

Del

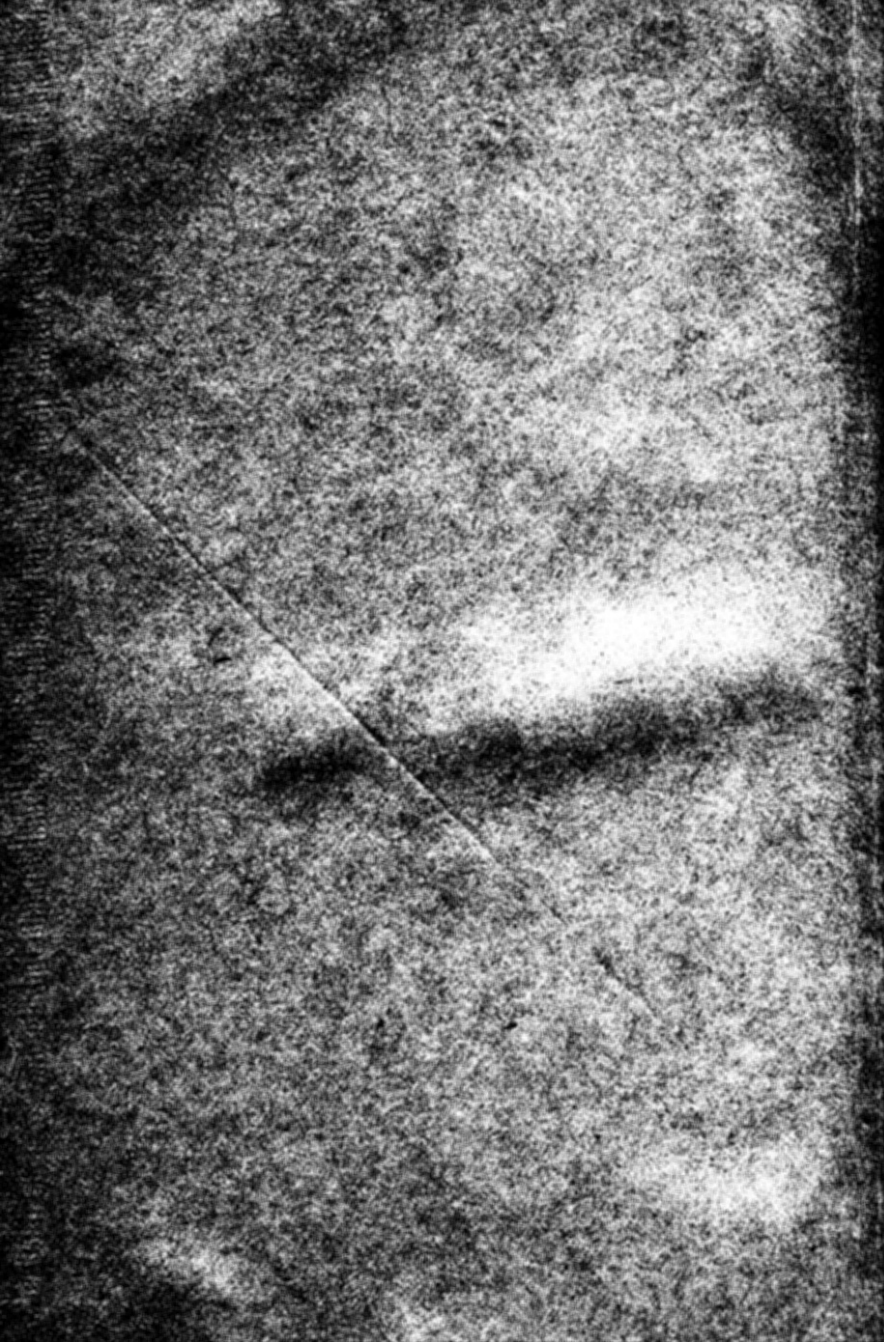
5

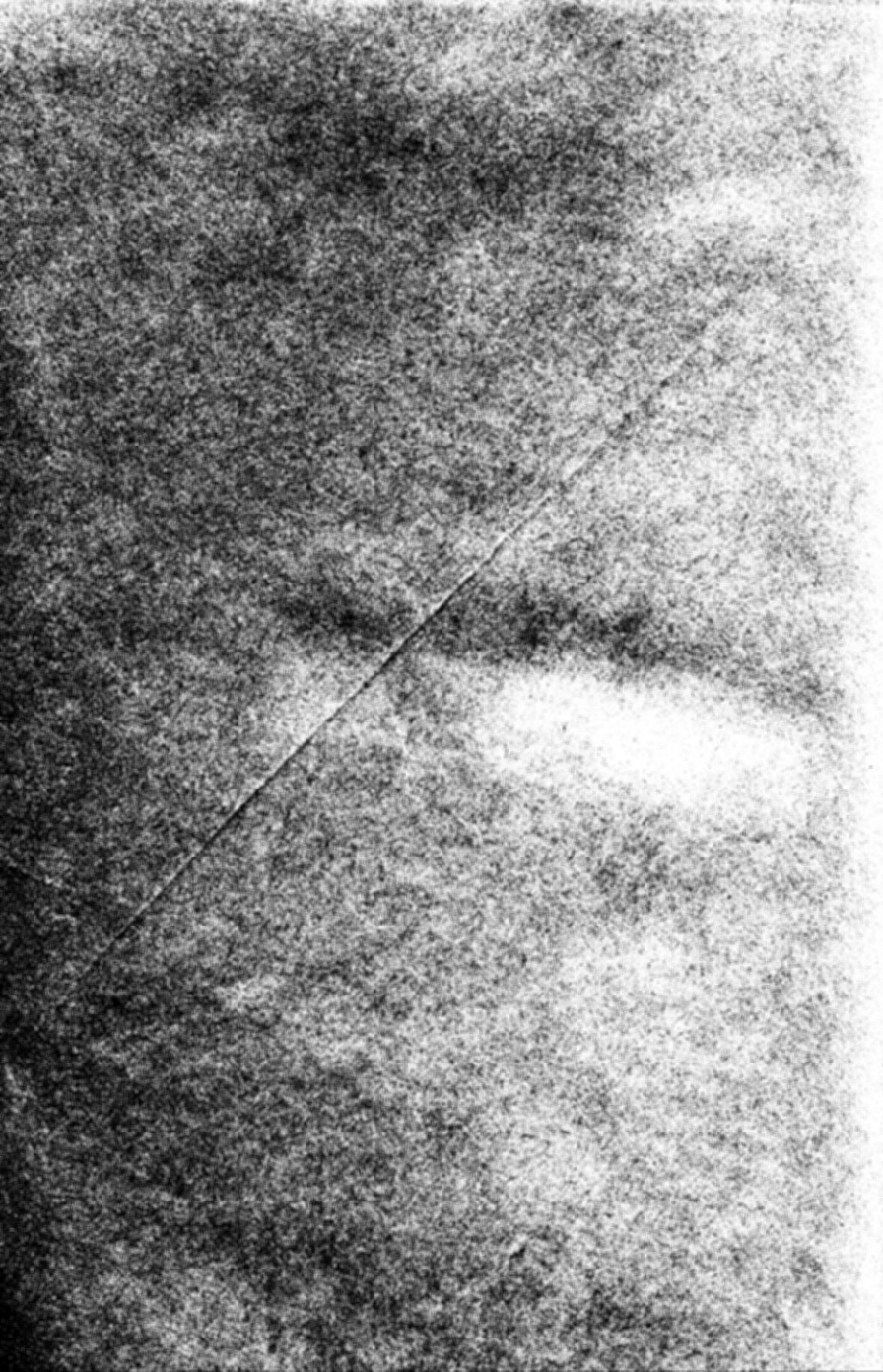
87

.D3c

UNIVERSITY  
OF  
DELAWARE  
THE LIBRARY













**JOURNAL**  
**OF THE**  
**HOUSE OF REPRESENTATIVES**

**OF THE**  
**STATE OF DELAWARE,**  
**AT A**  
**SESSION OF THE GENERAL ASSEMBLY**  
**CONVENED AND HELD AT DOVER,**  
**ON TUESDAY, THE FIRST DAY OF JANUARY,**  
**IN THE YEAR OF OUR LORD**  
**ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN,**  
**AND OF THE**  
**INDEPENDENCE OF THE UNITED STATES OF AMERICA**  
**THE NINETY-FIRST.**

---

**DOVER, DEL:**  
**PRINTED BY JAMES KIRK.**

THE DEPOSIT COPY  
1867  
DEPOSITED IN THE  
LIBRARY OF CONGRESS

State Doc.

KFD

18B

1867

UNCLASSIFIED  
DATE 10/10/2001 BY 1043

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

---

At a session of the General Assembly of the State of Delaware, convened and held at Dover, on Tuesday, the first of January, in the year of our Lord one thousand eight hundred and sixty-seven, and of the independence of the United States of America the ninety-first,

Messrs. John A. Allderdice, Samuel Bancroft, Jr., James Bradford, Charles Corbit, Andrew Eliason, and John Pilling, of New Castle county; and

Messrs. Joseph Booth, Peter L. Cooper, Henry Pratt, George H. Raymond, Elias S. Reed, and James H. Smith, of Kent county; and

Messrs. John S. Bacon, Robert H. Davis, Paynter Frame, John M. Houston, Joshua J. Johnson, Thomas A. Jones, and William D. Waples, of Sussex county, appeared and took their seats.

J. Frank Hazell, late Clerk, called the House to order.

On motion of Mr. Reed,

Mr. Smith was appointed Speaker *pro tempore*.

And further,

On his motion,

Mr. Bradford was appointed Clerk *pro tempore*.



And,

On the further motion of Mr. Reed,

The returns of the election for Representatives of the several counties of the State were read.

By the returns of the officers of New Castle county, appointed by law judges of elections, it appeared that on the Tuesday next after the first Monday in the month 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, to wit: John A. Allderdice, Samuel Bancroft, Jr., James Bradford, Charles Corbit, Andrew Eliason, Levi W. Lattomus, and John Pilling, Esquires.

By the returns of the officers of Kent county, appointed by law judges of elections, it appeared that on the Tuesday next after the first Monday in the month 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, to wit: Joseph Booth, Peter L. Cooper, William A. Polk, Henry Pratt, George H. Raymond, Elias S. Reed, and James H. Smith, Esquires.

By the returns of the officers of Sussex county, appointed by law judges of elections, it appeared that on the Tuesday next after the first Monday in the month 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, to wit: John S. Bacon, Robert H. Davis, Paynter Frame, John M. Houston, Joshua J. Johnson, Thomas A. Jones, and William D. Waples, Esquires.

On motion of Mr. Raymond,

The House proceeded to elect, by ballot, a Speaker.

Mr. Davis moved

That two tellers be appointed to receive and count the votes,  
Which motion *Prevailed.*

Whereupon,

Messrs. Davis and Pratt were appointed said tellers.

Upon the ballots being counted, it appeared

That William A. Polk had received thirteen votes.

That John A. Alderdice had received five votes, and

That James H. Smith had received one vote.

Whereupon,

William A. Polk, having received a majority of all the votes cast, was declared to be duly elected Speaker of the House of Representatives.

Mr. Reed moved

That a committee of two be appointed to inform the Speaker of his election,

Which motion

*Prevailed.*

Whereupon,

Messrs. Reed and Alderdice 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. Smith, Speaker *pro tempore*, in the Chair.

Mr. Reed, from the committee appointed to wait upon the Speaker elect,

Reported that the Speaker was detained at home by reason of illness.

And thereupon,

On motion,

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

WEDNESDAY, January 2, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

William A. Polk, Speaker elect, appeared, and was conducted to the Chair by Messrs. Reed and Alderdice, the committee appointed for that purpose ;

And thereupon,

The Speaker and members elect were qualified according to the Constitution and Laws of the State, and the act of Congress entitled, "An act to regulate the time and manner of administering certain oaths," as appears by the following certificate, to wit :

I, James H. Smith, a member elect of the House of Representatives of the State of Delaware, from the county of Kent, do hereby certify that William A. Polk, a member elect of the House of Representatives from the county of Kent, was, previous to entering upon any other business, and previous to taking his seat as Speaker, duly sworn by me on the Holy Evangels of Almighty God, to support the Constitution of the United States, to support the Constitution of the State of Delaware, and to perform his duties as a member of the General Assembly of the said State with fidelity.

And I, William A. Polk, Speaker of the House of Representatives of the State of Delaware, do hereby certify, that Samuel Bancroft, Jr., James Bradford, John A. Alderdice, John Pilling, Charles Corbit, Andrew Eliason, and Levi W. Lattomus, of New Castle county ; George H. Raymond, Elias S. Reed, Henry Pratt, Peter L. Cooper, James H. Smith, and Joseph Booth, of Kent county ; and Robert H. Davis, Thomas A. Jones, Paynter Frame, William D. Waples, John M. Houston, Joshua J. Johnson, and John S. Bacon, of Sussex county, members elect of the House of Representatives, were, previous to entering upon any other business, and previous to taking their seats, respectively sworn, or affirmed, by me, to support the Constitution of the United States, to support the Constitution of the State of Delaware, and to perform their duties as members of the General Assembly of said State with fidelity.

Witness our hands this second day of January, in the year of our Lord one thousand eight hundred and sixty-seven.

JAMES H. SMITH,  
WILLIAM A. POLK.

On motion of Mr. Raymond,

The House proceeded to ballot for a Clerk.

The Speaker appointed Messrs. Allderdice and Frame tellers, to receive and count the votes.

Upon the ballots being counted, it appeared

That Ignatius C. Grubb had received fourteen votes ;

That George V. Massey had received six votes ; and

That I. C. Cooper had received one vote ;

Whereupon,

Ignatius C. Grubb, having received a majority of all the votes cast, was declared to be duly elected Clerk, and, being introduced, was duly qualified, and took his seat at the Clerk's table.

On motion of Mr. Davis,

The House proceeded to ballot for a Sergeant-at-Arms.

Messrs. Allderdice and Frame were appointed tellers.

Upon the ballots being counted, it appeared,

That George S. Reynolds had received fifteen votes, and

That S. Frazier Hews had received six votes.

Whereupon,

George S. Reynolds, having received a majority of all the votes cast, was declared duly elected, was qualified, and entered upon the duties of his office.

Mr. Raymond offered a resolution,

Which,

On his motion,

Was read, as follows :

*Resolved*, That Charles H. Benn be, and he is hereby appointed Messenger for the House of Representatives during the present session of the General Assembly.

And further,

On his motion,

The resolution

Was

*Adopted.*

Mr. Reed offered a resolution,

Which,

On his motion,

Was read, as follows :

*Resolved*, That Rev. Cyrus Huntington be requested to act as Chaplain of this House during its present session.

And further,

On his motion,

The resolution

Was

*Adopted.*

On motion of Mr. Raymond,

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

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

Mr. Cooper offered the following resolution :

*Resolved*, That the rules of the last House of Representatives be adopted as the rules for the government of this House until new rules be made.

Which,

On his motion,

Was read,

And,

On his further motion,

Was

*Adopted.*

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had adopted and requested the concurrence of the House in a joint resolution appointing a joint committee to wait upon his excellency the Governor.

On motion of Mr. Reed,



The joint resolution just received from the Senate,

Was read,

And,

Further, on his motion,

Was

*Concurred in.*

Whereupon,

Messrs. Reed, Allderdice and Waples were appointed a committee on the part of the House, in pursuance of said resolution.

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

Mr. Reed, from the Committee on the part of the House, to wait upon His Excellency, the Governor,

Reported that they had performed that duty, and that the Governor would send, through the Secretary of State, a written communication to the House in fifteen minutes.

Mr. Pratt moved

That a committee of two be appointed to inform the Rev. Cyrus Huntington of his appointment as Chaplain of the House, and request his acceptance,

Which motion

*Prevailed.*

Whereupon,

The Speaker appointed Messrs. Eliason and Smith said committee.

Mr. Allderdice offered a resolution,

Which,

On his motion,

Was read, as follows :

*Resolved*, That the Clerk is hereby directed to furnish, during the session, to each member of the House, a daily paper of his choice ; and also to furnish, for the use of the House, three copies of each newspaper published in the State.

On motion of Mr. Reed,

The resolution

Was

*Adopted.*

Custis W. Wright, Esq., Secretary of State, being admitted, presented a communication from his excellency the Governor, with sundry accompanying documents.

On motion of Mr. Frame,

The message from the Governor was read, as follows :

*Fellow-citizens of the Senate and House of Representatives of the State of Delaware in General Assembly met :*

The biennial assembling of the General Assembly, at the seat of the State government, affords a fit occasion for congratulation by the Executive to the representatives of the people. It is a grateful task to extend to you such greeting to-day. We are free from many of the wrongs, oppressions and calamities which afflict the people of some of our sister States. We have been spared the dread effects of the pestilence which has visited other sections. The labors of the husbandman have been rewarded by abundant crops; and the continued happiness and prosperity of our people ought to inspire us with gratitude to the Great Ruler of the Universe. We are indebted for our freedom from many of the grievances which have afflicted the people of other States, to the wise policy adopted by those to whom was committed the legislation of the State during the existence of the late disastrous civil war. No State, occupying a similar position in the Union, has suffered less from the effects of that war than our own; nor have the people of any other State, thus situated, been more secure in the enjoyment and exercise of their rights. These results are mainly attributable to the legislative wisdom and prudence of our General Assembly; and I doubt not the present Legislature will enter upon the discharge of the important duties committed to them by a confiding constituency, with the same purity of motive, and that they will pursue those duties with the same independence, patient, persevering determination and patriotic purpose which conducted their immediate predecessors to results eminently beneficial to the State, and which have commanded the approval and endorsement of the people.

The Constitution of the State provides that the Governor "shall, from time to time, give the General Assembly information of affairs concerning the State, and recommend to their consideration such measures as he shall judge expedient." In obedience to this provision of our Constitution, I deem it my duty to call to the attention of the General Assembly several subjects of vital interest to the people of the State. The circulating medium, or means afforded the people for the transaction of business, although not under the immediate control of the Legislature, is, nevertheless, as connected with the financial interests of the State, a subject well worthy their careful and deliberate consideration.

In a message which I submitted to the Legislature at their January session, 1866, I felt it a duty incumbent upon me, as the Executive of the State, to invite their attention to the change produced in the condition of our State Banks by an act of Congress, approved

March 3, 1865, entitled, "An act to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes.'" By this act it is provided, "that every National Banking Association, State Bank, or State Banking Association, shall pay a tax of ten per centum on the amount of notes of any State Bank or State Banking Association *paid out* by them after the first day of July, eighteen hundred and sixty-six." It was not difficult to foresee that under this provision our State Banks would not, after the first of July last, be in a condition to afford the same amount of accommodation to the people that they had previously done. I therefore, in the message before referred to, submitted to your immediate predecessors the views which I then entertained upon this subject; to that message I respectfully refer you for my general views, wishing at present simply to invite your attention to the difference between the means of bank accommodation under the system of State Banks as it heretofore existed, and the National system as it now exists. The amount of bank capital in this State, under our former system, was two million one hundred and forty-five thousand dollars, which was used by the banks in addition to the notes issued and circulated by them in the transaction of their business. Under State charters, the circulation of our banks was not limited. Allowing the circulation, which was often above that amount, only to equal the capital, State Banks had the means of affording accommodations to the amount of four million two hundred and ninety thousand dollars. This amount, owing to the greatly enhanced value of land, and the rapid advancement in the agricultural and mechanical interests of the State, was scarcely sufficient to supply the growing wants of the people.

Under the National system, as it at present exists, the amount of bank capital in this State is one million five hundred and fifteen thousand dollars; only ninety per cent. of this amount, however, is furnished to the banks in currency by the Federal Government,—fifteen per cent. is required to be kept in the vaults, which leaves only about seventy-five per cent. of their capital, amounting to about one million one hundred and thirty-six thousand dollars, as the means of accommodation—a sum but little above one-fourth the means of our banks under their State charters. The Farmers' Bank and the Smyrna Bank still continue to do business under State charters,—the former with a capital of six hundred and eighty thousand dollars, the latter with a capital of one hundred thousand dollars, amounting together, to the sum of seven hundred and eighty thousand dollars; add this to the sum of one million one hundred and thirty-six thousand dollars—the amount of means of accommodation under the National system, and you have an aggregate of one million nine hundred and sixteen thousand dollars, being two million three hundred and seventy-four thousand less than under the State system. Whether the Directors and Stockholders

of the Farmers' Bank, and Bank of Smyrna, will consider it the interest of these institutions to continue to do business under their State charters, with their circulation taxed out of existence by the operation of Federal laws, remains to be seen—the attempt to do so may be regarded as an experiment. It is greatly to be hoped, on account of the business interests of the State, and especially of the localities in which these banks are situated, that they may not find it necessary to go into liquidation. This is still more desirable in consideration of the interests of the free schools of the State, a large amount of the funds for the support of which are invested in the Farmers' Bank. It is desirable, also, on account of a large number of widows and orphans in this State, whose means are safely invested in the stock of these institutions. If these banks should be compelled to go into liquidation, the whole amount of bank accommodation to the people of the State will be reduced to an amount scarcely, if at all, above one-fourth of that afforded by the State system. This immense reduction of bank accommodation, with the unprecedented rapidity of improvement now going on in the agricultural and mechanical interests of the State, will be exceedingly embarrassing to that portion of our population engaged in these enterprises. The inflated state of the currency during, and since the war, has prevented any considerable inconvenience, as yet, from this cause; but, if the currency shall continue to be contracted, as has been intimated, and as a sound financial policy would seem to indicate, as proper if not necessary to preserve the National credit until it is brought down to a specie basis, with the whole bank capital of the State monopolized by the Federal Government, and the State bank circulation driven out of existence by the imposition of a prohibitory tax, great inconvenience, if not great distress must result to the producing as well as the mechanical and commercial interests of the State. I have submitted these views, not because I suppose this to be a subject under the control of the Legislature, but with the desire to aid them in giving an intelligent consideration to the financial interests of the State, present and prospective.

