil and political right the question is attended with no embarrassment, and the application of constitutional principles and provisions is easy and uninvolved. The obstacles and difficulties arise exclusively from the moral complexion with which it has improperly been invested and the casuistry in which it has been sedulously enveloped. However this view of slavery is to affect the legislation of individual States, or the proper and legitimate efforts made for its amelioration, it ought to have no influence upon it in a national or constitutional aspect.

At the period of the formation of the Federal Constitution slavery was found to exist in the several States among whom the Union was originally established. Its existence was fully recognized by that instrument, and implicit and distinct principles were introduced for its security and regulation as a civil right, precisely as provision was made for the validity

and operation of the public acts, records and judicial proceedings of the several States, and the equal recognition of the privileges and immunities of individual citizens. The integrity of the relation of master and slave was not only established as inviolate, but to this was superadded, in the opinion of many of the ablest commentators, the express injunction upon the several States to cause fugitives from labor, being within their jurisdiction, to be delivered up to their respective claimants. The duty enjoined is not that of mere passive acquiescence to the right, but each State is bound to provide an equal protection and as effective remedies for the security of property in slaves, as it would extend to the dearest immunities of its own citizens. It should never be forgotten that these principles and provisions were essential and integral elements of a scheme devised by the combined wisdom of the nation, ordained and established by the common consent of the people of the United States, for the express purpose, among other co-important objects of forming "a more perfect union" and "ensuring domestic tranquility."

For a long period there was but little difference of sentiment between the different sections of the Union in regard to the necessity and operation of the securities of the rights of the slaveholding States, and although there occurred many individual cases of loss and hardship, and this species of property become liable to increasing insecurity, yet there existed no great practical evil until reckless and unprincipled politicians, seeking their own selfish aims, and fanatical casuists, exercising a cheap philanthropy, entered into unholy combination for the purpose of declaring a crusade against the established rights of individuals, and the solemn guarantees of the constitution. The evil almost immediately sprung up to such gigantic magnitude, as to overshadow the country, and absorb the consideration of the people. It was felt by all, except those who had built their schemes upon agitation, that an effectual and speedy remedy must be devised, to save us from the impending disaster of the disruption of social ties, and the severance of those sacred bonds of fraternal and political union, which had so happily sustained us through a course of unexampled national prosperity.

After a discussion scarcely paralleled in legislative annals, and out of a conflict of views which long seemed to offer no hope of reconciliation, grew at last the happy scheme of conciliation and compromise embodied in the several acts of Congress relative to the admission of California, the establishment of the territorial governments of New Mexico and Utah,—the prohibition of the slave trade in the District of Columbia,—and the provisions devised for securing a compliance with the provisions of the constitution in reference to the delivery of fugitives from labor.

In addition to that strong attachment to the Union which has ever characterized the people of Delaware, they have also a definite and important interest in adhering to the sentiment and compromises thus happily effected. Although slavery, from natural and obvious causes, without factitious or fanatic aid, (but rather from the absence of means which have

ever been found counteracting in their effects) is gradually but surely decreasing among us; yet many of our citizens have considerable capital invested in this species of property; and most certainly the general feeling of the people is entirely in sympathy with the common opinion of the slaveholding States in regard to this domestic institution. It still remains as established through the colonial or proprietary period, and during our whole existence as an independent State.

When I say that the feeling of Delaware is in accordance with that of the entire South in regard to the system of slavery, I must further explicitly declare that there is, among us, not the slightest tendency towards the destructive doctrine of secession as a remedy for any existing or possible evil; on the contrary, no strength of expression can transcend the reality of our warm, devoted and enduring attachment to the Union. As in the revolutionary struggle she offered her holocaust of martyrs to the cause of liberty, so is Delaware still and ever ready for any sacrifice to secure the perpetuity of that Union which she assisted to establish.

