

JOURNAL

OF THE

SENATE

OF THE

STATE OF DELAWARE,

AT A SESSION COMMENCED AND HELD AT DOVER,

ON TUESDAY THE FIRST DAY OF JANUARY,

1833;

AND THE FIFTY-SEVENTH YEAR

OF THE

INDEPENDENCE OF THE UNITED STATES.



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1833

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STATE OF DELAWARE.

At a session of the General Assembly, commenced and held at **Dover**, on Tuesday the first day of January, in the year of our Lord, one thousand eight hundred and thirty-three; and of the independence of the United States of America, the fifty-seventh:—

On which day the following members attended, to wit: Messrs. John Sutton, James Booth, and Richard H. Bayard, from Newcastle county; Messrs. Joseph Smithers, Thomas Wainwright, and James P. Lofland, from Kent county; and Messrs. Henry F. Rodney, Joshua Burton, and William D. Waples, from Sussex county.

A quorum of the members being present, the returns of the elections of Senators of the respective counties of this State were read.

By the returns from the county of Newcastle, it appeared, that Richard H. Bayard, esq. was duly elected a senator to represent the said county in the senate of this State for the ensuing term of four years, and Thomas W. Handy, esq. for the term of one year, from the second Tuesday of November, of the year one thousand, eight hundred and thirty-three.

By the returns from Kent county, it appeared that Joseph Smithers, esq. was duly elected a senator, to represent the said county in the senate of this State for the next ensuing four years, and Charles Polk, esq. for the term of one year, from the second Tuesday in November, of the year one thousand, eight hundred and thirty-three.

By the returns from Sussex county, it appeared that Henry F. Rodney, esq. was duly elected a senator to represent said county in the senate of this State for the ensuing term of four years, and Kendal M. Lewis, esq. for the term of one year, from the second Tuesday of November, of the year one thousand, eight hundred and thirty-three; and that William D. Waples, esq. was duly elected a senator, from said county, to fill the vacancy occasioned by the death of Dr. John Carey.

The Senate then proceeded to the election of a Speaker, by ballot, and Joshua Burton, esq. was unanimously elected. Having taken the oaths prescribed by the constitution of the United States, and of this State, the Speaker took his seat and administered the usual oaths of qualification to Messrs. Bayard, Smithers, Rodney, and Waples.

On motion of Mr. Rodney,

The senate proceeded to ballot for the election of a clerk; and, on counting the votes, it appeared that William R. Morris was duly elected. He appeared, was duly qualified, and took his seat at the clerk's table.

On motion of Mr. Rodney,

The senate proceeded to ballot for the election of a doorkeeper, and sergeant-at-arms. Samuel Wise was elected.

On motion of Mr. Bayard,

Ordered, That the clerk proceed to inform the house of representatives of the organization of the senate, and of their readiness to attend to any communication which the house might wish to make.

Mr. Baker, the clerk of the house of representatives, being admitted, gave information of a meeting of a quorum of the members, and of the organization of the house.

And he withdrew.

On motion of Mr. Rodney,

Resolved, That a committee of elections be appointed, to enquire into the qualifications of the members.

On motion of Mr. Bayard,

Resolved, That a committee be appointed to report rules for the government of the senate, during the present session.

The clerk of the house of representatives being admitted, laid before the senate the following resolution of the house:

“House of Representatives, Jan. 1, 1833.

“Resolved, That a committee of three members be appointed on the part of the house of representatives, to act jointly with such committee as may be appointed on the part of the senate, to wait on the Governor, and inform him, that a quorum of both houses of the Legislature have convened, and are ready to receive any communication he may wish to make.

“Extract from the journal,

“JOSHUA G. BAKER, Clerk.

For concurrence.”

And he withdrew.

On motion of Mr. Bayard,

Resolved, That the senate concur in the above resolution, and that a committee of two be appointed, as a joint committee to wait upon the Governor.

Whereupon,

Messrs. Bayard and Rodney were appointed, as such committee.

Ordered, That the resolution of the house be returned, with the expression of the concurrence of the senate endorsed upon it.

On motion,

The senate adjourned until half past three o'clock.



Eodem Die, 3½ o'clock, P. M. Jan. 1, 1833.

The senate having assembled, pursuant to adjournment, Mr. Bayard, on the part of the joint committee appointed to wait upon his excellency the Governor, reported that the Governor would make his communication at four o'clock.

Messrs. Bayard and Waples were appointed a committee to report rules for the government of the senate, during the present session.

Messrs. Wainwright and Sutton were appointed a committee of election.

The Secretary of State being announced, and admitted, delivered to the senate a written communication, from his excellency the Governor, and apprised them that sundry accompanying documents had been laid before the house.

And he withdrew.

On motion of Mr. Rodney,

The message of the Governor was read, in the following words:

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

In assuming the several stations which have been assigned us, by the suffrages of our constituents, it would be unbecoming as a christian people, not to acknowledge the goodness of Divine Providence, in conferring on the people of this State, the blessings of peace and plenty, of general health, of good order, and of a free government.

It would be folly to imagine that the only dangers, to which a republic is exposed, exist in the times of the most ardent struggles, when assailed by powerful foreign foes. This we have experienced and surmounted. But political experience demonstrates, that the more fatal foe lurks in the heart of man; that secret ambition to aggrandize himself, and promote his own private ends, chills his generous ardor for the concerns of his country, and his desire for the prosperity of his fellow citizens, is too apt to lie dormant, or smothered, in his bosom. In a series of difficulties, internal and external, war without, embarrassment within, the great men who have administered the government have maintained us in prosperity, independence, and liberty.

That we may practically avoid the evil of frequent and injudicious changes, we ought to cultivate an habitual regard for existing laws, and carefully to resist a natural, yet dangerous, propensity of magnifying partial imperfections, to which all human institutions are unavoidably subject, into unnecessary defects. A considerable degree of stability in the institutions and course of a government, is necessary to secure confidence and respect.

That the Constitution of the United States has been productive of the most beneficial effects; that the blessings resulting from it have transcended the utmost hopes of the sages who framed, and the States which adopted it, are subjects of high gratulation and joy, and devout gratitude to the Supreme Being.

But to ensure a continuance of its beneficial effects, the principles upon which it was founded, must be maintained. We ought to view with a jealous eye, every proposition to amend the sacred instrument.

Let it be our greatest concern to sustain it, in all its original purity; as it was adopted by a united sovereign people, and as now displayed by its ample energies—all operating in due checks and balances, and resting mainly on the single lever of the elective franchise.

The United States' government constructed as it now is, of agents to execute the whole people's sovereign power, and who are to be changed at their will, can never become a tyranny.

To entitle us to the gratitude of all mankind, and to secure to our posterity the great blessings we enjoy, we have only to cherish ardent patri-

otism, veneration for the institutions of our ancestors, obedience to the laws, and affection for the Union. That this will be done, I have no doubt. Our interest, our fame and our principles require it.

Let us reverence the sage advice of the great Washington, when he urges his countrymen to respect the authority of the laws, and cautions them to "resist the spirit of innovation, however specious the pretext, and to permit no change by usurpation; for, although this (says the illustrious patriot) may in one instance be the instrument of good, it is the customary weapon, by which free governments are destroyed. The precedent must alway greatly overbalance, in permanent evil, any partial or transient benefit, which the use can at any time yield."

I appeal to you, Gentlemen, who are well versed in ancient and modern history, whether the fall of republics has not oftener happened in consequence of a slow decline of republican virtues and simplicity and from internal divisions, than from any combination of kings and monarchs to overthrow them.

Whatever apprehensions may be entertained of the operations of the national government, the people of this State have but one sentiment as to its continuance. Delaware was the first to adopt, and will be among the last, to impair the union of the States.

I have received from the Governor of the State of South Carolina the report of the committee of twenty-one to the Convention of the people of that State, on the subject of the several acts of Congress, imposing duties for the protection of domestic manufactures, with the ordinance to nullify the same.

They are laid before you, at the Governor's request, for your serious consideration.

If the principles avowed by the South Carolina convention should prevail, every general law is henceforth to be made subject to the whim, caprice, or special local interest of every State in the Union.

Our Government was formed by the unanimous vote of all the States, when in their separate sovereign capacities, and nothing short of a like vote ought to be permitted to dissolve it, as now existing in their united sovereignty. Every true American should raise his voice against all doctrines calculated to weaken, divide and confound the allegiance of the whole people, of the United States, to the Constitution.

The illustrious Jefferson in his first inaugural address, says, "the preservation of the general government, in its "whole constitutional vigor is the sheet anchor of our peace at home, and safety abroad. An absolute acquiescence in the decision of the majority," is the vital principle of republics, from which there is no appeal."

Washington, the father of our Republic, in his farewell address, charges us, not for a moment to doubt of the efficiency of our Government, to sustain its united integrity. His prophetic mind foresaw, that designing men would endeavor to excite a belief, that there is a real difference of interests and views; and he charges us to frown upon the first dawning of every attempt, to alienate any portion of our country from the rest, enfeebling the sacred ties, which link together the various parts.

It gives me great satisfaction to be able upon this occasion, to refer you to the proclamation of the President of the United States upon this subject.

That able and patriotic document contains sentiments worthy of an American chief magistrate; and I doubt not that you will use your best

exertions, to sustain the President, in the faithful execution of the laws of the United States. Let the general administration be assured, that inflexible integrity and undaunted firmness, will always meet the support of a free and enlightened people.

If the citizens of South Carolina are improperly or unnecessarily oppressed by the general government, they ought speedily to be relieved. But the evidence that we have of their overflowing treasury, and their exports, annually amounting to six millions of dollars, lead to a different conclusion.

Our late Convention having adopted a new Judicial system for the State, the important duty of appointing judicial officers devolved on me. In making selections for those offices, it was my sole object to select men of talents, of legal information, strict integrity, and such as were best qualified for those important offices. With a view to exclude, as far as practicable, the spirit of party from the temple of Justice, and to inspire a general confidence in our courts, in which every citizen has a deep interest, I selected gentlemen of different political principles. Whatever effect this course may have had on public opinion, I shall always enjoy the consolation, that on my part it originated from a pure motive—that of the public good.

The state of our judiciary must ever be a subject of primary importance, and regarded with deep interest by every citizen. Upon the judiciary, every man essentially depends for the preservation and enjoyment of his life, liberty, property and reputation. It is among the first and highest obligations of government to have the laws faithfully executed, and justice ably and impartially administered, without unreasonable expense or delay: to secure these blessings is the leading motive of mankind.

While on this subject, permit me to express my fears, that the present respectable standing of the judiciary cannot be maintained without an increase of salary; knowing as I do that some of the present members accepted situations at a considerable sacrifice. I would suggest the propriety of making such increase at least in their salaries as would pay expenses in attending courts.

I submit for your consideration, whether an amendment may not be made in the mode of collecting debts under fifty dollars, against the estates of deceased persons. No judgment obtained against an executor or administrator, before a justice of the peace, can become a lien upon the real estate of the deceased. An executor or administrator having expended the personal estate, may delay the payment of debts, of the class now under consideration, to an almost indefinite period. For although he may receive the rents and profits of the lands and apply them in satisfaction of the debts, or may petition the Orphans' Court for an order of sale of the real estate, yet there appears to be no compulsion on him to pursue this course. Justice to the creditors, and also to the estate, requires, that the debts against a deceased person should be paid off, as soon as possible, after the granting letters of administration.

I respectfully recommend that the time for holding the fall terms of the Superior Court, and court of Chancery, in Sussex, should be changed. The session of the Superior Court in October interferes with the elections for commissioners of free schools—and also with the election of assessors and inspectors. The session of the Orphans' Court and Court of Chancery in December, is inconvenient to suitors in that Court. The shortness of the vacation, from December to March, together with the

inclemency of the weather, will generally prevent the execution of any order for the division and valuation of lands, issued at the December term, and will have the effect to increase the business of the courts at the March term to a very embarrassing extent.

It the last session of the General Assembly, resolutions were adopted approving a resolution of the Legislature of the State of Maryland, in relation to the construction of a canal from the Chesapeake to the Delaware Bay. Commissioners were appointed on the part of this State, to co-operate with such Commissioners as should be appointed by the States of Maryland and Virginia, for the purpose of surveying the route of a canal. Copies of these resolutions were forwarded to the executive officers of those States. From the Executive of Maryland, a communication has been received, stating, that application had been made by the authorities of that State, to the General Government for an engineer to be detached to make the survey of the canal; that they were pressing their application with a hope of succeeding; upon the receipt of this communication, our senators and representative in congress were requested to unite with the delegates of Maryland in pressing the application.— It gives me great satisfaction to inform you, that the same promptness, that our delegates have always manifested to promote the best interest of the State and of the Union, was evinced on this occasion. We have the most satisfactory evidence, that the expense of constructing such a canal on the most practicable route, would bear but a small proportion to the immense advantages to be derived from it. It would form an important link, in that vast chain of internal navigation, which our country admits of, and which will, at some future period, afford us security in war, and an abundant source of wealth in peace, while it will form a permanent bond of union among the States. All local considerations should yield, when put in competition with an object so highly interesting, not only to this State, but to the Union at large.

Permit me to suggest the propriety of appointing a board of Commissioners for this State, who might be authorized, with the aid of a skilful civil engineer, to survey and locate the routes of important internal communications, and report their proceedings to the Legislature.

Is it not questionable whether the interest of the people will be promoted by the passage of the bill now on the files of the House, extending the jurisdiction of Justices of the peace? Fears may be justly entertained, that instead of lessening litigation and expenses of suits, that it may increase both. The want of confidence in the legal knowledge of Justices of the Peace, will it is believed, in most cases cause, appeals to be taken.

The Secretary of State receives annually about three thousand dollars public money: the law only requires bond and sureties to be taken in the penal sum of one thousand dollars.

It gives me great satisfaction to be able to inform you, that the information I have received, from different parts of the State, of the progress of our Free School System, is encouraging. Three of our most distinguished citizens have accepted appointments of Superintendents. I flatter myself with a hope, that from them you will receive an interesting report.

We learn with satisfaction and pride, that the manufactures of the United States are rapidly increasing: and that adapting themselves to the wants, the habits, and the circumstances of Society, they are becoming, what is indispensable for their support and permanence, objects of the

people's partiality and choice. This important interest is under the protection of the National Legislature, and from their liberal and enlightened views, we may be assured, that every degree of encouragement will be afforded to that branch of national industry, not incompatible with the interest of the whole community.

Within the last year, I caused a return to be made to the proper department at Washington of the number of our militia, for the purpose of receiving this State's quota of arms, under the act of Congress of 1808. Our quota amounted to 342 4-13 muskets. I deemed it advisable, and so ordered, that instead of muskets, that we should receive a portion in Cavalry accoutrements, and the balance in Rifles. They have been received and deposited in the public arsenals at Newcastle and Georgetown—a statement of which is herewith submitted.

I would respectfully suggest the propriety of making an amendment to the militia laws of this State, so as to secure regular returns to the General Government, of the militia. We have lost by the omission to make those returns. Perhaps a moderate compensation to the Adjutant General, for this service, would effect this object.

As the national debt may now be considered as extinguished, I would respectfully suggest the propriety of the Legislature's expressing their sentiments on the distribution of the revenue arising from the sale of the public lands; and also on the claim of the State against the General Government, for interest on money expended by the State in defence of the Union during the last war.

The relation in which this State stands to the General Government, its welfare being identified with that of the United States, all the important measures adopted by Congress, become highly interesting to us. Justice to ourselves dictates, and a long course of practice sanctions, the propriety of the Legislature's expressing the sentiments they entertain on subjects which essentially concern the nation; and more especially, of instructing their Senators, and advising their Representative in Congress, as to the course they ought to pursue.

The enjoyment of a Government so free and beneficial as ours, not only demands the acknowledgment of a grateful people to the Supreme Ruler of the Universe; but their constant and sedulous attention to maintain and preserve the purity of its principles. If we would preserve our Government, we must be prudent and vigilant; these are the only terms on which man can enjoy a state of freedom.

I cannot take my leave of the General Assembly, without expressing to them the grateful sense I shall always entertain, for the favorable light in which my countrymen have viewed my public conduct, and offering to the Divine Disposer of all human affairs, my devout acknowledgments, for his many favors extended to our country, and my fervent prayers, that his protecting arm may long preside over its destinies.

DAVID HAZZARD.

Dover, Jan. 1st. 1833.

On motion of Mr. Lofland,

Ordered, That the clerk have one hundred copies of the Governor's message printed for the use of the Senate.

Messrs. Lofland and Wainwright were appointed a committee on the unfinished business of the last session.

On motion,
The senate adjourned till to-morrow morning at ten o'clock.

WEDNESDAY, 10 o'clock, A. M. Jan. 2, 1833.

The senate met pursuant to adjournment.

The clerk of the house of representatives being admitted, laid the following resolution of the house before the senate:

"House of Representatives, Jan. 2, 1833.

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

"Extract from the journal,

"JOSHUA G. BAKER, Clerk.

"For concurrence."

On motion of Mr. Wainwright,

Resolved, That the Senate concur in the resolution of the House of Representatives; and that Messrs. Smithers and Booth be appointed a joint committee, for the purposes expressed therein.

The resolution was returned to the house with the concurrence of the senate endorsed upon it.

Mr. Bayard, on the part of the committee appointed to draft rules for the government of the senate during the present session, reported the following rules; which were unanimously adopted, to wit:

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

Rule 2d. Every day, before the senate proceeds to other business, the journal of the preceding day shall be read over, and may be corrected by a majority of the senate.

Rule 3d. No member shall be allowed to speak upon any subject more than three times, except in explanation, without leave obtained from the speaker.

Rule 4th. No member shall be allowed to interrupt another while speaking, unless on points of order, and then, only by application through the speaker; and no member shall be referred to, by name, in debate.

Rule 5th. No member shall absent himself from the senate, during the session, without first obtaining leave.

Rule 6th. The speaker himself, or at the request of any member, may call to order.

Rule 7th. Questions of order shall be determined by the speaker, from whose decision an appeal may be had to the senate, at the request of any member.

Rule 8th. No debate shall take place on a question of order; unless an appeal be taken from the decision of the speaker.

Rule 9th. Every committee shall report within four days (Sundays excepted) from the time of their appointment, or furnish sufficient reasons why report has not been made.

Rule 10th. All motions and resolutions (except for the reading of bills, the daily adjournments of the Senate, or any motion to refer any 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 reported by the speaker to the senate, before any debate or decision thereon; and a motion or resolution may be withdrawn by the mover, unless objected to by some member before a decision thereon.