The preservation of the State's credit is the paramount duty of those to whose keeping it is committed. To you, gentlemen of the Senate and House of Representatives, is confided that sacred trust; and no consideration of present convenience or local interest should betray us into the adoption of a policy hazardous to the future interest and honor of the people of the State. Our former policy against State indebtedness was so well established that it seemed to receive the general acquiescence and approval of all classes of our citizens, until the exactions of Federal authority, conscripting into the military service all the able-bodied male inhabitants of the State, rendered a deviation from that policy necessary; and it should not be forgotten that the Legislature felt itself so far committed to the policy of its predecessors on the subject, that it did not, even for the

purpose of saving the citizens of the State from draft, authorize the creation of a State debt, without determining not to adjourn until they provided the means for its extinguishment. And accordingly, on the 12th day of February, 1864, the very day the act entitled, "An Act for the relief of persons subject to military duty" passed, a joint resolution was adopted, appointing a committee "to prepare a bill, to be reported at the adjourned session to meet on the second Tuesday of September," in the same year, "to provide means to meet the payment of principal and interest of such sum or sums as shall be expended under the provisions of the act," the title of which is above recited. The committee appointed under this resolution reported a bill entitled, "An Act to raise revenue for this State," by which ample means for the payment of the interest and principal of the debt, without taxing the people of the State, was provided. This act passed both branches of the Legislature, and became a law on August 11, 1864. The Legislature did not stop here; but, impressed as they were with the sacredness of the State's credit, and their duty to preserve it, declared, by a joint resolution adopted August 12, 1864, "that the faith of the State be and the same hereby is solemnly pledged that this General Assembly will, in addition to the taxes already provided for that purpose by the act passed at the present session, entitled, 'An Act to raise revenue for this State,' exert its taxing power to the utmost, if necessary, before it finally adjourns, to provide ample funds to secure the prompt payment of the interest of the bonds authorized to be issued at this session, and also the payment of the full amount of the *principal* of said bonds, at or before the maturity of the same." Upon full investigation of the subject, it was believed by the Legislature that the means provided by the act before recited would be ample for the payment of the interest, and the extinguishment of the bonds before maturity; but, fearing the object of the Legislature might not be fully understood, and that some future Legislature might be tempted to divert a portion of the fund above referred to from the object contemplated by them in its creation, they passed, on the 27th of October, 1864, a bill appropriating it, entitled, "A Supplement to an act entitled, 'An Act to raise revenue for this State, passed at Dover, August 11, 1864.'" By reference to this act, page 506, 12 vol. Delaware Laws, it will appear to the Legislature that all the "money which shall from time to time be paid to the State Treasurer for the use of the State," under the provisions of an act entitled, "An Act to raise revenue for this State," is solemnly appropriated, and that the State Treasurer is "*authorized, empowered and required*" to apply it as appropriated, which is to the payment of the interest and principal of the bonds created in virtue of the legislation above referred to, and to no other purpose. The general policy of keeping the State free from debt has been sanctioned by legislative wisdom under all parties, and I submit whether it would



not be wisdom on the part of the General Assembly to adhere to it in the future. We have no large metropolis to sustain, no great commercial city to build up, no mineral wealth to develop. The soil is our chief source of wealth; agriculture our great interest, and our resources limited. Should not the dictates of common prudence, therefore, impel us to adhere to a policy so long approved by the people, and which has rendered us prosperous and happy in the past? For myself, I feel it due to the people, to whom I am indebted for the position which imposes upon me the duty I am now attempting to discharge, to express my unqualified conviction that no other debt, except for temporary purposes, should be contracted by the Legislature until the existing one is fully satisfied and canceled. A statement, submitted to the Executive, by the State Treasurer, in compliance with the provisions of a joint resolution of the Legislature, passed February 7, 1866, and which is appended to this message, will exhibit the revenue received and disbursements made by that officer during the year commencing December 1st, 1865, and ending December 1st, 1866. Reference to this statement will inform the Legislature of the condition of the Treasury of the State.

The Legislature, at its last session, provided for the increase of the salaries of the judicial and certain other officers of the State; a provision eminently proper and just, not only to those officers, but to the State. Adequate compensation for public service is not only in accordance with the enlightened judgment of the age, but the surest means of securing the services of competent public functionaries. Although the increase in the expenses of the State from this cause is small, provision should be made to meet it. The revenue of the State has heretofore been ample to meet her ordinary expenses. I suggest that provision could be made to meet any additional expense which the increasing wants of the State may demand, without the imposition of any general tax, or tax of any kind which would be in the least burdensome to any class of our citizens. By virtue of the provisions of the laws of this State, certain privileges are granted, and benefits afforded to particular persons and classes. The levying of a slightly additional tax for these privileges would increase the revenue of the State beyond any necessary increase in her expenses for legitimate purposes.

The railroad interests of the State continue to receive a large share of public attention. The unexampled rapidity of improvement in the sections of the State through which railroads are in operation, and the greatly enhanced value of land along the routes, seem to be stimulating our citizens to renewed efforts to insure the construction of other improvements of the same kind. These laudable efforts should be encouraged by such legislative action as may enable those engaged in these works to prosecute them with safety and success. The Delaware Railroad, by its union with the Eastern Shore Railroad, connects this State with the waters of the Chesapeake, and by

a daily line of steamers from the terminus of the latter road, at Crisfield, with the city of Norfolk, and thence by railroad with almost every section of the Southern States, and by its connection with the New Castle and Wilmington, and Philadelphia, Wilmington and Baltimore roads, it constitutes an important link in the great chain of railroads connecting almost every portion of this great country. By this line of roads the cities of New York, Philadelphia and Norfolk, are now in daily communication. And if the time shall ever arrive when frenzy and fanaticism shall give place to reason and patriotism; when amity and conciliation shall take the place of hatred and persecution; when the bitterness and malignity of party spirit, now seeking a permanent dissolution of the Union of these States, shall subside, and the nation's representatives, rising to the dignity and importance of the occasion, shall seek by the practice of justice and philanthropy to restore harmony and concord between the two sections, this road promises, by its connections, to be not only of untold value to the State, but a work of great convenience and utility to the people of the whole country.

The Maryland and Delaware Railroad has been completed through its whole length in this State, and is being so rapidly constructed through the State of Maryland as to insure its completion to its terminus, on the waters of the Chesapeake, within a reasonably short time. This road has been of great advantage to the producing interests of the section of the State through which it passes, and its completion will make it a work of substantial improvement to the whole section of country along its route.

The Junction and Breakwater road is another important link in the system of railroad improvements in this State. It is a subject of regret that this road, notwithstanding the very liberal aid secured to it by the State, has not progressed with the rapidity or success which was anticipated by its friends, and desired by the community. In view of the great advantage this road will be to the section of the State through which it passes, its early completion is a consummation greatly to be desired. There are several other important projected improvements of this kind which it is hoped may be prosecuted to successful completion by corporate and individual enterprise. Regarding these works of internal improvement as of incalculable benefit to the State, I commend them to the generous consideration of the Legislature, and bespeak for them such action, with proper checks and conditions, as may be necessary to secure to them all proper rights and privileges.

The criminal jurisprudence of this State, as applicable to the free negro population, in consequence of the unnecessary, unwise, unjustifiable and dangerous intermeddling by the Federal Congress with State institutions and laws, has become entirely inefficient, either for the preservation of the public peace or the prevention and punishment of crime. It is well known to those conversant with the

prosecution and administration of criminal law in this State, that a very large proportion of the cases brought before our criminal courts occur among our negro population.

In the early history of the State it was found necessary to provide a punishment for certain offenses committed by negroes different from that applied to white persons for the same offenses. This class of persons, from a deficiency of moral sense, and their disregard of the obligations imposed upon them by law, were found to be insensible to the disgrace which a public prosecution and conviction entailed upon white men. The punishment, therefore, which was a terror to white men, had no effect upon them, consequently our criminal courts were occupied term after term in the prosecution of this class of persons, and very frequently of the same individuals for repetitions of the same offenses, and it therefore became necessary to the good of society that a difference be made in the punishment for first and second offenses. Experience during the whole past history of this State has shown that the sale of this class of our population into slavery, as a punishment for crime, was not only the most salutary restraint against its commission, but the surest preventive against its repetition.

The proclamation by the Secretary of State of the United States of the passage and ratification of an amendment to the Federal Constitution, abolishing slavery wherever it existed in this country, has rendered this most salutary provision of our State laws nugatory; there is consequently no provision in our criminal code for the adequate punishment of this class of persons for some of the most serious offenses known to our laws. In addition to this, the enactment by Congress of what is known as the "Civil Rights Bill," destroying all distinction in the punishment for the same offense, whether committed by whites or negroes, has, if this law shall be held by the courts to be constitutional and valid, exempted the free negro population of this State altogether from punishment for certain offenses. The laws of this State have wisely denied the colored population certain rights and privileges accorded to white people inhabiting the State. Among these is the right to own or have in their possession fire-arms and ammunition. This policy, which the well being of society demanded, has, through a long period of our history, not only received the sanction of legislative wisdom and approval of public sentiment, but has proved salutary in the preservation of the public peace and good order of society. I earnestly commend this subject to the deliberate and thoughtful consideration of the General Assembly, and earnestly recommend a careful revision of the whole criminal code of the State as it is applicable to this class of our population. No law should remain upon our Statute Book that cannot be executed. The Constitution of the State provides that the Governor "shall take care that the laws be faithfully executed." I shall not shrink from this duty, but shall feel it incum-

bent upon me to insist that all laws of this State, not adjudged by competent authority unconstitutional, or in conflict with some constitutional law of Congress, be faithfully enforced and executed.

Proper restriction upon the immigration to this State of negroes from other portions of the country is demanded by the interests of all classes of our people. We have already a large negro population in our midst, many of whom are indolent and worthless, subsisting upon the labor of others and contributing but little to their own support. Observation has taught us that with few exceptions the negroes coming from other States are such as have fled from justice, or who add but little to the industry and labor of the State. The laws upon our statute books, upon this subject, have not been enforced, and I have deemed it my duty to present it for your consideration.

In calling the attention of the General Assembly to the condition of our Criminal Code, as applicable to our negro population, I would not suggest the enactment of laws unnecessarily harsh or severe to remedy the defects pointed out. On the contrary, while it is a paramount duty on the part of the Legislature to provide for the proper and adequate punishment of crime by law, it would not be in consonance with the dictates of humanity or the sentiment of our people that punishments disproportionate to the offense committed should be inflicted on any class of persons in this State.

In this connection I desire to submit to the Legislature whether the wants and interests of the State, the certainty of the punishment of crime, and the claims of humanity, would not all be promoted by the establishment of a Penitentiary, of moderate dimensions and cost, and at some convenient point, where convicted criminals, by a judicious system of labor, might be made to contribute to their own support, where their physical and mental condition might be better cared for, and where moral instruction and discipline, with a view to ultimate reformation, might be more advantageously administered. There are now confined in the county jails of the several counties in this State, a number of persons under sentence of imprisonment—some for life, others for a term of years. Thus situated, they cannot be made to contribute, by labor, to their own support, but live a life of idleness, confined to the limits of narrow cells, badly ventilated, and calculated to engender disease and impair the general health. Experience has proved that convicts thus situated, after having served out a long term of imprisonment, were generally discharged broken down in health, and with ruined constitutions become public charges during the balance of their lives. I submit this subject to the General Assembly in the belief that they will give to it the intelligent consideration which its importance demands.

I deem it my duty to present for the consideration of the Legislature the condition of the State Library, and office of the Secretary of State. The capacity of the room appropriated for the purposes

of the library is entirely insufficient. There are now packed up and deposited in the garret of the State House, large numbers of valuable books, for the want of space in the library to receive them. I suggest that the interest of the State demands that such additional room be provided as will enable the Librarian to keep the books in a proper state of preservation and convenience for reference and use.

The office of the Secretary of State, which is the only room appropriated to the Executive Department of the State, has also become so crowded as to render it impossible for that officer to keep the records and other State papers in a proper condition, and accessible for reference. I therefore recommend the Legislature to make such provision for this department as the interest of the State demands.

The defenseless condition of the people of this State is a subject of frequent remark by many of our most thoughtful citizens. It is known to the members of the General Assembly that all the arms of this State were, during the late civil war, taken beyond the limits of the State by the armed agents of the Federal Government, and that they have not been returned. I commend the subject to your serious and thoughtful deliberation, and recommend such legislation as may be found necessary to the best interest and safety of the people of this State.

In obedience to the requirement of the ninth section of the third article of the Constitution, I herewith transmit to you a list of the pardons, reprieves, and remissions granted by me since I became charged with the duties of the Executive office of this State, in March, 1865.

Congress, at its last session, passed a joint resolution proposing an amendment to the Constitution of the United States, a certified copy of which has been forwarded to me by the Secretary of State, which at an early day I shall cause to be laid before you. Although the Executive of the State has no voice in the ratification or rejection of the proposed amendment, that question being one exclusively for the determination of the Legislature, it may not be improper that I should indicate the views I entertain upon the question submitted to your consideration; indeed I should but illy discharge the duties of the position I occupy, and be wanting in fidelity to the people of this State, if I failed, in their name and in their behalf, to protest against a measure so manifestly unjust to the people of ten States of the Union. The framers of the Constitution wisely provided for its amendment in the modes prescribed in the instrument, in order that defects ascertained by long experience to exist might be remedied, but it certainly could not have been within the contemplation of the authors of that provision that amendments would ever be made, except upon the most urgent necessity, much less for the purpose of conferring upon one portion of the States undue influence and power in the government, by depriving another portion



of the States of rights long enjoyed and essential to their well-being and equality in the Union. The difficulty and embarrassment of the convention that framed the Constitution, arising from the diverse interests of the States represented therein, is matter of history, but the patriotic men that composed that convention, looking only to the general good, and not to local or sectional interests, presented to the American people, as the result of their labors, the Constitution under which they and their descendants, until recently, have lived prosperously and happy. It is believed a faithful observance of its provisions would now more effectually secure the just rights of all, than can be effected by amendments such as that now proposed. The circumstances under which this amendment is presented, is, to say the least, unfortunate. The Congress that proposed it is composed of the Representatives and Senators of only a part of the States of the Union, and grave doubts are entertained by eminently wise and patriotic statesmen in reference to the authority of such a Congress to initiate measures looking to an alteration of the fundamental law by which the rights of all the States are, hereafter, to be ascertained. I have no hesitation in saying that whatever authority the present Congress may possess for the purpose of ordinary legislation, the doubts suggested in reference to its right to propose amendments to the Constitution are well worthy the consideration of the American people. If the Senators and Representatives of the States unrepresented in Congress had voluntarily excluded themselves from participation in the legislation of the country, the case would be widely different; but such is not the fact. They were seeking admission into the halls of Congress on the very day the resolution proposing the amendment was passed, and had been for a long time before. But in violation of the just rights of the States, and of the people they represent, and in violation of the plainest provisions of the Federal Constitution, they have been, and still are, purposely and studiously excluded from the legislative councils of the nation, and the right of the excluded States to representation is sought to be made dependent upon their adoption of this amendment. The right of the excluded States to be represented in Congress does not depend upon the adoption or rejection of this amendment, nor indeed upon the will or pleasure of the Congress that proposed it, but exists by virtue of their character of States in the Federal Union under the provisions of the Constitution, and the denial of this right is the exercise of unwarranted arbitrary power,—is, in a word, usurpation and revolution. Whether the American people will submit either to the denial of the right of the Southern States to representation, or that that right shall be made to depend upon the will of a party in Congress representing a minority of the people of the country, are questions that cannot long remain undetermined. Acquiescence in such usurpation will inevitably lead to despotism.

Apart however from these considerations, there are objections to the proposed amendment inherent in itself, sufficient to warrant and demand its rejection by the Legislature of this State. The necessity of the amendment is predicated by Congress upon the propriety of a curtailment of the political power of the Southern States, and in one aspect the amendment is framed with that view; but it is apparent, an ulterior purpose, the bestowal of the elective franchise on the African race in this country, is likewise contemplated in the proposed alteration of the Constitution. Neither of these objects can be accomplished in the manner proposed without a manifest departure from the spirit of the Government as formed by the fathers of the Republic, and without manifest wrong and injustice to the States to be affected thereby. The possession of an undue preponderance of political power by either section of the country would inevitably tend to unjust and oppressive legislation towards the other. So far therefore as it can be accomplished an equalization of power between the two sections of the country should be maintained. Certainly it would not be the effort of enlightened statesmanship to invest either with such controlling influence as would constitute it permanently the governing section. Such however is the avowed object of the proposed amendment to the Constitution. The majority in Congress desires to secure to the Northern States, through this amendment, the permanent control of the Government, either by diminishing the number of representatives from the Southern States or by compelling these States to confer the elective franchise on the negro population within their limits, through whose influence and votes they hope to secure the permanent control of the legislation of the country. Incredible as it may appear, such is the proposition submitted by the American Congress, through this amendment, to the legislatures of this and other States. It may be gravely doubted, leaving out of view the demand that is made of the Southern people,—that they shall ostracise and disgrace forever many of the best men among them,—whether the Congress of the Nation contemplated or desired an acquiescence by the Southern people in these unjust and offensive demands, or whether the rejection of this amendment was not desired that it might be made the pretext for usurped consolidation of power in a Congress composed exclusively of representatives from Northern States. Whatever may have been the expectation or object of Congress, the rejection of this amendment is demanded alike by every consideration of justice, patriotism and humanity, and it is to be hoped that the Legislature of no Southern or Border State will be found so wanting in self-respect, or so regardless of the rights and dignity of the State they represent, as to hesitate to reject a proposition so unworthy of consideration. The issues upon which the members of the present General Assembly were elected, and the emphatic declaration of the will of the people of the State, as expressed at the polls at the recent election, indicates so clearly that you will

withhold your approval from a proposition so manifestly absurd and unjust as that contained in the amendment referred to, that I deem it unnecessary to submit a recommendation to that effect.

GOVE SAULSBURY.

Dover, January 1, 1867.

### TREASURER'S REPORT.

To His Excellency, G. Saulsbury :

*In compliance with the provisions of a Joint Resolution of the General Assembly of the State of Delaware, passed at Dover, February 17, 1866, I, L. Tharp, State Treasurer, submit the following :*

1866.	CR.
Paid salary of Governor.....	\$ 1,333 33
“ “ Secretary of State.....	375 00
“ “ Judges and Chancellor.....	7,458 33
“ “ Attorney General.....	462 50
“ “ State Treasurer.....	500 00
“ “ Auditor of Accounts.....	800 00
“ Members of the General Assembly.....	6,037 09
“ Clerks to General Assembly.....	2,122 75
“ Treasurer Delaware R. R. Co.....	6,500 00
“ “ Junction and Breakwater R. R. Co.....	3,500 00
“ Allowances, &c., by General Assembly.....	8,975 14
“ Coupons payable at Farmers' Bank.....	16,440 00
“ 532 Coupons.....	15,960 00
Deposited in Philadelphia National Bank, to pay interest on bonds.....	45,000 00

1866.	DR.
Amount received from Farmers' Bank, tax on capital....	\$ 1,890 24
From Bank of Smyrna, tax on capital.....	563 94
“ Citizens' Bank, “ .....	125 00
“ Bank of Newark, “ .....	187 50
“ New Castle Co. Bank, “ .....	137 50
“ Delaware City Bank, “ .....	63 87
“ Diamond State Bank, “ .....	100 00

1866.	Dr.
From Farmers' Bank, Dover, dividend on 932 shares stock	3,728 00
" Farmers' Bank, New Castle, " 95	380 00
" Farmers' Bank, Georgetown, " 248	992 00
" Bank of Delaware, " 20	800 00
" P. W. & B. R. R. Co., an installment.....	10,000 00
" P. W. & B. R. R. Co., tax on capital.....	1,000 00
" Clerk of the Peace, New Castle Co., licenses, &c....	2,772 28
" Clerk of the Peace, Kent County, " "	1,293 62
" Clerk of the Peace, Sussex County, " "	866 77
" Fines from Sheriffs and Constables, &c.....	1,131 14
" P. W. & B. R. R. Co., tax on passengers from December 1, 1865, to December 1, 1866.....	84,233 75

There will be due from the National Banks in this State,  
on the 1st day of January, 1867, a tax on the shares  
of the several banks amounting to \$7,140.92½.

Respectfully submitted.

L. THARP, *State Treasurer.*

To His Excellency, G. Saulsbury :

*In compliance with the provisions of a Joint Resolution of the General Assembly of the State of Delaware, passed at Dover, February 17, 1866, I, L. Tharp, Trustee of the School Fund, respectfully submit the following account :*

Dec. 1, 1866.

### CREDITOR.

Distributed to Districts in New Castle County.....	\$14,966 67
"          "          Kent County.....	11,484 54
"          "          Sussex County.....	14,058 29
Paid Penn. Inst. for Deaf and Dumb pupils from this State	744 00
"          "          the Blind, pupils from this State.....	412 50
"          Training School, for "          "          .....	600 00

### DEBTOR.

Amount received from Clerk of the Peace, New Castle County.....	\$ 4,834 00
Amount received from Clerk of the Peace, Kent County	1,045 00
"          "          "          "          Sussex "          "	1,522 00
Amount received from New Castle and Frenchtown Turnpike and R. R. Co., for interest on loan.....	1,662 50
Amount received from P. W. & B. R. R. Co., interest on loan.....	4,845 00
Amount received from Farmers' Bank, Dover, dividend on 1904 shares stock.....	7,616 00
Amount received from Farmers' Bank, Dover, dividend on 5,000 shares new stock at \$36, amounting to \$180,000 .....	14,400 00
Amount received from Farmers' Bank, New Castle, dividend on 295 shares stock.....	1,180 00
Amount received from Farmers' Bank, Georgetown, dividend on 240 shares stock.....	960 00
Amount received from Bank of Smyrna, dividend on 114 shares stock.....	855 00
Amount received from Bank of Delaware, dividend on 37 shares stock.....	1,480 00
Amount received from Union Bank of Delaware, dividend on 254 shares stock .....	762 00

Respectfully submitted.

L. THARP, *State Treasurer.*

December 11, 1866.

A LIST OF REPRIEVES AND PARDONS GRANTED BY  
THE EXECUTIVE AUTHORITY OF THIS STATE,  
SINCE THE THIRD DAY OF JANUARY, A. D. 1865.

WILLIAM CANNON, *Governor.*

January 24, 1865.—At the Court of Oyer and Terminer of the State of Delaware, held in and for New Castle County, on the twentieth day of November, A. D. 1862, one Abel Riggs was indicted, tried and convicted of the crime of rape upon one Beulah C. Riggs, his daughter, and was thereupon sentenced by the Court to be hung by the neck until he be dead, on Friday, the thirteenth day of February, A. D. 1863.

The execution of the said sentence, was, on the fourteenth day of January, A. D. 1863, respited by His Excellency, Governor Burton, for reasons which are stated in full on page 208 of this volume of the Executive Register, until the second Friday, which will be in the month of February, A. D. 1865, between the hours of ten in the forenoon and three in the afternoon.

This day for similar reasons, the Governor respited the execution of the said sentence upon the said Abel Riggs, until the third Friday, which will be in the month of February, A. D. 1867, between the hours of ten in the forenoon and five in the afternoon.

February 6, 1865.—At the October term of the Court of General Sessions of the Peace and Jail Delivery, held in the county of Sussex, on the fourth day of October, A. D. 1864, the recognizance of one Elisha W. Cannon, for the sum of one hundred dollars, taken before Christopher S. Lekite, a Justice of the Peace in and for the county, aforesaid, and conditioned that one Charles Moray, should be and appear at said Court touching such matters and things that might be objected against him, and particularly a charge of assault and battery upon one Mary Houston, was declared to be forfeited.

This day the Governor remitted the said forfeiture, being induced thereto by the representations of numerous very respectable citizens of Sussex county, that the said Elisha W. Cannon, surety, had the body of Charles Moray, his principal, present at Court, and while waiting for the said recognizance to be called up, stepped out for a few moments; that during his absence the said forfeiture was declared; that as far as it was in his power he had complied with the conditions of the said recognizance, and that the forfeiture aforesaid did

not result from any neglect of duty on his part or any wilful contempt of the Court.

February 27, 1865.—At the October term of the Court of General Sessions of the Peace and Jail Delivery in and for Kent county, one John R. Williamson was arraigned, tried and convicted of the crime of larceny, and was thereupon sentenced by the Court, among other things, to wear a convict's jacket as a badge of his crime for the period of six months next after his discharge from prison.

This day the Governor remitted so much of said sentence as required the said Williamson to wear a convict's jacket.

The Governor granted this remission for the reasons stated on page 317 of this Register, and for the further reasons that the said Williamson had served out his term of imprisonment, and was ready to pay the fine imposed upon him by the Court; that during his imprisonment his conduct has been good, that he is sincerely penitent, and that he desires to return to his home to vindicate his character by his future conduct, and to outlive the disgrace that his crime has brought upon him.