But while the people of our State so love and so value the bond and bulwark of our internal prosperity and national power, they also as deeply feel the strong and absolute necessity of unwavering adherence, upon the part of all the States, to the object and provisions of the compromise. We regard the manner of the settlement as in accordance with the vital principle of the constitution, which was created and must be sustained, by that spirit of concession which is the very health of liberty, without which republican institutions can have no healthful and living operation. Considering, therefore, the several acts of Congress passed in reference to the subject of slavery as the best practicable adjustment of an embarrassing and dangerous issue,—looking upon them as a sufficient system for the protection of the peculiar interests and institutions of the slaveholding States, while they take nothing from, neither add any additional burden upon those calling themselves free,—and above all, trusting that they will prove adequate to their great object of a permanent adjustment of the vital and absorbing question which has convulsed and endangered the Union, the people of Delaware have welcomed them with unqualified approbation, and confiding acquiescence.

Upon the integrity of this compromise now rests the perpetuity of the Union. If, in the non-slaveholding States, its spirit and provisions are faithfully carried out, we shall remain a prosperous and united people. But if, on the contrary, the action of fanatical violence shall be found to countervail the efforts of all good men to uphold the supremacy of the laws; if the arm of the General Government shall be found too weak to maintain its authority over turbulent interference,—if, by the treasonable interposition of State Legislatures, impediments should be devised, or remedies denied,—if, by continued agitation in Congress, the basis of compromise is weakened and undermined, and the protective law repealed, the practical value of the sacred charter of our common rights would be lost; its solemn obligations being deliberately evaded or negligently unobserved, and this glorious and boasted Union would cease to be a living

institution, but pass away to be classed with the Utopian visions of mediæval dreams, and the ideal republics of the philosophers of antiquity.

But let us cherish better hopes, and a reasonable and firm trust in the intelligence of the people of the U. States. They feel that the constitution has answered and effected the great objects for which it was created; that not in its letter or its parchment obligations reside the virtue and the binding force of that Union which is their glory and their strength—but in the interlacing bonds of common feeling, united interests and social interchanges, in extending physical and geographical features of the country; in the extending links of intercommunication; in the concentrating power of the great inventions of the age; in the memory of a common history, and in the Heaven-directed destiny which, from the beginning, has made and preserved us an united people.

In view of the paramount importance of the subject, and the momentous issues which it involves, I would most respectfully suggest that there should be, upon the part of the General Assembly, a calm, but urgent, exposition of their sense of the imperative necessity of an adherence, by Congress, to the whole system of adjustment adopted at their last session; and, upon the part of the several States, such legislation as may be adequate to facilitate the reclamation of fugitives from labor, and amply to protect those rights of property which were intended to be secured by the express guaranty and imperative injunctions of the constitution.

As in some degree connected with this leading topic of consideration, permit me to recommend to the notice of the Legislature, the propriety of a revision of the act of the General Assembly, entitled “A further supplement to the act entitled ‘An act for the better regulation of servants and slaves within this government.’” It may with truth and propriety be said that this law, which from its title purports to be for the better regulation of servants and slaves, but which really and effectually is, and no doubt was designed for the *benefit* of servants and slaves, is as unjust and oppressive in many of its provisions as any other which has a place in our statute books; yet it has, for some reason, been overlooked and suffered to operate to the injury and oppression of the people. It confers jurisdiction upon the courts of common law over cases of slaves and servants petitioning for freedom, and prescribes the mode of procedure, from the inception to the final judgment, imposing upon the master an onerous liability for any possible amount of costs in every case, without regard to the result of the suit, thus placing it in the power of every slave in the State, or of any other person who may choose to petition for them, to subject the master to an aggregate of expenses greater than the slave may probably be worth, and even when there is no probable ground for preferring the petition, the consequences to the master, so far as the costs are concerneo, are precisely the same.

Far, indeed, would it be from my desire or intention to deprive of their just rights any who may be illegally held in bondage; but, so long as the law of the land recognizes the institution of slavery, the people are as

much entitled to be protected in their rights in that, as in any other species of property.