Rule 11th. Every motion on which a vote is taken shall be entered on the journal; and, except in cases of motions of adjournment, the name likewise of the person moving the same.

Rule 12th. The unfinished business, in which the senate was engaged at the time of their last adjournment, shall have preference in the order of the day.

Rule 13th. Petitions, memorials, and other papers addressed to the senate, shall be presented by the speaker or a member, who shall verbally and briefly state the contents thereof.

Rule 14th. When a question has been decided in the negative, or affirmative, any member who voted in the majority may move for a reconsideration thereof.

Rule 15th. Every bill shall be introduced by a motion for leave, by order of the senate, or by a report of a committee.

Rule 16th. Every bill shall receive three several readings in the senate, previously to its passing, and no bill shall be read twice in the same day, without special order of the senate.

Rule 17th. All bills ordered to be engrossed shall be certified by the clerk, noting the day of passing at the foot thereof.

Rule 18th. The speaker of the senate shall appoint all committees, unless the senate shall otherwise direct.

Rule 19. All messages from the senate to the house of Representatives shall be conveyed by the clerk.

Rule 20th. All bills and resolutions which the standing rules of the senate require to be three several times read, may be amended at the second reading; after which, every bill or resolution with its amendments, (if there be any such made) shall be fairly transcribed by the clerk, in a legible hand, before the final vote or question is required on any such bill or resolution; and no such bill or resolution shall be so altered or amended, upon its last reading, as to change materially its object or nature.

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

On motion of Mr. Bayard,

So much of the Governor's message as refers to the communication from the State of South Carolina was referred to a committee of three members.

Whereupon,

Messrs. Bayard, Wainwright, and Rodney, were appointed such committee.

* On motion of Mr. Booth,

So much of the Governor's message as relates to an increase of the salaries of the judges of the Superior Court was referred to a committee of three members.

Whereupon,

Messrs. Booth, Lofland, and Waples were appointed such committee.

On motion of Mr. Rodney,

Such part of the Governor's message as refers to the distribution of the money arising from the sale of the public lands was referred to a committee of three members.

Whereupon,

Messrs. Rodney, Sutton, and Smithers were appointed such committee.

On motion of Mr. Bayard,

His Excellency the Governor, then in the gallery, was invited to take his seat on the floor of the senate chamber.

On motion of Mr. Lofland,

So much of the Governor's message as refers to the militia of this State was referred to a committee of three, with leave to report by bill or otherwise.

Whereupon,

Messrs. Lofland, Sutton, and Waples were appointed such committee.

On motion of Mr. Waples,

That part of the Governor's message which relates to the time for holding the fall terms of the Superior Court and Court of Chancery in Sussex county was referred to a committee of three, with leave to report by bill or otherwise.

Whereupon,

Messrs. Waples, Booth, and Wainwright were appointed such committee.

Mr. Lofland, on the part of the committee on the unfinished business of the last session, reported the following matters as unsettled:

"A supplement to the act entitled, 'An act concerning the real estate of intestates.'"

"An act altering and amending the act providing for the recovery of small debts, and extending the jurisdiction of justices of the peace to sums not exceeding one hundred dollars." And,

"An act to amend the supplement to the act entitled, 'An act for the establishment of free schools.'"

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

THURSDAY, 10 o'clock, *A. M.* Jan. 3, 1833.

The senate met pursuant to adjournment.

Mr. Wainwright, on the part of the committee of elections, laid on the table the following report:

“The committee of elections report—That they are satisfied that all the newly elected members have been duly and legally elected, and are constitutionally qualified to hold their seats;” which was read, and,

On motion of Mr. Lofland,

Adopted.

Mr. Rodney laid before the senate, and moved for the reading of the following resolution:

“*Resolved*, That a joint committee, consisting of one member on the part of the senate, and of two members on the part of the house of representatives, be appointed to meet in the senate chamber, at Dover, on the first Tuesday of January next, for the purpose of settling the accounts of the State with the State Treasurer, and of ascertaining the amount of cash on hand; and that the said committee be, and are hereby, directed and required to make report, forthwith, to the executive, in order that the same may be laid before the next General Assembly;” which was read.

Mr. Bayard laid before the senate, and moved for the reading of the following resolutions:

“*Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the members of both houses of the Legislature will assemble in the Senate Chamber on Monday next, the seventh day of January, inst. at twelve o’clock noon, to be present at the opening and publishing of the returns of the election holden in the several counties of this State, on the second Tuesday of November last, for Governor; and that two tellers be appointed, to wit: one on the part of the senate, and one on the part of the house of representatives, to make a list of the votes as the same shall be published from said returns.

“*Resolved*, That after opening and publishing the returns of said election by the speaker of the senate, in the presence of the members of both houses of the Legislature, assembled as aforesaid, the certificates of the said election shall be made, according to the following form, to wit:—

“Be it known, that the General Assembly of the State of Delaware having met at Dover, Joshua Burton, speaker of the senate, on the seventh day of January, in the year of our Lord, one thousand, eight hundred and thirty-three, did open and publish, in the presence of the members of both houses of the Legislature, according to the Constitution of the said State, the returns of the election, holden in the several counties of the said State, on the second Tuesday of November last, for Governor; and, that by said returns of said election; it is manifest, that

was, on the said second Tuesday of November last, duly chosen Governor of the State of Delaware, according to the constitution and laws of said State; to hold his office during four years, from the third Tuesday in January, instant, agreeably to the said constitution.

“And that the said certificate shall be signed by the Speaker of the Senate, and by the Speaker of the House of Representatives; and that one of the said certificates shall be deposited by the Speaker of the Senate, in the “office for recording of deeds,” in and for Kent county, and shall there be recorded by the recorder of deeds for said county; and that the other of said certificates shall be transmitted by the Speaker of the Senate, to the Governor elect, with information that the members of the Legislature will attend him on the third Tuesday of January, instant, when he shall take the oaths of office.”

Which were read, adopted, and sent to the house for concurrence.

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



Eodem Die, three o'clock P. M.

The senate met pursuant to adjournment.

Mr. Waples laid before the senate the following resolution:

“Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the following persons be, and that they are hereby appointed, Directors of the Farmers’ Bank of the State of Delaware on the part of the State, agreeably to an act in such case made and provided:

For the principal Bank at Dover—John M. Clayton, Jonathan Jenkins and William K. Lockwood;

For the Branch at Wilmington—Charles I. Dupont, John J. Milligan and Joseph C. Gilpin;

For the Branch at Newcastle—Thomas Stockton, George B. Rodney and George Platt;

For the Branch at Georgetown—David Hazzard, Joshua S. Layton, and Solomon Prettyman;” which,

On his motion,

Was read.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.



FRIDAY, 10 o'clock, A. M. Jan. 4, 1833.

The Senate met pursuant to adjournment.

The clerk of the house of representatives being admitted, returned the resolution appointing a joint committee of the senate and house of representatives, for the purpose of being present at the opening and publishing of the returns of the election for Governor, (which had been sent to the house for concurrence,) with the expression of such concurrence endorsed upon it; and reported Mr. Cooper as the teller on the part of the house, of the votes handed in at such returns.

And he withdrew.

On motion of Mr. Bayard,

The following resolution was read, and

Adopted:

Resolved, That James Booth, esq. be teller on the part of the senate, to make a list of the votes, as the same shall be published from the returns of the election holden in the several counties of this State, on the second Tuesday of November last, upon the opening and publishing of said returns by the Speaker of the Senate, in the presence of both houses of the Legislature; and that the clerk inform the house of Representatives of this appointment.

Mr. Booth, on the part of the joint committee appointed to examine the

accounts of the State Treasurer, and Trustee of the School Fund, count the cash on hand, and make report to the General Assembly, laid their report before the senate; which,

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

"The joint committee appointed to examine the accounts of the State Treasurer and Trustee of the School fund, count the cash on hand, and make report to the General Assembly, have performed that service, and the committee appointed on the part of the Senate make the following report:

That, on the 18th of December last, the Treasurer and Trustee aforesaid settled with the Auditor of Accounts, at which time there was due from him to the State of Delaware, as State Treasurer, the sum of

\$ 6,823 52½

Since the said settlement the treasurer has received the following sums, to wit:

From Caleb S. Layton, esq. Secretary of State	292 45
" Tilghman Morris, collector of Little-creek hundred, in Kent county	400 00
" Eben'r Pettyjohn, for 18 a. 36 p. vacant land in Sussex county, at 50 cts. per acre	9 12½
" James D. Wilds, collector of Duck-creek hundred, in Kent county	700 00
" Matthew Lockhart, collector of Mill-creek hundred, in Newcastle county	450 00
" Purnel Johnson, late sheriff of Sussex county	227 61
	<hr/>
	2,079 18½

From which deduct the following sums:

Paid by the treasurer since the said settlement with the Auditor, to wit:

To Caleb S. Layton, Secretary of State, one quarter's salary	\$ 100 00
To G. A. Ewing, for attendance on board of property in Sussex county	1 00

making 101 00

Leaving this sum to be added to the amount in the hands of the treasurer at the time of his said settlement with the Auditor of Accounts. Making the sum now in the hands of the Treasurer of the State

\$ 8,801 71

That, on the said eighteenth of December last, the trustee of the School Fund settled with the Auditor of Accounts, at which time, there was due from the said trustee to the School Fund and school districts

13,265 78½

Since then, the trustee has received as follows, to wit:

From Caleb S. Layton, Secretary of State, on account of School Fund

174 00

\$ 13,439 78½

From which, deduct the following payments, made by the trustee since the said settlement, to wit:

To sundry school districts in Newcastle county	\$ 327 52½	
Do. do Kent do	279 15	
Do. do Sussex do	976 84½	
	<hr/>	
	making	1,583 52
Balance due School Fund and School Districts	\$ 11,856 26½	

That, on the aforesaid 18th of December last, the treasurer settled his accounts as Trustee of the Delaware College with the Auditor of Accounts; at which time there was due from him to the said college the sum of 187 87¼
 Since then he has received nothing, nor has he made any payment in relation to said college.

Recapitulation.

Due from the Treasurer to the State	\$8,801 71
Due from the Treasurer, as Trustee of the School Fund, to the School Fund and School Districts	11,856 26¼
Due from the Treasurer, as Trustee of Delaware College	187 87¼
	<hr/>
	\$20,845 84½

Which amount of \$20,845 84½, the said Treasurer and Trustee has deposited to his credit in the Farmers' Bank of the State of Delaware."

On motion of Mr. Wainwright,
 The report was

Adopted.

On motion of Mr. Rodney,

The resolution appointing a joint committee, consisting of one member on the part of the senate, and of two members on the part of the House of Representatives, to meet in the Senate Chamber, at Dover, on the first Tuesday in January next, for the purpose of settling the accounts of the State with the State Treasurer, and ascertaining the amount of cash on hand, and reporting forthwith to the Executive, in order that the same may be laid before the General Assembly, was

Adopted.

On motion of Mr. Waples,

The resolution appointing certain Directors for the Farmers' Bank of the State of Delaware, was

Adopted.

The Secretary of State, being admitted, laid before the Senate a written communication from his excellency the Governor, together with sundry accompanying documents; which were,

On motion of Mr. Rodney,
 Read, to the following effect:

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

I herewith lay before you, for your consideration, resolutions of the General Assembly of the state of Pennsylvania, relative to the Union of the States, and the Constitution of the United States.

The opinions expressed by the Legislature of the state of Pennsylvania are entitled to, and will no doubt receive your respectful attention. You will give to the subject that candid consideration which a regard to the interest of the community requires.

The object of those resolutions appears to be, to counteract the dangerous and fatal tendency of the Nullification doctrine proclaimed by the late convention of the state of South Carolina. May we not respond to the resolutions in the emphatic language of the President? "The Union must be preserved."

In all communities of men, it has been found indispensable to create a sovereign controlling power—an arbiter which can have no equal, much less, a superior. Governments of every kind must possess the power of self-preservation; they must be able to enforce the civil laws, command the National purse, bring into action the physical force, put down insurrection and rebellion, punish treason, repel invasion, defend the nation against foreign power and internal defection, and thus provide for the general welfare. If the States are all sovereign, according to the antifeederal doctrine of South Carolina, then is the United States' sovereignty null.

I also herewith lay before you resolutions adopted by the Legislature of Tennessee, in relation to the Public Lands; and to the more perfect organization of the Militia of the United States. And resolutions from the state of Indiana, expressing the feelings of the General Assembly of that State, toward the surviving officers and soldiers of the Revolutionary War. It will be perceived that congress has made ample provision for those worthy and venerable patriots.

A number of books, pamphlets and papers have been received at the Secretary's office, belonging to the two branches of the General Assembly—a schedule of which will be laid before you by the Secretary of State.

DAVID HAZZARD.

Dover, Jany. 3rd, 1833.

The following printed letter, from the Secretary of the State of Tennessee:

STATE OF TENNESSEE.

*Secretary of State's Office. }
Nashville, January 31, 1832. }*

Sir,

Agreeable to the provisions of a resolution of the General Assembly of this State, I have the honor to transmit the copies of two resolutions, for the consideration of the Legislature of the State over which you preside.

I have the honor to be, very respectfully,

Your obedient servant,

SAMUEL G. SMITH, *Secretary of State.*

A resolution relative to public lands of the United States, as follows:

Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to have all the vacant unsold lands owned or claimed by the United States, in any the States or Territories, sold, as soon as the same can be reasonably done, at a graduated price.

Resolved, That our Senators and Representatives be requested to use their endeavors to have the nett proceeds of all the public lands hereafter sold, set apart by law, as a permanent fund for the education of the American children; and that such fund be distributed to the States and Territories, according to such rates as may be equitable and just.

Resolved, That the Governor be requested to furnish our Delegation in Congress with a copy of the foregoing resolutions, and that he transmit a copy to the Governors of the several States, with a request to have the same submitted to their Legislatures.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Speaker of the Senate.

ADOPTED, December 21, 1831.

*Secretary of State's office, }
For the State of Tennessee. }*

I certify the foregoing to be a true and perfect copy of a resolution of the General Assembly of the state of Tennessee, relating to the public lands of the United States, from the original on file in the Secretary's Office.

SAMUEL G. SMITH,
Secretary of State.

A communication from the Executive of Indiana, in relation to the surviving officers and soldiers of the Revolution, to wit:

*Executive Department, }
Indianapolis, Feby. 8, 1832. }*

SIR,

The resolution I have the honor herewith to enclose, is transmitted in compliance with a request of the Legislature of Indiana.

With great respect,

I have the honor to be,

Your most obedient servant,

N. NOBLE.

A communication from Indiana, being a joint resolution of the General Assembly of that State, for a more perfect organization of the militia, to wit:

A Joint Resolution, relative to a more perfect organization of the militia of the several States.

Be it resolved, by the General Assembly of the State of Indiana, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested to use their exertions, both by their votes and influence, to procure the passage of a law providing for a more perfect and uniform organization of the militia of the several States of the Union, in pursuance to the Constitution of the United States.

Resolved, That his Excellency the Governor of this State, be directed to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing resolution; also a copy to the Governors of the other

States in the Union, with a view that the same may be submitted to the consideration of their respective Legislatures.

H. H. MOORE, *Speaker of the
House of Representatives.*

DAVID WALLACE, *President of the Senate.*

Approved, Jan. 28, 1832.

N. NOBLE.

A communication from the Executive of Pennsylvania, relative to the union of the States and the Constitution of the United States:

EXECUTIVE DEPARTMENT, }
Harrisburg, December 21, 1832. }

SIR:—In compliance with a resolution of the Legislature of this state, I have the honor of transmitting to you the annexed resolutions, recently adopted by that body, “relative to the union of the states and the Constitution of the United States.”

With sentiments of profound respect,
I have the honor to be,
Your obedient servant,

CEO: WOLF.

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

RESOLUTIONS

Relative to the Union of the States and the Constitution of the United States.

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Constitution of the United States, and the laws of the United States made in pursuance of the Constitution, are the supreme law of the land, to which every citizen of the United States owes obedience, and that no authority whatever can release him from his obligation to obey, or require him to take any oath, or enter into any engagement inconsistent with such obligation; and that any pretension on the part of a state, or any portion thereof, so to release any citizen of the United States, or so to require of him, is unconstitutional, and without the least foundation of right, and can afford neither shelter nor excuse for offences he may commit against the laws of the United States.

Resolved, That no portion of the citizens of the United States have a rightful power to render invalid an act of the Congress of the United States, duly made by the people's representatives, and approved by the Executive, in the mode prescribed by the Constitution, nor to nullify the same, either generally or within particular districts, but that every such act of Congress continues in full force every where within the United States, notwithstanding any such asserted nullification, and all persons who resist its execution, offend against the Constitution and laws of the United States, and are liable to prosecution and punishment for such offence.

Resolved, That no state has a right to withdraw from the Union, and to declare itself independent of it, and that every attempt to do so, would be a virtual infraction of the Constitution of the United States, justifying and requiring the use of Constitutional measures to suppress it.

Resolved, That the faithful execution of all laws of the United States, made in the mode prescribed by the Constitution, is a duty enjoined upon the President of the United States, in the Constitutional discharge of which, he is entitled to, and ought to receive the aid and support of every citizen of the Union.

Resolved, That it is the clear and indisputable right of Congress, to impose duties upon importations, and of the Government of the United States to collect the duties payable by law upon goods imported into every part of the Union, and that every resistance to the collection of the same is an offence against the Constitution and Laws of the United States, and that the offenders are liable to prosecution and punishment for such offence.

Resolved, That in enforcing, by all Constitutional means, the laws passed by Congress for imposing and collecting duties upon goods imported into the United States, and all other acts of the Congress of the United States, and in bringing to punishment all persons who, under any pretence, may offer resistance to them, the Commonwealth of Pennsylvania will, if necessary, aid and assist the Government of the United States by all means in her power.

Resolved, That we pledge ourselves, jointly and individually, to sustain the Chief Magistrate of the United States, in all Constitutional measures calculated to preserve and perpetuate the Union of the States.

Resolved, That the Governor be requested to transmit a copy of these resolutions to the President of the United States, and to each senator and representative in Congress from this Commonwealth, and to the several Governors of the respective states and territories of these United States.

SAML. ANDERSON,

Speaker of the House of Representatives.

JESSE R BURDEN,

Speaker of the Senate.

Approved—The twentieth day of December, A. D. one thousand, eight hundred and thirty-two.

GEO. WOLF.

Secretary's Office, Pennsylvania: }
Harrisburg, December 21, 1832. }

This is to certify that the foregoing resolutions are truly copied from the original roll on file in this office. Witness my hand and seal.

SAML. M'KEAN.