#### GOVE SAULSBURY, *Governor.*

May 26, 1865.—At a late term of the Court of Oyer and Terminer in and for New Castle County, in the month of May, A. D. 1865, one Ebenezer W. Frazier, was tried and convicted of the murder of one John A. Eliason, in the second degree, and was thereupon on the nineteenth day of the month and year aforesaid, sentenced by the Court to pay a fine of five thousand dollars, with the costs of prosecution, and on Saturday, the twenty-seventh day of May, one thousand eight hundred and sixty-five, between the hours of 10 o'clock in the forenoon and 5 o'clock in the afternoon to stand in the pillory one hour and be whipped with sixty lashes, and also to be imprisoned for life.

This day the Governor granted a reprieve unto the said Ebenezer W. Frazier to postpone the execution of the said sentence of the Court so far as the same relates to standing in the pillory and the whipping aforesaid until Thursday, the twenty-seventh day of July, A. D. 1865.

The reasons which induced the Governor to grant said reprieve to postpone said corporeal punishment, were, *First*. That it was satisfactorily shown to him that the physical condition of the said Ebenezer W. Frazer, at the time appointed for the infliction of such corporeal punishment, that great danger of his death was to be

apprehended in case such punishment should be inflicted according to the sentence and judgment of said Court at the time mentioned in said sentence and judgment. *Second.* That it appeared to the Governor that the infliction of such punishment at the time and under such circumstances would be *inconsistent with humanity*.

December 1, 1865.—At the November term, A. D. 1865, of the Court of General Sessions of the Peace and Jail Delivery, in and for New Castle County, one William H. Maloney, was convicted of larceny, and was sentenced by the Court to pay the sum of nine dollars as restitution money, and the costs of prosecution, to be whipped with twelve lashes, to be imprisoned for the term of three months, commencing on the second day of December, and ending March first, A. D. 1866, and to wear a convict's jacket for six months next after his discharge as a badge of his crime.

This day the Governor remitted unto the said William H. Maloney the corporeal punishment imposed upon him, the term of imprisonment, and also so much of said sentence as required him to wear the convict's jacket as aforesaid.

The Governor was induced to make this remission by the urgent solicitation of many respectable citizens of Wilmington, and by their representations of the former good character, youth, and present connections of the prisoner.

December 7, 1865.—At the November term, 1865, of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, Mary Young (negress), was convicted of larceny in stealing a gold seal, cake basket, and wearing apparel, the property of one George S. Seaton, and being so convicted was sentenced by the Court, among other things, to pay the sum of thirty-eight dollars restitution money, and the costs of prosecution, to be whipped with twenty lashes, and sold as a servant to any person residing within this State for a term not exceeding seven years.

This day the Governor remitted so much of said sentence as required the said Mary Young to be whipped with twenty lashes.

The Governor was induced to make this remission because it was satisfactorily shown to him that the physical condition of the said Mary Young was such that great danger of her death was to be apprehended if that part of said sentence which imposed the whipping aforesaid should be carried into execution.

April 3, 1866.—At the November term, 1864, of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, a certain George Smith was convicted of the crime of robbery, and was sentenced by the Court to forfeit and pay a fine to the State of Delaware of five hundred dollars and costs of prose-



cution, to stand in the pillory for one hour, to be whipped with forty lashes, and to be imprisoned for the term of two years, commencing on the third day of December, A. D. 1864, and ending on the second day of December, A. D. 1866.

This day the Governor granted unto the said George Smith a pardon of the crime of which he was convicted as aforesaid.

The Governor was induced to act in this case upon the written application of the Levy Court Commissioners of New Castle county, with an accompanying certificate from the Jail Physician, setting forth that the said George Smith had recently become insane, and praying that a pardon might be granted in order to remove the said convict to the Almshouse of the county aforesaid.

April 28, 1866.—At the April term, 1866, of the Court of General Sessions of the Peace and Jail Delivery in and for Kent county, a certain David H. Watson was convicted of larceny, and was sentenced by the Court to pay the sum of twenty-four dollars as restitution money, and the costs of prosecution, to be imprisoned for six months, and on Saturday, the 28th day of April, A. D. 1866, to be publicly whipped with fifteen lashes.

This day the Governor remitted so much of said sentence as required the said David H. Watson to be publicly whipped.

This remission was made upon the request and petition of many respectable citizens of Kent county. There was great doubt of a *felonious intent* on the part of the said Watson, and this was his first offence. Under the circumstances, the Governor believed the payment of restitution money, costs of prosecution, and imprisonment for six months, would be an adequate punishment for the offence committed.

May 12, 1866.—At the late term of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, one Henry Dobb was tried and convicted of the crime of larceny, and was thereupon sentenced by the Court, among other things, to be whipped with fifteen lashes.

This day the Governor remitted unto the said Henry Dobb the corporeal punishment imposed upon him by the Court aforesaid.

The Governor granted the remission in this case because it had been represented to him by a number of the most respectable citizens of New Castle county that the mind of said Dobb is not of ordinary strength and soundness, but that he is a person of less than ordinary intelligence; that he was intoxicated at the time he committed the offence, and that he is a quiet, inoffensive man, and very respectably connected.

May 18, 1866.—At the May term, 1866, of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, one William Faraday was tried and convicted of the crime of larceny, and was thereupon sentenced by the Court to pay restitution money, and costs of prosecution, to be imprisoned for one year and six months, and on Saturday, the 19th inst., to be whipped with twenty lashes.

This day the Governor remitted so much of said sentence as required the said William Farraday to be whipped with twenty lashes.

This remission was made upon the petition of numerous and respectable citizens of New Castle county. The extreme youth of the boy, and this being his first offence, together with the fact that he was convicted upon the evidence of an evil companion, and the party truly guilty, who escaped punishment himself by turning State's evidence, induced the Governor to interfere, under the belief that the infliction of corporeal punishment could in no way tend to the advancement of justice, and might prove of serious injury to the accused.

August 18, 1866.—At the November term, A. D. 1864, of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, one John McGowan was convicted of breaking into a store in the night time, and was thereupon sentenced by the Court to pay restitution money, and costs of prosecution, to stand in the pillory for one hour, be whipped with twenty lashes, and to be imprisoned for the term of three years, commencing on the tenth day of December, A. D. 1864, and ending on the ninth day of December, A. D. 1867.

This day the Governor remitted unto the said John McGowan so much of said sentence and judgment as had not already been executed.

The controlling consideration upon which the Governor acted in this case, was the fact disclosed in certain written communications from the Jail Physicians and others, that the said John McGowan is now in the last stages of consumption, and is suffering greatly from close confinement, and that his death would, in all probability, be hastened by a continuance of this confinement. It is, therefore, purely upon the grounds of *humanity* that the Governor consented to interfere with the said sentence and judgment.

November 17, 1866.—At a late term of the Court of Oyer and Terminer in and for Kent county, held at Dover, in the month of November, A. D. 1866, one Samuel Register was tried and convicted of the murder of one William Pryor, (negro,) in the second degree, and was thereupon sentenced by the Court to pay a fine of five thousand dollars, and on Saturday, the seventeenth day of November, one thousand eight hundred and sixty-six, between the hours of ten in the morning and four in the afternoon, to stand in the pillory

one hour, and be whipped with sixty lashes, and also to be imprisoned for life.

This day the Governor remitted so much of said sentence as required the said Register to stand in the pillory and be whipped with sixty lashes.

The remission in this case was made upon the written application of the twelve jurors empannelled in the case, who represented to the Governor that there were extenuating circumstances proved at the trial which would warrant the remission of the corporeal punishment. Many citizens of Kent county also preferred their petitions asking the Governor to extend Executive clemency.

November 24, 1866.—At the November term, A. D. 1864, of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle County, one Peter Boyle was convicted of the crime of breaking into a store in the night time, and was sentenced by the Court to pay restitution money and costs of prosecution, to stand in the pillory for one hour, be whipped with twenty lashes, and to be imprisoned for the term of three years, commencing on the tenth day of December, 1864, and ending the ninth day of December, 1867.

This day the Governor remitted unto the said Peter Boyle the remainder of the time of imprisonment so as aforesaid imposed upon him by the sentence and judgment of said Court.

The prisoner being the only son of an aged and infirm mother, who at this time is greatly in need of his support; his youth and former good character; together with the fact that he had already suffered a long imprisonment with the infliction of corporeal punishment, induced the Governor to interpose and make this remission, believing that the boy had suffered adequate punishment for the crime committed.

December 13, 1866.—At the Court of Oyer and Terminer of the State of Delaware, held in and for Sussex county, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and sixty-six, one John Green, (negro), was indicted, tried and convicted of the crime of murder of one Solomon Potter (negro), and was thereupon sentenced by the Court to be hung by the neck until he be dead, on Friday, the fourteenth day of December, A. D. 1866.

This day the Governor respited the execution of the said sentence of the Court until the first Friday in the month of April, 1867, to-wit: The fifth day of April, A. D. 1867, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, and appointed that day between said hours for the execution of the sentence aforesaid.

It was represented to the Governor that the said John Green is a poor, ignorant negro boy, only about sixteen years of age,

without a friend in the world, and that he steadfastly persists in his innocence of the *intent to do murder*. This, taken in connection with the fact that the boy is greatly exercised about his future welfare, and desired further time to prepare for his final end, induced the Governor to respite the execution as aforesaid.

December 22, 1866.—At the May term 1866, of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, one William Faraday was tried and convicted of the crime of larceny, and was thereupon sentenced by the Court to pay restitution money and costs of prosecution, to be whipped with twenty lashes, and to be imprisoned for the term of one year and six months commencing on the 19th day of May, A. D. 1866, and ending on the 18th day of November, A. D. 1867.

The said William Faraday had previously been recommended to Executive clemency, and on the eighteenth day of May, A. D. 1866, the Governor remitted the whipping imposed upon him. The reasons which induced the Governor to interfere with the sentence and judgment of the Court, at that time, caused him this day to grant a full pardon to the said William Faraday, of the crime and sentence aforesaid, viz :

His extreme youth, and 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 victim of a designing person really more guilty than himself.

A LIST OF BOOKS RECEIVED FOR THE USE OF  
THIS STATE, SINCE JANUARY 3, 1865.

ALABAMA.		Vol.	No. of Vols.
Laws of 1865-6,			2
Penal Code,			2
Reports,	37		1
ARIZONA.			
Acts of 1864,			1
CALIFORNIA.			
Reports, (Tuttle,)	24		2
" "	25		2
" "	26		2
" "	27		2
" "	28		2
Senate Journal, 16th session,			2
Assembly " " "			2
Appendix to Journal of Senate and Assembly,	1, 2, 3		6
CONNECTICUT.			
Public Acts, 1864, *			1
Private " "			1
Register of Volunteers,			1
Laws of 1866,			1
DAKOTA.			
Laws of 1865-66,			1
Council Journal, 1865-66,			1
House Journal, 1865-66,			1
GEORGIA.			
Laws of 1865-66,			1
ILLINOIS.			
Reports, (Freeman,)	31		1
" "	32		1
" "	33		1
Digest, (Henry and Read,)	3		1
Governor's Message, 1865,			1

ILLINOIS.		Vol.	No. of Vols.
	House Journal, 1863,		1
	Senate Journal, 1863,		1
	House Journal, 1865,		1
	Senate Journal, 1865,		1
	General Assembly Reports, 1863,		3
	Convention Journal, 1862,		1
	Laws of 1865,		1
IOWA.			
	Reports, (Withrow,) 15		1
	“ “ 16		1
	Digest, (Hammond,) 2		1
	Laws of 1866,		1
	Adjutant-General's Report, 1864-65,		1
KANSAS.			
	Reports, (Banks,) 1		1
	“ “ 2		1
	Laws of 1865,		1
KENTUCKY.			
	Laws of 1865,		4
	House Journal, 1865,		1
	Senate Journal, 1865,		1
	School Report, 1864,		1
	Documents, 1863-4,		2
	Reports, (Duvale's,) 1		1
	Laws of 1865,		1
	School Report, 1865,		1
	Supplement to Rev. Statutes, 1866,		2
	Auditor's Report,		1
	Documents, 1865,		2
	Senate Journal, 1865-6,		1
	House Journal, 1865-6,		1
LOUISIANA.			
	Annual Reports,	26	1
MAINE.			
	Laws of 1864,		1
	Reports “ 49		1
	“ “ 50		1
	Adjutant-General's Report, 1863,		1
	Agricultural Report, 1863,		1
	Documents, 1864,		6
	Laws of 1865,		1
	Documents, 1865,		1
	Agricultural Report, 1865,		1

MARYLAND.		Vol.	No. of Vols.
Constitution of 1864,			1
Governor's Message, 1865,			1
Laws of 1865,			1
Senate Journal, 1865,			1
House Journal, 1865,			1
State Reports,	20		1
Laws of 1866,			1
Senate Journal, 1866,			1
House Journal, 1866,			1
MASSACHUSETTS.			
Reports, (Allen,)	8		1
Laws of 1865,			2
Public Documents, 1864,			4
MICHIGAN.			
Quar. Master-General's Report, 1864,			1
Reports, (Cooley,)	12		1
Laws of 1865,			1
Joint Document, 1864,			1
Statistics, 1864,			1
MINNESOTA.			
Senate Journal, 1864,			1
House Journal, 1864,			1
Reports, (State,)	9		1
Laws of 1865,			1
House Journal, 1864,			1
Senate " " "			1
Ex. Doc. " " "			1
Home for Immigrants,			3
State Reports,	10		1
Laws of 1866,			1
Executive Documents,			1
Senate Journal, 1865,			1
House Journal, 1865,			1
MISSISSIPPI.			
Laws of 1865,			2
Amended Constitution,			2
Journal of Convention,			2
MISSOURI.			
Whittelsey's Reports,	3		1
Laws of 1865,			3
Reports, (5 Whittelsey,)	35		1
" (6 Whittelsey,)	36		1
General Statutes, 1866,			3

## NEBRASKA.

Vol. No. of Vols.

Laws of 1865,		1
Council Journal, 1865,		1
House " "		1
Annual Message, "		1

## NEVADA.

Appendix to Senate Journal, 1st session,		4
Laws of 1864-5,		2
Journal of Assembly, 1864-5,		2
Adjt.-General's Report, 1865,		1
Librarian's Report, 1865,		2
State Reports, (Lewis,) 1		2
Senate Journal and Appendix,		2

## NEW HAMPSHIRE.

Laws of 1864,		2
Reports, (2d series, vols. 4 and 5,) 16		2
" (2d series, vol. 5,) 17		2
" (Chandler's,) 44		1
Laws of 1865,		2
Reports, (State,) 18		1
Senate and House Journal, 1865,		2
School Report, 1865,		1

## NEW JERSEY.

Laws of 1864,		1
Nixon's Digest, 3d edition, 1709-1861,		1
Chancery Report, (2d Beasley,) 13		1
Legislative Documents, 1864,		1
Register of Volunteers,		1
Reports, (5 Dutcher,) 29		1
Senate Journal, 1866,		1
Legislative Documents, 1866,		1
Minutes of Assembly, 1866,		1

## NEW YORK.

Senate Documents, 1864,		4
" Journal, 1864,		1
Assembly Documents, 1864,		12
" Journal, 1864,		1
Laws of 1865,		2
Reports, (Barbour's,) 42		1
" (13 Smith,) 27		1
Regent's Report, 1865,		1
Library " "		1



## NEW YORK.

	Vol.	No. of Vols.
Longitude Report, 1865,		1
Reports, (5 Tiffany,) 32		1
" (Parker's,) 5		1
Library Catalogue, 1865,		1
Reports, (4 Tiffany,) 31		1
" (6 Tiffany,) 33		1
" (Barbour's,) 44		1
Assembly Doc. 1865,		10

## NORTH CAROLINA.

Phillips' Law Reports, 1866,	1	1
" Equity, " " 1		1

## OHIO.

Executive Documents, 1864,		2
Agricultural Report, 1863,		2
House and Senate Journal, 1864,		2
Adjutant-General's Report, 1864,		1
Auditor's Report, 1864,		1
Morgan Raid Claims,		1
Laws of 1865,		1
Statistics, 1864,		1
Library Report, 1864,		1
Reports, (Chritchfield,) 15		1
Executive Documents, 1865,		2
Agricultural Report, 1865,		1
Statistics, 1865,		1
Laws of 1866,		1
Treasurer's Report, 1865,		1
Library, " "		1
Adj't. Gen's. " "		1
School, " "		1
Receipts and Disbursements, 1865,		1
School Laws, 1865,		1
Report of the different asylums, in all		6

## OREGON.

Laws of 1845-64,	1	1
------------------	---	---

## PENNSYLVANIA.

Executive Documents, 1864,		2
House Journal, 1864,		1
Senate Journal, 1864,		1
Legislative Documents, 1864,		1
State Report, (9 Wright,) 45		1

## PENNSYLVANIA.

Vol. No. of Vols.

Laws of 1864,		1
School Report, 1864,		1
History of Gettysburg Cemetery,		1
Governor's Message, 1865,		1
State Reports, (10 Wright,)	46	1
"    "    (11 Wright,)	47	1
Laws of 1865,		1
Legislative Document, 1865,		1
Senate Journal, 1865,		1
House Journal, 1865,		1
Executive Documents, 1864,		1
Military Report, 1864,		1
Adjt.-Gen's Report for 1862-3-4,		3
Librarian's Report, 1864,		1
Transportation Report, 1864,		1
Obituary Addresses,		1
Reports, (12 Wright,)	48	1
"    (13 Wright,)	49	1
Laws of 1866,		1
Senate Journal, 1866,		1
House Journal, 1866,		1
Executive Document, 1865,		2
"    "    1866,		2
Report on Gettysburg Cemetery,		1

## RHODE ISLAND.

Governor's Message, 1865,		1
Reports, (Ames,)	7	1
Laws of 1865,		1
Laws of 1863 to 1865,		1

## TENNESSEE.

Reports, (Head's,)	3	1
Laws of 1865-6,		1
House Journal and Appendix, 1865-6,		2
Senate Journal, 1865-6,		1
Senate Journal, Ex. Sess., 1866,		2
House " " " "		1

## UNITED STATES.

Two sets of Documents of 3d Session,		
37th Congress, Census, 1860, Patent		
Office Report, 1861, Meteorological		
Report, vol. 2, part 1st, in all,		56
House Journal, 1863-4,		2

UNITED STATES.		Vol.	No. of Vols.
Statutes at large, 2d Session, 38th Congress, in all			36
House Journal, 1864-5,			1
Message and Documents, 1864-5,			1
Two sets of Documents of 1st Session, 38th Congress, in all			58
Patent Office Report, 1862,			2
Commerce and Navigation,			2
Vols. 2, 3, 4, of 8th Census, (2 copies.)			6
Statutes at large, 1st Session, 39th Congress,			30
VERMONT.			
Laws of 1864,			1
Reports, (6 Shaw,) 35			1
Senate Journal, 1864,			1
House Journal, 1864,			1
Adj't-General's Report, 1864,			1
School Report, 1864,			1
Auditor's " " "			1
Legislative Directory, 1864,			1
Reports, (1 Veazey,) 36			1
Directory, 1865,			1
Registration Report, 1862,			1
Auditor's " " 1865,			1
School " " "			1
Railroad " " "			1
Adj't-Gen.'s " " "			1
Reports, (2 Veazey,) 37			1
Laws of 1865,			1
Senate Journal, 1865,			1
House " " "			1
Adj't. and Insp. Gen.'s Report, 1865,			1
VIRGINIA.			
Laws of 1865-6,			1
House Journal, 1865-6,			1
Senate " " "			1
Documents, " "			1
WEST VIRGINIA.			
Laws of 1865,			1
WISCONSIN.			
State Reports,	28		1

# ACCOUNTS OF CUSTIS W. WRIGHT, SECRETARY OF STATE. JANUARY 1, 1865.

*Custis W. Wright, Secretary of State, in account with Contingent  
Expenses of Office.*

## DEBTOR.

1865.			DOLLS.	CTS.
March	7.	To this sum received of Samuel M. Harrington, Jr., late Secretary of State, as the balance of the fund appropriated by joint resolution of the Legislature for contingent expenses.....	51	03
April	27.	To this sum received of the State Treasurer under joint resolution.....	500	00
			<hr/>	
			\$551	03

## CREDITOR.

1865.			DOLLS.	CTS.
March	17.	Cash paid D. F. Burton. (Express). Voucher No. 1.....	1	25
		Cash paid D. F. Burton. (Express). Voucher No. 2.....	50	
		Cash paid D. F. Burton. (Express). Voucher No. 3.....	25	
April	4.	Cash paid D. F. Burton. (Express). Voucher No. 4.....	2	00
	5.	Cash paid John C. Clark & Son. (Stationery). Voucher No. 5.....	13	65
	17.	Cash paid Jas. Kirk. (Printing). Voucher No. 6.....	60	00
	26.	Cash paid for chairs for Secretary's office. Voucher No. 7.....	57	50
	28.	Cash paid D. F. Burton. (Express). Voucher No. 8.....	2	50
June	3.	Cash paid Telegraph Company. Voucher No. 9.....	1	35
July	10.	Cash paid G. Rogers. (Postage). Voucher No. 10.....	3	95
			<hr/>	
<i>Amount carried forward.....</i>			142	95

1865.			DOLLS.	CTS.
		<i>Amount brought forward</i> .....	142	95
July	10.	Cash paid Jas. Kirk. (Printing). Voucher No. 11.....	41	80
Aug.	16.	Cash paid George B. Dickson for transcribing for publication the laws passed at the session of the Legislature held in the months of January, February, and March, 1865. Voucher No. 12.....	87	97
Sept.	16.	Cash paid D. F. Burton. (Express). Voucher No. 13.....	3	65
Oct.	2.	Cash paid G. Rogers. (Postage). Voucher No. 14.....	2	10
Nov.	1.	Cash paid D. F. Burton. (Express). Voucher No. 15.....	2	70
			<hr/>	
1865.			\$281	17
Dec.	18.	Balance in hand of Contingent Fund.....	269	86
			<hr/>	
			\$551 03	

Examined and approved.  
 (Signed) ROBERT G. ELLEGOOD,  
 Auditor of Accounts.

*Custis W. Wright, Secretary of State, in account with Contingent Expenses of Office.*

## DEBTOR.

1865.			DOLLS.	CTS.
Dec.	18.	To balance in hand, of Contingent Fund, as approved by Auditor of Accounts, on page 146.....	269	86
1866.				
Nov.	24.	To this sum received of the State Treasurer, under joint resolution adopted February 16, 1866.....	87	97
			<hr/>	
			\$357 83	

## CREDITOR.

			DOLLS.	CTS.
1865.				
Dec.	19.	Cash paid David F. Burton (Express). Voucher No. 1.....	7	90
		Cash paid Z. L. Butler, care of Secretary's office. Voucher No. 2.....	10	00
1866.				
Jan.	17.	Cash paid Thomas B. Lister, work done on Secretary's office. Voucher No. 3..	21	55
Feb.	6.	Cash paid David F. Burton (Express). Voucher No. 4.....	5	60
		Cash paid John H. Bateman (Postage). Voucher No. 5.....	16	53
	19.	Cash paid Killen & Croyden, work done on Secretary's office. Voucher No. 6.	26	22
	23.	Cash paid A. F. Conner (Telegraph). Voucher No. 7.....	8	03
March	2.	Cash paid Cowgill & Son, as per bill and receipt No. 8.....	4	84
April	2.	Cash paid G. Rogers (Postage). Voucher No. 9.....	5	47
	20.	Cash paid David F. Burton (Express). Voucher No. 10.....	3	00
	21.	Cash paid John B. Shockley, as per bill and receipt No. 11.....	5	67
		Cash paid J. Kirk (Printing). Voucher No. 12.....	17	00
June	9.	Cash paid J. Kirk (Stationery). Voucher No. 13.....	23	10
	22.	Cash paid S. J. Raughley for transcribing the laws passed at the adjourned session of the General Assembly held in January, 1866. Voucher No. 14.....	45	69
July	2.	Cash paid G. Rogers (Postage). Voucher No. 15.....	7	43
	21.	Cash paid David F. Burton (Express). Voucher No. 16.....	10	10
August	16.	Cash paid David F. Burton (Express). Voucher No. 17.....	5	25
October	1.	Cash paid G. Rogers (Postage). Voucher No. 18..	5	04
Nov.	22.	Cash paid David F. Burton (Express). Voucher No. 19.....	21	30
	24.	Cash paid J. Kirk (Printing). Voucher No. 20.....	24	59
Amount carried forward.....			\$274	31

		DOLLS.	CTS.
1866.	<i>Amount brought forward.....</i>	274	31
Dec.	14. Cash paid Z. L. Butler (taking respite of John Green to Georgetown). Voucher No. 21.....	15	00
	18. Cash paid A. B. Conner (Telegraph). Voucher No. 22.....	3	34
	19. Cash paid Fred. Croydon (boxing books). Voucher No. 23..	10	50
	Cash paid Waples & Barker (Stationery). Voucher No. 24.....	4	62
		<hr/>	
1866.		\$307	77
Dec.	19. Balance in hand, of Contingent fund.....	50	06
		<hr/>	
		\$357	83
Examined and Approved. (Signed) ROBERT G. ELLEGOOD, Auditor of Accounts.			