Under this view of the subject, no good reason can be assigned for the unjust and oppressive provisions which characterize this law. It is not to be presumed that those who are entitled to freedom will be claimed and held as slaves unless from a misapprehension of right, which will sometimes occur in cases of this sort as well as in others. If one is claimed and held as a slave, who is afterwards declared free under this act, such person, so claiming and holding, is subject to an action for false imprisonment; which, in most cases, affords ample protection against mere pretended or unwarrantable claims.

Under a strong conviction of its justice and propriety, I suggest the modification and revision of this law, so as to remedy the evils to which I have alluded, and equally protect the rights of the owners, and those who may be wrongfully and illegally held and detained as slaves. I submit to your judgment, whether the purposes of justice do not require that the petitioner, in all cases, shall prefer the petition by some responsible person, as the next friend, who shall be liable for costs; and that the evidence shall be taken by examination of the witnesses at the bar of the court; and that, at the option of either party, the trial shall be by jury, and, in all respects, conducted and proceeded in as other cases are, making the costs, whether by jury trial or otherwise, abide the event of the suit. It might further be suggested that the enactment is of ancient date, that in many respects its terms and provisions need amendment, that the cases enumerated in the preamble are not of probable occurrence in the present condition of society; and that it would be a matter of propriety, by express terms, to extend its benefits to all possible cases of persons illegally held in the condition of servitude or slavery.

The Constitution of Delaware has made a fundamental and important distinction between the judicial and the other co-ordinate branches of the government. While the Governor and the members of the General Assembly are called into political existence by the immediate agency of popular selection, the appointment of all the judicial officers of the State is vested in the sole and unaided choice of the Executive.

I need scarcely say, that upon the integrity, fidelity and efficiency of the judiciary depends, in a great measure, the peace and good order of society, and the safety and protection of the property, liberty and lives of the people. As the power of appointment extends also to a large portion of the ministerial officers of the State, I cannot but feel deeply sensible of the paramount importance of this portion of the high trust which has been committed to my hands. As occasions may arise in the performance of this duty, I shall endeavor faithfully, and with a due sense of its magnitude, to discharge it in strict accordance with the solemn obligations imposed upon me, and with the single aim of subserving the great object for which it was established—the general welfare.

The authority conferred upon the Executive to remit fines and forfeit-

ures, and to grant reprieves and pardons, is also an important part of my duty. The object and design of this provision is, perhaps, more frequently misapprehended and more liable to abuse than any other with which the Executive is clothed. The constitution never contemplated, and in my judgment does not warrant, by any fair and rational construction, its free and indiscriminate exercise at the mere will and pleasure of the Executive, or as the promptings of ready but false sympathy, and the suggestions of questionable humanity may intercede. This ultimate appeal was wisely instituted for the furtherance of justice, and as a shield of safety and protection to the innocent and unoffending; who, by the errors and imperfections which are incident to all human tribunals, may improperly fall victims to the penalties of criminal law. A general or more extensive use of this prerogative of clemency, is but to usurp the legislative power of repeal; to stay the hand of justice, and thus destroy the safeguards and protection which the law, in its wisdom, has thrown around the persons and property of our citizens.

Upon you, gentlemen of the Senate and House of Representatives, has devolved still higher and more important functions. To you is entrusted the power of enacting the laws which produce the most salutary and restraining influence upon society, and constitute the great shield of protection to the rights and interests of the people. Whether they be humane and wholesome, dispensing equal justice to all, or whether they may seem unjust and oppressive, those to whom their administration is confided, are equally bound to see them faithfully and impartially executed.

Let me now briefly allude to a subject which the interests of the community are perhaps more deeply involved, than in any other which requires your consideration. I allude to the subject of education. Although it is a trite and obvious truth, yet it cannot be too often repeated, that general knowledge and information form the only sure basis of republican institutions. From this foundation spring the many inestimable benefits which we enjoy under our peculiar form of government, and it is to the purity and volume of the source that we must look for its perpetual flow and happy diffusion of its rich stream of blessings.