On motion of Mr. Rodney,

Ordered, That the clerk of the senate procure the printing of one hundred copies of the Governor's message, for the use of the senate.

On motion of Mr. Rodney,

The resolution from Tennessee, relative to the public lands, was referred to the committee on public lands.

On motion of Mr. Lofland,

The resolution from Tennessee relative to the militia, was referred to the committee on the militia.

On motion of Mr. Booth,

The resolution from the state of Pennsylvania, relative to the proceed-

ings of the South Carolina Convention, was referred to the committee on that part of the Governor's message relating to South Carolina.

The clerk of the House of Representatives being admitted, laid before the senate, for concurrence, a resolution of the House appointing a joint meeting for the purpose of appointing a Senator in Congress; which,

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

"House of Representatives, Jan. 3, 1833.

"Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Legislature of this State will, on Thursday the 10th inst., at four o'clock in the afternoon, in joint meeting of the Senate and House of Representatives, in the Senate Chamber, hold an election by ballot, for the purpose of choosing a senator from this state in the senate of the United States, for the constitutional term, to commence on the fourth day of March next.

"Extract from the journal,

"JOSHUA G. BAKER, Clerk.

"For concurrence."

On motion,
The senate adjourned until ten o'clock to-morrow morning.

SATURDAY, 10 o'clock, A. M. Jan. 5, 1833.

The senate met pursuant to adjournment.

On motion of Mr. Bayard,

The joint resolution appointing a meeting of the General Assembly, on the tenth instant, for the purpose of choosing a senator to represent this state in the senate of the United States, which had been sent to the senate for concurrence, was amended, by striking out the word "tenth," from the third line, and substituting the word "seventeenth," concurred in, as amended; and transmitted to the house by the clerk of the senate, accompanied with communications of such amendment and concurrence.

The clerk of the House of Representatives being admitted, laid before the senate for concurrence, "An act repealing the sixth section of the Act entitled, 'An act to prohibit the emigration of free negroes and mulattoes into this state, and for other purposes;' also, "An act allowing an additional justice of the peace in Sussex county," accompanied with petitions and a remonstrance; which,

On motion of Mr. Rodney,
Were read, to wit:

1. A memorial, subscribed by forty-five persons, praying for an additional justice of the peace in Indian river hundred, of Sussex county.
2. A memorial, subscribed by fourteen persons of the said hundred, in the said county, to the same effect.
3. A memorial, subscribed by eighteen persons of the said hundred, in the said county, to the same effect.
4. A remonstrance, subscribed by one hundred and twenty-eight persons of the said hundred, in the said county, against the allowance of an additional justice of the peace in the said hundred of the said county.

On motion,
The senate adjourned until Monday morning at ten o'clock.

MONDAY, 10 o'clock, A. M. Jan. 7, 1833.

The Senate met pursuant to adjournment.

Mr. speaker laid before the senate a written communication from the secretary of state; which,

On motion of Mr. Lofland,
Was read to the following effect:

To the Honorable the Senate and House of Representatives of the State of Delaware.

Pursuant to the directions of his Excellency, the Governor, I have the honor to present to the General Assembly a schedule of the books, papers, &c. that have been received at the office of the Secretary of State, since the last adjournment of the Legislature—as follows—9 copies, 1 vol. ea. of the public and private acts and resolutions of the General Assembly of Maine, passed at the Jany. session, in the year 1832; 3 copies, 1 vol. ea. of the laws of Massachusetts, passed in January, 1832; 2 copies, 1 vol. ea. of the acts of the Legislature of Vermont, passed at the October session, 1831; 3 copies, 1 vol. ea. of the laws of the state of Rhode Island, passed since the January session 1829; 3 copies of 1 vol. ea. of the laws of the state of New Hampshire, passed in June, 1832; 3 copies, 1 vol. ea. of the laws of New York, passed at the 55th session of the General Assembly of that state; 3 copies, 1 vol. ea. of the acts of the General Assembly of New Jersey, passed in October, 1831; 3 copies of 1 vol. ea. of the laws of Pennsylvania, passed at the session 1831-32; 3 copies, 1 vol. ea. of the acts of the Legislature of Maryland, passed at the December session, 1831; 1 copy, 1 vol. of the laws of Virginia, passed in December, 1831; 1 copy, 1 vol. of the laws of North Carolina, passed at the session of 1831-32; 1 copy, 1 vol. of the acts of the General Assembly of the state of Georgia, passed in Nov. & Dec. 1831; 2 copies of the laws of Alabama, passed in Nov. 1831; 1 copy, 1 vol. of the acts passed at the extra session of the Legislature of Louisiana, in Nov. 1831; 1 copy, 1 vol. of the laws of Louisiana, passed at the Jany. session 1832; 2 copies, 1 vol. ea. of the laws of the state of Mississippi, passed at the 15th session of the Gen. Assembly of that state; 1 cop. 1 vol. of the acts of the General Assembly of the state of Ohio, passed December session, 1831; 2 copies, 1 vol. ea. of the acts of the Legislature of Kentucky, passed at the Nov. term. 1831; 1 copy, 1 vol. of the public acts of the state of Tennessee, passed at the 19th General Assembly of that state; 42 copies, 1 vol. ea. of the acts of the last session of the 22nd Congress of the United States. The foregoing books have been distributed betwixt the Executive Department, and the Senate and House of Representatives, agreeably to former usage.

All which is respectfully submitted.

CALEB S. LAYTON, *Secretary of State.*

Dover, Del. Jan. 5, 1833.

The clerk of the House of Representatives being admitted, presented for concurrence, an act entitled, "A supplement to an act regulating marriage;" which,

On motion of Mr. Lofland,
Was read.

The clerk of the House of Representatives being admitted, returned the resolution for a joint meeting of the two houses, which had been sent back to the house, amended, for their concurrence in such amendment, with the expression of the non-concurrence of the House endorsed upon it.

Mr. Waples from the committee on that part of the Governor's message relating to the time of holding the fall terms of the Superior court, and the Court of Chancery, in Sussex, &c. reported the following bills:

1. "An act to alter the time of holding the stated annual meeting of the school voters, in each school district in the several counties of this state."
2. "A supplement to the act fixing the time of holding the courts of law and equity in this state."
3. "An act to repeal the act entitled, 'An act to amend the act entitled, 'An act directing the election of assessors and inspectors.'"
4. "An act to amend the act entitled, 'An act directing the election of Assessors and Inspectors.'"

Mr. Bayard, on the part of the committee, on that part of the Governor's message relating to South Carolina affairs made the following report; which,

On motion of Mr. Rodney,
Was read, to wit:

The communication from the Governor of South Carolina is composed of documents ordered by a Convention of the people of that state held in November last, to be transmitted to the Governors of the several states for the information of their respective Legislatures. These documents consist of a Report of a committee of twenty-one to the Convention, on the subject of the several acts of Congress imposing duties for the protection of domestic manufacturers, with the ordinance to nullify the same, an address to the people of that state, and an address to the people of the United States. Your committee have examined the papers with great care, and with that respectful attention which is due to the source from which they emanate, but they cannot disguise their astonishment at the position assumed by the Convention, and the arguments by which it is attempted to be sustained. The position taken by the Convention is, that they have a right to suspend the operation of certain acts of Congress within the limits of the state by declaring those acts null and void, on the ground of their supposed unconstitutionality. This extraordinary right is assumed, not as a revolutionary measure, but as one that results from the nature of the compact, created by the Constitution, and as in perfect harmony with its principles. It becomes necessary, therefore, to settle distinctly, the nature of that instrument, in order to decide the question of this right.

The ground taken by the Convention on this subject is, "that the Federal Constitution is a treaty, a confederation, an alliance by which so many sovereign states agree to exercise their sovereign powers conjointly, upon certain objects of external concern, in which they are equally interested." "That the Federal Government is the common agency of the

sovereign States, and possesses no more inherent sovereignty than an incorporated town, that it is a mere political corporation," "and that it is the moral obligation alone which each state has chosen to impose on herself, and not the want of sovereignty" which restrains her from exercising all those powers which have been granted to the Federal Government. And this is declared by the Convention to be the true nature of the compact. The principle with which they set out, and upon which the whole doctrine is built, is thus laid down in the address to the people of the state—page 4. "The Constitution of the United States, as is admitted by cotemporaneous writers, is a compact between sovereign states." This is the corner stone of the whole system of nullification. For if it be true that the Constitution is a mere treaty or compact between sovereign states, which now possess all the sovereignty they ever had, and among whom there can be no common arbiter, the rest of the doctrine follows as a matter of course. The question then arises, is this proposition true? Your committee conceive that it is false in both its branches. It is neither a compact between sovereign states, nor is so admitted to be, by cotemporaneous writers, at least of any credit.

The first and most natural source to look to, for the settlement of this question, is the instrument itself. Since it is apparent that it would be utterly useless to reduce an agreement or compact to writing, that it would be useless to establish a written Constitution for any government or any people, if the crude notions and wild conceits of any individual may be substituted for the terms of the instrument. This is more particularly true with regard to such an instrument as the constitution of the United States, which was the work in the first instance of a general convention from the different states, and was afterwards submitted to the conventions of the people in each of the states. So that not a word or letter, and certainly not a single *principle* contained in it can be supposed to have escaped the severest scrutiny, and the whole must therefore have the highest sanction.

Upon opening that instrument, the first *principle* which presents itself is, that it purports to be the act of the American people. It is not stated to be a compact between New Hampshire, Massachusetts, Rhode Island, and the other ten sovereign states, and which would have been the appropriate, and indeed, the only preamble, if the idea intended to be conveyed was, that of a compact or treaty between those sovereign states, but on the contrary, it is declared to be the act of the American people. The language is, "We the people of the United States, do ordain and establish this constitution for the United States of America." The principle here established is, that the government created by that constitution is the act of the people of the United States, and not the act of the States, as sovereignties. As the principle lies at the foundation of the whole system, it is impossible that it should have escaped the attention of the General Convention, and of the thirteen state conventions which passed upon it. They could not have been ignorant of, or inattentive to, the difference of the two principles involved in the question, whether the instrument to which they assented, was a constitution of government to be established by the people, or a treaty or compact between thirteen sovereign states. To suppose them ignorant, is to suppose them incompetent to their task, and to suppose them inattentive, is to suppose them culpably negligent of their duty. But we will show that they were neither the one nor the other.

The very first question, as might naturally be supposed, that presented itself to the General Convention was, whether the constitution they were about to form should be a *compact* among the *states*, or the act of the *people*. The particular business of the convention was opened by Governor Randolph, who submitted to their consideration, on the 29th May, 1787, various resolutions, with a view to settle the principles on which they were to proceed. The first of those resolutions was in these words: "Resolved, that the articles of confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely, common defence, security of liberty and general welfare."—*Elliott's Debates*, vol. 4. p. 41. Now it must be recollected that the articles of Confederation were in point of fact, and in terms, a compact between the different States as sovereignties. The instrument itself purports to be such, and is described in the preamble as "Articles of confederation and perpetual union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations," &c. As Governor Randolph's proposition was merely to correct and enlarge those articles, if it had been adopted, the nature of the compact would have been the same, and it would have continued to stand on the footing of an agreement among the states as sovereignties. The very point now at issue was therefore brought at once, and directly before the Convention. On the same day the convention resolved to go into committee of the whole on the state of the Union, and the propositions of Governor Randolph were referred to that committee. On the following day, May 30th, these resolutions were taken up for consideration, and the particular one in question being the first in order, was, on his own motion, postponed; and another offered likewise by him, was, after debate, adopted as a substitute in the following words: "Resolved, that a national government ought to be established, consisting of a Supreme Legislative, Judiciary, and Executive." On this question six states, namely, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, and South Carolina voted in the affirmative; Connecticut voted in the negative, and New York was divided.—*Elliott's Debates*, vol. 4. p. 49. Mr. Yates a member of the convention from New York, who was opposed to the present constitution, and afterwards withdrew from the convention because he thought they were exceeding their powers, kept minutes of the debates while he was there, which are published in the 4th vol. of Elliott's debates, and has thus thrown much light on the questions that were agitated; and may be considered for that purpose as of the highest authority. In his minutes of the debate on that day, he observes, "this last resolve had its difficulties—the term *supreme* required explanation. It was asked whether it was intended to annihilate the state governments? It was answered only so far as the powers intended to be granted to the new government should clash with the states, when the latter should yield."—*Yates' Minutes*, p. 50. It was thus decided that the articles of confederation should be laid aside, and the principle of a compact among the states, as sovereignties, abandoned. Accordingly, we find that on the 6th June following, when the fourth resolution offered by Governor Randolph, was under consideration, which provided that the members of the first branch of the national Legislature should be elected by the people, a motion having been made to strike out the word "people" and substitute the word "Legislatures," of the several states—the motion was lost by a vote

of eight states to three, In the debate on that point, Mr. Madison is reported, by Mr. Yates, to have observed, "that when we agreed to the first resolve of having a national government, consisting of a Supreme Executive, Judicial and Legislative power, it was then intended to operate to the exclusion of a Federal Government, and the more extensive we made the basis, the greater probability of duration, happiness and order.—*Yates' Minutes*, p. 63.

The first resolution was afterwards modified so as to read thus:—"Resolved, that the government of the United States ought to consist of a Supreme Legislative, Judiciary and Executive." The reason for which is stated by Mr. Luther Martin, one of the delegates from Maryland, and a most determined opponent of the proposed system at the time, to have been that they were afraid that the word National might tend to alarm.—*Yates' Minutes*, p. 22.

The principle was thus, therefore, clearly established and remained unchanged, that the new government was not to be placed on the footing of a compact among the states as sovereigns; but was to emanate from the people, and be established by their authority. On the twenty-third of July, the resolution thus modified, was, together with the others which had been elaborated in the debate that had been carried on in the committee of the whole, referred to a committee of five for the purpose of reporting a constitution. It is evident that the committee appointed for that purpose, were bound, in drafting the instrument, to preserve that *fundamental principle*. Accordingly, on the 6th of August, the committee reported the draught of a constitution, the preamble to which, began in these words: "We the people of the states of New Hampshire, Massachusetts, &c. do ordain and establish the following constitution for the government of ourselves and our posterity."—*Elliott's Debates*, vol. 4. p. 116. The principle was here distinctly set forth, but as it might have afforded some room for cavil, and it was determined that there should not be a loop to hang a doubt upon, the phraseology was changed, and that of the present constitution adopted: "We the people of the United States," &c. If it is possible for human language, or for human conduct to express the intentions of the mind, nothing can be clearer than the intention of the General Convention on this point. If regard then be had to the instrument itself, it is, and it purports to be, a constitution of government established by the people of the United States. For this purpose it was not at all necessary that they should be assembled in one body, in one place, or by one authority. It was sufficient for them to assemble in their respective states, at their usual places of election, and under the usual authority. When once assembled, and they proceeded to ratify the instrument, it became to all intents and purposes their act. Nor does it at all affect the question that it was provided, that the ratification of a certain number of the states should be necessary for its establishment.—That was a mere condition which amounted to no more than a declaration, that the experiment was not worth the trial, unless such a portion of the people should concur. So far as this particular subject is concerned, the term states is a mere description of the people by classes, and is of no more moment in the argument than if the provision had been, that it should not take effect unless ratified by two millions of people, or by two hundred and forty counties, or one hundred districts. The provision was a condition precedent which ceased to be of importance the moment it was fulfilled.

The tenth amendment of the constitution which provides that "the 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," illustrates and confirms the view here taken of the character of the instrument and the source of its authority. But, if in addition to this, the frame of government be considered which deprives the states of almost all the essential rights of sovereignty, and makes them amenable to the tribunals of the United States' government, whose decisions are conclusive in relation to all controversies arising under the constitution and the laws of the United States, it becomes a matter of surprise that any doubt should have been expressed on the subject.

It thus appears that the constitution is not a treaty or compact between sovereign states, and it remains to show that such was the opinion of cotemporaneous writers. Reference has already been made to the work of Mr. Yates, who was a member of the convention from New York, and whose minutes of the debates are of the highest degree of authenticity, and which, in the passage already cited, as well as in others, confirms the position taken by your committee. In the debate on the 29th June, the first clause of the seventh proposition being under consideration, which respects the suffrage of each state in the first branch of the legislature, Mr. Madison who is so much relied upon by the Carolina Convention as an authority, in the celebrated resolutions of 1798, expressed himself as follows, as reported by Mr. Yates: "Some gentlemen are afraid that the plan is not sufficiently national, while others apprehend that it is too much so. If this point of representation were once well fixed, we would come nearer to one another in sentiment. The necessity would then be discovered of circumscribing more effectually the state governments, and enlarging the bounds of the general government. Some contend that states are sovereign, when, in fact, they are only political societies.—There is a gradation of power in all societies, from the lowest corporation to the highest sovereign. The states never possessed the essential rights of sovereignty. These were always vested in Congress. Their voting as states in Congress, is no evidence of sovereignty. The state of Maryland voted by counties—did this make the counties sovereign? The states at present are only great corporations, having the power of making by-laws, and these are effectual only if they are not contradictory to the general confederation. The states ought to be placed under the control of the general government. If the power is not immediately derived from the people, in proportion to their numbers, we may make a paper confederacy, but that will be all. We know the effects of the old confederation, and without a general government this will be like the former."—*Yates' Minutes*, p. 114.

In the debate on the 5th June, the last or 15th proposition of governor Randolph, being under consideration, which provided that the work of the convention should be submitted to assemblies of representatives to be chosen by the people expressly for that purpose, Mr. Yates reports that, "Mr. Madison endeavored to enforce the necessity of this resolve, because the new national constitution ought to have the highest source of authority, at least paramount to the powers of the respective constitutions of the states; points out the mischiefs that had arisen in the old confederation, which depends upon no higher authority than the confirmation of an ordinary act of a legislature."—*Yates' Minutes*, p. 62.