*Custis W. Wright, Secretary of State in account with the State of Delaware.*

### DEBTOR.

		DOLLS.	CTS.
1865.			
March	9. To cash of John E. Spicer, for commission as Justice.....	16	00
	11. To cash of Henry Pratt, for commission as Notary.....	10	00
	16. To cash of L. G. Vandegrift, copy of private act.....	5	00
	17. To cash of Amanda Hudson, copy of private act..	5	00
	23. To cash of A. J. Wright, for commission as Recorder of Deeds.....	10	00
	23. To cash of Peter B. Vandever, for commission as Notary.....	10	00
		<hr/>	
		\$50	00
		<hr/>	
		<i>Amount carried forward.....</i>	

1866.			DOLLS.	CTS.
		<i>Amount brought forward</i> .....	50	00
March	23.	To cash of F. J. Thibault, for commission as Commissioner.....	10	00
	23.	To cash of Kate A. Francis, copy of private act.....	5	00
April	4.	To cash of Sarah E. Bareus, copy of private act.....	5	00
	4.	To cash of T. Bloodgood, for commission as Commissioner of Deeds.....	10	00
	5.	To cash of Eli Saulsbury, two copies of private acts.....	10	00
May	5.	To cash of H. L. Emmons, for commission as Commissioner of Deeds.....	10	00
	10.	To cash of Allen Thomas, for commission as Justice.....	10	00
	11.	To cash of W. D. Comegys, for com- mission as Commissioner of Deeds.....	10	00
	12.	To cash of W. H. Peters, for commission as Commissioner of Deeds.....	10	00
	13.	To cash of J. Ridgaway, for commission as Justice.....	10	00
June	7.	To cash of John Merritt, for commission as Clerk of the Peace.....	10	00
July	5.	To cash of F. B. Swift, for commission as Commissioner of Deeds.....	10	00
	6.	To cash of R. G. Cooper, for commission as Prothonotary .....	10	00
	11.	To cash of W. H. Sapp, for commission as Constable.....	5	00
	11.	To cash of Daniel Bates, copy of private act.....	5	00
	13.	To cash of S. W. King, for commission as Commissioner of Deeds.....	10	00
	14.	To cash of Henry Bryan, for commission as Commissioner of Deeds.....	10	00
	18.	To cash of J. S. Wilden, copy of private act.....	5	00
	26.	To cash of John H. Frick, for commission as Commissioner of Deeds.....	10	00
	27.	To cash of John Widdoes, for commission as Constable.....	5	00
	27.	To cash of A. M. Burton, for commission as Commissioner of Deeds.....	10	00
<i>Amount carried forward</i> .....			\$230	00



1866.		DOLLS.	CTS.
	<i>Amount brought forward.....</i>	230	00
Sept.	28. To cash of J. G. Hendrixson, for commission as Notary and Justice.....	20	00
October	12. To cash of Joseph T. Atkinson, for commission as Commissioner of Deeds.....	10	00
Nov.	1. To cash of Levin T. Moore, for commission as Constable.....	5	00
	1. To cash of S. S. Carpenter, for commission as Commissioner of Deeds.....	10	00
	20. To cash of Caleb Wolcott, for commission as Justice.....	10	00
	20. To cash of I. C. Grubb, for commission as Notary.....	10	00
	20. To cash of L. W. Sloat, for commission as Commissioner of Deeds.....	10	00
	21. To cash of Thomas Slaughter, Great Seal on Patent.....	1	00
	21. To cash of James A. Dodd, Great Seal on Patent.....	1	00
	24. To cash of William J. Clarke, for commission as Notary.....	10	00
	30. To cash of H. T. Downing, for commission as Register in Chancery and Clerk of Orphans' Court of Sussex county.....	20	00
Dec.	2. To cash of John W. Allen, for commission as Constable.....	5	00
	14. To cash of Peter B. Vandever, for commission as Justice.....	10	00
	15. To cash of Richard Blockson, for commission as Constable.....	5	00
		<hr/> \$357 00	

## CREDITOR.

1865.		DOLLS.	CTS.
Dec.	18. By amount paid L. Tharp, State Treasurer.....	\$357	00

Received-December 18, 1865, from Custis W. Wright, Secretary of State, three hundred and fifty-seven dollars in full of the above and foregoing account.

(Signed) L. THARP,  
State Treasurer.

Examined and Approved,  
(Signed) ROBERT G. ELLEGOOD,  
Auditor of Accounts.

*Custis W. Wright, Secretary of State, in account with the State  
of Delaware.*

## DEBTOR.

1866.			DOLLS.	CTS.
Jan.	4.	To cash of L. R. Davis, commission as Justice .....	10	00
		To cash of F. Register, commission as Commissioner of Deeds. ....	10	00
		To cash of J. McClaren, commission as Commissioner of Deeds.....	10	00
	17.	To cash of Wm. B. Hill, commission as Commissioner of Deeds.....	10	00
Feb.	2.	To cash of Samuel Swan, commission as Commissioner of Deeds. ....	10	00
		To cash of Thomas Bacon, commission as Justice.....	10	00
		To cash of William Doran, commission as Constable.....	5	00
	16.	To cash of Isaac S. Elliott, copies of certain acts.....	15	00
	17.	To cash of Alf. Cottingham, commission as Justice and Notary.....	20	00
March	2.	To cash of J. B. Vandever, commission as Notary.....	10	00
	4.	To cash of Samuel M. Harrington, copy of act .....	20	00
		To cash of C. A. Rawlins, commission as Justice .....	10	00
		To cash of J. H. Eldridge, commission as Notary .....	10	00
		To cash of R. H. Eubanks, commission as Notary.....	10	00
	8.	To cash of Daniel Green, commission as Notary.. ..	10	00
	12.	To cash of Samuel Jennison, commission as Commissioner of Deeds.....	10	00
	16.	To cash of Daniel Farra, commission as Notary.....	10	00
	17.	To cash of Samuel B. Sutton, commission as Justice and Notary.....	20	00
	21.	To cash of G. W. Bright, commission as Notary.....	10	00
<i>Amount carried forward.....</i>			\$220	00

1866.		DOLLS. CTS.	
		<i>Amount brought forward.....</i>	220 00
March	21.	To cash of Williamina Snyder, copy of private act.....	5 00
	27.	To cash of Robert Sarde, commission as Notary.....	10 00
	28.	To cash of A. Anderson, commission as Commissioner of Deeds.....	10 00
	30.	To cash of W. J. Reed, commission as Notary .....	10 00
April	3.	To cash of F. Wilcox, commission as Commissioner of Deeds.....	10 00
	9.	To cash of J. W. Welch, commission as Justice .....	10 00
		To cash of Isaiah Lynch, commission as Justice .....	10 00
	11.	To cash of C. A. Rawlins, commission as Notary.....	10 00
	12.	To cash of Emanuel Rey, commission as Commissioner of Deeds.....	10 00
	13.	To cash of James W. Smith, commission as Justice.....	10 00
	17.	To cash of Thomas S. Harper, commission as Notary.....	10 00
	23.	To cash of James H. Ray, commission as Notary.....	10 00
		To cash of Hiram S. Short, commission as Register of Wills.....	10 00
	24.	To cash of Ezekiel Timmons, copy of private act.....	10 00
	20.	To cash of Thomas Sadler, commission as Commissioner of Deeds.....	10 00
	26.	To cash of Charles S. Lester, commission as Commissioner of Deeds.....	10 00
	27.	To cash of George O'Neill, commission as Justice.....	10 00
May	3.	To cash of Joseph Ward, commission as Notary.....	10 00
	14.	To cash of George M. Davis, commission as Recorder of Deeds.....	10 00
June	6.	To cash of John Jones, commission as Notary.....	10 00
	20.	To cash of William Evans, commission as Justice.....	10 00
<i>Amount carried forward.....</i>			<u>\$425 00</u>

1866.			DOLLS. CTS.
		<i>Amount brought forward</i> .....	425 00
June	20.	To cash of Philip A. Hoyne, commission as Commissioner of Deeds.....	10 00
July	13.	To cash of M. J. Merchant, commission as Commissioner of Deeds.....	10 00
	20.	To cash of M. W. Allen, commission as Register of Wills.....	10 00
		To cash of Eugene L. Eliason, commission as Notary .....	10 00
August	17.	To cash of John C. Cannon, commission as Constable.....	5 00
	21.	To cash of Maltrits, Band, and Taylor, copy of act.....	20 00
	27.	To cash of Wm. W. Latimer, commis- sion as Commissioner of Deeds. ....	10 00
	27.	To cash of George W. Lindsey, commis- sion as Notary.....	10 00
	27.	To cash of George W. White, commis- sion as Justice.....	10 00
	28.	To cash of Henry Davis, commission as Notary.....	10 00
Sept.	14.	To cash of J. R. Flinn, commission as Notary .....	10 00
October	15.	To cash of Benj. Donoho, commission as Prothonotary of Kent county.....	10 00
Nov.	9.	To cash of George W. Willin, commission as Sheriff.....	20 00
	9.	To cash of Thomas J. Catts, commission as Coroner.....	10 00
	9.	To cash of William Herbert, commission as Sheriff.....	20 00
	14.	To cash of Stephen M. Collins, commis- sion as Sheriff.....	20 00
	15.	To cash of Henry Todd, commission as Notary.....	10 00
	17.	To cash of James H. Heverin, commission Commissioner.....	10 00
	19.	To cash of John Hickman, commission as Notary .....	10 00
	20.	To cash of Benj. T. Bellew, commission as Coroner.....	10 00
	20.	To cash of H. T. Downing, commission as Notary.....	10 00
<i>Amount carried forward</i> .....			\$670 00

1866.			DOLLS.	CTS.
		<i>Amount brought forward</i> .....	670	00
Nov.	20.	To cash of T. A. Benneson, copy of private act.....		10 00
	22.	To cash of Elizabeth Fisher, copy of private act.....		10 00
	22.	To cash of John Bell, commission as Constable.....		5 00
	23.	To cash of Joseph Ward, commission as Justice.....		10 00
	24.	To cash of James H. Tyer, commission as Justice.....		10 00
	26.	To cash of Philip J. Smoot, commission as Justice and Notary.....		20 00
Dec.	18.	To cash of Wm. S. Philips, commission as Coroner.....		10 00
	18.	To cash of James B. Hall, commission as Justice.....		10 00
	19.	To cash of Benj. T. Fleming, commission as Notary.....		10 00
			<hr/> \$765 00	

## CREDITOR.

1866.			DOLLS.	CTS.
Dec.	19.	To this amount paid State Treasurer.....	765	00

Examined and approved,  
 (Signed) ROBERT G. ELLEGOOD,  
 Auditor of Accounts. }

Received December 19, 1866, from Custis W. Wright, Secretary of State, the sum of seven hundred and sixty-five dollars in full of the above and foregoing account.

L. THARP,  
*State Treasurer.*

1867, January 1. I, CUSTIS W. WRIGHT, Secretary of State of the State of Delaware, do hereby certify that the foregoing is a true and correct copy of my accounts as Secretary of State.

Witness my hand and Seal of office, the day and year aforesaid.

L. S.

CUSTIS W. WRIGHT,  
*Secretary of State.*

STATE OF DELAWARE, EXECUTIVE DEPARTMENT, March 6, 1867.

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

The following list of orders for printing, since January 25, 1866, the date of the last report of the Secretary of State, is furnished for the purpose of informing the General Assembly of the amount of printing done by the several papers of the State by orders from this Department:

WHAT PUBLISHED.	When publication ordered.	For what length of time.	BY WHAT AUTHORITY.	Papers Publishing.
Sections 9 and 11 of an act entitled, "An act regulating the sale of Intoxicating Liquors, &c., passed March 6, 1861," as amended by the act of Feb. 13, 1866.	1866. May 16.	Three mos.	<i>Secretary of State.</i> Required by Section 2 of the act.	All the newspapers of the State.
Certificate of the filing, &c., of the articles of consolidation between the "Berks and Chester Railroad Company" and the "Delaware and Pennsylvania State Line Railroad Company."	May 31.	One week.	<i>Secretary of State.</i> Required by Section 2 of the act.	Del. Journal and Statesman and Del. Gazette.
Proclamation of election of Representative.	Nov. 10.	Two weeks.	<i>Governor.</i> Required by Sec. 3, Chap. 21, Revised Code.	Delawarean and Del. Gazette.
Thanksgiving Proclamation.	Nov. 24.	One week.	<i>Governor.</i>	do. do.
A list of Justices of the Peace and Notaries Public appointed by the Governor.	Dec. 4.	Two weeks.	<i>Secretary of State.</i> Required by Sec. 7, Chap. 28, Rev. Code.	do. do.

Respectfully submitted by

CUSTIS W. WRIGHT,  
*Secretary of State.*

On motion of Mr. Raymond,

The Clerk was instructed to have one thousand copies of the Governor's message printed for the use of the House.

Mr. Eliason, from the committee appointed to wait on the Rev. Cyrus Huntington, reported his acceptance of the invitation to act as Chaplain of the House during its sessions.

Mr. Allderdice offered a resolution,

Which,

On his motion,

Was read, as follows :

*Resolved*, That the Clerk be and he is hereby directed to furnish each member of the House with one copy of the Revised Code, one copy of the 11th and 12th volumes of the laws of the State, and also a copy of the laws passed at the session of 1866,

And further,

On his motion,

The resolution was

*Adopted.*

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had adopted, and requested the concurrence of the House in a joint resolution adjourning the two Houses from this day until 10 o'clock, A. M., of Tuesday next,

And presented the same to the House.

On motion of Mr. Bradford,

The resolution

Was read,

And further,

On his motion,

Was

*Concurred in.*

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

On motion,

In pursuance of said resolution,

The House adjourned until 10 o'clock, on Tuesday morning next, the 8th instant.

H4

TUESDAY, January 8, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

On motion of Mr. Reed,

The Clerk read the rules for the government of the House during the last session of the General Assembly.

Mr. Reed gave notice that he would, on to-morrow or some future day, ask leave to introduce the following bills, to wit :

"A supplement to the act entitled, 'An act to incorporate the Dover and Mahon's River Railroad Company,' passed at Dover, January 24, A. D. 1865;" and

"An act to authorize the Recorder of Deeds, in and for Kent county, to procure a new seal of office."

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

"An act to incorporate the Wilmington Loan Association."

Also the following bills, to wit :

"An act to incorporate the Mechanics' Loan Association."

"An act to incorporate the Germania Building and Loan Association."

"An act to incorporate the Delaware State Normal University of Wilmington;" and

"An act for recording settlements by guardians, executors and administrators, in New Castle county."

Mr. Davis presented the petition of Mary C. Houlston, for a divorce from her husband, William Houlston.

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Divorces.



The Speaker announced the Standing Committees for the present session, as follows :

**Committee on Enrollment :**

Messrs. Reed,  
Corbit,  
Davis.

**Committee on Claims :**

Messrs. Raymond,  
Bancroft,  
Frame.

**Committee on Accounts :**

Messrs. Waples,  
Allderdice,  
Bradford.

**Committee on Elections :**

Messrs. Allderdice,  
Smith,  
Pratt.

**Committee on Corporations :**

Messrs. Bradford,  
Reed,  
Bacon,  
Pilling,  
Raymond,

**Committee on Ways and Means :**

Messrs. Bacon,  
Cooper,  
Reed,  
Booth,  
Houston.

**Committee on Education :**

Messrs. Jones,  
Johnson,  
Bancroft.

**Committee on Vacant Lands :**

Messrs. Pratt,  
Davis,  
Lattomus.

Committee on Roads and Highways :

Messrs. Davis,  
Eliason,  
Smith.

Committee on Divorces :

Messrs. Frame,  
Waples,  
Allderdice.

Mr. Bradford presented the petition of John Montgomery, of Wilmington, praying the passage of an act to divorce him from his wife, Nancy R. Montgomery,

Which,

On his motion,

Was read,

And,

On his further motion,

Was referred to the Committee on Divorces.

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

“An act to authorize Alfred T. A. Torbert to straighten a public road upon his own lands, in Milford hundred, Kent county, at his own expense.”

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

"An act to amend Chapter Seventeen of the Revised Statutes of the State of Delaware, entitled, 'Of the election of Assessors and Inspectors.'"

Mr. Raymond presented the petition of David J. Cummins and others, praying the passage of an act to authorize the straightening of a public road in Duck Creek hundred, Kent county,

Which,

On his motion,

Was read,

And further,

On his motion,

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

Whereupon,

Messrs. Raymond, Reed and Corbit were appointed said committee.

Mr. Cooper offered a joint resolution convening the two Houses in joint meeting on Thursday, the 10th instant, to be present at the opening and publishing, according to the Constitution of the State, of the returns of the election held for Governor, and directing the appointment of two tellers, one on the part of the Senate and one on the part of the House of Representatives,

Which,

On his motion,

Was read,

And further,

On his motion,

Was

*Adopted.*

Whereupon,

Mr. Reed was appointed teller on the part of the House.

*Ordered* to the Senate for concurrence.

Mr. Smith presented the petition of Joseph Ward and others, for an act to lay out a new public road in Mispillion hundred, Kent county,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Roads and Highways.

Mr. Raymond presented the petition of Enoch Spruance and others, praying the passage of an act to authorize the laying out of a new road in Duck Creek hundred, Kent County,

Which,

On his motion,

Was read.

And further,

On his motion,

Was referred to the Committee on Roads and Highways.

Mr. Allderdice presented the claim of Henry Eckel, of New Castle county, for printing,

Which,

On his motion,

Was read and referred to the Committee on Claims;

Also a bill and memorial of Henry Eckel,

Which,

On his further motion,

Was read and referred to the Committee on Claims.

Mr. Allderdice gave notice that he would, on to-morrow or some future day, ask leave to introduce the following bills, to wit :

"A supplement to Chapter 95 of the Revised Statutes of the State of Delaware, entitled, 'Of the Court of Chancery ;'" and

"A supplement to Chapter 86 of the Revised Statutes of the State of Delaware, entitled, 'Of Joint Estates and Partition.'"

Mr. Allderdice asked to be relieved from serving upon the Committee on Divorces.

And, thereupon,

On motion of Mr. Bradford,

He was excused, by unanimous consent of the House, from serving thereon.

Mr. Wolcott, Clerk of the Senate, being admitted, presented the following enrolled Senate joint resolutions for the signature of the Speaker of the House, the same having received the signature of the Speaker of the Senate, to wit :

"Joint resolution of adjournment ;" and

"Joint resolution appointing a joint committee to wait upon the Governor."

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

"A further additional supplement to the act entitled, 'An act to extend the time for recording deeds, &c.'"

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

"An act to incorporate the Smyrna Seminary."

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House joint resolution convening the General Assembly in joint meeting at 11 o'clock A. M., on Thursday next, to publish the vote for Governor, and that Mr. Williams was appointed teller on the part of the Senate,

And returned the same to the House.

Mr. Allderdice offered a resolution requesting the State Treasurer to inform the House whether there has been any failure on the part of any person or persons, corporation, association, or company, to

comply with the provisions of the act passed at Dover, August 11, A. D. 1864, to raise revenue for the State, &c.,

Which,

On his motion,

Was read,

And further,

On his motion,

Was laid over for the present.

Mr. Bradford presented the petition of Rachael A. Tucker, of New Castle county, praying for a divorce from her husband, William Tucker,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Divorces.

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had adopted, and requested the concurrence of the House in a joint resolution for the appointment of a committee of three on the part of the House, to act with a committee of two on the part of the Senate, to arrange joint rules for the government of the intercourse between the two Houses, and that Messrs. Williams and Ellison were appointed said committee on behalf of the Senate,

And presented the same to the House.

On motion of Mr. Reed,

The Senate joint resolution

Was read,

And further,

On his motion,

Was

*Concurred in.*

Whereupon,

The Speaker appointed Messrs. Reed, Allderdice and Raymønd said committee, on the part of the House.

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

Mr. Allderdice offered a resolution referring so much of the Governor's message as relates to the finances of the State, to the Committee on Ways and Means,

Which,

On his motion,

Was read,

And further,

On his motion,

Was

*Adopted.*

On motion,

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

---

WEDNESDAY, January 9, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Allderdice, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Reed,

Obtained leave to introduce a bill entitled,

"A supplement to Chapter 95 of the Revised Code, entitled 'Of the Court of Chancery,'"

Which,

On motion of Mr. Corbit,

Was read.

Mr. Allderdice, in pursuance of previous notice,

Also asked,

And,

On motion of Mr. Eliason,

Obtained leave to introduce a bill entitled,

"A supplement to Chapter 86 of the Revised Code, 'Of joint estates and partition.'"

Which,

On his motion,

Was read.

Mr. Bradford, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Raymond,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Wilmington Loan Association."

Which,

On motion of Mr. Bacon,

Was read.

Mr. Reed, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Davis,

Obtained leave to introduce a bill entitled,

"A supplement to the act entitled, 'An act to incorporate the Dover and Malton's River Railroad Company,' passed at Dover, January 24, 1865,"

Which,



On motion of Mr. Reed,

Was read.

The Speaker appointed Mr. Allderdice upon the Committee on Ways and Means in lieu of Mr. Booth, who was withdrawn from that committee and placed upon the Committee on Divorces.

Mr. Allderdice, from the joint committee appointed to draft joint rules for the government of the two Houses, submitted a report,

Which,

On motion of Mr. Eliason,

Was read, as follows :

**RULE 1.** In every case of an amendment to a bill, or any other matter agreed to in one House and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their Chairman, meet in the Conference Chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment or other matter of disagreement, and confer freely thereon.

**RULE 2.** When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent, by the Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

**RULE 3.** Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

**RULE 4.** While bills or joint resolutions are on their passage between the two Houses, they shall be on paper and under the signature of the Clerk of each House respectively.

**RULE 5.** After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled by the Clerk of the House in which it originated, and shall be examined by a committee of each House, respectively, who shall carefully compare the enrollment with the original as passed by both Houses, and after correcting any errors that may be discovered in the enrolled copy, shall make report to their respective Houses.