Several of our sister States have already acted upon this important and fundamental principle, and provided themselves with a much more liberal and extensive system of general instruction than we have yet adopted; and, so far as my knowledge extends, the most sanguinary expectations have been realized by the results of their experiments.

And shall the people of the State of Delaware, so peculiarly remarkable for their affection for the memory and the homes of their fathers and the place of their nativity, fall behind the age in the march of intellect and the general progress of improvement? Shall we forfeit the most cherished legacy of our ancestors?—that moral and intellectual power which has maintained for us an influence and a character, far beyond what might be legitimately accorded to our comparative numerical strength and limited representation in the councils of the nation.

That a very large proportion of the vice and crimes which exist among us may be traced to the want of education and moral culture will not be denied. In such ratio, therefore, as you increase the means and promote the general diffusion of knowledge, you cut off the most fruitful source of vice and crime, and extend the prosperity and happiness of the people.

In view of these important truths, I most earnestly recommend to your consideration such a revision of our present school laws as, in your opinion, will best adapt them to the increasing demands and necessities of the times. I am perfectly aware of the many difficulties which stand in the way of a perfect system of free schools, but my knowledge of the utter inefficiency of the present plan, constrains me to believe that it is susceptible of much improvement, as well in regard to the management of the public moneys, as in reference to the mode of raising additional funds. A large portion of the amount raised under the present system is wasted and misapplied, and the mode prescribed by the existing law for raising additional means is annually productive of much unpleasant contention and strife. This undoubtedly affects, in a great measure, the most essential elements of its usefulness. Such amendments, therefore, as would relieve the system from these objectionable features and place it upon a permanent uniform basis, are deemed very desirable.

For the more effectual success of this humane and laudable enterprise, I would recommend a tax sufficient to sustain the schools in regular operation, without any intermission of time for the want of funds; which tax should be levied, collected and paid over to the county treasurer, as all other taxes are, and by him distributed pro rata, among the several districts, according to their respective populations, under such provisions and restrictions as will most effectually protect the funds from the waste and misapplication which now too frequently occurs from the inefficiency of the existing law.

The existing law providing for the selection of grand and petit jurors is believed to be defective in some of its provisions, and susceptible of substantial and beneficial amendments. The present law makes it the duty of the Levy Court of each county, at their annual session in March, to select from the list of taxable citizens of such county, one hundred and fifty names, in such proportion for each hundred as they may deem proper; which names shall be placed in a box prepared for each hundred in the county, from which the grand jurors shall be first drawn, after which, from the remaining names, the petit jury shall be drawn.

This mode of selection makes no distinction between the grand and petit jurors—it therefore often happens that persons are drawn and placed upon the petit jury who, from their age and for various other reasons, would be much more properly selected as grand jurors. I would therefore suggest the propriety of changing the law so as to provide for the selection of two classes of names to be deposited in separate boxes and respectively drawn in the mode and by the officers designated in the act.

The subject of a State Convention for the purpose of revising the con-



stitution is doubtless one of a very grave and momentous character and demands your serious consideration.

My views and sentiments having been long known to be favorable to a convention, it is needless for me, at this time, to dwell upon it. I will remark, however, that in my judgment the interests of the State and the harmony of the people require a speedy settlement of the question. The will of the people is the sovereign power, and in this, as in all other matters pertaining to the affairs of the government, should control the action of their agents. I therefore recommend immediate legislative provision for a special election to test the popular sense of the people upon this question. The time of holding such election and the regulations by which it shall be conducted, I submit to your better judgment.

Though it may not devolve upon you to prescribe, or limit, the action or mode of conducting such convention, in the event that one should be called by the voice of the people, I cannot forbear the expression of opinion that any constitution which may hereafter be formed, should be submitted to the people for their adoption or rejection.