Mr. Luther Martin, who was a delegate from the state of Maryland in the General Convention, and violently opposed to the new system at the time, in his report to the legislature of Maryland, on the subject of the proceedings of the Convention, thus details the arguments used by himself and his friends: "It was urged that the government we were forming was not in reality a federal, but a national government, not founded on the principles of the preservation, but the abolition or consolidation of all state governments. That we appeared totally to have forgot the business for which we were sent, and the situation of the country for which we were preparing our system. That we had not been sent to form a government over the inhabitants of America, considered as individuals, that as individuals they were all subject to their respective state governments, which governments would still remain, though the Federal Government should be dissolved. That the system of government we were entrusted to prepare, was a government over these thirteen states; but that in our proceedings, we adopted principles which would be right and proper only on the supposition that there were no state governments at all, but that all the inhabitants of this extensive continent were in their individual capacity without government, and in a state of nature. That, accordingly, the system proposes the legislature to consist of two branches, the one to be drawn from the people at large, immediately in their individual capacity, the other to be chosen in a more select manner, as a check upon the first. It is in its very introduction, declared to be a compact between the people of the United States as individuals; and it is to be ratified by the people at large in their capacity as individuals; all which it was said would be quite right and proper, if there were no state governments, if all the people of this continent were in a state of nature, and we were forming one national government for them as individuals, and is nearly the same as was done in most of the states, when they formed their governments over the people who compose them."—*Yates' Minutes*, pages 19, 20. Notwithstanding these arguments, the constitution was prepared and adopted on the principles which were thus opposed; and we have here the commentary of one of the ablest lawyers that this country ever produced, who was himself a member of the convention, and opposed to the system, upon that very instrument; and putting it beyond all doubt and controversy, that it was the design of the Convention to abandon the principle of a compact among the states as sovereigns, and substitute for it, that of a government established by the people. The same view of the subject is presented in the *Federalist*, a work which was written at the time for the express purpose of explaining and recommending the new constitution, and which was the joint production of three of the ablest men of the day, and has been regarded and relied upon, both in and out of Congress, and even in the Courts of Justice, as presenting a most able, authentic and correct exposition of its principles. The conclusion of the twenty-second number, in which some of the evils of the old confederation are pointed out, is as follows: "It has not a little contributed to the infirmities of the existing federal system, that it never had a ratification by the people. Resting on no better foundation than the consent of the several legislatures, it has been exposed to frequent and intricate questions concerning the validity of its powers; and has, in some instances, given birth to the enormous doctrine of a right of legislative repeal. Owing its ratification to the law of a state, it has been contended, that the same authority might repeal the law by which it was ratified.—

However gross a heresy it may be, to maintain that a party to a compact has a right to revoke that compact, the doctrine itself has had respectable advocates. The possibility of a question of this nature, proves the necessity of laying the foundations of our national government deeper than in the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from that pure original fountain of all legitimate authority."

It is unnecessary to multiply quotations. The question is not under what name the government established by the constitution would be classed by political writers; whether it would be called a Federal Government or a National Government, or a compound of the two; but simply from whom does it derive its powers? whether from the states as sovereigns? or from the people? It thus appears from the constitution itself, from the Journal of the Convention, from the debates on its proceedings, from the reports of its enemies, and from the arguments of its friends, that the principle upon which it was founded was, that it was to be a government emanating from, and established by the people. If any thing more were wanting to make assurance doubly sure, the ratification by the state of Virginia, where more opposition was experienced than in any other state, and more debate was had on the subject, the solemn act of ratification by that state recognizes the fact in so many words. It is as follows:

"We the delegates of the people of Virginia, &c. do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution *being derived from the people of the United States*; may be resumed by them, whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby, remains with them, and at their will, &c.'—*Elliott's Debates*, vol. 4. p. 215.

"It is thus established beyond a doubt, whether we regard the instrument itself or its cotemporaneous history, that the Constitution is a *form of government* established by the *people*, and not a *compact* or *treaty* among the *states*. If this be true, then the whole system of nullification topples into ruin.

The principle on which that system is built, is, that the constitution is a *treaty* between sovereign states and the general government—an *agency* for them. The moment this foundation is destroyed, the whole system of reasoning fails with it. If the general government be one, established by the people of the United States, then they owe it allegiance, and may be guilty of treason towards it. Its laws are supreme, and no portion of the people can abrogate them. The state governments are component but subordinate parts of the system. They are as necessary and useful in their sphere as the general government, but that portion of the people of the United States who constitute a particular state, can have no more right to nullify or suspend a law of the United States than a smaller portion of them, as a county of a particular state, or than any individual; in other words the union of any number, whether great or small, can give no greater or other right

than that which belongs to each individual, as a constitutional measure. It is to be recollected, that the ground taken by the nullification party, is, that nullification is a right consistent with the constitution and peaceable in its nature. In order to sustain that position, it was essential to show that the constitution is a treaty between sovereign states, and that in such case there could be no common arbiter, but that each was entitled to construe the instrument for itself, and was bound only by *moral obligation* to observe its stipulations, and was therefore the judge of their infraction, and of the measure and mode of redress. But so far from this being true, it has been shown that the constitution is a form of government established by the people of the United States; and having provided a tribunal for the settlement of all controversies arising under its provisions, or the laws of the United States, it necessarily follows that no other mode of decision can be resorted to as consonant with its principles.

If the ground had been taken, that it was a revolutionary measure, and justified on the great principle of self preservation, it would have had the merit of being intelligible; and if true, would have enlisted the sympathies of other states, and indeed, of other nations. In such a case it would be an appeal to arms, and the legal consequences of such a step would have to be met. The case would then be one of an insurrection of a portion of the people against the government, in consequence of alleged oppression. But it was clearly seen, that the real state of the case would not justify such a measure. It was clearly seen, that neither the rest of the people of the United States, nor any portion of the world, could be made to believe that in the midst of so much general happiness and prosperity, in a time of profound peace, with an overflowing treasury, and under such a government as that of the United States, such a case of oppression could be made out, as would justify rebellion. It was therefore necessary to resort to this doctrine of nullification for the purpose of disguising the real nature of the measure, and to give to a contemplated resistance the air of constitutional right. The act of nullification is, itself, a nullity, and the consequences are treason.

The state governments, it is true, are sovereign for some purposes; but have, by the Constitution of the United States, been stripped of most of the essential attributes of sovereignty—such as the rights to declare war, make peace, enter into treaties and alliances, coin money, &c. It is a matter of no sort of importance, which instrument happened to precede the other in point of time, whether the Constitution of the State, or the Constitution of the United States. The latter instrument having been declared the supreme law, and being the work of the same people, necessarily controls and abridges any sovereign power vested in the state governments under the state constitutions. It is needless to pursue the subject further; it is apparent that the state of South Carolina

has no such right as she claims under the Constitution. And if she can justify the measure at all, it must be on the ground of intolerable oppression and the unconstitutionality of the acts complained of; but, on this ground, the rights of her whole body of citizens, or any portion of them, are no other, and no greater, than those of the humblest individual in the community: but they cannot trammel up the consequences. Their political organization as a state, may furnish readier means of resistance and greater probabilities of success, but the consequences are the same. They cannot sanctify or legalize resistance, and the predicament in which the individual may stand if mistaken in his judgment, is that of a traitor to his country.

The view here taken of the origin of the government and the nature of the constitution, is confirmed by the solemn decisions of that great tribunal which has been created by that instrument, and which is the sole and proper one for the settlement of all controversies arising under it. The language of the supreme court, as delivered by Chief Justice Marshall, in the case of *M'Cullough* against the state of Maryland, is as follows: "In discussing this question, the counsel for the state of Maryland have deemed it of some importance in the construction of the constitution, to consider that instrument not as emanating from the people, but as the act of sovereign and independent states. The powers of the general government, it has been said, are delegated by the states, who alone are truly sovereign; and must be exercised in subordination to the states, who alone possess supreme dominion. It would be difficult to sustain this proposition. The convention which framed the constitution was indeed elected by the state legislatures. But the instrument when it came from their hands, was a mere proposal, without obligations or pretensions to it. It was reported to the then existing Congress of the United States with a request, that it might 'be submitted to a convention of delegates chosen in each state, by the people thereof, under the recommendation of its legislature for their assent and ratification.' This mode of proceeding was adopted; and by the convention, by Congress, and by the state legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectually, and wisely on such a subject by assembling in convention. It is true they assembled in their several states—and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the states, and of compounding the American people into one common mass. Of consequence when they act, they act in their states. But the measures they adopt do not on that account cease to be the measures of the people themselves, or become the measures of the state governments. From these conventions the constitution derives its whole authority. The *government proceeds* directly from the *people*, is 'ordained and established' in the

name of the people; and is declared to be ordained in order to form a more perfect union, establish justice, ensure domestic tranquillity and secure the blessings of liberty to themselves and to their posterity.”—*Wheaton Rep. vol. 4, p. 403.*

The same principles are recognized as being true in the late admirable proclamation of the President of the United States.

As to the doctrine of nullification, your committee would scarcely have considered it worth the trouble of discussion, but for the grave sanction that has thus been given to it by the convention of South Carolina. They would have treated it as one of those conceits which might have formed the subject of debate in a Moot Court of a law school, but would never have conceived it possible that it could enter into the business realities of life.

Under the view which has been taken of the subject, it is scarcely necessary to enquire into the grounds of complaint, since they are not deemed strong enough even on the part of the convention to warrant a revolutionary measure, or in other words, rebellion; and the particular subject of attention under the communication is the attitude assumed by the state on the ground of her sovereign power.

But your committee cannot forbear from expressing the opinion, that their views of political economy are as erroneous as their constitutional principles. They conceive that it would be no difficult matter to show that the distress of South Carolina may be imputed to very different causes than those assigned, and might be traced with much more semblance of reason, among other causes, to the increased production of their principal staple, both here and in other parts of the world; but your committee refrain from touching further on this subject. They cannot perceive that the people of South Carolina have any *constitutional* cause of complaint.—If there is distress among them it is a matter in which we deeply sympathise. But if in the due administration of the General Government, any measure has borne hardly upon them, we know of but one remedy under the constitution and the laws, and that is in the exercise of the elective franchise.

Your committee abstain from the expression of any hopes or wishes on the subject, they lament the delusion under which they believe a portion of the people of that state labor. But they are free to say, that as the people of this state were the first to adopt the present government, they will be the last to abandon it; and that whenever and wherever the exigency may arise they will be found on the side of the Constitution and the Country.

Your committee therefore report the following Resolutions:

Whereas a Convention of the people of the State of South Carolina has undertaken by an Ordinance passed in November last, to declare, certain acts of Congress for imposing duties and imposts on the importation of foreign commodities, null and void and not binding on the State, its officers and citizens; and has pro-

hibited the enforcement of those laws within the limits of that State, and has also prohibited any appeal from the decisions of the State Courts, wherein the authority of the ordinance shall be drawn in question, to the United States' Courts: And whereas, this measure has been communicated by order of the Convention to the governor of this State, for the purpose of being laid before the Legislature, and it is expedient that the sense of the people of this State should be expressed in relation thereto—Therefore,

“Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Constitution of the United States is not a treaty or compact between sovereign States, but a form of government emanating from, and established by, the authority of the people of the United States of America.

“Resolved, That the Government of the United States, although one of limited powers, is Supreme within its sphere, and that the people of the United States owe to it an allegiance which cannot be withdrawn, either by individuals or masses of individuals, without its consent.

“Resolved, That the Supreme Court of the United States is the only and proper tribunal for the settlement, in the last resort, of controversies in relation to the Constitution and the laws of Congress.

“Resolved, That if in the regular action of the Government, mischief of any kind be produced, the proper remedy is to be found in the elective franchise, and the responsibility of its officers.

“Resolved, That in cases of gross and intolerable oppression, which in a government like that of the United States, can be little else than a hypothesis, the natural right of self defence remains; but which must in the nature of things, be an appeal to arms, and subject to all the consequences of resistance to the constituted authorities. In such a case the measure is revolutionary, and the result remains in the hands of the Almighty.

“Resolved, That the Convention of South Carolina can have no other or greater right to annul or resist the laws of Congress, than any assemblage of an equal number of individuals in any part of the United States; nor can any assemblage, however large, have any other or greater right, for such a purpose, than belongs to each individual citizen, considered as a constitutional measure.

“Resolved, That it is a subject of regret, that such a delusion should exist among any portion of the citizens of that state, towards whom the people of this state, entertain the kindest feelings, with whom they stood side by side in the war of the revolution, and in whose defence their blood was freely spilt. But if the measure which has been adopted is intended as the precursor of resistance to the government, the people of Delaware will not falter in their allegiance, but will be found now as then, true to their country and its government.

“Resolved, That we cordially respond to the sentiments on this subject, contained in the able and well timed proclamation of the President of the United States, and shall be, at all times, prepared to support the Government in the exercise of its constitutional rights, and in the discharge of its constitutional duties.

“Resolved, That the Governor be requested to transmit a copy of these Resolutions and the accompanying Report of the committee to the President of the United States, to each of our Senators and our Representative in Congress, and to the Governors of the respective States and Territories of the United States of America.

On motion of Mr. Booth,
The report was laid on the table for consideration.

On motion of Mr. Booth,
Ordered, That the clerk of the senate procure the printing of three hundred copies of the report for the use of the Legislature.

On motion of Mr. Wainwright,
Ordered, That the clerk inform the House of Representatives, that the Senate will be ready to receive them in fifteen minutes, for the purpose of opening and publishing the returns of the election for governor, held in the several counties of this state, on the second Tuesday of November.

The two houses being thus convened; the resolution convening them was read.

The speaker of the senate, thereupon, opened and published the official returns of the elections, in the several counties in this state; from which it appeared, that, on the second Tuesday in November, in the year of our Lord one thousand eight hundred and thirty-two, there were given—

For Caleb P. Bennett, in Newcastle county,	1751 votes.
in Kent county,	1033 do.
in Sussex county,	1436 do.

Total	4220 do.
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For Arnold Naudain, in Newcastle county,	1297 votes.
in Kent county,	1134 do.
in Sussex county,	1735 do.

Total	4166 do.
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Giving to Caleb P. Bennett a majority of 54 votes.

It further appeared, that Daniel Corbit received, for the office of governor of the state of Delaware, two votes in Newcastle county.

That Allen Thompson received, for the same office, two votes in the same county.

That William Riddle received, for the same office, one vote in the same county.

Caleb P. Bennett, having the highest number of votes, was declared by the speaker of the senate, to have been duly elected governor of the state

of Delaware, on the second Tuesday of November last, for the constitutional term of four years from the third Tuesday in January instant.

According to a clause in the resolution, for a joint meeting for opening & publishing the returns of the election for governor, holden on the second Tuesday in November, in the several counties of this state, two certificates of the returns of such elections were made out in the following form, to wit:

Be it known, that the General Assembly of the State of Delaware, having met at Dover, Joshua Burton, Speaker of the senate, on the seventh day of January, in the year of our Lord one thousand eight hundred and thirty-three, did open and publish, in the presence of the members of both houses of the Legislature, according to the constitution of the said state, the returns of the election held in the several counties of the said state, on the second Tuesday in November last, for governor, and that, by said returns of the said election, it is manifest that Caleb P. Bennett was, on the said second Tuesday of November last, duly chosen governor of the state of Delaware, according to the constitution and laws of the said state, to hold his office during four years from the third Tuesday of January, instant, agreeably to the said constitution.

JOSHUA BURTON,
Speaker of the Senate.

THOMAS DAVIS,
Speaker of the House of Representatives.

WILLIAM R. MORRIS, Clerk of the Senate.

On motion of Mr. Marim,
The House of Representatives withdrew.

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



Eodem Die, three o'clock P. M.

The senate met pursuant to adjournment.

On motion of Mr. Lofland,

The resolution for a joint meeting of the Senate and House of Representatives, for the purpose of appointing an United States Senator, which had originated in the House, been amended in the Senate, and returned as concurred in with such amendment, and sent back to the Senate with the non-concurrence of the House in such amendment, endorsed upon it, was taken up for consideration.

Upon the question, whether the senate should recede from their amendment, it appeared that a majority were for receding,

Whereupon,

The resolution was laid upon the table.

The clerk of the House of Representatives being admitted, presented a joint resolution for the appointment of a State Treasurer; which,

On motion of Mr. Lofland,

Was read, as follows:

“House of Representatives, Jan. 7, 1833.

“Resolved, by the House of Representatives of the State of Delaware, by and with the concurrence of the senate, that Cornelius P. Comegys be, and he is hereby, appointed State Treasurer.

“Extract from the journal,

“JOSHUA G. BAKER, Clerk.

“For concurrence.”

On motion of Mr. Booth,

The resolution was concurred in.

The clerk of the house of representatives being admitted, presented A bill entitled, “A supplement to an act regulating marriage;” which,

On motion of Mr. Wainwright,

Was read.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

TUESDAY, 10 o'clock, A. M. Jan. 8, 1833.

The Senate met pursuant to adjournment.

The clerk of the House of Representatives being admitted, laid before the Senate, for concurrence, a joint resolution appointing a committee to wait on the Governor elect; which,

On motion of Mr. Bayard,

Was read, as follows:

“House of Representatives, Jan. 8, 1833.

“Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of five members, two on the part of the Senate, and three on the part of the House of Representatives, be appointed to wait on the governor elect, and inform him that the two Houses will assemble in the Court room, at twelve o'clock, (noon,) on Tuesday the fifteenth instant, and attend him while the oaths of office are administered.

“Resolved, That his excellency the governor, be invited to witness the inauguration, and that the Honorable Samuel M. Harrington be requested to attend, for the purpose of administering the oaths of office to the governor elect.

“Extract from the Journal,

“J. G. BAKER, Clerk.

“For concurrence.”

On motion of Mr. Sutton,

The resolution was concurred in.

Whereupon,

Messrs. Bayard and Lofland were appointed a joint committee, on the part of the Senate, for the purposes expressed in the resolution.

Mr. Booth, on the part of the committee on so much of the governor's message as relates to an increase in the salary of the judges, reported a bill on that subject, as follows:

Section 1st. Be it enacted by the Senate and House of Representatives of the state of Delaware in General Assembly met, That the annual salary of the chief justice of the state shall be fifteen hundred dollars; and, that the annual salaries of the chancellor and associate judges, respectively, shall be thirteen hundred dollars to each.

Section 2d. And be it further enacted, That the said salaries shall commence from the _____ day of January, one thousand eight hundred and thirty-three, and be paid at the treasury of this state, in quarterly payments;

On motion of Mr. Booth,

The bill entitled "An act to repeal the act entitled, 'An act to amend the act entitled, 'An act directing the election of assessors and inspectors,'" was read a second time.

On motion of Mr. Waples,

The bill entitled, "An act to amend the act entitled, 'An act directing the election of Assessors and Inspectors,'" was read a second time.

On motion of Mr. Booth,

The bill entitled, "An act to alter the time of holding the stated annual meeting of the school voters, in each school district in the several counties of this state," was read a second time.

On motion of Mr. Waples,

The bill entitled, "A supplement to the act fixing the time of holding the courts of law and equity in this state," was read a second time.