**RULE 6.** After examination and report, each bill or joint resolution shall be signed in the respective Houses, first by the Speaker of the House in which it originated.

**RULE 7.** When a bill or resolution which shall have passed in one

House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

RULE 8. Each House shall transmit to the other all papers on which any bill or joint resolution may be founded.

RULE 9. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

On motion of Mr. Eliason,

The report of the committee

Was

*Adopted.*

Mr. Allderdice offered a resolution,

Which,

On his motion,

Was read, as follows :

*Resolved*, That the Clerk cause to be printed, for the use of the House, one hundred copies of the rules of the House; the rules of the Senate, the joint rules for the government of intercourse between the two Houses, and the list of standing committees in the House and in the Senate.

And further,

On his motion,

The resolution was

*Adopted.*

Mr. Raymond, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Frame,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Smyrna Seminary,"

Which,

On motion of Mr. Pilling,

Was read.

Mr. Davis, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Jones,

Obtained leave to introduce a bill entitled,

"An act to authorize Alfred T. A. Torbert to straighten a public road upon his own land in Milford hundred, Kent county, at his own expense,"

Which,

On motion of Mr. Bancroft,

Was read.

Mr. Bradford, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Raymond,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Mechanics' Loan Association of Wilmington,"

Which,

On motion of Mr. Bacon,

Was read.

Mr. Bradford, also in pursuance of previous notice,

Asked,

And,

On motion of Mr. Raymond,

Obtained leave to introduce a bill entitled, "An act for recording settlements by guardians, executors and administrators, in New Castle county,"

Which,

On motion of Mr. Houston,

Was read.

Mr. Allderidge offered a resolution,

Which,

On his motion,

Was read, as follows :

*Resolved*, That the Speaker is hereby requested to invite his Excellency the Governor of the State, the Secretary of State, the members of the Judiciary of the State, the Attorney General, and the members of both Houses of Congress from this State, to take seats at their pleasure upon the floor of this House.

On motion of Mr. Pilling,

The resolution was

*Adopted.*

On motion of Mr. Allderdice,

The resolution requesting the State Treasurer to inform the House whether there has been any failure on the part of any person or persons, corporation, association, or company, to comply with the provisions of the act to raise revenue for the State, &c.,

Was taken up for consideration,

Whereupon,

On motion of Mr. Johnson,

The resolution

Was

*Adopted.*

Mr. Reed, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Pratt,

Obtained leave to introduce a bill entitled,

“A further additional supplement to the act entitled ‘An act to extend the time for recording deeds, &c.,’”

Which,

On motion of Mr. Reed,

Was read.

On motion of Mr. Allderdice,

The bill was read a second time by its title, by special order of the House,

And further,

On his motion,

Was read a third time, and by paragraphs, by special order,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Bradford, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Corbit,

Obtained leave to introduce a bill entitled,

"A further supplement to the act entitled, 'An act to limit the city debt of Wilmington, and to provide for the discharge thereof,' passed at Dover, February 21, 1849,"

Which,

On motion of Mr. Bacon,

Was read.

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

"An act to amend Chapters 17 and 18 of the Revised Code."

Mr. Reed offered a resolution,

Which,

On his motion,

Was read, as follows:

*Resolved*, That so much of the Governor's message as relates to the building of a penitentiary for the use of the State, be referred to a special committee of five, with leave to report by bill or otherwise.

And further,

On his motion,

The resolution was

*Adopted.*

Whereupon,

Messrs. Reed, Bradford, Bacon, Corbit and Frame were appointed said committee.

Mr. Reed, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Allderdice,

Obtained leave to introduce a bill entitled,

"An act to authorize the Recorder of Deeds, in and for Kent county, to procure a new seal of office,"

Which,

On motion of Mr. Pratt,

Was read.

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

"An act concerning negroes, mulattoes and persons of color."

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. Smith offered a joint resolution appointing a joint committee of two on the part of the Senate, and three on the part of the House, to examine the accounts of the State Treasurer,

Which,

On his motion,

Was read,

And,

On motion of Mr. Reed,

Was

*Adopted.*

Whereupon,

Messrs. Reed, Allderdice and Davis were appointed said committee on the part of the House.

*Ordered* to the Senate for concurrence.

On motion of Mr. Raymond,

The reading of the documents accompanying the Governor's message was dispensed with, and the Clerk directed to transmit them to the Senate.

Mr. Reed presented the petition of Charles Brown, praying the passage of an act to authorize the straightening of a public road through his lands,

Which,

On his motion,

Was read,

And further,

On his motion,

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

Whereupon,

Messrs. Reed, Smith and Houston were appointed said committee.

Mr. Bradford presented the petition of Robert M. Connery, of New Castle county, praying the passage of an act to divorce him from his wife, Catharine Connery.

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Divorces.

Mr. Frame, from the Committee on Divorces, reported a bill entitled,

"An act for the relief of Mary C. Houlston,"

Which,

On his motion,

Was read.

Also, a bill entitled, "An act for the relief of John Montgomery,"

Which,

On motion of Mr. Davis,

Was read.

Also, a bill entitled, "An act for the relief of Rachel A. Tucker,"

Which,

On motion of Mr. Bradford,

Was read.

Mr. Allderdice offered a joint 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 Secretary of State be and he is hereby authorized and directed to have bound for the use of the two Houses, fifty copies of the Revised Code of the State of Delaware,*

And further,

On his motion,

The resolution was

*Adopted.*

*Ordered* to the Senate for concurrence.

Mr. Bradford presented the petition of George H. Bennett, praying the passage of an act to divorce him from his wife, Susan M. Bennett,

Which,



On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Divorces.

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

"An act to amend Chapter 99 of the Revised Statutes of the State of Delaware."

Mr. Eliason offered a joint resolution requiring the Sergeants-at-Arms of the two Houses to raise the National flag upon the State House during the sessions of the General Assembly,

Which,

On motion of Mr. Reed,

Was read,

And further,

On his motion,

Was

*Adopted.*

*Ordered* to the Senate for concurrence.

On motion,

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

THURSDAY, January 10, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Reed,

The House bill entitled, "A supplement to the act entitled, 'An act to incorporate the Dover and Mahon's River Railroad Company.'"

Was read a second time by its title.

And further,

On his motion,

Was referred to the Committee on Corporations.

On motion of Mr. Allderdice,

The Clerk was directed to have printed, for the use of the House, one hundred copies of said bill.

On motion of Mr. Bradford,

The House bill entitled, "An act to incorporate the Wilmington Loan Association,"

Was read a second time by its title,

And further,

On his motion,

Was referred to the Committee on Corporations.

On motion of Mr. Allderdice,

The House bill entitled, "A supplement to Chapter 95 of the Revised Code, entitled, 'Of the Court of Chancery,'"

Was read a second time by its title.

On motion of Mr. Raymond,

The House bill entitled, "An act to incorporate the Smyrna Seminary,"

Was read a second time by its title,

And further,

On his motion,

Was referred to the Committee on Corporations.

On motion of Mr. Bradford,

The House bill entitled, "An act to incorporate the Mechanics' Loan Association of Wilmington,"

Was read a second time by its title,

And further,

On his motion,

Was referred to the Committee on Corporations.

Also,

On motion of Mr. Bradford,

The House bill entitled, "An act requiring the Register of Wills in and for New Castle county, to record settlements and accounts of executors, administrators, and guardians, passed by him; also, to have the same properly indexed,"

Was read a second time by its title.

On motion of Mr. Allderdice,

The House bill entitled, "A supplement to Chapter 86 of the Revised Code, entitled, 'Of Joint Estates and Partition,'"

Was read a second time by its title.

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House joint resolution in relation to the appointment of a committee to examine the accounts of the State Treasurer, with an amendment,

And requested the concurrence of the House therein.

He further informed the House that Messrs. Bewley and Paynter were the committee appointed on the part of the Senate, in pursuance of said resolution.

On motion of Mr. Davis,

The joint resolution just received

Was taken up for consideration,

And,

On his further motion,

The Senate amendment to the resolution

Was read, as follows :

IN SENATE, }  
January 9, 1867. }

Amend the joint resolution by inserting the words "Of the State of Delaware" after the word "Representatives" in the second line, and before the word "in," in the third line.

(Extract from Journal.)

J. L. WOLCOTT,  
*Clerk of the Senate.*

For concurrence.

And, further,

On motion of Mr. Eliason,

The Senate amendment

Was

*Concurred in.*

*Ordered* that the Senate be informed thereof.

On motion of Mr. Davis,

The House bill entitled, "An act for the relief of Mary C. Houlston,"

Was read a second time by its title.

On motion of Mr. Bradford,

The House bill entitled, "A further supplement to the act entitled, 'An act to limit the city debt of Wilmington and to provide for the discharge thereof,' passed February 21, 1849,"

Was read a second time by its title,

And further,

On his motion,

Was referred to the Committee on Education.

On motion of Mr. Reed,

The House bill entitled, "An act to authorize the Recorder of Deeds, in and for Kent county, to procure a new seal of office,"

Was read a second time by its title.

Mr. Bradford asked,

And,

Obtained the unanimous consent of the House to introduce a bill entitled,

"An act to increase the salary of the Governor,"

Which,

On his motion,

Was read,

And,

On motion of Mr. Raymond,

Was read a second time by its title, by special order of the House.

And further,

On his motion,

The bill

Was read a third time, and by paragraphs, by special order, with a view to pass the House.

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

Mr. Reed called for the yeas and nays,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Bancroft, Bradford, Corbit, Eliason, Frame, Johnson, Pilling, Pratt, Raymond, Reed, and Mr. Speaker—13.

*Nays*—Messrs. Davis, Houston, and Jones—3.

So the question was decided in the affirmative,

And

The bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Allderdice, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Eliason,

Obtained leave to introduce a bill entitled,

“ An act concerning negroes, mulattoes and persons of color,”

Which,

On his motion,

Was read.

On motion of Mr. Reed,

The Clerk was instructed to inform the Senate that the House would be ready in ten minutes to receive the Senate, in the Hall of the House of Representatives, in joint meeting, for the purpose of opening and publishing the returns of the election 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 of Representatives and took the seats prepared for them.

### JOINT MEETING.

HALL OF THE HOUSE OF REPRESENTATIVES,  
January 10, 1867—11 o'clock, A. M.

The two Houses being thus convened in joint meeting,

On motion of Mr. Bewley, of the Senate,

The resolutions convening the two Houses were read by Mr. Wolcott, Clerk of the Senate, 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 Thursday next, the 10th inst., to be present at the opening and publishing, according to the Constitution of this State, of the returns of the elections held in the several counties of the State, on the Tuesday next after the first Monday in 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, to wit :

DELAWARE, SS. Be it known that the General Assembly, having met at Dover, James Ponder, Speaker of the Senate, on the — day of January, in the year of our Lord one thousand eight hundred and sixty-seven, did open and publish, in the presence of the members of the Senate and 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 Tuesday next after the first Monday in November last, for Governor, and by said returns it appears that — was, on the Tuesday next after the first Monday in November last, duly chosen Governor of the State of Delaware, according to the Constitution and Laws of the State, to hold said office of Governor during four years from the third Tuesday of January instant, agreeably to the Constitution.

James Ponder, Esq., Speaker of the Senate, thereupon opened and published the official returns of the elections in the several counties of this State for Governor, from which it appeared that on the Tuesday next after the first Monday in November last, A. D. 1866, there were given

#### FOR GOVE SAULSBURY,

In New Castle county.....	4,248 votes.
" Kent county.....	2,725 "
" Sussex county.....	2,837 "
Total.....	9,810 "

#### FOR JAMES RIDDLE,

In New Castle county.....	4,428 votes.
" Kent county.....	1,796 "
" Sussex county.....	2,374 "
Total.....	8,598 "

For Mark G. Lofland, (in Kent county,).....	1 vote.
For N. B. Smithers (in Kent county,).....	1 vote.

Majority for Gove Saulsbury..... 1,212 votes.

Gove Saulsbury, having a majority of the votes, was declared by the Speaker of the Senate to have been duly elected Governor of

the State of Delaware, on the Tuesday next after the first Monday in 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 two certificates of the election of Governor,

Which were attested by the Clerks of the respective Houses.

On motion of Mr. Raymond, of the House of Representatives,

The certificates, as signed and attested,

Were read.

On motion of Mr. Bewley, of the Senate,

The Journals of the two Houses were read by the respective Clerks and compared.

On motion of Mr. Bewley, of the Senate,

The two Houses separated, and the members of the Senate returned to their Chamber.

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. Raymond moved that a committee of three be appointed to draft rules for the government of the House,

Which motion

*Prevailed.*

Whereupon,

Messrs. Raymond, Allderice and Bacon were appointed said committee.



Mr. Reed presented the petition of Mary A. Dehorty, praying the passage of an act to divorce her, *a vinculo matrimonii*, from her husband, Daniel Dehorty,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Divorces.

Mr. Raymond, from the committee appointed to draft rules for the government of the House, submitted a report,

Which,

On his motion,

Was read, as follows, to wit :

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

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

**RULE 3.** All motions and resolutions, except for the reading of bills, the daily adjournment of the House, or any motion to refer the subject, or to postpone the same, shall, if required by the Speaker, or any member, be reduced to writing by the mover, and, if seconded, shall be repeated by the Speaker to the House before a debate or decision thereon. And any written resolution introduced by the Speaker, or a member of the House, and sent to the Clerk's table, shall be read without a previous motion to receive the same, unless the reading of such resolution shall be objected to by a member of the House.

**RULE 4.** All committees, unless the House shall otherwise direct, shall be appointed by the Speaker. And every committee shall report within five days of actual session of the House from the time of their appointment, or furnish sufficient reasons why report has not been made.

**RULE 5.** The following committees shall be standing committees, and shall continue during the session, to whom business applicable to them shall be referred, viz :

Com. on Enrollment.

“ Claims.

“ Accounts.

“ Elections.

“ Corporations.

Com. on Ways and Means.

“ Education.

“ Vacant Lands.

“ Roads and Highways.

“ Divorces.

**RULE 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.

**RULE 7.** Every bill shall be introduced by motion for leave, by order of the House, or by report of a committee; and one day's notice, at least, shall be given of an intended motion for leave to bring in a bill.

**RULE 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.

**RULE 9.** No member shall be interrupted when speaking but by a call to order by the Speaker, or a member through the Speaker, nor shall any member be allowed to speak upon any subject more than three times (except in explanation) without leave of the House. And no member shall be referred to by name in debate.

**RULE 10.** While the Speaker is putting any question, or addressing the House, no one shall walk out of, or across the House, nor, in such case, or when a member is speaking, shall entertain private discourse; nor, while a member is speaking, shall pass between him and the Chair.

**RULE 11.** 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 the contents shall be verbally made by the introducer; and any petition or memorial shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition or memorial is presented and read.

**RULE 12.** Every bill shall receive three several readings, no two of which shall be on the same day, except by special order of the House, under a suspension of the rules.

**RULE 13.** No rule of the House shall be changed or suspended except by a vote of two-thirds of the members present.

**RULE 14.** All bills ordered to be engrossed shall be certified by the Clerk, noting the day of passing at the foot thereof.

**RULE 15.** All amendments to bills shall be made before they are taken up for the third or final reading, unless such as will not materially alter or change their nature or meaning.

RULE 16. No question which has been decided shall be reconsidered but on a motion made by a member who voted with the majority on the original question, and no motion for reconsideration shall be in order unless made on the same or one of the three next succeeding days of actual session of the House thereafter. And the word majority shall, in application of this rule, be construed to mean, not the greater number of votes, but such number as was sufficient to prevail in the decision of the original question.

RULE 17. 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.

RULE 18. The rules of proceeding in the House shall, as far as applicable, be observed in Committee of the Whole.

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

RULE 20. All messages from the House to the Senate shall be conveyed by the Clerk, or a member, as the Speaker may direct.

RULE 21. Messages to the House shall not be admitted while the House is voting on a question.

RULE 22. Unless otherwise ordered, the House shall meet every day (except Sunday,) at ten o'clock in the morning, and three o'clock in the afternoon.

RULE 23. The rules of Parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and which are not inconsistent with the standing rules and orders of the House.

On motion of Mr. Pilling,

The report of the committee

Was

*Adopted.*

On motion of Mr. Davis,

The House bill entitled, "An act to authorize Alfred T. A. Torbert to straighten a public road upon his own land in Milford hundred, Kent county, at his own expense,"

Was read a second time by its title.

On motion of Mr. Frame,

The House bill entitled, "An act for the relief of John Montgomery,"

Was read a second time by its title.

Mr. Raymond offered a joint resolution appointing a committee of two on the part of the Senate, and three on the part of the House, to inform the Governor elect that the General Assembly would attend him in his inauguration at 12 o'clock M., on Tuesday, the 15th instant,

Which,

On his motion,

Was read,

And further,

On his motion,

Was

*Adopted.*

*Ordered* to the Senate for concurrence.

Messrs. Raymond, Bradford and Johnson were appointed the committee on the part of the House, in pursuance of the foregoing resolution.

Mr. Raymond, from the special committee appointed for that purpose, reported a bill entitled,

"An act appointing Commissioners to change and straighten the course of a public road in Kent county,"

Which,

On his motion,

Was read.

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House joint resolution in relation to attending the Governor in his inauguration, and that Messrs. Bewley and Bounds were the committee on the part of the Senate,

And returned the same to the House.

Mr. Pratt presented the petition of Spencer Shoemaker and others, praying the passage of an act to authorize the laying out of a new public road near the town of Harrington, Kent county,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Roads and Highways.

On motion,

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

FRIDAY, January 11, 1867—9 o'clock, A. M.

The House met pursuant to adjournment.

Mr. Bacon offered a joint resolution,

Which,

On his motion,

Was read as follows, to wit :

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That one of the certificates of the election of Gove Saulsbury, Governor, yesterday made, be deposited by the Speaker of the Senate in the office for the 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 said certificates be transmitted by the Speaker of the Senate to the Governor elect, with information that the members of the Senate and members of the House of Representatives will attend him, on the 15th day of January instant, at 12 o'clock M., while he shall take the oaths of office required by the Constitution of the United States and of this State.*

Mr. Reed moved to amend the resolution by striking out all after the word "elect," in the thirteenth line,

Which motion

*Prevailed.*

And the resolution was so amended.

On motion of Mr. Pilling,

The joint resolution, as amended,

Was

*Adopted.*

*Ordered* to the Senate for concurrence.

Mr. Davis moved that a committee of three be appointed upon the unfinished business of the late session of the General Assembly,

Which motion

*Prevailed.*

Whereupon,

The Speaker appointed Messrs. Davis, Lattomus and Pratt said committee.

Mr. Reed offered a joint resolution contemplating the erection of a mansion for the Governor,

Which,

On his motion,

Was read,

And,

On motion of Mr. Pilling,

The further consideration thereof was postponed until next Wednesday, at 11 o'clock, A. M.

Mr. Bacon presented the petition of James Stuart, praying for the passage of an act for the relief of the Diamand State Bank, at Seaford,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Ways and Means.

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House joint resolution in relation to the certificates of election of Gove Saulsbury, Esq., Governor elect,

And returned the same to the House.

On motion of Mr. Pilling,

The House adjourned until Monday, at 8½ o'clock, P. M.

MONDAY, January 14, 1867—8½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. Reed gave notice that he would, on to-morrow or some future day, ask leave to introduce the following House bills, to wit:

"An act to add to Chapter 65 of the Revised Code:"

"A supplement to Chapter 49 of the Revised Code, entitled, 'Of the Insane;'" and

"An act to amend and re-enact the act entitled, 'An act to incorporate the Gravelly Run Marsh Company,' passed at Dover, February 5th, 1866."

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

"An act to incorporate the Mechanics' and Workingmen's Building and Loan Association of New Castle."

Mr. Bradford, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Waples,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Delaware State Normal University,"

Which,

On his motion,

Was read.

On motion,

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

TUESDAY, January 15, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House bill entitled, "An act to increase the salary of the Governor,"

And returned the same to the House.

On motion of Mr. Raymond,

The House bill entitled, "An act appointing commissioners to change and straighten the course of a public road in Duck Creek hundred, Kent county,"

Was read a second time by its title.

Mr. Raymond presented the claim of Joseph H. Hoffecker against the State of Delaware,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Claims.

Mr. Corbit, from the Committee on Enrollment, reported the following House bill as being duly and correctly enrolled, and presented the same to the Speaker for his signature, to wit :

"An act to increase the salary of the Governor."

Mr. Allderdice, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Reed,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Mechanics' and Workingmen's Building and Loan Association of New Castle,"



Which,

On his motion,

Was read.

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

"An act to incorporate the Hicks' Steam Engine Company of Delaware,"

Also a bill entitled,

"An act to incorporate the Electrical Brake Company of America."

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

"An act to revise and amend the act entitled, 'An act to incorporate the Green Branch Ditch Company,' passed at Dover, February 18, 1863, as amended by the acts passed at Dover, respectively, January 28, 1864, and January 30, 1866."

Mr. Alderdice presented the claim of William G. Whitely, Esq., late Prothonotary, against the State of Delaware.

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Claims.

Mr. Reed, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Lattomus,

Obtained leave to introduce a bill entitled,

"A supplement to Chapter 49 of the Revised Code, entitled, 'Of the Insane,'"

Which,

On his motion,

Was read.

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

"An act to amend Chapter 572 of the 12th volume of the Laws of Delaware, entitled, 'An act for the benefit of married women.'"

On motion of Mr. Bradford,

The House bill entitled,

"An act to incorporate the Delaware State Normal University,"

Was read a second time by its title.

Mr. Cooper, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Allderdice,

Obtained leave to introduce a bill entitled,

"An act to amend Chapter 17 and Chapter 18 of the Revised Code of the State of Delaware,"

Which,

On his motion,

Was read.

Mr. Reed presented the petition of Samuel Townsend, and others, and also the petition of E. W. Blackwell, and others, praying the passage of an act amending the Constitution of the State, so as to authorize the division of New Castle county into two counties,

Which,

On his motion,

Was read,

And further,

On his motion,

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

Whereupon,

Messrs Reed, Allderdice, Lattomus, Davis and Waples were appointed said committee.

Mr. Wolcott, Clerk of the Senate, being admitted, returned the enrolled House bill entitled,

"An act to increase the salary of the Governor,"

The same having received the signature of the Speaker of the Senate.

On motion of Mr. Allderdice,

The House bill entitled, "A supplement to Chapter 95 of the Revised Code, entitled, 'Of the Court of Chancery;'"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

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

"An act to incorporate the Delaware Gas Light Improvement Company."

Mr. Corbit presented the petition of James B. Henry and Clement Reeves, praying for authority to convey certain lands to the Government of the United States,

Which,

On his motion,

Was read,

And further,

On his motion,

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

Whereupon,

Messrs. Corbit, Bacon, and Raymond were appointed said committee.

Mr. Cooper, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Pratt,

Obtained leave to introduce a bill entitled,

"An act to amend Chapter 99 of the Revised Code of the State of Delaware,"

Which,

On his motion,

Was read.

On motion of Mr. Allderdice,

The House bill entitled,

"A supplement to Chapter 86 of the Revised Code 'Of Joint Estates and Partition,'"

Was read a third time, and by paragraphs,

And *Passed the House.*

*Ordered* to the Senate for concurrence.

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

"A further supplement to the act entitled, 'An act to incorporate the Wilmington Coal Gas Company.'"

Mr. Reed, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Frame,

Obtained leave to introduce a bill entitled,

"An act to amend and re-enact the act entitled, 'An act to incorporate the Gravelly Run Marsh Company,' passed at Dover, February 5th, A. D. 1866,"

Which,

On his motion,

Was read.