The exemption of property, to a limited amount, from distress and execution process was the subject of discussion at the last session of the Legislature, and an act to that effect passed the House of Representatives, but was defeated in the Senate. I am not aware of the details of the bill then proposed, but I earnestly recommend such legislative action as will most effectually afford the desired protection, having due regard to the rights of those to be in anywise affected by it. An act for this purpose should be prospective in its operation, so as not to impair vested rights or existing contracts.

Although my predecessor, in his message to you, upon convening at the present session, adverted to the agricultural interests of our State in a very becoming manner—it being the leading and most important branch of the industrial pursuits of much the larger portion of our citizens—and the source from whence we are to anticipate our future advancement in general prosperity, I cannot willingly close this communication without also most earnestly urging upon you the propriety of extending some suitable legislative protection and encouragement to that portion of our people who are engaged in this most important and laudable vocation.

Much credit is due to that portion of our citizens who have formed themselves into agricultural societies and devoted their talents and their means to the promotion of agricultural science and industry. Great public good has already resulted from these associations, and it is believed that, with the intervention of legislative aid and encouragement, their beneficial influence would produce incalculable benefits to the community.

Our contiguity to three of the largest and most commercial cities of the Union, whose population, in the course of a few years, will, in all probability, reach an aggregate of three millions, with a soil of easy cultivation, and well adapted to a high state of improvement, and with the facilities, which the astonishing improvements of the age have afforded, of

cheap transmission of our products to the vast and rapidly increasing markets which are open to us, present a flattering prospect of our future position in the agricultural world.

And now, Gentlemen, having in compliance with that custom which has extended the simple executive address of other days to a dissertation upon the prominent topics of public interest—frankly and briefly expressed to you my views upon such leading subjects as appear to me to include the greatest practical importance, permit me, in concluding this inaugural duty, to invoke for you and your deliberations—for every department of the government and for the people of the State, the unerring guidance and sure protection of the Great Ruler of the Universe.

*Dover, January 21, 1851.*

On motion of Mr. Boulden, of the House,  
The Journals of the joint meeting were read and compared.

On motion of Mr. Jump, of the Senate,  
The Houses separated.

The members of the House having returned to their chamber.

Mr. Marsh moved,  
That five hundred copies of the Inaugural Address be printed for the use of the House.

Which motion *Prevailed.*

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

WEDNESDAY, 10 o'clock, A. M., January 22, 1851.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Boys gave notice that he should, on some future day, ask leave to introduce a bill entitled "An additional supplement to the act entitled 'An act to incorporate a bank in the city of Wilmington, under the name of 'The Union Bank of Delaware.'"

Also, that he should, at some future day, ask leave to introduce a bill entitled "An act to incorporate the Delaware Union Boot, Shoe and Lea-

ther Manufacturing Company of Wilmington, and to extend the provisions of the same to the corporation in and by this act created."

Mr. Newton presented the petition of Joshua Lofland and others; also a communication from James B. Coffin, relative to a convention, which,

On his motion,

Was read and referred to the committee already raised on that subject.

Mr. C. Smithers, from the committee to whom was referred the petition of Henry M. Temple and others, reported a bill entitled "A further additional supplement to the act entitled 'An act to restrain persons from suffering swine to go at large within certain limits,'" which,

On his motion,

Was read.

M. Boys presented the petition of Willard Hall, Samuel Hilles and Stephen Bonsall, relative to Wilmington Savings Fund Society, which,

On his motion,

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

Whereupon,

Messrs. Boys, Powell and Scribner, were appointed said committee.

Mr. C. Smithers presented the petition of Warren and William James Read, praying for an act to secure to them certain real estate, which,

On his motion,

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

Whereupon,

Messrs. C. Smithers, Satterfield and Rogers, were appointed said committee.

Mr. Newton presented the petition of Anthony M. Higgins and others, relating to certain marshes in Red Lion hundred, in New Castle county, which,

On his motion,

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

Whereupon,

Messrs. Newton, Chambers and Marsh, were appointed said committee.

Mr. Lodge presented the petition of John Pyle and one hundred and eighty others, praying for act authorizing the removal of the place of