The clerk of the House of Representatives being admitted, presented for concurrence,

The bill entitled, "An act to repeal a part of the ninth section of an act entitled, 'An act for the more effectual preservation of all such ships or other vessels, and the goods thereof, as shall be forced on shore, or stranded upon the coasts of this state, and for other purposes;" which,

On motion of Mr. Wainwright,

Was read.

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

On motion of Mr. Bayard,

The resolutions offered by the committee on so much of the Governor's message as relates to the communication from the governor of South Carolina, were taken up for consideration; and,

On motion of Mr. Rodney,

Adopted.

On motion,

The senate adjourned till to-morrow morning at ten o'clock.

WEDNESDAY, 10 o'clock, A. M. Jan. 9, 1833.

The senate met pursuant to adjournment.

On motion of Mr. Booth,

The resolution appointing a joint meeting of the members of both Houses of the Legislature, on the 10th instant, for the purpose of choosing a Senator to represent this state in the Senate of the United States, was taken up for consideration; and,

On motion of Mr. Waples,

concurred in.

Ordered, That the clerk of the Senate return the above mentioned resolution, with the concurrence of the Senate endorsed upon it.

On motion of Mr. Booth,

For leave to introduce a bill entitled, "A further supplement to the act entitled, "An act concerning insolvent prisoners," leave was granted and the bill read.

On motion of Mr. Booth,

For leave to introduce a bill entitled, "An act repealing part of the act entitled, "An act to carry into effect the amended constitution, and for other purposes," leave was granted, and the bill read.

On motion of Mr. Booth,

The bill entitled, "An act to repeal the act entitled, "An act to amend the act entitled, "An act directing the election of Assessors and Inspectors," was taken up, read a third time, by paragraphs, and

Passed the Senate.

On motion of Mr. Booth,

The bill entitled, "An act to amend the act entitled, "An act directing the election of Assessors and Inspectors," was taken up, read a third time, by paragraphs, and

Passed the Senate.

On motion of Mr. Booth,

The bill entitled, "An act to alter the time of holding the stated annual meeting of the school voters, in each school district in the several counties of this state," was taken up, read a third time by paragraphs, and

Passed the Senate.

On motion of Mr. Waples,

The bill entitled, "A supplement to the act fixing the time of holding the courts of law and equity in this State," was taken up, read a third time, by paragraphs, and

Passed the Senate.

On motion of Mr. Bayard,

Ordered, That the clerk of the Senate procure, from the prothonotary, nine copies of the unbound laws of eighteen hundred and thirty and eighteen hundred and thirty-one, for the use of the Senate.

On motion,

The senate adjourned until three o'clock.

Eodem Die, 3 o'clock, P. M. Jan. 9, 1833.

The senate met pursuant to adjournment.

Mr. Marim, a member of the House of Representatives being admitted, enquired, if the Senate had acted upon the Report prefixed to the Resolutions on the subject of South Carolina, and informed the Senate, that the House could not consistently act upon such Report until adopted by the Senate.

On motion of Mr. Bayard,

Resolved, That the Senate adopt the report of the committee on so much of the Governor's message as relates to the communication from the Governor of South Carolina, together with the accompanying resolutions; and that a member of the Senate be sent to notify the House of such adoption.

Whereupon,

Mr. Bayard was requested to acquaint the House with, and ask their concurrence in, such adoption.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

THURSDAY, 10 o'clock, A. M. Jan. 10, 1833.

The senate met pursuant to adjournment.

Mr. Bayard presented a memorial, signed by sundry of the citizens of Newcastle county, praying "the removal of the seat of justice from the town of Newcastle to the city of Wilmington."

On motion of Mr. Bayard,

The memorial just presented was referred to a committee of three members, with leave to report by bill or otherwise.

Whereupon,

Messrs. Bayard, Lofland, and Waples, were appointed such committee.

Mr. Baker, the clerk of the House of Representatives being admitted, presented—

A bill entitled, "An act to enable Philip Matthews of Sussex county, to locate certain vacant lands, situate in Broad-creek hundred, in said county, and to complete his title to said lands;" which,

On motion of Mr. Wainwright,

Was read.

On motion of Mr. Booth,

For leave to introduce and read a bill entitled, "A further supplement to the act entitled, 'An act concerning the Newcastle and Frenchtown Turnpike and Rail Road Company,'" leave was granted, and the bill read.

On motion of Mr. Bayard,

For leave to introduce a bill entitled, "A further supplement to the act entitled, 'An act respecting the partition of lands and tenements

among joint tenants and tenants in common," leave was granted and the bill read.

On motion of Mr. Booth,

The memorial of sundry citizens of Newcastle county, praying for the incorporation of a company, for the purpose of erecting and carrying on a manufacturing establishment in the town of Newcastle, was read, and referred to a committee of three, with leave to report by bill or otherwise.

Whereupon,

Messrs. Booth, Wainwright, and Rodney, were appointed as such committee.

On motion of Mr. Bayard,

For leave to introduce and read a bill, entitled, "A supplement to the act entitled, 'An act concerning landlords and tenants,'" leave was granted, and the bill read.

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

On motion of Mr. Bayard,

For leave to introduce a bill entitled, "A supplement to the act entitled, 'An act for regulating innholders, tavern-keepers, and other public house-keepers within this government, and empowering the justices to settle the rates of liquor,'" leave was granted, and the bill read.

Mr. Booth, on behalf of the committee to whom was referred the memorial praying for the incorporation of a company, for establishing and carrying on a manufacturing establishment at, or near, the town of Newcastle, reported a bill entitled, "An act to incorporate the Newcastle Manufacturing Company;" which,

On his motion,

Was read.

On motion of Mr. Rodney,

Ordered, That the clerk of the Senate proceed to the House of Representatives and inform the members of the House that the Senate will be ready to receive them in the Senate Chamber, in fifteen minutes, for the purpose of choosing an United States Senator, by joint ballot.

On motion of Mr. Rodney,

The Senate adjourned for fifteen minutes.



Eodem Die, 4 o'clock, P. M. Jan. 10th, 1833.

The two Houses being convened, according to a joint resolution,

On motion of Mr. Cooper, seconded by Mr. Waples,
The resolution convening them was read.

Whereupon,
Mr. Marin moved,

That the two Houses do now proceed to elect, by ballot, a person to represent this State in the Senate of the United States, for the constitutional term of six years, commencing on the fourth day of March next; which motion prevailed.

The votes were then received by the sergeant-at-arms, and by him taken to the speaker of the senate, who read them out in the presence of both Houses of the General Assembly: They were tallied by the clerks of the respective Houses, and were read as follows:

For Richard H. Bayard	8 votes,
For Arnold Naudain	17 do.
For blank	3 do.
For John Caulk	1 do.

The speaker of the Senate then declared, that Arnold Naudain, having a majority of the whole number of votes, was duly elected a Senator from the state of Delaware in the Senate of the United States, for the constitutional term of six years, commencing on the fourth day of March next.

On motion of Mr. Booth,

The minutes of the joint meeting were read.

Three certificates of the election of Arnold Naudain, to the Senate of the United States, for the constitutional term of six years, commencing on the fourth day of March next, were then made out, agreeably to the act of the General Assembly of the State of Delaware in such case made and provided; which certificates were signed by the speaker of the Senate, and the Speaker of the House of Representatives, and attested by the clerks of the respective Houses.

On motion of Mr. Booth,
The two Houses separated.

On motion,
The senate adjourned until to-morrow morning at ten o'clock.

FRIDAY, 10 o'clock, *A. M.* Jan. 11, 1833.

The Senate met pursuant to adjournment.

Mr. Booth presented the memorial of Willard Hall and Henry Whiteley, trustees of Newark Academy, praying for an act to incorporate Newark College; which,

On his motion,

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

Whereupon,

Messrs. Booth, Smithers and Rodney, were appointed as such committee.

On motion of Mr. Booth,

The bill entitled, "A further supplement to the act entitled, 'An act concerning the Newcastle and Frenchtown Turnpike and Rail Road

Company," was read a second time, and referred to a committee of three members.

Whereupon,

Messrs. Booth, Smithers, and Rodney were appointed as such committee.

The clerk of the House of Representatives being admitted, presented and asked the concurrence of the Senate in the following entitled bills, to wit:

1. "An act to amend the act entitled, 'An act concerning the Auditor of Accounts.'"

2. "An act to enable Benjamin Fooks, of Sussex county, to locate certain vacant lands, situate in Little-creek hundred, in said county, and to complete his title to said lands."

3. "The memorial of Benjamin Fooks, praying to be enabled to locate certain vacant lands in Little-creek hundred, in Sussex county, and to complete his title to said lands."

4. "The petition of Philip Matthews, praying a law to enable him to procure a title to a certain piece of vacant land;" which,

On motion of Mr. Rodney,
Were read.

On motion of Mr. Bayard,

The bills entitled, "A supplement to the act entitled, 'An act concerning landlords and tenants,'"

"A supplement to the act entitled, 'An act for regulating innholders, tavern-keepers, and other public house-keepers within this government, and empowering justices to settle the rates of liquor,'" and

"A further supplement to the act entitled, 'An act respecting the partition of lands and tenements among joint tenants and tenants in common,'" were taken up, and read a second time.

Mr. Booth, on the part of the committee on the unfinished business of the last session, asked further time for consideration.

On motion of Mr. Rodney,

The bill entitled, "A supplement to the act entitled, 'An act regulating marriage,'" was taken up, and read a second time.

On motion of Mr. Rodney,

The above mentioned bill, was amended by striking out the words "negroes and mulattoes," from the third line of the second section, and inserting the words "such persons;" also, by striking out the word "ten" from the sixteenth line, and inserting the word "twenty-five;" and by striking out all after the word marriage, in the nineteenth line of the last section, and inserting, "if any preacher of the Gospel shall solemnize any marriage, contrary to the provisions of this act, he shall forfeit and pay the sum of twenty dollars, to be recovered in like manner as debts of the same amount are recovered before justices of the peace, in this state; one half to be paid to the person suing for the same, and the other half to go to the school fund of this state."

On motion of Mr. Booth,

For leave to introduce and read a bill entitled, "A supplement to the act entitled, 'An act for granting power to the court to grant licenses respecting slaves, in certain cases,'" leave was granted and the bill read.

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, "An act concerning the Mayor's Court of the city of Wilmington," leave was granted and the bill read.

The clerk of the House of Representatives being admitted, presented for the concurrence of the senate,

A bill entitled, "An act granting to Susan Bateman, a certain piece of land therein mentioned," and the accompanying memorial of the said Susan Bateman; which,

On motion of Mr. Wainwright,
Were read.

On motion of Mr. Booth,

The bill entitled, "An act to incorporate the Newcastle Manufacturing Company," was taken up and read a second time.

On motion of Mr. Booth,

The bill entitled, "An act repealing part of the act entitled, 'An act to carry into effect the amended constitution, and for other purposes,'" was taken up, and read a second time.

On motion of Mr. Booth,

The bill entitled, "An act fixing the salaries of the Chancellor and Judges," was taken up, read a second time and amended, by filling the blank in the second section with the word "eighteenth."

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



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

The senate met pursuant to adjournment.

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, "An act about the service of subpœnas to appear and answer in Chancery," leave was granted and the bill read.

On motion of Mr. Booth,

The counter memorial of sundry citizens of Newcastle county, remonstrating against the removal of the seat of justice from the town of Newcastle to the city of Wilmington, was read, and,

On motion of Mr. Bayard,

Referred to the same committee, to whom was referred the petition praying for such removal.

On motion of Mr. Booth,

The bill entitled, "A further supplement to the act entitled, 'An act concerning insolvent prisoners,'" was taken up, and read a second time.

On motion,
The senate adjourned until Tuesday morning at ten o'clock.

TUESDAY, 10 o'clock, A. M. Jan. 15, 1888.

The Senate met pursuant to adjournment.

Mr. Bayard, on behalf of the committee to whom was referred the memorial of sundry citizens of Newcastle county, praying for the removal of the seat of justice from the town of Newcastle to the city of Wilmington, reported

A bill entitled, "An act for the removal of the seat of justice from the town of Newcastle to the city of Wilmington;" which,

On his motion,
Was read.

On motion of Mr. Bayard,
The bill entitled, "An act concerning the mayor's court of the city of Wilmington," was taken up, and read a second time.

On motion of Mr. Rodney,
Ordered, That the bill last read be laid upon the table, until Friday next, and be then the order of the day.

On motion of Mr. Bayard,
The bill entitled, "An act about the service of subpoenas to appear and answer in Chancery," was taken up, and read a second time.

Mr. Bayard, on the part of the committee appointed to wait upon the Governor elect, reported, that the Governor elect would meet the Legislature in the Court Hall of the State House, at twelve o'clock, on the ringing of the bell.

On motion of Mr. Bayard,
Ordered, That the clerk proceed to inform the House of Representatives, that the Senate were now ready to meet them for joint procession to the lower Hall of the State House, for the purpose of witnessing the administration of the affirmations of office to the Governor elect.

The two houses being convened in the lower hall of the State House, the Governor elect, attended by the joint committee, his Excellency the Governor, and Honorable Judge Harrington, entered the court room, and took his seat.

The resolution convening the two Houses having been read, Judge Harrington administered the oaths of office to the Governor elect, to wit:

I, Caleb P. Bennett, do solemnly, sincerely, and truly declare, and affirm, that I will support the Constitution of the United States of America—So I affirm.

I, Caleb P. Bennett, do solemnly, sincerely, and truly declare, and affirm, that I will support the Constitution of the State of Delaware—So I affirm.

I, Caleb P. Bennett, do solemnly, sincerely, and truly declare, and affirm, that I will perform the duties of the office of Governor of the State of Delaware, with fidelity—So I affirm.

The Governor then delivered the following inaugural address:

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

In your presence I have assumed those duties which the voice of my fellow-citizens has called me to perform: and I would em-

brace this first occasion, to express my grateful acknowledgments for the kindness and confidence, conferred upon me, in this high dignity and trust, of the chief magistracy of the State.

A solemn feeling of the responsibility which awaits me, accompanies the deep sense of the distinguished honor thus bestowed: but when I look back upon the lapse of a long life spent among yourselves, even from a time anterior to the date of our independent existence, until the present, I venture to hope that the indulgent regard of my fellow-citizens will follow me in the exercise of these important functions.

As every form of government should be established and administered for the good of the governed, it follows that in all societies there exists the inherent right of changing the constitution under which they live.— This is the grand axiom upon which we have hung the charter of our liberties; and which is destined to sustain the freedom of the world. It is the lever which is now moving the crude yet mouldering mass of old established form, the arm of strength which is to wrench away the rotten pillars of transatlantic policy.

In conformity with this fundamental principle of all political power, the people of this State have seen fit to alter a constitution which was found inadequate to their condition, and to adopt certain modifications of that system, which, since the rejection of colonial dependence, has been our guide and protection. It is believed that these changes will prove to be better adapted to our circumstances, and more conducive to the general weal.

Under this amendment we enter upon the execution of our respective duties: and though alterations have been made by the late convention, in the tenure of our several offices, still the relative obligations of the Legislative and Executive departments remain as they were formerly organized. But as the General Assembly now convened, falls within the amended provision respecting *biennial sessions* it will become the members of this body, to employ a more extended foresight in regard to those matters to be provided for by their legislative enactments.

It is a primary duty as well as the first privilege of a free State to be prepared to resist aggression. In our circumstances it becomes a double obligation; since we should provide not only for our own defence, but be ready to afford to the general government, that assistance which may be constitutionally required. Situated as we now are, should any emergency arise, we would be totally unable to perform the federative duty of aiding either "to enforce the execution of the laws, to suppress insurrection or to repel invasion."

The framers of the constitution of the United States, wisely, as it is believed, delegated to Congress the power of organizing, arming and disciplining the militia; but as yet there has been no action of the general government upon this important arm of the public defence.

We have no efficient laws which provide for the organization of the militia of this State. At any time, and under any circumstances, such a provision would perhaps be expedient: in the existing posture of affairs, it becomes the paramount duty of the Legislature, to take care that we be enabled to discharge an obligation, to which we have written our obedience.

It is submitted to you as the guardians of the public safety, to consider, whether before the termination of two years, there may not occur

some crisis, the bare possibility of which would demand an immediate revision of our present ill contrived system.

There is another subject which merits all the care your collected wisdom and experience may enable you to bestow upon it. I mean the support of a well concerted scheme of *general education*. The importance of this object has previously secured it the partial attention of the Legislature; and means have been already devised for the commencement of this great measure, by the establishment of free schools where the advantages of elementary instruction may be extended to all classes of the people. But much yet remains to be accomplished.

The system must be carried into full execution—fostered and sustained; so that its benefits may be felt in the present and descend to unborn generations. Limited as we are in territory, it should be considered opprobrious that a single freeman could be found within our confines unable to read and understand the history of his country's freedom.

The prosperous condition of our common country affords abundant cause of congratulation among ourselves and of gratitude to Heaven.—The horrid pestilence, which for a time, hung in our air, no longer poisons the atmosphere. The angel of death has hurried onward, leaving *us* but little to mourn for. All traces of his withering footsteps are well nigh vanished; and the freshness of health again reanimates the general frame.

The national dignity of our Union has found us respect and honor abroad. Domestic virtue has brought happiness to our homes. We are in peace and harmony with all mankind. Our foreign relations are secured by mutual good will—strengthened by mutual interest. The national debt is extinguished;—and the administration of our general government leaves nothing for its friends to desire—nothing for its enemies to censure.

And in our own peculiar domestic concerns we behold similar effects springing from like causes—all is peace and comfort: plenty smiles upon every field;—content is the familiar inmate of each dwelling.

This *is* the picture of our condition;—what it may be hereafter, we can but surmise;—the *future* is wisely shut out from our view.

But even now there is a cloud fast gathering in our horizon—*rebellion* in its deadliest form, threatens to blur this fair face of universal happiness. Hitherto, our destiny has seemed the peculiar care of Heaven: United we have pursued an onward course. But there has arisen a heresy whose avowed object is to break asunder the link which binds us to a common interest—to avoid that sacred compact, which in times of doubt and danger, we, the people of this State, were the first to ratify.

As the chief magistrate of this state, I would raise my voice, however feeble, to speak my abhorrence of the disastrous doctrines advanced by a majority of the people of South Carolina, in that ordinance which has already been laid before you. And I trust that I declare the principles of every individual among us, when I proclaim that this state, at least, is ready to *stake* her *all* for the salvation of our common country.

Secession and *nullification* are no where nominated in our common charter, or in that of any member of the confederation.