Mr. Bradford presented the petition of John Aikin, and others, praying the passage of an act changing the place for holding elections in the Second Ward, of the city of Wilmington,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Elections.

Mr. Reed, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Booth,

Obtained leave to introduce a bill entitled,

"An act to add to Chapter 65 of the Revised Code,"

Which,

On his motion,

Was read.

On motion of Mr. Reed,

The Clerk of the House was directed to inform the Senate that the members of the House would, at the expiration of five minutes, be ready to proceed to the Court Room, to attend, in joint meeting, on the Governor elect, while he should take the oaths of office prescribed by the Constitution of the United States and of the State of Delaware.

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the members of the Senate were ready to proceed to the Court Room, in pursuance of the joint resolution of the 10th inst., to attend upon the Governor elect while he should take the oaths of office prescribed by the Constitution of the United States and of the State of Delaware.

At the expiration of the said 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, the Hon. John W. Houston, Custis W. Wright, Esq., Secretary of State, and the Rev. Thomas B. Bradford, entered the Court Room and took the seats prepared for them.

On motion of Mr. Reed, of the House,

The joint resolution convening the two Houses was read by Mr. Wolcott, Clerk of the Senate.

After a prayer by the Rev. Thomas B. Bradford,

The Hon. John W. Houston, one of the Associate Judges of the Superior Court of the State of Delaware, then administered the following oaths of office to the Governor elect, to wit:

I, Gove Saulsbury, do solemnly swear, on the Holy Evangelists of Almighty God, that I will support the Constitution of the United States of America. So help me God.

I, Gove Saulsbury, 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, the Governor, then delivered his Inaugural Address to the two Houses of the General Assembly, as follows :

*Gentlemen of the Senate and House of Representatives :*

*Fellow-Citizens :*

We have convened, in accordance with the custom of our ancestors, to engage in the observance of mutual duties ;—a member of the Judiciary to perform, you to witness, and I to accept the administration of the oaths necessary as a qualification to enter upon the discharge of the duties of the office into which I have just been inducted. These duties have been performed ;—surely our next is to acknowledge with devout gratitude the Divine mercy that has conducted us, as a political community, in safety to the commencement of another term of the Executive office.

Duty and inclination alike prompt me also to acknowledge my obligation to the people of the State who have elected me to the highest office within their gift. I shall not affect an indifference to the honor conferred by this expression of their confidence. Under any circumstances, an election to the Gubernatorial office would have been an honor of which I should not have been insensible ; but occurring while I was in the discharge of the duties of the office under the provisions of the Constitution, I regard it as an endorsement by my fellow-citizens of my past official acts, and as such it is especially gratifying. My constant effort shall be to continue to discharge the functions of the office so as to occasion the citizens of the State no cause to regret the confidence reposed in me.

The pardoning power has, by the Constitution and laws of the State, been confided solely to the discretion of the Executive. Its exercise, which is often sought, by appeals addressed to the sensibilities and humanity of our natures, is among the most perplexing duties connected with the Gubernatorial office. This power has been conferred upon the Executive with a view to insure, and not defeat, the faithful administration of public justice ; but while the promotion of the ends of justice should be the chief incentive to, the vindication of the benevolence and humanity of the law often demands its exercise. Terror to evil-doers is one of the chief objects in the punishment of crime, but reverence for the justice of the law which protects the innocent, as well as for its majesty in the punishment of the guilty, is necessary to insure respect for its authority and confidence in its administration.

The power to appoint many of the public officers of the State is conferred upon the Governor, and should be exercised with strict re-

gard to the true interests of the people. Offices were created for the benefit of the people, and not for particular persons. No individual, therefore, has just claim to office until he is clothed with its powers and charged with its responsibilities by those having legal authority to make the election. Qualification for office is the consideration which should determine appointments, and consists of something more than mere business capacity. Urbanity of manner, accommodating disposition, persevering industry and honesty of purpose, are scarcely less necessary to a proper qualification for office than ability properly to perform its clerical duties.

The duty "to take care that the laws be faithfully executed" shall be performed, so far as I am invested with authority for that purpose. Other duties are imposed upon the Executive, by the Constitution and Laws of the State, which it shall be my earnest effort to perform, with strict regard to the honor and dignity of the State and the prosperity and happiness of the people.

Having, at the commencement of the present session submitted, through my biennial message to both branches of the Legislature, the views which I entertain upon the subjects I deemed it my duty to present for their consideration, I shall now invite your attention to questions of more general interest, growing out of our relations with the Federal Government. We have just entered upon a new epoch in the history of our country. The shock of arms, which for years convulsed the nation, has subsided; but the danger to our form of free government, from its effects, continues. The sectional hate, which produced the war, has been intensified by its prosecution, and the restoration of amicable relations between the two sections, which, if ever effected, must be through conciliation and compromise, has been made more difficult than at any former period. The laws which govern human action have not changed; revenge is more in consonance with depraved human nature than that charity which "thinketh no evil." It ought not, therefore, to be very suprising that a victorious majority, just emerged from a state of war, and flushed and excited by the triumphs of victory, should be, for a season, forgetful of the true dignity of human government and of the principles of justice and magnanimity which should characterize its administration.

The war has ended, as might have been expected, in the triumph of the stronger over the weaker section. The problem now to be solved is whether there is statesmanship enough remaining in the country to appropriate the fruits of a victory, purchased by the blood of myriads of our fallen countrymen, to the re-establishment and permanent maintenance of the form of free government bequeathed to us by our ancestors. The war ought not to have been, and professedly was not waged for the purpose of destroying the principles upon which the Government was based, but to preserve and maintain them. We should be careful that the fruit of it is not the des-

truction of human liberty and the overthrow of representative government in this land. Having just laid aside the habiliments of war and assumed the robes of peace, we should pause and reflect as to the best means of insuring harmony and prosperity to the whole country in the future. The possession of power too frequently incites to its improper exercise, and while its proper administration may be made a blessing to society, its abuse is tyranny and oppression. The frailties of our nature, which beget a desire to rule, often lead us to rule unjustly. We should be watchful, therefore, in examining the motives and determining the consistency of our own actions, that our impulses and passions do not betray us into the adoption of a policy unjust to our fellow-men and hazardous to the future interest and honor of the Government under which we live. No stimulus is necessary to draw us into the current of popular impulse and action, and hence the necessity of careful self-examination to guard us in determining what is agreeable to ourselves that we do nothing unjust or offensive to others. These are principles applicable alike to communities and individuals, which, if carefully observed and acted upon by those clothed with the powers of government, would be a wholesome restraint against their abuse.

Our own State was the first to adopt the Constitution of 1787; and in all our past history the people of Delaware have evidenced their attachment to the Government which it established. While New England, in the face of a foreign foe, was preparing to sever her connection with the Federal Union,—thus giving aid and comfort to the enemy—Delaware remained true to the obligations of the Federal compact, and her sons illustrated in the councils of the nation, and on the field of battle, their devotion to the government and institutions of the country. In later times, when nullification threatened to interrupt the harmony of the Union, no State gave a more cordial approval and endorsement to the policy of reconciliation that averted the threatened danger. From the commencement of the government to the present hour, no duty on our part has remained unperformed, no obligation undischarged; and to no period of our history can we point with greater pride than to the last few years. When dissensions and the voice of discord were heard in the land—the precursors of that dreadful strife through which we have just passed, no effort was wanting on the part of our people to avert the threatened danger, and prevent the collision which the madness of others brought upon the country.

Through all that war our position was one of which we have cause to be proud. Recognizing to the fullest extent our obligations as a State in the Federal Union, with no desire or purpose to evade or escape the duties imposed by that relation, we responded to the exactions of Federal authority, however oppressive or burdensome, or however unnecessary or unwise those exactions in the judgment of the people of this State; but, at the same time, we failed not to



make known our dissent and opposition to every violation of the Constitution by the Federal authority, and insisted upon the observance of its provisions as alike essential in time of war and of peace. The opposition of our people to arbitrary arrests by military authority, to the suspension of the writ of *habeas corpus*, to unreasonable searches and seizures, to military interference with elections, to the attempt to make the military superior to the civil authority, found a fitting and appropriate expression in the resolutions of the General Assembly of this State upon those subjects. We saw fully the danger to liberty and law which might result from silent acquiescence in the encroachments of arbitrary power under the specious plea of necessity, and timely and emphatically made known our opposition to such acts of usurpation and tyranny. It is most gratifying, now that the war has ceased, and the madness of passion is giving place to reason, that the sentiments entertained by our people on these subjects during the war are finding an endorsement in the decisions of the highest judicial tribunals in the land.

The late civil war was not more unfortunate in the unnecessary sacrifice of life and treasure which it occasioned, than in the passions and sentiments which it has engendered. Theories of government, at variance with the well-understood teachings of the fathers, have arisen out of the passions of men inflamed by hatred and revenge, or stimulated by ambition and the lust of power, which threaten to disturb and overthrow our republican form of government. During the war, the idea of centralization of power was seen in the endorsement of acts of usurpation by the Executive department of the General Government; and the tendency was towards despotism in a single hand. Happily, the termination of the war, and the disbanding of the immense army called into being by its exigencies, left the Executive without the excuse or power to continue longer aggression upon the rights of the people. The same tendency to centralize power, however, is seen in the assumptions of the Federal Congress—equally, if not more dangerous to liberty.

The separation of the thirteen American colonies from the British Crown, and their renunciation of its authority and control, created a necessity for a union of those colonies under one common form and compact of government for the purpose of mutual defence and protection. The varied interests and diversified views of the people of those colonies presented grave difficulties in the way of the accomplishment of this object, even to the most thoughtful students of governmental science. The people of the colonies had just thrown off the burdens and oppressions of a monarchical form of government and assumed to themselves the character of independent States, and had vindicated their claim to this character by the arbitrament of arms. Having assumed the responsibilities, encountered the dangers, endured the toil, and experienced the sacrifices and sufferings incident to a seven years war to secure liberty and independence for

themselves and their posterity, the people of the States were jealous of their liberties, and reluctant to part with any of the rights and privileges which they had purchased at so dear a price. A community of interests and feeling among those who had shared in common danger and common suffering—a friendship formed in the hour of peril and cemented by the blood of their kinsmen—and the want of a sense of security against aggression from more powerful nations, induced the people of the thirteen original States, which at that time constituted thirteen independent communities, to enter into a contract of government, which contract was the written Constitution that gave being and existence to the Federal Government and defined all its powers, prerogatives and privileges, reserving to the States or the people all the powers of government not therein expressly delegated. Those at all acquainted with the early history of the country, or who have carefully read the proceedings of the convention that framed the Constitution, are aware of the difficulty and embarrassment encountered by the convention, not only in adjusting the powers, delegated in the Constitution, between the different departments of the Federal Government, but in securing to the States the rights reserved to themselves and denied to the Federal Government. Centralization or consolidation of power in the government created by the Constitution, was especially sought to be avoided, and an equilibrium of power between the different departments of the Federal Government and a definite limitation of that power was especially sought to be effected. But the paramount object of the fathers of the republic seemed to be to protect the States and the people against the encroachments of Federal power, and hence what they omitted in the original constitution they provided for by amendments to the instrument, the 9th Article of which declares that “the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people,” and the 10th Article provides that “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The limitations in the Constitution upon Federal power were not inserted without opposition even at that early day of our history. In the Convention that framed the Constitution there were advocates of centralized power in the Federal Government, who sought to divest the States and the people of rights and powers essential to the existence of proper State Governments, and necessary to the security of the people from oppression. But the men who controlled the convention, and shaped our system of government, were not ignorant of the teachings of history, nor unmindful of the liberties of those who had experienced the wrongs of oppression, and had fought the battles of the Revolution that they and their posterity might enjoy the blessings of free institutions. They had seen and felt the injustice of consolidated power in the government they had just

thrown off, and they were too wise to forge new chains for their own enslavement. They knew the tendency of power in government was to strengthen and fortify itself, and they were determined to guard against its encroachments, and to place barriers against its assaults upon liberty. Every power, therefore, of the General Government, and of each department of that government, is specifically defined and granted by express terms in the Constitution, and all other power is as expressly reserved in the instrument to the States and the people. The General Government therefore cannot, nor can any department of that government, rightfully exercise authority which is not essentially necessary to the exercise of the powers granted; the attempt to do so is usurpation, and it matters not what department of the government may assume unwarranted powers, the infraction of the written Constitution is the same, and the danger to liberty none the less.

Since the formation and adoption of the Constitution, frequent attempts have been made, by construction of its provisions, to obtain for the Federal Government powers that were not therein granted. Until recently, however, all such attempts have proved ineffectual. The reverence of the American people for the Constitution of the country—their love of liberty and devotion to free institutions had been too strong to permit any wide departure from the spirit and letter of that instrument. This adherence to the government, as framed by our fathers, secured to us the most enlarged liberty and the greatest amount of happiness and prosperity. We excited at once the admiration and wonder of mankind. The people of the old world saw us living under a government, the burdens of which were scarcely felt, ourselves the sovereigns, and the agents of the government but the executors of our will. The nations of Europe felt our example, and the down-trodden and oppressed of every land were seeking upon our shores an asylum from tyranny and wrong.

Within the last few years, however, there has been a wide divergence from the spirit of our government, as established by the Constitution, and illustrated by its history in the better days of the republic. It is obvious that the American people are becoming less jealous of their liberty—that they look, if not with indifference, at least with apathy, upon the assaults that are being made upon its citadel. During the late civil war, the exercise of unwarranted power, as before remarked, was principally confined to the Executive department of the government, and was excused, if not justified, by a large portion of the American people upon the plea of necessity set up in its defense; even statesmen of unquestioned ability, and jurists of experience and learning, admitted the plea, and justified the usurpation. History, however, in every age and in every country, has taught the danger which follows acquiescence in usurpation and tyranny, and it is to be feared that our own future experience will furnish another illustration of the truth of its teachings.

Although the Executive department of the government, upon the termination of the war, and a change of administration, has ceased its attacks upon the liberty of the people and the rights of the States, and has sought to call back the country to an observance of the Constitution, the call seems to be unheeded or disregarded. The Congress of the nation, assuming to represent the wishes of the people, but really condemning their authority and disregarding their interests, seeks to consolidate in its own hands not only the whole power of the General Government, but to strip the States and the people of the rights secured to them in the Constitution. Claiming that the voice of the people as enunciated in the late elections is an endorsement of the assumption of power by the legislative department of the government, Congress is seeking still further to innovate upon the distribution of powers between the different departments of the government, and to trench still further upon the rights reserved to the States and the people. Indeed, the limitations upon its authority are utterly disregarded, the Constitution openly contemned and derided, and the will of the majority of Congress attempted to be established as the supreme law of the land. Ten States of this Union are denied representation in the national councils, not by virtue of any provision in the Constitution, but simply because it is the will and pleasure of the majority of Congress that they should be excluded. Some of the States thus denied their just right to representation were among the thirteen original States that formed the government under which we live. Indeed, the Constitution could not have been adopted without the concurrence of some of the States now denied representation in violation of its provisions. They have always been States in the Union, and have been so regarded by every department of the government. Even the Congress that excludes them from participation in its councils, has, by the most solemn forms of legislation, recognized that relation. It has proposed amendments to the Constitution, and submitted such amendments to the legislatures of the excluded States for ratification or rejection. It has recognized the validity of the amendment abolishing slavery throughout the country by virtue of its adoption by some of the very States now deprived of representation. In legislative enactments imposing taxes for the support of the government, it has expressly recognized the existence of those States as members of the Federal Union. They are required, by laws enacted by the present Congress, to share the common burdens of government, and contribute their full quota to the payment of the public debt. They are in the Union by legislative recognition, for every purpose whatever, except to participate in the enactment of the laws by which they are governed. This is denied them arbitrarily, and without even a decent pretext by Congress, which stultifies itself, and disregards alike the constitutional rights of the excluded States and the harmony and prosperity of the whole country. Not only have the States now re-

refused representation been regarded by legislative enactments as members of the Union, but the executive and judicial departments of the government have likewise constantly treated them in that relation; and there is presented to-day before the civilized world, in the denial of the Southern States their just rights of representation, not only the clearest inconsistency, but a flagrant usurpation of power—unparalleled, if at all, in but few instances in the history of human governments.

Not only does Congress exercise the powers referred to, but the right to annul and declare void State governments and institutions is now claimed by leading members of that body, and measures have been concocted and introduced looking to that result. These usurpations of power are not only destructive of the rights of the States sought to be degraded and reduced to a territorial condition, but equally dangerous to the whole country. The power once conceded to Congress to deprive one State of its rights in the Union, or to overthrow or change its constitution, and reduce it to the condition of a territory, and thus exclude it from the Union, and all security for any other State is gone. The continued existence of the States would depend upon the whims or caprice of a majority in Congress, and thus our form of free government would be overthrown and despotism ensue.

No one who has observed the action of the present Congress can have failed to see the rapid strides that are being made towards centralization of power in that department of the Government, nor to be impressed with the danger that threatens State institutions and laws. The conditions annexed to the admission of Nebraska and Colorado by the Senate of the United States, no less than the act passed at the present session conferring the elective franchise upon the negro race, indicate an unmistakable determination on the part of Congress to invade the prerogatives of the States, and deprive them of the power to determine the qualifications of electors within their own limits.

The aggressive encroachments of the majority of Congress upon the rights of the States know no limit and brook no opposition. Deaf to all argument and remonstrance, and dead to all appeals to justice and constitutional obligations, they determine to maintain their hold on power by every means however radical or revolutionary. They threaten to impeach and displace from power the President of the Nation because he is too patriotic to lend the sanction of his position to their assaults upon the Constitutional rights of the States and the people. They are restive and impatient under the decisions of the Supreme Court, and even contemplate its reorganization that it may interpose no checks upon their usurpations of power.

The people of this country cannot too speedily be made to understand the danger to their rights and liberties from the legislative

department of the government, nor too speedily send forth their fiat in opposition to its encroachments and usurpations. They cannot afford to see their State Governments destroyed, or their just rights materially impaired. To State laws and institutions we look for protection to life, liberty and property; and sad for us will be the day when those rights and their vindication shall be made to depend upon Congressional legislation. Liberty will survive or perish in this land, as we of the present generation determine. If Congress shall be brought to respect and observe the Constitutional limitations upon its powers, and the rights reserved to the States and the people shall be maintained and upheld, we may look forward to a future of unparalleled prosperity and greatness, and transmit to posterity the heritage of freedom bequeathed to us by the fathers of the republic; but, if we are untrue to ourselves, if we permit our State Governments to be overthrown, and part with the protection and security they have afforded us in the past, and hold our rights only by the tenure of congressional pleasure, the spirit of free institutions will have fled, and the genius of liberty, excluded from the land, will become an exile from our shores, never to return.

On motion of Mr. Williams, of the Senate,

The journals of the joint meeting were read and compared by the respective Clerks of the two Houses of the General Assembly.

On motion of Mr. Bewley, of the Senate,

The two Houses separated, and the members of the House of Representatives returned to their Chamber.

On motion of Mr. Reed,

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

WEDNESDAY, January 16, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

On motion of Mr. Davis,

The Clerk was directed to have printed, for the use of the House, two thousand copies of the Inaugural Message of the Governor.

On motion of Mr. Reed,

The House bill entitled,

"An act to authorize the Recorder of Deeds, in and for Kent county, to procure a new seal of office,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Bradford,

The House bill entitled,

"An act for the relief of John Montgomery,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Davis,

The House bill entitled,

"An act to authorize Alfred T. A. Torbert to straighten a public road upon his own land, in Milford hundred, Kent county, at his own expense,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Raymond,

The House bill entitled,

"An act appointing commissioners to change and straighten the course of a public road in Duck Creek hundred, in Kent county,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Raymond, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Smyrna Seminary,"

Reported the bill back to the House without amendment, and with the recommendation that it pass.

And, thereupon,

On his motion,

The bill

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

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Bacon, Bancroft, Booth, Bradford, Cooper, Corbit, Davis, Frame, Johnson, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, Waples and Mr. Speaker—17.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

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

"An act to amend Chapter 55 of the Revised Statutes of the State of Delaware."

Mr. Corbit, from the Committee on Enrollment, reported the following House joint resolutions as being duly and correctly enrolled, and presented the same to the Speaker of the House for his signature, to wit :

"Joint resolution convening the General Assembly in joint meeting to publish the vote for Governor ;"

"Joint resolution in relation to the certificates of the election of Gove Saulsbury, Governor ;"



"Joint resolution for a joint committee to settle with the State Treasurer;"

On motion of Mr. Davis,

The House bill entitled, "An act for the relief of Mary C Houlston,"

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

And,

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

Mr. Raymond called for the yeas and nays,

Which, being taken, were as follows :

*Yeas*—Messrs. Bacon, Booth, Bradford, Cooper, Davis, Frame, Jones, Pratt, Reed, Waples and Mr. Speaker—11.

*Nays*—Messrs. Allderdice, Bancroft, Corbit, Lattomus, Pilling and Raymond—6.

So the question was decided in the affirmative,

And the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Reed, from the Committee on Corporations, to whom was referred the House bill entitled,

"A supplement to the act entitled, 'An act to incorporate the Dover and Mahon's River Railroad Company,' passed at Dover, January 24th, 1865,"

Reported the bill back to the House,

With an amendment,

Which,

On his motion,

Was read, as follows :

"Amend the bill by striking out in line nine, of the printed bill, in section 2, the words "or take, use and occupy," between the words "cross" and "any" in said line.

Also by striking out the words in lines nine and ten of the printed bill in said section 2, "or any part thereof," occurring between the words "road" and "provided,""

And further,

On his motion,

The amendment was

*Adopted.*

On the further motion of Mr. Reed,

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

And,

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Bacon, Booth, Bradford, Cooper, Corbit, Davis, Frame, Houston, Johnson, Lattomus, Pilling, Pratt, Raymond, Reed, Waples, and Mr. Speaker—16.

*Nays*—Messrs. Alderdice, Bancroft and Jones—3.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Lattomus presented the petition of Colen Ferguson and others, praying the passage of an act to cut a ditch across the public road in Appoquinimink hundred, New Castle county,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Roads and Highways.

Mr. Bacon, from the Committee on Corporations, to whom was referred the petition of James Stuart, reported a bill entitled, "An act to amend an act entitled, 'An act to incorporate a Bank at Seaford, in Sussex county, under the name of the Diamond State Bank,'"

Which,

On his motion,

Was read.

On motion of Mr. Bradford,

The bill was read a second time by its title, by special order of the House,

And further,

On his motion,

Was read a third time, and by paragraphs, by special order, with a view to pass the House.

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Booth, Bancroft, Bradford, Cooper, Corbit, Davis, Frame, Johnson, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, Waples and Mr. Speaker—18.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Bradford, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Wilmington Loan Association,"

Reported the bill back to the House without amendment, and with the recommendation that it pass.

And, thereupon,

On his motion,

The bill

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

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Bancroft, Booth, Bradford, Cooper, Corbit, Davis, Frame, Johnson, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, Waples and Mr. Speaker—18.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Cooper,

The House bill entitled, "An act to amend Chapter 17 and Chapter 18 of the Revised Code of the State of Delaware,"

Was read a second time by its title.

Mr. Bacon presented the petition of James Lowe, praying for an act to divorce him from his wife, Ann W. Lowe,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Divorces.

Mr. Reed, from the Committee on Enrollment, reported the following House joint resolution as being duly and correctly enrolled, and presented the same to the Speaker of the House for his signature, to wit:

"Joint resolution appointing a Committee to wait on the Governor."