The assumed right of a state to withdraw from the Union, or to oppose the execution of laws intended for the public good, is repugnant to all our confederate acts; denied by every word of the constitution, irreconcilable with every expression of public sentiment. Even before our independence, it was in an *united* form that we addressed our remonstrances to the

throne of Great Britain; it was as the representatives of *united* colonies that our delegates assembled to devise means of redress; it was *as on union* that we proclaimed ourselves disenthralled; it was in *union* that we wrested our liberties from the grasp of oppression; it was *in union* that we were received to an equal station among the nations of the earth—had not *union* been concomitant with independence, a part of our freedom would have remained unachieved.

To ourselves this is a question of vital importance: the triumph of such a doctrine would be our death blow. The separate existence of this state is so interwoven in our present connection with the others, that if the one be broken, the integrity of the other cannot be preserved. The *union* is our whole strength, our sole support. Break this bond, and *we* are cast to the fury of the tempest. Unhouse us of this, our established constitution, and what place can we hope to fill in any new temple? Could we again expect a future concession of equal representation in another Senate? Can we forget the reluctance with which it was granted?

Out of the Union we have naught to hope, every thing to fear; it is our country, our home; deprived of which we have *nothing*, save the narrow spot upon which we breathe: nay, even this may be denied. Should our confederation be resolved into its primitive elements, it may not be, that as separate states, we will be enabled to avoid those dissensions, which propinquity of territory has always given birth to: left then single handed, to ward off the many blows which may be aimed against us, we should soon be forced to merge our individual existence in the superiority of a more powerful neighbor.

When more than fifty years ago, I stood upon the battle field of Camden, I little thought ever to behold that chivalric soul of honour, then a legitimate boast, changed into self destroying madness: little did I anticipate that I should live, to see the children of those whose hands were then red with the blood of a common enemy, direct a parricidal stab against our common constitution.

It would be a sad task for posterity to record, that no sooner had the "last of the signers" departed from among us, than the arm of treason was stretched forth against that instrument, in which they pledged "their lives, their fortune, and their sacred honour," to make us what we are.

There are few now remaining of those who assisted in uprearing this glorious fabric of American liberty, if they be doomed to witness its fall, there best and only hope will be, to find a death in *its ruin*.

But there is yet room for brighter presages, and happier augury. While the morals of a nation remain uncorrupted, there is no evil which may not be remedied. We have, thus far, been led on by the guiding hand of Providence, that protection will not be withdrawn in the hour of need. We shall still be preserved as the type and feature of that, which the whole world is one day destined to become, an *universal republic*.

It has been, and continues to be, the policy of the general government, to erect works of defence upon the exposed parts of our maritime frontier. The occupation of the waters on the eastern border of our state, by the naval force of an enemy, during the last war, was followed by the early attention of the government; and a fortification, of the first magnitude, was erected on an island in the river Delaware, ceded by us to the United States. This important work of defence, necessary in time of war, for the protection of Pennsylvania, New Jersey, and our own state, was destroyed by fire in the month of February, 1831. It now remains

a ruin, and the garrison has been removed to another post. A survey and report have been made to the war department, and the chief of the engineer corps, has recommended the rebuilding of Fort Delaware.

I do therefore respectfully recommend, that the General Assembly adopt such measures as, in their discretion, may appear necessary to advance this important object.

Gentlemen: The high character of this body assures me, that you will conduct your proceedings in a spirit of harmony and conciliation, ever bearing in mind the true end of all legislation, "the greatest happiness of the greatest number;" and permit me to offer my most cordial co-operation, in effecting the result of your deliberations, to the extent of my abilities, within the sphere of duty allotted to me by the laws and constitution of the state.

On motion of Mr. Marim,

The journals of the joint session of the Legislature were read, and compared.

On motion of Mr. Lofland,

The two Houses then separated, and retired to their respective chambers.

On motion,

The senate adjourned until 3 o'clock this afternoon.



Eodem Die, three o'clock P. M.

The senate met pursuant to adjournment.

On motion of Mr. Booth,

The bill entitled, "A further supplement to the act entitled, 'An act concerning insolvent prisoners,'" was taken up, read a third time, and
Passed the Senate.

Ordered, That the clerk convey the bill just passed to the house of representatives for their concurrence.

On motion of Mr. Bayard,

The bill entitled, "A supplement to the act entitled, 'An act concerning Landlords and Tenants,'" was taken up, read a third time, and
Passed by paragraphs.

Ordered, That the clerk convey the abovementioned bill to the house for their concurrence.

On motion of Mr. Rodney,

The bill entitled, "An act to amend the act entitled, 'An act concerning the Auditor of Accounts,'" was taken up, and read a second time.

On motion of Mr. Booth,

The bill entitled, "An act incorporating the Newcastle Manufacturing Company," was taken up, read a third time by paragraphs, and
Passed, by yeas and nays, unanimously.

On motion of Mr. Rodney,

The bill entitled, "A supplement to the act concerning the Levy-court, Clerk of the Peace, Assessors, Collectors and County Treasurers," was taken up, and read a second time.

On motion of Mr. Booth,

Ordered, That the clerk of the Senate procure two hundred copies of the Governor's inaugural address to be printed for the use of the Senate.

On motion of Mr. Rodney,

The bill entitled, "A supplement to the act entitled, 'An act regulating marriage,'" which had been amended on its second reading, was taken up, read a third time, by paragraphs, and *Passed the Senate*.

Ordered, That the clerk convey the bill just passed, as amended, to the House, and ask the concurrence of the House in such amendment.

On motion,

The senate adjourned till to-morrow morning at ten o'clock.

WEDNESDAY, 10 o'clock, A. M. Jan. 16, 1833.

The senate met pursuant to adjournment.

Mr. Booth, on behalf of the committee to which was referred the bill entitled, "A further supplement to the act entitled, 'An act concerning the Newcastle and Frenchtown Turnpike and Rail Road Company,'" reported a bill upon the subject; which,

On motion of Mr. Rodney,

Was laid upon the table until to-morrow.

The clerk of the house of representatives being admitted, returned the report and resolutions which had been offered by the committee on so much of the Governor's message as relates to the communication from the Governor of South Carolina, passed the Senate, and been sent to the House for concurrence, amended by the House in the eighth resolution, by inserting in the first line thereof, between the word "sentiments" and the word "contained," the words "on this subject;" also, in the same resolution, in the second line, by striking out the words, "well timed." He also presented a bill entitled, "An act extending the laws of this state, which require hawkers, pedlars and petty-chapman to take out license, to all traders in clocks not manufactured in this state," and a bill entitled, "An act for the relief of the Tappahannah Marsh Company;" which,

On motion of Mr. Rodney,

Were read.

On motion of Mr. Bayard,

The bill entitled, "An act for the removal of the seat of justice from the town of Newcastle to the city of Wilmington," was taken up, read a second time, and,

On motion of Mr. Lofland,

Laid upon the table until to-morrow, and made the order of the day.

On motion of Mr. Bayard,

The bill entitled, "A supplement to the act entitled, 'An act for regulating innholders, tavern-keepers, and other public house-keepers within this government, and empowering justices to settle the rates of liquor,'"

was taken up, read a third time, by paragraphs, and, upon the final question, the bill *was lost.*

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



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

The senate met pursuant to adjournment.

On motion of Mr. Smithers,

The amendments of the House of Representatives to the resolutions relative to South Carolina were read, and *concurred in.*

Ordered, That the clerk give intelligence of such concurrence to the House of Representatives.

Mr. Smithers presented the memorial of sundry citizens of Kent county, praying for a law preventing the employment of drag seins or drives, in Jones' creek; which,

On his motion,

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

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, "A further supplement to the act entitled, 'An act to enable certain persons therein mentioned, to raise by lottery, the sum of fifteen thousand dollars, for the purpose of building a Grand Masonic Hall in the borough of Wilmington,'" leave was granted, and the bill read.

Mr. Smithers presented the memorial of sundry citizens of Kent county, praying for an act to incorporate a company to make a rail road from the town of Dover to Mahon's river, or to some point on Little-creek.

On motion of Mr. Bayard,

Ordered, That one hundred copies of the report and amended resolutions, upon the subject of South Carolina nullification, be printed.

Messrs. Smithers, Sutton and Waples were appointed a committee on the memorial praying a law for preventing the use of drags in Jones' creek, with leave to report by bill or otherwise.

Messrs. Booth, Smithers and Rodney were appointed a committee on the memorial of sundry citizens of Kent county, praying for the incorporation of a company to construct a rail road from Dover to Mahon's river, or to some point on Little-creek, with leave to report by bill or otherwise.

Mr. Waples presented the memorial of sundry persons, praying for the repeal of so much of the last clause of the first section of the act entitled, "An act providing for the punishment of certain crimes and misdemeanors," passed on the eighth of February, in the year one thousand eight hundred and twenty-six, as relates to the imposing a fine on "any person concerned in racing, or betting upon any horse; which,

On his motion,

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

Whereupon,
Messrs. Waples, Lofland and Sutton were appointed as such committee.

On motion of Mr. Rodney,

The vote upon the third reading of the bill entitled, "A supplement to the act entitled, 'An act regulating innholders, tavern-keepers, and other public house-keepers, within this government, and empowering justices to settle the rates of liquor,'" was opened to reconsideration.

The clerk of the House of Representatives being admitted, informed the Senate that the amendment proposed by the Senate to

The bill entitled, "A supplement to the act entitled, 'An act regulating marriage,'" was concurred in by the House.

On motion of Mr. Rodney,

The bills entitled:

1. "An act extending the laws of this state, which require hawkers, peddlars and petty-chapman to take out license, to all traders in clocks, not manufactured in this State."

2. "An act for the relief of the Tappahannah Marsh Company;" which had been sent to the Senate for concurrence, were taken up and read.

On motion of Mr. Bayard,

The bill entitled, "An act about the service of subpœnas to appear and answer in Chancery," was read a third time, and

Passed by paragraphs.

Mr. Booth presented the memorial of sundry citizens of Newcastle county, remonstrating against the removal of the seat of justice from the town of Newcastle to the city of Wilmington; which,

On his motion,

Was laid upon the table.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

THURSDAY, 10 o'clock, A. M. Jan. 17, 1833.

The senate met pursuant to adjournment.

Mr. Baker, the clerk of the House of Representatives, being admitted, presented the petition which should have accompanied the bill entitled, "An act for the relief of the Tappahannah Marsh Company."

And he withdrew.

On motion of Mr. Booth,

The bill entitled, "An act repealing part of the act entitled, 'An act to carry into effect the amended constitution, and for other purposes,'" was taken up, read a third time, by sections, and

On motion of Mr. Bayard,

Laid upon the table for further consideration.

On motion of Mr. Booth,

The bill for increasing the salaries of the judges was taken up for a third reading.

Upon the question whether the bill should pass the Senate, Messrs. Bayard, Lofland, Rodney, Smithers, Sutton, Wainwright and Mr. Speaker, voted in the negative; and Messrs. Booth, and Waples, in the affirmative. The nays having a majority, the bill was *Lost*.

On motion of Mr. Bayard,

For the reconsideration of the vote just taken, the Senate being equally divided, Mr. Speaker gave his vote against the reconsideration, and the motion was lost.

On motion of Mr. Smithers,

The bill entitled, "An act granting to Susan Bateman, a certain piece of Land therein mentioned," was taken up, and read a second time.

On motion of Mr. Bayard,

The bill entitled, "A supplement to the act entitled, 'An act to enable certain persons to raise the sum of fifteen thousand dollars, by lottery, for the purpose of constructing a Grand Masonic Hall in the borough of Wilmington,'" was taken up, and read a second time.

On motion of Mr. Booth,

The bill entitled, "A supplement to the act entitled, 'An act for granting power to the courts to grant licenses respecting slaves, in certain cases,'" was referred to a committee of three members.

Whereupon,

Messrs. Booth, Wainwright, and Rodney, were appointed as such committee.

On motion of Mr. Smithers,

The bill entitled, "An act to repeal the sixth section of the act entitled, 'An act to prohibit the emigration of free negroes, or mulattoes, into this state, and for other purposes,'" was read a second time.

On motion of Mr. Rodney,

The bill entitled, "An act to repeal part of the ninth section of the act entitled, 'An act for the more effectual preservation of all such ships or other vessels, and the goods thereof, as shall be forced on shore, or stranded upon the coasts of this state, and for other purposes therein mentioned,'" was taken up, and read a second time.

On motion of Mr. Wainwright,

To appoint a committee of enrolment, Messrs. Wainwright, and Waples, were appointed as such committee.

On motion of Mr. Rodney,

The bill entitled, "An act to enable Philip Matthews, of Sussex county, to locate certain vacant lands, situate in Broad-creek hundred, in said county, and to complete his title to said lands," was taken up and read a second time.

On motion of Mr. Smithers,

The petition of Joseph Buckmaster, for a grant of marsh, was referred to a committee of three members, with leave to report by bill or otherwise.

On motion of Mr. Wainwright,
The petition for the relief of the Tappahannah Marsh Company was read.

On motion of Mr. Rodney,
The bill entitled, "An act for the relief of the Tappahannah Marsh Company," was read a second time.

On motion of Mr. Lofland,
For leave to introduce a bill entitled, "An additional supplement to an act entitled, 'An act to restrain persons from suffering swine to go at large within certain limits,'" leave was granted, and,

On motion of Mr. Rodney,
The bill read.
Messrs. Smithers, Sutton and Lofland, were appointed a committee upon the petition of Joseph Buckmaster.

On motion of Mr. Waples,
For leave to introduce and read a bill entitled, "An act to revive the act authorizing Miers Burton, executor of Benjamin Burton, deceased, to sell and convey certain lands of the said Benjamin Burton, of which the said Benjamin Burton died intestate," leave was granted, and the bill read.

On motion of Mr. Sutton,
For leave to introduce and read a remonstrance against the incorporation of the Newcastle and Frenchtown Turnpike and Rail Road Company, leave was granted, and the remonstrance read.

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



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

The Senate met pursuant to adjournment.

On motion of Mr. Bayard,
The bill entitled, "A further supplement to the act entitled, 'An act respecting the partition of lands and tenements among joint tenants and tenants in common,'" was referred to a committee of three members.

Whereupon,
Messrs. Bayard, Wainwright and Rodney were appointed as such committee.

On motion of Mr. Booth,
The bill entitled, "A further supplement to the act entitled, 'An act concerning the Newcastle and Frenchtown Turnpike and Rail Road Company,'" which had been made the order of the day, was taken up for consideration.

The clerk of the House of Representatives being admitted, presented
A bill entitled, "An act to incorporate the trustees of Smyrna Circuit Parsonage," for the concurrence of the senate; and returned

The bill entitled, "An act to repeal the act entitled, 'An act directing the election of Assessors and Inspectors,'" (which had been sent to the House of Representatives for concurrence,) with the expression of the concurrence of the House endorsed upon it.

On motion of Mr. Waples,

The order of the day was amended in the second section by inserting after the words "per annum," in the sixth line of the said section, the words, "or if the rate of dividend on the capital stock of the said company shall exceed six per cent. per annum, then, at the rate of such dividend."

On motion of Mr. Booth,

The order of the day was taken up for a third reading, with a view to its passing the Senate. The question being taken by sections—

The first section passed, without a division.

The senate being divided upon the second section, and the yeas and nays being called for—

Messrs. Bayard, Smithers and Sutton, voted in the negative; and

Messrs. Booth, Lofland, Rodney, Wainwright, Waples, and Mr. Speaker, in the affirmative.

The yeas being a majority, the section passed. The remaining sections, the preamble, and the title, passed without a division.

The senate being divided upon the final question—Messrs. Bayard, Smithers, and Sutton, voted in the negative; and

Messrs. Booth, Lofland, Rodney, Wainwright, Waples, and Mr. Speaker, in the affirmative.

The yeas being a majority, the bill

Passed the Senate.

Ordered, That the clerk convey the bill just passed to the house of representatives for their concurrence.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

FRIDAY, 10 o'clock, *A. M.* Jan. 18, 1833.

The Senate met pursuant to adjournment.

On motion of Mr. Bayard,

The bill entitled, "A supplement to the act entitled, 'An act regulating innholders, tavern-keepers, and other public housekeepers, within this government, and empowering justices to settle the rates of liquor,'" which had been laid aside on the third reading, was referred to a committee of three members;

Whereupon,

Messrs. Bayard, Smithers, and Sutton, were appointed as such committee.

On motion of Mr. Waples,

The bill entitled, "An act extending the laws of this State which require hawkers, pedlars, and petty chapmen to take out license, to all traders in clocks not manufactured in this state," was taken up, and read a second time.

On motion of Mr. Bayard,

The bill entitled, "A further supplement to the act entitled, 'An act enabling certain persons therein mentioned to raise by lottery the sum of fifteen thousand dollars, for the purpose of constructing a Grand Masonic Hall in the borough of Wilmington and state of Delaware,'" was taken up, and read a third time.

The Senate being divided upon the final question, the yeas and nays were called for;

Whereupon,

Mr. Rodney voted in the negative; and

Messrs. Bayard, Booth, Lofland, Sutton, Wainwright, Waples, and Mr. Speaker, in the affirmative.

The yeas being a majority, the bill

Passed the Senate.

Ordered, That the clerk convey the abovementioned bill to the house for their concurrence.

On motion of Mr. Rodney,

The bill entitled, "An act to enable Benjamin Fooks, of Sussex county, to locate certain vacant lands, situate in Little-creek hundred, in said county, and to complete his title to said lands," was read a second time.

On motion of Mr. Smithers,

The bill entitled, "An act to incorporate the Trustees of the Smyrna circuit parsonage," which had been brought yesterday from the House for the concurrence of the Senate, was read.

On motion of Mr. Lofland,

The bill entitled, "An additional supplement to 'An act to restrain persons from suffering swine to go at large within certain limits,'" was taken up, and read a second time.

Mr. Booth, on behalf of the committee to whom was referred the petition of sundry citizens of Kent county for raising a lottery and constructing a rail road from Dover to Mahon's River, or some point on Little creek, reported the following bills:

1st. A bill entitled, "An act to incorporate the Dover Rail Road Company;"

2d. A bill entitled, "An act granting a lottery privilege to the Dover Rail Road Company, for the purpose of internal improvement."

Mr. Bayard, on behalf of the committee to whom was referred

The bill entitled, "A supplement to the act entitled, 'An act for regulating innholders, tavern-keepers, and other public housekeepers within this government, and empowering justices to settle the rates of liquor,'" reported the following additional section; which,

On his motion,

Was read, to wit:

Sec. 2d. And be it further enacted, That, before any license or licenses shall be granted under this act, the person or persons recommended as aforesaid for the same, shall pay to the clerk of the peace of Newcastle county, for the use of the state, the sum of twelve dollars, as a fee to the state, for every such license; and the receipt of the said clerk of the peace for the said fee shall accompany the said recommendation to the Gover-

nor. The said clerk of the peace shall receive seventy-five cents, as a fee, for dispensing such license; and,

On motion of Mr. Sutton,

Adopted.

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

On motion of Mr. Smithers,

The bill entitled, "An act granting to Susan Bateman, a certain piece of land therein mentioned," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk return the bill just passed, to the house, with the concurrence of the senate endorsed upon it.

The Secretary of State being admitted, presented a written communication from his excellency the Governor, together with accompanying documents.

On motion of Mr. Bayard,

The respective documents were read.

On motion of Mr. Bayard,

The communication from the Governor of South Carolina, was referred to the committee on such part of the Ex-Governor's message as relates to South Carolina.

On motion of Mr. Bayard,

The communication concerning the improvement of the militia was referred to the committee on the militia.

The clerk of the House of Representatives being admitted, presented the following entitled bills for concurrence:

1st. "An act to prohibit the planting of hedges in, and threshing of Murderkill creek."

2d. "An act to incorporate the Strunkiln and Long Island Marsh, for the better securing and improving the same;" also an accompanying petition with each of the bills.

On motion of Mr. Booth,

The motion of Mr. Bayard, "that the bill entitled, "A supplement to the act entitled, 'An act for regulating innholders, tavern-keepers, and other public housekeepers, within this government; and empowering the justices to settle the rates of liquor,'" be read a third time, with a view to its passing the senate," was overruled, and the consideration of the bill postponed until to-morrow morning.

On motion of Mr. Wainwright,

The communication last received from the other house was read.

On motion,

The senate adjourned until ten o'clock to-morrow morning.

SATURDAY, 10 o'clock, A. M. Jan. 19, 1833.

The senate met pursuant to adjournment.

Mr. Bayard laid upon the table an additional memorial, praying for the removal of the seat of justice from the town of Newcastle to the city of Wilmington.

On motion of Mr. Wainwright,

The bill entitled, "An act for the relief of the Tappahannah Marsh Company," which had been sent to the Senate for concurrence, was read a third time, and *Passed by paragraphs.*

Ordered, That the clerk return the bill just passed, with the expression of the concurrence of the Senate endorsed upon it.

On motion of Mr. Smithers,

The bill which had been reported upon the petition of Joseph Buckmaster, was read.

On motion of Mr. Waples,

The bill entitled, "An act to revive the act entitled, 'An act authorizing Miers Burton, executor of Benjamin Burton, deceased, to sell and convey certain lands of the said Benjamin Burton, of which the said Benjamin Burton died intestate,'" was read a third time, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed to the House of Representatives for their concurrence.

On motion of Mr. Bayard,

Resolved, That one hundred copies of the bill entitled, "An act for removing the seat of justice from Newcastle to Wilmington," be printed.

On motion of Mr. Booth,

The bill entitled, "An act to incorporate the Dover Rail Road Company," was read a second time.

The clerk of the House of Representatives being admitted, presented the following bills:

1. A further supplement to the bill entitled, "An act to enable certain persons therein mentioned to raise by lottery, the sum of fifteen thousand dollars, for the purpose of constructing a Grand Masonic Hall in the Borough of Wilmington and State of Delaware," which had been sent to the House for concurrence, with the expression of their non-concurrence endorsed upon it.

2. "An act to enable Daniel Hudson, administrator of James Roberts, deceased, to sell and convey certain lands therein mentioned," with an accompanying petition.

On motion of Mr. Booth,

For leave to introduce and read a bill entitled, "An additional supplement to the act entitled, 'An act to establish a Bank and incorporate a company under the name of the Farmers' Bank of the State of Delaware,'" leave was granted and the bill read.

On motion of Mr. Waples,

The bill entitled, "An act extending the laws of this state, which require hawkers, pedlars and petty-chapmen to take out license, to all

traders in clocks not manufactured in this state," was taken up, read a third time, by paragraphs, and,

On motion of Mr. Bayard,
Referred to a committee of three members.

Whereupon,
Messrs. Smithers, Lofland and Waples were appointed as such committee.

On motion of Mr. Smithers,
The communications last received from the House were read.

On motion of Mr. Smithers,
The bill entitled, "An act to incorporate the trustees of the Smyrna Circuit Parsonage," was read a second time.

On motion of Mr. Lofland,
The bill entitled, "An additional supplement to 'An act to restrain persons from suffering swine to go at large within certain limits,'" was read a third time, and

Passed by paragraphs.

On motion of Mr. Waples,
The bill entitled, "An act to enable Philip Matthews, of Sussex county, to locate certain vacant lands, situate in Broad-creek hundred, in said county, and to complete his title to said lands," was read a third time, and

Passed by paragraphs.

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



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

The Senate met pursuant to adjournment.

On motion of Mr. Waples,

The bill entitled, "An act to enable Benjamin Fooks, of Sussex county, to locate certain vacant lands, situate in Little-creek hundred, in said county, and to complete his title to said lands," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk return the bill just passed, together with the bill entitled, "An act to enable Philip Matthews, of Sussex county, to locate certain vacant lands, situate in Broadcreek hundred, in said county, and to complete his title to said lands," with the concurrence of the Senate endorsed upon them; also, that he present to the House for concurrence

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

On motion,
The Senate adjourned until ten o'clock on Monday morning.

MONDAY, 10 o'clock, A. M. Jan. 21, 1833.

The Senate met pursuant to adjournment.

The clerk of the House of Representatives being admitted, presented for the concurrence of the Senate,

A bill entitled, "A joint resolution, to enable George R. Fisher to sell certain Acts of Assembly therein mentioned;" which,

On motion of Mr. Wainwright,
Were read.

On motion of Mr. Sutton,

The bill entitled, "An act to incorporate the Strunkiln and Long Island Marsh, for the better securing and improving the same," was read a second time.

Mr. Waples, on the part of the committee to which was referred the memorial of sundry persons, praying for the repeal of a certain clause of a certain section of an act entitled, "An act providing for the punishment of certain crimes and misdemeanors," reported

A bill entitled, "An act concerning jockey clubs and horse racing;" which,

On his motion,
Was read.

On motion of Mr. Loffland,

The bill entitled, "An act to amend the act entitled, 'An act concerning the Auditor of Accounts,'" was read a third time, and

Passed by paragraphs.

Ordered, that the clerk return the bill just passed to the House, with the concurrence of the Senate endorsed upon it.

Mr. Smithers, on the part of the committee to which was referred

The bill entitled, "An act extending the laws of this state, which require hawkers, pedlars and petty-chapmen to take out license, to all traders in clocks, not manufactured in this State," reported the bill with the following amendment, to wit:

Strike out all of the bill after the enacting clause, and insert the following in lieu thereof:

"That all and every the provisions of the laws of this state, which require hawkers, pedlars, and petty-chapmen to take out license, shall include and extend to persons who shall trade or traffick; and that, before any person or persons shall deal or traffick, in this state, as a hawker, pedlar, or petty-chapman, in the sale or vending of clocks, such person or persons shall obtain a license therefor, in the manner, and under the provision of the laws of this state in relation to hawkers, pedlars, and petty-chapmen, such license shall be specially for the sale or vending of clocks, and shall not authorize the sale or vending of any other article or commodities whatsoever.

Sec. 2. And be it enacted, That the fee to the State for every such license, for the sale or vending of clocks, as aforesaid, shall be fifty dollars."

On motion of Mr. Smithers,

The bill entitled, "An act to incorporate the Dover Rail Road Company," was taken up for consideration.

On motion of Mr. Smithers,

The blank in the second section was filled with the following names, to wit:

John M. Clayton, Samuel M. Harrington, Henry M. Ridgely, Abel Harris, Joseph Smithers, Martin W. Bates, John Reed, Ezekiel Cowgill, Caleb H. Sipple, and Charles C. Emory.

On motion of Mr. Smithers,

The bill reported upon the petition of Joseph Buckmaster, was taken up, and read a second time.

On motion of Mr. Waples,

The bill entitled, "An act to enable Daniel Hudson, administrator of James Roberts, deceased, to sell and convey certain lands therein mentioned," was taken up, and read a second time.

The clerk of the House of Representatives being admitted, presented a memorial of sundry persons, praying for a law to prevent the taking of oysters from Mispillion creek, with a view to their exportation from the State, together with a bill upon the subject, entitled, "A supplement to the act entitled, 'An act to protect the navigation of Mispillion creek, in this state, and to prevent the wanton destruction of oysters in the same;'" which,

On motion of Mr. Lofland,

Was read.

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

Mr. Bayard, on behalf of the committee to whom was referred that part of the Governor's message which relates to the communication from the Governor of South Carolina, submitted the following report:

"The communication consists of two resolutions, with a preamble, passed by both branches of the Legislature of the state of South Carolina, in December last. The object of which is thus set forth in the preamble and first resolution: 'Whereas serious causes of discontent do exist among the states of the Union from the exercise by Congress, of powers not conferred or contemplated by the sovereign parties to the compact, therefore, Resolved, that it is expedient that a Convention of the states be called as early as practicable to consider and determine such questions of disputed power as have arisen between the states of this confederacy and the General Government.' The position assumed in the preamble that the Constitution is a compact between sovereign states has been already refuted, as your committee conceive, in the report which they had the honor to submit on the 7th instant in relation to the Ordinance of that state nullifying certain laws of Congress. It remains therefore only to make some observations on the resolution itself. The resolution declares that it is inexpedient

to call a *Convention of the States* to consider and determine questions of *disputed* power between the states and the General Government. It will be perceived at once, that the same *false principle* which forms the corner stone, or rather the entire foundation of nullification forms in this instance the basis of the resolution. If it were true that the Constitution is a compact between sovereign states, nothing could be more proper than to call a Convention of the states to *consider* and *determine* questions of disputed power. It would be the natural and proper tribunal for the settlement of such disputes, and there could be no higher power for that purpose. But as it has been clearly shown that the Constitution is not a compact between sovereign states, but a form of government established by the people of the United States, it becomes necessary to refer to that instrument to ascertain the mode by which such disputes are to be settled. The constitution, in the 2d section of the 3d article, expressly provides that the Judicial power shall extend, "to controversies to which the United States shall be a party." The Supreme Court, then, is the only tribunal known to that instrument as competent to decide any questions of disputed power between the General Government and the states. But it may be asked, what if the Supreme Court, either from want of honesty or ability, should make such a decision as is generally supposed to be repugnant to the meaning of that instrument, and is clearly repugnant to the understanding and wishes of the people? The answer readily presents itself—they must then amend the instrument; and provision is made for that purpose in the 5th article. The people of the United States have, in forming the General Government, given that portion of their sovereign power which is to be exercised in construing the constitution and the laws, to the Supreme Court. That Court is their organ for that purpose, and its decisions must, in the nature of things, be conclusive.—Whatever they pronounce the Constitution to be, must ever after be regarded as the true meaning of the instrument—any other conclusion involves the greatest absurdities. Nor can any mischief possibly arise from such a state of things, since it remains at all times in the power of the people, through the constitutional channels to amend the instrument; and thus to give it the real character which they designed it should possess, and either to enlarge or restrain the powers of the government. One of the prominent excellencies of our system is, that there exists a self-preserving principle, in the provision for amendment, which keeps the machine of government in its track, uninfluenced by disturbing forces. The Constitution has provided two modes by which amendments may be proposed: one is by Congress, whenever two thirds of both houses deem it necessary: the other is by a Convention, which must be called by Congress on the application of the Legislatures of two thirds of the states. As a Constitution comprises only the fundamental divisions of sovereignty and prin-

principles of government, it is apparent that it should not be lightly tampered with. The stability of a government is an object of essential consequence to the welfare of the whole community.— When, therefore, its frame and principles have once been settled, they should not be, at all times, open to revision at the caprice of every sciolist; or of every demagogue. Hence the propriety of requiring, that amendments should not even be *proposed*, unless under the grave sanction of two thirds of both Houses of Congress, or of a Convention called according to its provisions.

The only Convention known to the Constitution is the one mentioned in the 5th Art. of that instrument; and which, must be called by Congress on the application of the Legislatures of two thirds of the states. But such a Convention, when called, is not a Convention of the States, but a Convention of the people, from whom the instrument derives all its authority; and who alone can alter it. The time and place of its meeting, and the number of members of which it shall consist, are matters of detail, which are left to the discretion of Congress; but it must be a Convention of the people, who have given the authority to call one, and who are alone competent to modify or change its provisions. When such Convention is called, its powers are limited to proposing amendments to the Constitution. Such is the power given to it, and no other, by that instrument itself. Congress can give no other or greater power; nor can any state, or all the states together, give, by any legislative action, any other or greater power. The very instrument itself, deriving, as it does, its authority from the people of the United States, and which is, therefore, paramount to all others, in providing for the call of such Convention, limits its power to the simple duty of *proposing* amendments which must afterwards receive the ratification of the Legislatures of, or of Conventions in, three fourths of the several States. If the resolution of South Carolina had proposed, that such a Convention should be called, your committee would have deemed it unnecessary and inexpedient at this time: they would have preferred the more simple mode, of the action of both Houses of Congress on the subject. But the resolution of South Carolina goes beyond that, and declares, that it is expedient that a Convention of the States should be called to consider and determine questions of disputed power between the states and the General Government. Now your committee conceive that nothing can be clearer than that no such Convention can be called, as a constitutional measure; and that, if assembled, they could not have even the constitutional right to propose amendments, much less could they have the right to consider and determine questions of disputed power. They, therefore, report the following resolutions:

Whereas, certain resolutions, passed in December last, by both branches of the Legislature of South Carolina, declaring “that it is expedient that a Convention of the States be called as early as

practicable, to consider and determine such questions of disputed power, as have arisen between the States of this Confederacy and the General Government"—have been transmitted by the Executive of that state to the Governor of this, and by him laid before the General Assembly for an expression of its sentiments:—Therefore,

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Constitution of the United States of America, which is a form of government established by the people of the United States of America, has expressly provided a tribunal in the Supreme Court of the United States, for the settlement of all controversies between the United States and the respective States, and of all controversies arising under that instrument itself.

Resolved, That the Constitution of the United States of America, does not recognize any such tribunal or political assemblage as a Convention of the States; but has expressly provided for modes of amendment, if amendment be necessary, in the fifth Article—as follows: “The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution: or on the application of the Legislatures of two thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution when ratified by the Legislatures of three fourths of the several states, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.” Any other mode must, therefore, be repugnant to its provisions.

Resolved, That such a Convention to propose amendments, when called by Congress, must be, in the nature of things, a Convention of the people from whom the Constitution derived its authority, and by whom alone it can be altered, and not a Convention of the States.

Resolved, That no such political assemblage as a Convention of the States, could take place as a constitutional organ of government; and that, if assembled, it could have no such power as that set forth by the resolution of South Carolina, “to consider and determine such questions of disputed power as have arisen between the States of this Confederacy and the General Government.”

Resolved, That it is not expedient for Congress to call “a Convention for proposing amendments” at this time. But that if any amendments be necessary, it comports with the views of the General Assembly of this State, that they should be proposed in the other mode provided by the Constitution—“by two thirds of both Houses of Congress.”

Resolved, That the Governor be requested to transmit copies of these resolutions to the Governors of the several States, with a

request that they may be laid before the Legislatures of the respective states; and also to our Senators and to our Representative in Congress, to be by them laid before Congress for consideration."

On motion of Mr. Lofland,

Ordered, That the clerk procure the printing of one hundred copies of the report, for the use of the senate.

On motion of Mr. Bayard,

The bill entitled, "A supplement to the act entitled, 'An act for regulating innholders, tavern-keepers, and other public housekeepers, within this government; and empowering the justices to settle the rates of liquor,'" was taken up for consideration, and

On motion of Mr. Booth,

Amended as follows: By striking out all that follows after the word "Wilmington", in the ninth line of the first section, and inserting these words, to wit: "unless the petition of the person applying for such recommendation is accompanied by the written certificate, under the hands of at least ten respectable freeholders residing in the city of Wilmington, setting forth that the person petitioning is a fit person, and well qualified for keeping a tavern, or house of entertainment, and that the prayer of the petitioner ought to be granted. The person petitioning shall, before the petition be filed, first pay to the clerk of the peace, for the use of the state, the fee of twelve dollars for such license, and the said clerk shall give a receipt for the same; and, in case the petitioner shall not be recommended, the said fee shall be refunded to him by the said clerk on demand.

Sec. 2. And be it further enacted, that all petitions for such recommendations for a license to keep any public house of entertainment, tavern, inn, ale house, ordinary, or victualling house, within the limits of the said city, together with such certificate as aforesaid annexed to each petition, shall be filed with the clerk of the peace of Newcastle county, on, or before the second day of the term of the Court of General Sessions of the Peace and Gaol Delivery in and for said county, at which such recommendation shall be applied for: And the clerk of the peace shall, within two days thereafter, cause to be delivered to the president of the City Council a list certified under his hand, and the seal of the said court, of all the persons within the said City whose petitions have been filed as aforesaid, with the names of the freeholders signed to the certificate annexed to each petition: And, in case the said City Council shall object to a license being granted to said petitioners, or any of them, they shall return the said list to the said court, on, or before, the Tuesday of the second week of the term of said court, with their objections in writing: and the said court shall not recommend any such petitioner to the Governor for a license, unless it shall satisfactorily appear to the said court that such petitioner is a fit person, and well qualified, for keeping a tavern, or house of entertainment."

On motion of Mr. Bayard,

The bill was further amended, by inserting the words "of whom three shall be members of the City Council" after the word "Wilmington" in the eleventh line of the first section as amended.

The senate being divided upon the final question concerning the passage of the bill as amended, Messrs. Bayard, Booth, Smithers, Sutton, Wainwright, and Mr. Speaker voted in the affirmative; and

Messrs. Lofland, and Waples, in the negative.
The yeas being a majority, the bill

Passed the Senate.

On motion,
The senate adjourned until to-morrow morning at ten o'clock.

TUESDAY, 10 o'clock, A. M. Jan. 22, 1833.

The Senate met pursuant to adjournment.

Mr. Bayard laid before the Senate another memorial of citizens of Newcastle county, praying for the removal of the seat of justice from the town of Newcastle to the city of Wilmington, signed by one hundred and seventeen names.

Mr. Booth presented a memorial, counter to the one just offered, signed by sixty-seven names.

On motion of Mr. Smithers,
The bill entitled, "An act to incorporate the Dover Rail Road Company," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed, to the House of Representatives, for concurrence.