On motion of Mr. Allderdice,

The House bill entitled, "An act to incorporate the Mechanics' and Workingmen's Building and Loan Association of New Castle,"

Was read a second time by its title,

And further,

On his motion,

Was referred to the Committee on Corporations.

On motion of Mr. Allderdice,

The House bill entitled, "An act concerning negroes, mulattoes and persons of color,"

Was read a second time by its title.

Mr. Frame, from the Committee on Divorces, reported a bill entitled,

"An act to divorce Robert M. Connery from the bonds of matrimony with Catharine Connery,"

Which,

On motion of Mr. Waples,

Was read.

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

"An act to enable Mary A. Nichols, wife of James Nichols, a lunatic, to sell and convey certain real estate in Wilmington."

On motion of Mr. Bradford,

The House bill entitled, "An act for recording settlements by guardians, executors and administrators, in New Castle county,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Davis presented the petition of the Commissioners and Alderman of the town of Seaford, to extend the limits of said town, and for other matters in relation to said town incorporation,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Corporations.

Mr. Reed, from the special committee, to whom was referred the

petition of Charles Brown, praying the passage of an act to change and straighten a certain public road,

Reported a bill entitled, "An act to authorize Charles Brown to change and straighten a public road in West Dover hundred, Kent county, and for other purposes,"

Which,

On his motion,

Was read.

Mr. Bancroft, from the Committee on Education, to whom was referred the House bill entitled,

"A further supplement to the act entitled, 'An act to limit the City Debt of Wilmington, and to provide for the discharge thereof,' passed February 21, 1849,"

Reported the bill back to the House, with an amendment,

Which,

On his motion,

Was read, as follows :

Amend the bill by inserting the words "Section 1" at the commencement of the 11th line of the bill,

Whereupon,

On motion of Mr. Bradford,

The amendment

Was

*Adopted.*

And further,

On his motion,

The bill, as amended,

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

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Bancroft, Booth, Bradford, Cooper, Corbit, Davis, Frame, Johnson, Jones, Lattomus, Pratt, Raymond, Reed, Waples and Mr. Speaker—17.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Bradford, from the Committee on Corporations, to whom was referred the House bill entitled, "An act to incorporate the Mechanics' Loan Association, of Wilmington,"

Reported the bill back to the House without amendment, and with the recommendation that it pass,

And thereupon,

On his motion,

The bill,

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

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Bancroft, Booth, Bradford, Cooper, Corbit, Davis, Frame, Johnson, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, Waples and Mr. Speaker—18.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Reed,

The House bill entitled, "An act to amend and re-enact the act entitled, 'An act to incorporate the Gravelly Run Marsh Company,'"

Was read a second time by its title.

Custis W. Wright, Esq., Secretary of State, being admitted, presented a communication from his excellency, the Governor, submitting "An attested copy of a resolution of Congress proposing a fourteenth article to the Constitution of the United States,"

Which,

On motion of Mr. Frame,

Was read, as follows :

# UNITED STATES OF AMERICA.—DEPARTMENT OF STATE.

*To all to whom these presents shall come, Greeting :*

I certify, That annexed is a true copy of a Concurrent Resolution of Congress, entitled "Joint resolution proposing an amendment to the Constitution of the United States;" the original of which resolution, received to-day, is on file in this Department.

In testimony whereof, I, WILLIAM H. SEWARD, Secretary of State of the United States, have hereunto subscribed my [L. S.] name and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this sixteenth day of June, A. D. 1866, and of the Independence of the United States of America the ninetieth.

WILLIAM H. SEWARD.

*[Concurrent Resolution, received at Department of State June 16, 1866.]*

## JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely :*

### ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives



in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

LA FAYETTE S. FOSTER,

*President of the Senate pro tempore.*

Attest:

EDWD. MCPHERSON,

*Clerk of the House of Representatives.*

J. W. FORNEY,

*Secretary of the Senate.*

### CIRCULAR.

DEPARTMENT OF STATE,

Washington, June 16, 1866.

*To his Excellency the Governor of the State of Delaware,  
Dover, Delaware.*

SIR:—I have the honor to transmit an attested copy of a Resolution of Congress, proposing to the Legislatures of the several

States a Fourteenth Article to the Constitution of the United States. The decisions of the several Legislatures upon the subject are required by law to be communicated to this Department. An acknowledgment of the receipt of this communication is requested by

Your Excellency's

Most obedient servant,

WILLIAM H. SEWARD.

Mr. Bancroft moved

That the further consideration of the communication just received from the Governor be postponed until Thursday, the twenty-fourth instant,

Which motion

*Prevailed,*

And the further consideration thereof

Was so

*Postponed.*

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

"An act to incorporate the Cræsus Gold and Silver Mining Company."

Mr. Booth moved,

That Mr. Smith, on account of sickness, be excused for one week from attending the daily sessions of this House,

Which motion unanimously

*Prevailed.*

And Mr. Smith was so excused.

On motion of Mr. Reed,

The House bill entitled, "A supplement to Chapter 49 of the Revised Code, entitled, 'Of the Insane,'"

Was read a second time by its title.

Mr. Bradford, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Pilling,

Obtained leave to introduce a bill entitled,

"A further supplement to the act entitled, 'An act to incorporate the Wilmington Coal Gas Company,'"

Which,

On his motion,

Was read.

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

“An act to incorporate the Milford Ice Company.”

Mr. Frame, from the Committee on Divorces, to whom was referred the petition of Mary A. Dehorty, praying the passage of an act to divorce her from her husband, Daniel Dehorty, reported a bill entitled,

“An act for the relief of Mary A. Dehorty,”

Which,

On his motion,

Was read.

Mr. Bradford presented the petition of Mary O'Daniel, of New Castle county, praying the passage of an act to divorce her and her husband, William O'Daniel, from the bonds of matrimony,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Divorces.

Mr. Bradford, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Jones,

Obtained leave to introduce a bill entitled,

“An act to incorporate the Germania Building and Loan Association,”

Which,

On his further motion,

Was read.

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

“An act to amend Chapter 571 of the 12th volume of the Laws

of Delaware, entitled, 'An act to amend Chapter 99 of the Revised Code.'"

Mr. Bradford, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Waples,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Delaware Gas Light Improvement Company,"

Which,

On his motion,

Was read.

On motion,

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

THURSDAY, January 17, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

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

"An act to divorce Elizabeth J. Jackson, from her husband, Abijah S. Jackson; and,

"An act to appoint an additional Justice of the Peace at Georgetown."

And presented the same to the House.

Mr. Alderdice, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Pilling,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Hicks' Steam Engine Company of Delaware,"

Which,

On his further motion,

Was read.

Mr. Davis, from the Committee on Roads and Highways, to whom was referred the petition of Enoch Sprauance, and others, praying the passage of an act to authorize the laying out of a new road in Duck Creek hundred, reported a bill entitled,

"An act to authorize the laying out a public road in Duck Creek hundred, Kent county,"

Which,

On his motion,

Was read.

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

"An act to amend Chapter 12 of the Delaware Laws, entitled, 'Of collectors.'"

Mr. Reed, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Mechanics' and Workingmen's Building and Loan Association of New Castle."

Reported the bill back to the House with an amendment,

Which,

On his motion,

Was read, as follows :

Amend the bill by striking out the word "not," in the twenty-fourth line of the third section of the bill,

Whereupon,

On motion of Mr. Allderdice,

The amendment was

*Adopted.*

And further,

On his motion,

The bill, as amended,

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

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Alderdice, Bacon, Bancroft, Booth, Bradford, Cooper, Corbit, Davis, Frame, Houston, Johnson, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, Waples and Mr. Speaker—19.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Waples, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Pratt,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Milford Ice Company,"

Which,

On his motion,

Was read.

Mr. Reed, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Delaware State Normal University,"

Reported the bill back to the House, without amendment, and with the recommendation that it pass.

And, thereupon,

On motion of Mr. Bradford,

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

And,

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Bancroft, Booth, Bradford, Cooper, Corbit, Davis, Frame, Houston, Johnson, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, Waples and Mr. Speaker—19.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Allderdice offered a resolution authorizing the Committee on Accounts to allow additional compensation for such assistance as the Clerk may require during the present session,

Which,

On his motion,

Was read.

Whereupon,

Mr. Pilling moved,

That the resolution be adopted.

Pending which question,

Mr. Reed moved,

That the further consideration thereof be postponed until Tuesday afternoon next,

Which motion

*Prevailed,*

And the further consideration thereof

Was so

*Postponed.*

On motion of Mr. Reed,

The Senate bill entitled,

“An act to appoint an additional Justice of the Peace at Georgetown,”

Was read.

On motion of Mr. Bradford,

The House bill entitled,

H8

"An act to incorporate the Germania Building and Loan Association,"

Was read a second time by its title.

Mr. Houston presented the petition of George W. Collins, praying the passage of an act to locate certain vacant land in North-West Fork hundred, Sussex county,

Which,

On his motion,

Was read.

And further,

On his motion,

Was referred to the Committee on Vacant Lands.

Mr. Allderdice, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Bancroft,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Electrical Brake Company of America,"

Which,

On his motion,

Was read.

Mr. Davis, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Jones,

Obtained leave to introduce a bill entitled,

"An act to amend an act entitled, 'An act to incorporate the town of Seaford, and for other purposes,'"

Which,

On his motion,

Was read.

Mr. Bradford, in pursuance of previous notice,



Asked,

And,

On motion of Mr. Bacon,

Obtained leave to introduce a bill entitled,

"An act to enable Mary A. Nichols, wife of James Nichols, a lunatic, to sell and convey certain real estate in the city of Wilmington,"

Which,

On the further motion of Mr. Bacon,

Was read.

Mr. Frame, from the Committee on Divorces, to whom was referred the petition of George H. Bennett, praying the passage of an act to divorce him from Susan M., his wife, reported a bill entitled,

"An act for the relief of George H. Bennett,"

Which,

On his motion,

Was read.

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

"An act to amend Chapter 125 of the Revised Code, entitled, 'Of the fees of public officers.'"

Mr. Cooper, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Pratt,

Obtained leave to introduce a bill entitled,

"An act to amend Chapter 571 of the 12th volume of Delaware Laws, entitled 'An act to amend the ninety-ninth Chapter of the Revised Code,'"

Which,

On motion of Mr. Waples,

Was read.

Mr. Corbit, from the special committee, to whom was referred the petition of James B. Henry and Clement Reeves, praying for authority to convey certain lands to the Government of the United States, reported a bill entitled,

"An act authorizing the conveyance of certain real estate in New Castle county to the United States,"

Which,

On his motion,

Was read.

Mr. Bradford, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Raymond,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Croesus Gold and Silver Mining Company,"

Which,

On motion of Mr. Johnson,

Was read.

On motion of Mr. Bradford,

The House bill entitled,

"An act to incorporate the Delaware Gas Light Improvement Company,"

Was read a second time by its title,

And further,

On his motion,

Was referred to the Committee on Corporations.

Mr. Lattomus, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Corbit,

Obtained leave to introduce a bill entitled,

"An act to amend Chapter 55 of the Revised Code of the State of Delaware,"

Which,

On motion of Mr. Bancroft,

Was read.

Mr. Bradford, in pursuance of previous notice,  
 Asked,  
 And,  
 On motion of Mr. Waples,  
 Obtained leave to introduce a bill entitled,  
 "A further supplement to the act entitled, 'An act to incorporate  
 the Wilmington Coal Gas Company,'"   
 Which,  
 On motion of Mr. Booth,  
 Was read,  
 And,  
 On motion of Mr. Bradford,  
 Was referred to the Committee on Corporations.  
 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. Bradford presented the petition of George W. Unruh, praying  
 the passage of an act divorcing him from his wife, Margaret Unruh,

Which,

On motion of Mr. Houston,

Was read.

And further,

On his motion,

Was referred to the Committee on Divorces.

On motion of Mr. Reed,

The House bill entitled,

"An act to amend and re-enact the act entitled, 'An act to incorporate the Gravelly Run Marsh Company,'"

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

And,

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Bacon, Bancroft, Booth, Cooper, Corbit, Davis, Frame, Jones, Lattomus, Pilling, Pratt, Reed, Waples and Mr. Speaker—14.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Davis presented the petition of Mattie E. McDonald, praying the passage of an act to divorce her from her husband, William McDonald,

Which,

On his motion,

Was read,

And,

On his further motion,

Was referred to the Committee on Divorces.

Mr. Wolcott, Clerk of the Senate, being admitted, returned to the House the following enrolled House joint resolutions, the same having received the signature of the Speaker of the Senate, to wit :

"Joint resolution appointing a committee to settle with the State Treasurer,"

"Joint resolution appointing a committee to wait on the Governor,"

"Joint resolution convening the General Assembly in joint meeting to publish the vote for Governor ;"

And,

"Joint resolution in relation to the certificates of election of Gove Saulsbury, Esq., Governor."

On motion of Mr. Reed,  
 The House bill entitled,  
 "An act for the relief of Mary A. Dehorty,"  
 Was read a second time by its title.

Mr. Raymond, in pursuance of previous notice,  
 Asked,  
 And,

On motion of Mr. Reed,  
 Obtained leave to introduce a bill entitled,

"An act to revive and amend the act entitled, 'An act to incorporate the Green Branch Ditch Company,' passed at Dover, February 18, 1863, as amended by the acts passed at Dover, respectively, January 28, 1864, and January 30, 1866,"

Which,  
 On his motion,  
 Was read.

On motion of Mr. Reed,  
 The House bill entitled,

"An act to authorize Charles Brown to change and straighten a public road in West Dover hundred, Kent county, and for other purposes,"

Was read a second time by its title.

On motion of Mr. Pratt,  
 The House bill entitled,

"An act to divorce Robert M. Connery from the bonds of matrimony with Catherine Connery,"

Was read a second time by its title.

On motion of Mr. Cooper,  
 The House bill entitled,

"An act to amend Chapter 99 of the Revised Code of the State of Delaware,"

Was read a second time by its title.

Mr. Cooper offered an amendment to the bill under consideration,  
 Which,

On his motion,

Was read, as follows :

Amend the bill by adding the following as an additional section, to-wit :

SECTION 2. *And be it further enacted*, That from and after the passage of this act, it shall be the duty of any constable or sheriff, upon receiving an execution issued by a Justice of the Peace, to endorse on the back of such execution the date of receiving the same,"

And further,

On motion of Mr. Reed,

The amendment was adopted.

On motion of Mr. Cooper,

The House bill entitled,

"An act to amend Chapter 17 and Chapter 18 of the Revised Code of the State of Delaware,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion,

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

FRIDAY, January 18, 1867—9 o'clock, A. M.

The House met pursuant to adjournment.

Mr. Davis, from the committee appointed on the unfinished business of the last session,

Reported that the Committee had found, on the files of the House, as unfinished business, the following bills and joint resolutions, to wit:

"An act to enable Lewis Graham and James D. Clark to locate certain vacant lands in Kent county ;"

"A supplement to an act entitled, 'An act to incorporate the Wilmington City Railway Company,' passed at Dover, February 4, 1864 ;"

"An act to amend Chapter 105 of the Revised Statutes of the State of Delaware ;"

"An act conferring certain powers on the Levy Courts of the respective counties of this State ;"

"An act to amend Chapter 25 of the Revised Statutes ;"

"An act to amend an act entitled, 'An act to raise revenue for this State,' passed at Dover, August 11, 1864 ;"

"An act to amend the amendments to Chapter 125 of the Revised Statutes of the State of Delaware, passed at Dover, February 7, 1862 ;"

"An act concerning the City of Wilmington ;"

"An act to secure the faithful performance of contracts for the payment of money in coin or bank notes ;"

"An act to extend the term of office of the Recorder of Deeds of Kent county ;"

"An act to further amend 'An act to incorporate the Smyrna Station and Smyrna Railroad Company ;'"

"An act providing bounties for volunteers ;"

"Joint resolution in regard to the term "citizen," as used in the Statutes of this State ;"

"Joint resolution in regard to convicts and penitentiaries, &c.," and

"Joint resolution respecting the National tax on writs and process."

On motion of Mr. Frame,

The report was accepted and the committee discharged.

On motion of Mr. Cooper,

The House bill entitled,

"An act to amend Chapter 571 of the 12th volume of Delaware Laws, entitled, 'An act to amend the ninety-ninth Chapter of the Revised Code,'"

Was read a second time by its title.

On motion of Mr. Waples,

The House bill entitled,

"An act to incorporate the Milford Ice Company,"

Was read a second time by its title.

On motion of Mr. Corbit,

The House bill entitled,

"An act authorizing the conveyance of certain real estate to the United States,"

Was read a second time by its title.

Mr. Davis, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Frame,

Obtained leave to introduce a bill entitled,

"An act to amend Chapter 12 of the Revised Code, entitled 'Of Collectors,'"

Which,

On his further motion,

Was read.

On motion of Mr. Reed,

The House bill entitled,

An act for the relief of Mary A. Dehorty,"

Was taken up for consideration.

And, thereupon,

Mr. Reed offered an amendment to the bill under consideration,

Which,

On his motion,

Was read, as follows :



Amend the title of the bill by striking out the words "for the relief of," and insert in lieu thereof the words "to divorce."

Whereupon,

On his further motion,

The amendment was

*Adopted.*

On the still further motion of Mr. Réed,

The bill, as amended,

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

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

Mr. Raymond called for the yeas and nays,

Which, being taken, were as follows :

*Yeas*—Messrs. Bacon, Booth, Cooper, Davis, Houston, Jones, Pratt, Reed, Waples and Mr. Speaker—10.

*Nays*—Messrs. Bancroft, Corbit, Frame, Pilling and Raymond—5.

So the question was decided in the affirmative,

And the bill

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion,

The House adjourned until 8½ o'clock on Monday evening.

MONDAY, January 21, 1867—8½ o'clock, P. M.

The House met pursuant to adjournment.

The Speaker being absent,

On motion of Mr. Reed,

Mr. Raymond was appointed Speaker *pro tempore*.

The following members answered to their names :

Messrs. Pratt, Raymond, Reed and Waples—4.

There being no quorum present,

On motion,

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

TUESDAY, January 22, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

The Speaker being absent,

On motion of Mr. Pratt,

Mr. Bradford was appointed Speaker *pro tempore*.

The following members were in their seats :

Messrs. Bacon, Bancroft, Booth, Bradford, Cooper, Davis, Frame, Jones, Pratt, Raymond, Reed and Waples—12.

Mr. Raymond presented the petition of Martha A. Cummins, guardian of Alfred Lee Cummins, minor, praying the passage of an act to authorize the sale of certain real estate,

Which,

On his motion,

Was read,

And further,

On his motion,

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

Whereupon,

Messrs. Raymond, Bancroft and Waples were appointed said committee.

Mr. Reed, from the special committee to whom was referred the petition of Samuel Townsend and others, and also the petition of E. W. Blackwell and others, praying the passage of an act amending the Constitution of the State so as to authorize the division of New Castle county into two counties,

Asked,

And,

On motion of Mr. Pratt,

Obtained further time in which to report.

Mr. Reed, from the special committee to whom was referred "So much of the Governor's message as relates to the establishment of a Penitentiary,"

Asked,

And,

On motion of Mr. Cooper,

Obtained further time in which to report.

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

"An act to incorporate the Felton Institute and Classical Seminary;"

Also, a bill entitled,

"A supplement to the act entitled, 'An act to incorporate the Frederica Railroad Company,' passed at Dover, February 19, 1857.'"

On motion of Mr. Reed,

The House bill entitled,

"An act to add to Chapter 65 of the Revised Code,"

Was read a second time by its title,

And further,

On his motion,

The Clerk was instructed to have one hundred copies of the bill printed for the use of the House.

On motion of Mr. Raymond,

The House bill entitled,

"An act to revive and amend the act entitled, 'An act to incorporate the Green Branch Ditch Company,' passed at Dover, February 18, 1863, as amended by the acts passed at Dover respectively January 28th, 1864, and January 30th, 1866,"

Was read a second time by its title.

On motion of Mr. Raymond,

The Senate bill entitled,

"An act to divorce Elizabeth J. Jackson, from her husband, Abijah S. Jackson,"

Was read.

Mr. Wolcott, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the following House bills, to wit:

"An act appointing commissioners to change and straighten the course of a public road in Duck Creek hundred, Kent county;"

"A supplement to Chapter 86 of the Revised Code, 'Of joint estates and partition;'"

"A supplement to Chapter 95 of the Revised Code, 'Of the Court of Chancery;'"

"An act to incorporate the Smyrna Seminary;" and

"A further additional supplement to the act entitled, 'An act to extend the time for recording deeds;'"

And returned the same to the House.

He also informed the House that the Senate had concurred in the House bill entitled,

"An act for the relief of John Montgomery," with an amendment, And requested the concurrence of the House therein.

On motion of Mr. Raymond,

The House bill entitled,

"An act for the relief of John Montgomery,"

Was taken up for consideration.

And further,  
 On his motion,  
 The Senate amendment to the bill under consideration  
 Was read, as follows :

IN SENATE, }  
 January 18, 1867. }

Amend the title of the bill as follows, to wit :

Strike out all after the word "act," and insert, in lieu thereof, the words, "to divorce John Montgomery and Nancy R., his wife, from the bonds of matrimony."  
 (Extract from Journal.)

J. L. WOLCOTT,  
*Clerk of the Senate.*

For concurrence.

Whereupon,

Mr. Raymond moved

That the Senate amendment to the House bill be concurred in,

Which motion *Prevailed,*

And

The amendment

Was *Concurred in.*

*Ordered* that the Senate be informed thereof.

On motion of Mr. Reed,

The House bill entitled,

"A supplement to Chapter 49 of the Revised Code, entitled, 'Of the Insane,'"

Was read a third time, and by paragraphs,

And *Passed the House.*

*Ordered* to the Senate for concurrence.

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

"An act to amend Chapter 120 of the Revised Statutes of this State, entitled, 'Of landlord and tenant.'"

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. Bradford, Speaker *pro tempore*, in the chair.

On motion of Mr. Alderdice,

The House bill entitled,

"An act to incorporate the Hicks' Steam Engine Company of Delaware,"

Was read a second time by its title,

And further,

On his motion,

Was referred to the Committee on Corporations.

Mr. Reed offered certain joint resolutions entitled, "Joint resolutions against the taxation by Congress of State Bank issues,"

Which,

On his motion,

Were read, as follows :

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the right on the part of the States to create corporations for the purpose of banking, including the issue by them of paper to circulate as money, has been exercised at pleasure by the States from the beginning of the government, and its validity is now beyond the reach of question: And whereas no clause, or article, of the Constitution of the United States, gives Congress the power, directly or indirectly, to interfere with the exercise of any such right: And whereas the tax imposed by Congress upon the circulation of the State Banks operates a prohibition of such circulation, and was intended as such, as appears by the debates of that body: And whereas what cannot be done directly by Congress—for example, the taking from the States the power to charter banks of issue—cannot be done indirectly by taxation: therefore*

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in the judgment of this Legislature, the question above presented ought to be settled by the Supreme Court of the United States; and that the*

Directors of the Farmers' Bank (an institution in which this State is more than half owner of the stock) be requested to take any proper steps which in their judgment will best effect that result; this State undertaking to sustain said Directors in such proceedings to the extent of its interest in the Stock of said Bank.

*Resolved*, That a copy of these resolutions, duly certified, be sent to each of our Senators and to our Representative at Washington, to be laid before Congress.

On motion of Mr. Alderdice,

The further consideration of the joint resolutions were postponed until to-morrow.

Mr. Pilling, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Delaware Gas Light Improvement Company,"

Reported the same back to the House without amendment, and with the recommendation that it pass,

And, thereupon,

On his motion,

The bill

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

The several sections, the enacting clause, and the title having been respectively read and adopted,

And,

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

Mr. Reed moved,

That the bill be recommitted to the Committee on Corporations, with instructions to so amend the same that the State shall not be deprived of the special tax imposed by Section 3 of Chapter 1, part 1, Volume 13 of Delaware Laws,

Which motion

*Prevailed,*

And the bill

Was so

*Recommitted.*

On motion of Mr. Alderdice,

The House bill entitled,

"An act to incorporate the Electrical Brake Company of America,"

Was read a second time by its title,

And further,

On his motion,

Was referred to the Committee on Corporations.

On motion of Mr. Corbit,

The House bill entitled,

"An act authorizing the conveyance of certain real estate in New Castle county to the United States,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Reed presented the petition of Thomas Slaughter, praying the passage of an act authorizing him to locate certain vacant land,

Which,

On motion of Mr. Pilling,

Was read,

And further,

On his motion,

Was referred to the Committee on Vacant Lands.

Mr. Davis, from the Committee on Roads and Highways, to whom was referred the petition of Colen Ferguson, and others, reported a bill entitled,

"An act authorizing Colen Ferguson, and others, to use part of a public road for certain purposes,"

Which,

On his motion,

Was read.

Mr. Bacon, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Eliason,

Obtained leave to introduce a bill entitled,

"An act to amend Chapter 125 of the Revised Code, entitled, 'Of the fees of public officers,'"



Which,

On his motion,

Was read.

Mr. Raymond, from the Committee on Corporations, to whom was referred the House bill entitled,

“A further supplement to the act entitled, ‘An act to incorporate the Wilmington Coal Gas Company,’”

Reported the same back to the House, with amendments,

Which,

On his motion,

Were read, as follows :

Amend Section 1 by inserting in the third line thereof, after the word “met,” the following, viz : “two-thirds of each branch concurring.”

Amend Section 5 by inserting the following after the figures “1866:”  
“Provided the said company shall first pay to the Secretary of State the special tax provided for by Section 3 of Chapter 1, part 1, Volume XIII of the Laws of the State of Delaware.”

Whereupon,

On his further motion,

The amendments were

*Adopted.*

On motion of Mr. Raymond,

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

And on the question, “Shall this bill pass the House?”

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Bancroft, Bradford, Cooper, Corbit, Davis, Eliason, Frame, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, and Waples—16.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Lattomus,

The House bill entitled,

"An act to amend Chapter 55 of the Revised Code of the State of Delaware,"

Was read a second time by its title.

Mr. Lattomus presented the petition of Samuel Townsend, Esq., and others, in School District No. 81, New Castle county, praying an act to authorize the school committee of said district to receive certain moneys for the use of the same,

Which,

On his motion,

Was read,

And further,

On his motion,

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

Whereupon,

Messrs. Lattomus, Cooper and Bacon were appointed said committee.

On motion of Mr. Waples,

The House bill entitled,

"An act to incorporate the Milford Ice Company,"

Was taken up for consideration.

Mr. Reed offered an amendment to the bill under consideration,

Which,

On his motion,

Was read, as follows :

Amend the bill by striking out of the 5th section these words : "and this shall be a public act," occurring at the end of said section.

Whereupon,

On motion of Mr. Reed,

The amendment was

*Adopted.*

On motion of Mr. Waples,

The bill, as amended,

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

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

The yeas and nays were ordered,

Which, being taken, were as follows:

*Yeas*—Messrs. Alderdice, Bacon, Bancroft, Bradford, Davis, Eliason, Frame, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, and Waples—14.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Davis,

The House bill entitled,

"An act to amend Chapter 12 of the Revised Code, entitled, 'Of Collectors.'"

Was read a second time by its title.

On motion of Mr. Davis,

The House bill entitled,

"An act to authorize the laying out a public road in Duck Creek hundred, Kent county,

Was read a second time by its title.

Mr. Raymond, from the special committee to whom was referred the petition of Martha A. Cummins, reported a bill entitled,

"An act for the relief of Alfred Lee Cummins, minor child of Daniel Cummins, deceased,"

Which,

On his motion,

Was read.

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

"An act to incorporate the Wilmington Rolling Mill Company."

Mr. Bacon presented the petition of Elizabeth P. Waller, praying for a divorce from her husband, Levin E. Waller; also,

The remonstrance of James W. Morgan and others, against the same,

Which,

On his motion,

Were read.

And further,

On his motion,

Were referred to the Committee on Divorces.

Mr. Pilling presented the petition of Hannah T. Doty, praying the passage of an act divorcing her from her husband, Edmund Doty,

Which,

On his motion,

Were read.

And further,

On his motion,

Were referred to the Committee on Divorces.

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

"An act to establish the fees of Justices of the Peace and Constables in case of attachment for rent."

On motion,

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

WEDNESDAY, January 23, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

Mr. Bradford, Speaker *pro tempore*, in the chair.

Prayer by the Chaplain.

Mr. Reed, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Cooper,

Obtained leave to introduce a bill entitled,

"A supplement to the act entitled 'An act to incorporate the Frederica Railroad Company,' passed at Dover, February 19, 1857,"

Which,

On motion of Mr. Reed,

Was read.

On motion of Mr. Raymond,

The House bill entitled,

"An act for the relief of Alfred Lee Cummins, minor child of Daniel Cummins, deceased,"

Was read a second time by its title.

Mr. Cooper asked,

And,

Obtained the unanimous consent of the House to introduce a bill entitled,

"An act proposing an amendment to the Constitution for the purpose of abolishing life tenures in office,"

Which,

On his motion,

Was read.

On motion of Mr. Bacon,

The House bill entitled,

"An act to amend Chapter 125 of the Revised Code, entitled, 'Of the fees of public officers,'"

Was read a second time by its title.

Mr. Pilling, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Delaware Gas Light Improvement Company,"

Reported the bill back to the House, with an amendment,

Which,

On his motion,

Was read, as follows :

Amend the act by inserting the following words between the word "act" and the word "provided," in the second line of the ninth section of the bill, to wit: "and the same may be published, provided the said company shall first pay to the Secretary of State a special tax provided for by Section 3, Chapter 1, part 1, Vol. XIII, of the Laws of the State of Delaware, and".

Mr. Reed moved,

That the amendment just read be adopted,

Pending which question,

Mr. Bancroft offered an amendment to the amendment,

Which,

On motion of Mr. Corbit,

Was read, as follows :

Amend the amendment by inserting the word "shall," in place of the word "may," in the 5th line of the amendment.

Whereupon,

On motion of Mr. Eliason,

The amendment to the amendment

Was

*Adopted.*

The question being on the adoption of the amendment reported by the committee, as amended,

It was decided in the affirmative,

And,

The amendment was

*Adopted.*

On motion of Mr. Bancroft,

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

And,

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Bancroft, Bradford, Cooper, Corbit, Davis, Eliason, Frame, Jones, Lattomus, Pilling, Pratt, Raymond, Reed, and Waples—16.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House.*

*Ordered* to the Senate for concurrence.

Mr. Pratt, from the Committee on Vacant Lands, to whom was referred the petition of George W. Collins, praying the passage of an act to locate certain lands in Sussex county, reported a bill entitled,

" An act to authorize George W. Collins, of Sussex county, to locate certain lands in North-West Fork hundred, in said county, and to complete his title to the same,"

Which,

On motion of Mr. Pratt,

Was read.

Mr. Raymond asked,

And

Obtained the unanimous consent of the House to introduce a bill entitled,

"An act to amend the act entitled, 'An act to authorize proceedings for partition of intestate lands to be begun in vacation,'"

Which,

On his motion,

Was read,

And,

On his further motion,

Was read a second time by its title, by special order of the House,  
And,

On his still further motion,

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

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Reed,

The House bill entitled,

"An act to authorize Charles Brown to change and straighten a public road in West Dover hundred, Kent county, and for other purposes,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Davis,

The House bill entitled,

"An act to amend Chapter 12 of the Revised Code, entitled, 'Of Collectors,'"

Was taken up for consideration.

Mr. Davis offered an amendment to the bill under consideration,

Which,

On his motion,

Was read, as follows :

Amend the bill striking out the words "amend section thirteen," after the word "met," at the beginning of the section, and insert in lieu thereof the words, "That Section 13 of Chapter 12 of the Revised Code be amended,"

Whereupon,

On motion of Mr. Reed,

The amendment was

*Adopted.*

On motion of Mr. Davis,

The bill, as amended,



Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Davis,

The House bill entitled,

"An act to authorize the laying out a public road in Duck Creek hundred, Kent county,"

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

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

"An act to incorporate the Delaware and Chester County Railroad Company;" and

"An act to incorporate the Dorchester and Delaware Railroad Company,"

And presented the same to the House.

He further informed the House that the Senate had concurred in the House bill entitled,

"An act to incorporate the Mechanics' and Workingmen's Building and Loan Association of New Castle,"

And returned the same to the House.

He also informed the House that the Senate had concurred in the House bill entitled,

"An act for the relief of Mary B. Houlston,"

With an amendment,

And requested the concurrence of the House therein.

Mr. Pilling, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Germania Building and Loan Association,"

Reported the same back to the House, with an amendment,

Which,

On his motion,

Was read, as follows :

Amend the bill by inserting the following words between the word "act" and the word "and" in the third line of the fourth section of the bill, to wit : "and the same shall be published provided the said company shall first pay to the Secretary of State a special tax provided for by Section 3, Chapter 1, Part 1, Vol. XIII., of the Laws of the State of Delaware."

Whereupon,

On motion of Mr. Bacon,

The amendment

Was

*Adopted.*

On motion of Mr. Pilling,

The bill, as amended,

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

And,

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

The yeas and nays were ordered,

Which, being taken, were as follows :

*Yeas*—Messrs. Allderdice, Bacon, Bancroft, Bradford, Cooper, Corbit, Davis, Eliason, Frame, Jones, Lattomus, Pilling, Pratt, Raymond, Reed and Waples—16.

*Nays*—None.

So the question was decided in the affirmative,

And the bill, having received the constitutional majority,

*Passed the House:*

*Ordered* to the Senate for concurrence.

Mr. Reed offered certain joint resolutions approving late decisions of the Supreme Court of the United States,

Which,

On his motion,

Were read, as follows :

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That this General Assembly regard with the utmost satisfaction the recent decisions of the Supreme Court of the United States against the constitutionality*

of test oaths, and of military commissions for the trial of persons not in the land or naval forces, or in the militia, and they hail with pleasure the evidence thus furnished of the respect of that august tribunal for the sacred charter of our liberties and bond of union, and that no approval by a partisan majority of assumptions of power has been able to induce the Judges to swerve from the path of integrity that was so faithfully trod by their predecessors.

*Resolved*, That a copy of these resolutions, duly certified, be sent by the Governor to the Attorney General of the United States with a request that he present them to the Supreme Court.

Mr. Allderdice moved,

That the further consideration of the joint resolutions be postponed until Wednesday next, the thirtieth instant,

Which motion

*Prevailed,*

And the further consideration thereof

Was so

*Postponed.*

On motion of Mr. Reed,

The Clerk was directed to have one hundred copies of the joint resolutions printed for the use of the House.

Mr. Pilling, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Raymond,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Wilmington Rolling Mill Company,"

Which,

On motion of Mr. Bacon,

Was read.

Mr. Reed offered certain joint resolutions against the United States stamp tax on the process of the State courts,

Which,

On his motion,

Were read, as follows :

WHEREAS sovereignty in a State cannot be said to exist unless all the essential powers of sovereignty are possessed by such State ;  
And whereas the several States of the American Union have ever

been recognized as having all the powers of sovereignty except where the original States, in the Constitution for the Union of all together under one Federal Head, voluntarily restrained themselves and the new States whose admission to the Union was provided for, of the exercise of any such powers; And whereas the administration of justice is one of the essential powers aforesaid, and no restraint upon the same was imposed by said Constitution, or has been provided in any amendments thereto; And whereas such administration of justice has always been through the instrumentality of process, and cannot be done otherwise; And whereas the Congress of the United States has laid a tax upon the process aforesaid of the State Courts, and has thus assumed the power of taxation upon the administration of justice in Delaware through her own Courts; And whereas this Legislature believe that Congress has no constitutional power to lay any tax, or duty, upon the process or business of any of the courts of justice of the States of the Union, and that such tax ought not to be submitted to; therefore,

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That this General Assembly hereby solemnly protest against the stamp tax on writs and process in the State Courts as an exercise of power by Congress not warranted by the Constitution; and that no enforcement of such tax ought to be further made until the Supreme Court of the United States has passed upon the question herein raised.

*Resolved,* That to test the validity of the aforesaid tax, it is recommended that a case be made for the decision of said Court; and with a view thereto, this Legislature hereby orders that in any suits or proceedings wherein the State of Delaware is legal plaintiff, no stamps be placed upon the writs necessary thereon.

*Resolved,* That no *cestuis que use* in any such suits shall suffer by not affixing stamps to the process necessary to be issued for their benefit.

*Resolved,* That a copy of these resolutions, duly certified, be sent to each of our Senators and Representative at Washington, to be laid before their respective Houses; and that the Governor be requested to send a like copy to the Executive of each of the thirty-six  
—— States of the Union.

On motion of Mr. Allderdice,

The further consideration of the joint resolutions was postponed until Wednesday next, the thirtieth instant.

On motion of Mr. Reed,

The Clerk was directed to have one hundred copies of the resolutions printed for the use of the House.

On motion of Mr. Allderdice,

The House bill entitled,

"An act concerning negroes, mulattoes and persons of color,"

Was taken up for consideration.

And, thereupon,

On his further motion,

The further consideration thereof was postponed until Wednesday next, the thirtieth instant.

On motion of Mr. Allderdice,

The Clerk was directed to have one hundred copies of the bill printed for the use of the House.

On motion of Mr. Reed,

The joint resolutions against the taxation, by Congress, of State Bank issues,

Were taken up for consideration,

And, thereupon,

On motion of Mr. Reed,

The further consideration thereof was postponed until Wednesday next, the thirtieth instant.

And further,

On motion of Mr. Reed,

The Clerk was directed to have one hundred copies of the resolutions printed for the use of the House.

Mr. Pratt, from the Committee on Vacant Lands, to whom was referred the petition of Thomas Slaughter, praying the passage of an act authorizing him to locate certain vacant land,

Reported a bill entitled,

"An act to enable Thomas Slaughter to locate certain vacant salt marsh, therein named, and complete his title to the same,"

Which,

On his motion,

Was read.

Mr. Frame, from the Committee on Divorces, to whom was referred the several petitions of the respective petitioners, reported the following bills, to wit :

"An act to divorce George W. Unruh and his wife, Margaret Unruh, from the bonds of matrimony ;"

"An act to divorce Mary O'Daniel from her husband, William O'Daniel ;"

"An act to divorce James Lowe and his wife, Ann W. Lowe, from the bonds of matrimony ;"

"An act to divorce Mattie E. McDonald from her husband, Wm. McDonald ;"

"An act to divorce Hannah T. Doty from her husband, Edmund Doty ;" and,

"An act to divorce Elizabeth P. Waller from her husband, Levin E. Waller,"

Which bills

On motion of Mr. Frame,

Were severally read.

Mr. Raymond moved

That the House do now adjourn.

Which motion he afterwards, with the unanimous consent of the House,

*Withdrew.*

On motion of Mr. Reed,

The Senate bill entitled,

"An act to incorporate the Dorchester and Delaware Railroad Company in this State,"

Was taken up for consideration,

And further,

On his motion,

Was read.

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. Bradford, Speaker *pro tem.*, in the chair.

Mr. Reed rose to inform the House of the decease of the Hon. James H. Smith, of Kent county, and said :

MR. SPEAKER: The usage of this body imposes upon us the melancholy duty of announcing the death of our late colleague, James Henry Smith, representative of the State of Delaware from the county of Kent, who died at the residence of Eli Saulsbury, Esquire, on Sunday morning, the 20th instant, at about one o'clock.

Mr. Smith was a native of Mispillion hundred, Kent county, and was born on the first day of December, 1811, and had, at his death, completed a little more than the 55th year of his age. He began life a poor boy, with a very limited education, but by industry, sobriety and economy achieved an enviable reputation as a citizen, a friend and a Christian. He was, at the time of his death, a licensed exhorter in the Methodist Episcopal church, and commanded the full and entire confidence of the Society wherever he was known. He was elected a member of the convention to revise the constitution of this State, in the year 1852, and took an active and efficient part in the deliberations of that body. He also served his fellow citizens as a Magistrate and Notary Public, with credit to himself and eminent satisfaction to the people until 1864, when he resigned his commissions therefor.

No man enjoyed more real, true respect from his neighbors and acquaintances—no man could have inspired more earnest sentiments of regard than our late polite, kind and obliging colleague.

It was his fortune to possess, in a liberal degree, those high and noble qualities of the mind, that when made known to his fellow men, by the purity of his life and the gentleness of his manners, compelled a respect enduring and sincere. He was ever known as a man to whom a deserving citizen and friend could apply for aid and assistance, and many testimonials of his beneficence and timely relief, surround the immediate homestead of the deceased.

It is but a few short days ago, Mr. Speaker, since, in the presence of this body, he took upon himself a solemn oath to support the Constitution of the United States, and the Constitution of the State of Delaware, and to discharge the duties of a member of this General Assembly with fidelity. No man could have approached the responsibility of that obligation with a livelier sense of its nature, no man

could have sought more scrupulously to have kept it. Honesty, frankness and sincerity characterized his whole life.

During his brief illness, it could be seen from his conversation that he was grieved much on account of his seat being vacant when the public had called him to the discharge of duty; and he vainly assured his friends that he was getting better, and requested, at the hands of his immediate friend and colleague, Mr. Booth, to entreat this body to excuse his absence for one week. Thus he appeared in the very last hours of life to essay those labors a confiding constituency had imposed upon him, and bewailed, with Christian simplicity, the calamity that restrained him therefrom.

Mr. Speaker, the deceased may have been comparatively unknown to you and to most of the members of this House, but it has been my fortune to be made acquainted with his disposition and manly bearing elsewhere, and from our first meeting to the last, no man commanded a larger and more cordial share of my respect; and to this body I confess freely the loss I deem it to have sustained by his death.

In his political convictions, from his early life, he manifested a real faith in the ancient principles of the Democratic party and closely adhered to their teachings in the part he took in the public affairs of the State and Nation. Rising as he did from the humbler walks of life to positions of affluence and influence by dint of his innate powers, he was peculiarly fitted for the post assigned him at a time when the country is convulsed and in a chaos of conflicting sentiment. The presence of his practical mind, upon the domestic affairs and polity of the State, would have shed at least a ray of charity to offenders and a hope of conciliation to the offended. But alas! he was cut off at his very advent to public life, and it has been denied to his immediate relatives the pleasure of the applause resulting from his acknowledged virtues.

Let us, however, hope that in his estimable Christian life, we, with them, may find those great points of human fortitude, teaching cheerful submission to duty in the hours of affliction, and

No further seek his merits to disclose,  
Or draw his frailties from their dread abode;  
There they alike in trembling hope repose,  
In the bosom of his Father and his God.

I offer the following resolutions:

*Resolved*, That the members of the House, from a sincere desire of showing every mark of respect due to the memory of Hon. James H. Smith, deceased, late a representative from Misspillion hundred, Kent county, will go into mourning by wearing crape on the left arm for thirty days.

*Resolved*, That this House most sincerely condole with the members of the family of the deceased in their severe affliction.



*Resolved*, That a copy of these resolutions, attested by the Clerk of the House, be sent to the family of the deceased.

*Resolved*, That as an additional mark of respect for the memory of the Hon. James H. Smith, the House do now adjourn.

Mr. Allderdice rose to move the adoption of the resolutions, and said :

MR. SPEAKER : My acquaintance with the deceased member was limited to the few days whilst, apparently in as good health as any of us, he was permitted to participate in the labors of this branch of the General Assembly.

My intercourse with him during that brief period was peculiarly agreeable.

I am sure that the influence of his earnest and useful life will be potent and lasting.

The intelligence of his death—so sudden and unexpected—comes to this House with startling significance, and overwhelms us with sorrow and gloom.

I therefore deem it just and proper that we should give some appropriate expression to the feelings which pervade our body on this occasion ; and should show that respect which is due to the memory of one whose private life, by the testimony of those who knew him well, was esteemed to be a worthy example to those in the midst of whom all his years were passed.

I move that the resolutions be adopted.

The resolutions were

*Unanimously Adopted.*

And, accordingly,

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

THURSDAY, January 24, 1867—10 o'clock, A. M.

The House met pursuant to adjournment.

Mr. Bradford, Speaker *pro tem.*, in the chair.

Prayer by the Chaplain.

On motion of Mr. Bancroft,

The Senate bill entitled,

"An act to incorporate the Delaware and Chester County Railroad Company,"

Was read.

On motion of Mr. Reed,

The House bill entitled,

"An act for the relief of Alfred Lee Cummins, minor child of Daniel Cummins, deceased,"

Was taken up for consideration.

Mr. Raymond offered an amendment to the bill,

Which,

On his motion,

Was read, as follows :

Amend Section 2 of the bill by inserting, in the tenth line thereof, after the word "the," and before the word "orphans," the words "Register of Wills, or,"

Whereupon,

On motion of Mr. Reed,

The amendment was

*Adopted.*

And,

On his further motion,

The bill, as amended,

Was read a third time, and by paragraphs,

And

*Passed the House.*

*Ordered* to the Senate for concurrence.

On motion of Mr. Davis,

The House bill entitled,

"An act for the relief of Mary C. Houlston,"

Was taken up for consideration,

And,

On his further motion,

The Senate amendment to the bill

Was read, as follows :

IN SENATE, }  
January 17, 1867. }

Amend the title of the bill, as follows, to wit :

Strike out all after the word "act," and insert in lieu thereof the following : "to divorce Mary C. Houlston from her husband William Houlston."

(Extract from Journal.)

J. L. WOLCOTT,  
*Clerk of Senate.*

(For concurrence.)

And further,

On motion of Mr. Davis,

The Senate amendment

Was

*Concurred in.*

*Ordered* that the Senate be informed thereof.

Mr. Davis presented the petition of P. F. Causey, Sr., praying for an act to incorporate the Haven Mills Manufacturing Company,

Which,

On his motion,

Was read,

And further,

On his motion,

Was referred to the Committee on Corporations.

On motion of Mr. Reed,

The House bill entitled,

"A supplement to the act entitled, 'An act to incorporate the Frederica Railroad Company,' passed at Dover, February 19, 1857,"

Was read a second time by its title.

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

"An act concerning Witnesses,"

Also, a bill entitled,

"An act providing for the revision of the public laws of the State."

Mr. Bacon moved

That the House bill entitled,

"An act to divorce Robert M. Connery from the bonds of matrimony with Catharine Connery,"

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

Which motion

*Prevailed.*

Sections 1 and 2 of the bill having been read and adopted,

And pending the question, "Shall that be the enacting clause of the bill?"

Mr. Allderdice moved

That the bill be recommitted to the Committee on Divorces,

Which motion

*Prevailed,*

And the bill was

*Recommitted.*

On motion of Mr. Lattomus,

The House bill entitled,

"An act authorizing Colen Ferguson and others to use part of a public road for certain purposes,"

Was read a second time by its title.

Mr. Pilling, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Hicks' Steam Engine Company, of Delaware,"

Reported the same back to the House, without amendment, and with the recommendation that it pass.

And, thereupon,

On motion of Mr. Bacon,

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