On motion of Mr. Booth,
The bill entitled, "An act granting a lottery privilege to the Dover Rail Road Company, for the purpose of internal improvement," was taken up, and read a second time.

On motion of Mr. Booth,
The blank in the second section of the bill just read was filled up with the names of "Henry M. Ridgely, John M. Clayton and John Reed."

On motion of Mr. Booth,
The bill was further amended, by inserting the words "or a majority of them" after the words with which the blank in the second section had just been filled up.

Ordered, That the clerk convey the bill just passed, as amended, to the House, and ask the concurrence of the House in such amendment.

On motion of Mr. Waples,
The amendments reported by the committee to which was referred
The bill entitled, "An act extending the laws of this state, which require hawkers, pedlars and petty-chapmen to take out license, to all traders in clocks and other time pieces not manufactured in this state," was

Adopted.

On motion of Mr. Booth,
The bill just reported was read a third time, and

Passed by paragraphs.

On motion of Mr. Waples,
The bill entitled, "An act concerning jockey clubs and horse racing," was read a second time.

On motion of Mr. Booth,

The title of the bill was amended by striking out the words "concerning jockey clubs and horse racing," and substituting "to encourage the improvement of the breed of horses within this state."

On motion of Mr. Waples,

The bill entitled, "An act to enable George R. Fisher, of Sussex county, to sell certain Acts of Assembly therein mentioned," was read a second time.

On motion of Mr. Bayard,

The bill entitled, "An act to incorporate the Trustees of the Smyrna circuit parsonage," was read a third time, by paragraphs, with a view to its passing the Senate.

The Senate being divided upon the final question,

Messrs. Bayard, Booth, Lofland, Smithers, Sutton, Waples, and Mr. Speaker voted in the affirmative, and Mr. Wainwright in the negative.

The yeas being a majority, the bill passed the Senate.

Ordered, That the clerk convey the bill just passed to the house of representatives, for their concurrence.

The clerk of the House of Representatives being admitted, presented for the concurrence of the Senate,

A bill entitled, "An act to divide Christiana hundred into two hundreds," with sundry accompanying petitions.

On motion of Mr. Smithers,

The bill entitled, "A supplement to the act entitled, 'An act concerning the Levy-court, Clerk of the Peace, Assessors, Collectors and County Treasurers,'" was referred to a committee of three members.

On motion of Mr. Waples,

The communications last received from the House of Representatives were read.

Messrs. Booth, Smithers and Wainwright were appointed the committee on the bill entitled, "A supplement to the act entitled, 'An act concerning the Levy-court, Clerk of the Peace, Assessors, Collectors and County-treasurers.'"

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

On motion of Mr. Sutton,

The bill entitled, "An act to incorporate the Strunkiln and Long Island Marsh Company, for the better securing and improving the same," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk return the bill just passed to the House, with the concurrence of the senate endorsed upon it.

On motion of Mr. Waples,

The bill entitled, "An additional supplement to an act entitled, 'An act to establish a Bank, and incorporate a company, under the name of the Farmers' Bank of the State of Delaware,'" was read a second time.

On motion of Mr. Smithers,

The bill which had been reported by the committee on the "memorial of Joseph Buckmaster," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed to the House of Representatives for their concurrence.

On motion of Mr. Smithers,

The bill entitled, "An act to prohibit the planting of hedges in, and threshing of Murderkill creek," was read a second time.

On motion of Mr. Lofland,

The bill entitled, "An act to repeal a part of the ninth section of an act entitled, 'An act for the more effectual preservation of all such ships or other vessels, and the goods thereof, as shall be forced on shore, or stranded upon the coasts of this state, and for other purposes,'" was referred to a committee of three.

Whereupon,

Messrs. Lofland, Sutton, and Waples were appointed as such committee.

On motion of Mr. Waples,

The bill entitled, "A supplement to the act entitled, 'An act to protect the navigation of Mispillion creek, in this State, and to prevent the wanton destruction of oysters in the same,'" was read a second time.

Mr. Waples laid upon the table the memorial of sundry persons, praying for the incorporation of the Lewes creek and Indian river Canal Company; which,

On his motion,

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

Whereupon,

Messrs. Booth, Waples, and Wainwright were appointed as such committee.

On motion,

The senate adjourned until ten o'clock to-morrow morning.

WEDNESDAY, 10 o'clock, A. M. Jan. 23, 1833.

The senate met pursuant to adjournment.

On motion of Mr. Bayard,

The bill entitled, "An act to divide Christiana hundred into two hundreds," was taken up, and read a second time.

On motion of Mr. Waples,

The bill just read was referred to a committee of three members.

Whereupon,
Messrs. Booth, Smithers, and Waples were appointed as such committee.

The clerk of the House of Representatives being admitted, returned
The bill entitled, "A further supplement to the act entitled, 'An act concerning the Newcastle and Frenchtown Turnpike and Rail Road Company,'" which had been sent to the House for concurrence as concurred in with the following amendments:

"House of Representatives, Jan. 22, 1833.

"1st. Insert between the words "said" and "company" in the 7th line of section 2, the words "Newcastle and Frenchtown turnpike and rail road."

"2d. Insert between the words "passengers" and "of" in the 11th line of section 4, the words, "and merchandise," and a corresponding amendment in the 15th line of said section; also in the 12th and 13th lines of said 4th section, strike out the words "as is mentioned in the first section of this act."

"3d. Add to section 4 as follows:

" 'Provided always, that when the price for conveying an adult passenger from one city to the other', (to wit: Philadelphia and Baltimore,) shall be three dollars or less, the said rail road company may charge and receive one dollar and twenty-five cents, for each adult passenger, and for minors in fair proportion, and no more, and when the price for an adult passenger between the two cities shall exceed three dollars, the said rail road company may charge and receive, in addition to one dollar and twenty-five cents, for each adult, and others ratably, one half of said excess.'

"4th. 'Section 6. And be it further enacted, That as a further condition of the passing of this act, the said rail road company shall, semi-annually, pay to the treasurer of this state, for the use of the state, at the rate of one fourth of one per centum per annum on their stock actually paid in, for and during the continuance of twenty years from the acceptance of this act.

"5th. Make the 6th section the 7th.

"Extract from the journal,

"JOSHUA G. BAKER, Clerk.

"For concurrence."

He also presented for concurrence,

A bill entitled, "An act for the relief of certain minors therein mentioned," and

A bill entitled, "A supplement to the act entitled, 'An act for the relief of the owners and possessors of certain marshes and low grounds, generally called and known by the name of the Big Marshyhope, and to enable the owners and possessors of said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain, and reclaim the same.'" He also presented "The petition of the Marshyhope Improvement Company," on which the bill was founded.

And he withdrew.

Mr. Lofland presented the petition of sundry persons for a militia law; which,

On his motion,

Was read, and referred to the committee on so much of the late Governor's message as relates to the militia.

Mr. Booth, on behalf of a majority of the committee to which was referred

The bill entitled, "A supplement to the act entitled, 'An act for granting power to the courts to grant licenses respecting slaves, in certain cases,'" reported, that one member of that committee was absent, and the others divided in opinion; and asked for enlarged time; which,

On motion of Mr. Bayard,

Was granted.

Mr. Lofland, on behalf of the committee to which was referred

The bill entitled, "An act to repeal a part of the ninth section of the act entitled, 'An act for the more effectual preservation of all such ships or other vessels, and the goods thereof, as shall be forced on shore, or stranded upon the coasts of this state, and for other purposes therein mentioned,'" reported the following amendments; which,

On his motion,

Were adopted, to wit:

1st. Amend the bill by striking out, in the fourth line of the first section, after the word "act," the words "recited in the above title," and inserting the following: "entitled, 'An act for the more effectual preservation of all such ships, and other vessels, and the goods thereof, as shall be forced on shore, or stranded upon the coasts of this state, and for other purposes therein mentioned.'"

2d. Amend the bill, by striking out, in the fourth line of the first section, after the word "title," the word "requiring," and insert the words "as requires."

On motion of Mr. Lofland,

The bill just reported was taken up, read a third time, as amended, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed to the House of Representatives, for their concurrence.

On motion of Mr. Waples,

The bill entitled, "An act to enable Daniel Hudson, administrator of James Roberts, deceased, to sell and convey certain lands therein mentioned," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed to the House, for concurrence.

On motion of Mr. Waples,

The bill entitled, "An act to improve the breed of horses within this state," was read a third time, with a view to its passing the Senate.

The Senate being divided upon the final question, Messrs. Bayard, Booth, Lofland, Sutton, Waples, and Mr. Speaker voted in the affirmative; and Messrs. Smithers and Wainwright in the negative.

The yeas being a majority, the bill

Passed the Senate.

Ordered, That the bill just passed be conveyed to the House for concurrence.

On motion of Mr. Waples,

The bill entitled, "An additional supplement to the act entitled, 'An act to establish a Bank and incorporate a company under the name of the Farmers' Bank of the State of Delaware,'" was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

Mr. Waples, on the part of the committee to whom was referred the "resolution appointing certain directors for the Farmers' Bank of the State of Delaware," reported the following amendment, to wit:

"Amend the resolution, by striking out the names of 'Joshua S. Layton,' and 'Solomon Prettyman,' in the last line, and insert in lieu thereof, the names of Henry Little, and George Hickman;" which,

On his motion,

Was

Adopted.

On motion of Mr. Bayard,

The bill entitled, "An act for the removal of the seat of justice from the town of Newcastle to the city of Wilmington," was amended as follows:

1st. By inserting after the word "last," in the eighth line of the first section, the words "whose duty it shall be to attend, open, and preside at the said election as aforesaid."

2nd. By striking out the word "elected" in the tenth line, of the first section, and inserting the word "chosen."

3d. By adding, at the end of the third section, the words "in all cases whereby any law of this state, any act ministerial, judicial, or otherwise, having relation to the general administration of justice, is directed to be done in the said town of Newcastle, the said act shall, henceforth, be done in the said city of Wilmington; and all laws of this state, having reference to the general administration of justice, in the said county of Newcastle, shall be read and construed accordingly."

On motion,

The senate adjourned until 3 o'clock this afternoon.



Eodem Die, three o'clock P. M.

The senate met pursuant to adjournment.

The clerk of the House of Representatives being admitted, presented the following bills, for concurrence:

1. "An act to confirm and give effect, in the state of Delaware to an act of the General Assembly of the state of Maryland," with an accompanying petition; also,

"An act to divide Broadkilm hundred into two hundreds."

And he withdrew.

On motion of Mr. Wainwright,

The communications just received from the house were read.

Mr. Booth, on behalf of a majority of the committee on the bill entitled, "An act dividing Christiana hundred into two hundreds," reported back the bill without amendments.

On motion of Mr. Waples,

The resolutions reported by the committee on that part of the Governor's message relative to the communications from South Carolina, were
Adopted.

Ordered, That the resolutions just adopted be conveyed to the house, for concurrence.

On motion of Mr. Booth,

The amendments proposed by the House to the bill entitled, "A further supplement to the act entitled, 'An act concerning the Newcastle and Frenchtown Turnpike and Rail Road Company,'" were read a second time.

On motion of Mr. Lofland,

"That the Senate concur in the amendments," The Senate being divided, Messrs. Bayard, Booth, Lofland, Wainwright, Waples, and Mr. Speaker, voted in the affirmative; and

Messrs. Smithers, and Sutton, in the negative.

The yeas being a majority, the motion prevailed.

Ordered, That the clerk convey said bill to the House, for concurrence.

A communication from the committee on the part of the Newcastle and Frenchtown Turnpike and Rail Road Company, was presented, and laid upon the table.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

THURSDAY, 10 o'clock, A. M. Jan. 24, 1833.

The senate met pursuant to adjournment.

On motion of Mr. Bayard,

Ordered, That the communication from the committee on the part of the Newcastle and Frenchtown Turnpike and Rail Road Company be delivered into the care of the Secretary of State.

Mr. Lofland laid on the table some amendments to the bill entitled, "An act granting a lottery privilege to the Dover Rail Road Company."

Mr. Booth presented "the petition of Cornelius D. Blaney, and Edward Williams, of the town of Newcastle;" which,

On his motion,

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

Whereupon,

Messrs. Booth, Sutton, and Lofland were appointed such committee.

Mr. Bayard, on behalf of the committee to whom was referred—

The bill entitled, "A further supplement to the act entitled, 'An act respecting the partition of lands and tenements among joint tenants and tenants in common,'" reported the following amendments; which,

On his motion,

Were read, and

Adopted, to wit:

1. By inserting, in the sixth line, after the word "detrimental," the words "to the property or."

2. By striking out the words "it shall be the duty," in the seventh and eighth lines of the first section, and inserting the words "according to the provisions of the act to which this is a further supplement, and shall be so decided to be by."

3. By inserting, in the ninth line, after the word "them," the words "it shall be the duty of the said commissioners, or a majority of them."

4. By striking out the word "same," in the tenth line, and inserting, in lieu thereof, the words "the said decision and valuation."

5. By inserting, after the word "thereof," in the nineteenth line, the words "free and discharged from all liens, except such as are paramount to the title of the said joint tenants, or tenants in common."

6. By inserting after the word "be," in the 21st line, the words "invested under the order of the court or."

7. By inserting, in the 23d line, after the word "interests," the words "and the rules of law and equity, subject respectively to the liens on the interest and estate of the several and respective joint tenants, or tenants in common".

8. By inserting, in the 24th line, after the word "one," the words "or more."

9. By adding, at the end of the 1st section, the words "the commissions to be issued to the freeholders, and the oath or affirmation by them to be taken, according to the provisions of the act to which this is a supplement, shall be varied by the chancellor, so as to conform to the provisions of this act."

On motion of Mr. Bayard,
The bill just amended was taken up, and read a second time.

On motion of Mr. Lofland,
The bill entitled, "An act prohibiting the planting of hedges, and thrashing of Murderkill creek," was read a third time and

Passed by paragraphs.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

Mr. Bayard offered the following amendment to the bill entitled, "An act to divide Christiana hundred into two hundreds;" which,

On his motion,

was adopted:

By adding at the end of the second section, the following words:
"Except so as far as respects the election of commissioners of the roads in and for the said city of Wilmington."

On motion of Mr. Bayard,
The bill just amended was read a third time, and passed by paragraphs, as amended.

Ordered, That the clerk convey the bill just passed to the House, for concurrence.

The clerk of the House of Representatives being admitted, presented the following entitled bills:

1. "An act for improving the breed of horses within this state," which had been sent to the House for concurrence, with the expression of indefinite postponement endorsed upon it;

2. "An act extending the laws of this State which require hawkers, pedlars, and petty chapmen to take out license, to all traders in clocks, and other time pieces, not manufactured in this state," with notice that the House did concur in one, and did not concur in another amendment which the senate had proposed to said bill.

3. "An act to incorporate the Beaverdam and Harrington's branch canal company;" also the petition of sundry citizens of Delaware and Maryland, on which the last named bill was founded.

On motion of Mr. Wainwright,

The communications just received from the House of Representatives were read.

On motion of Mr. Bayard,

Ordered, That a copy of the bill entitled, "An act to divide Christiana hundred into two hundreds," be made out by the clerk of the senate, and sent to the clerk of the peace of Newcastle county.

Mr. Speaker informed the Senate that he had received the accounts of the late Secretary of State, as follows:

The Fund for establishing Schools in the State of Delaware, in account with Caleb S. Layton, Secretary of State.

DEBTOR.

1832.		<i>Dolls. Cts.</i>
January 30.	To my check of this date in favor of C. P. Comegys, Esq. State-treasurer, for \$1,090, of which sum \$166 is for the use of the state, and the balance \$924, in full of this account and here charged	924 00
	Recpt. from C. P. Comegys, St. treas. for the above filed this 2d Feby 1832.	
July 3.	To my check of this date in favor of C. P. Comegys, Esq. trustee, &c. for \$280, in full (the check on the Bank at this place)	280 00
	Recpt. from C. P. Comegys, filed.	
Decembr. 11.	To my check on the F. Bank at Geo. Town, in favor of C. P. Comegys, Esq. state treasurer for	500 00
	Recpt. from C. P. Comegys, Esq. filed.	
Dec. 21.	To my check on the Farmers' Bank at Geo. Town, in favor of C. P. Comegys, Esq. st. treasurer, in full of this account to this day	174 00
	Rect. for check recd. and filed	
		<hr/> 1,878 00 <hr/>

CREDITOR.

1832.	<i>Dolls. Cts.</i>
January 14. By cash recvd. of Thos. Stockton, esq. clk. pe. in Newcastle cty. or his check of the 11th inst. for \$1000—whereof there is to be credited to this fund, as follows, to wit:	

1832.

Dolls. Cts.

		In full for tavern licenses, disposed to this date	\$564 00	
		On account of marriage “ “	360 00	
			<hr/>	924 00
		The balance of \$76 is credited to the state.		
April	28.	By cash recd. of Doc. John Adams, clk. pec. in Kent, to wit: \$180 in full for tavern licenses disposed to this day, and 100, on account of marriage		280 00
July	23,	By cash recd. of Doct. John Adams, clk. pec. in Kent, pr. check on Farmers' Bank, dated 17 inst. on account of mar. licenses, by him dis- posed to this day		160 00
	25,	By cash recd. of Joshua S. Layton, clk. pec. in Sussex, on account of tavern licenses		100 00
August	6,	By this sum recd. of J. S. Layton, Es. clk. pec. in Sussex, i. e. \$164 in full for tavern, and \$50 on account of mar. licenses by him dispo- sed, making		214 09
Decem.	10.	By cash recd. of Jos. S. Layton, Es. clk. pec. of Sussex, on account of mar. licenses by him disposed		200 00
			<hr/>	1,878 00
			<hr/>	

Examined, allowed and settled, Decem. 22d, 1832.

J. BIDDLE, Auditor.

DEBTOR.

1833.

Dolls. Cts.

Januy.	18.	To this sum paid C. P. Comegys, Es. trustee of the said fund, by way of several checks, &c. in full of this acct. pr. his receipt of this date	1,349 48
			<hr/>
			1,349 48

CREDITOR.


1833.

Dolls. Cts.


January	2.	By a check from Tho. Stockton, Es. clk. pec. N. Castle county, on account of tavern licenses by him disposed	500 00
	11.	By cash received of Jos. S. Layton, Es. clk. pec. in Sussex, for sale of one tavern license	12 00
	14.	By cash recd. of Thos. Stockton, Es. clk. pec. in N. C. county, (by way of check of the 8th inst. for \$1,550) on account of receipts for mar. and fav. licenses per credits on his account, the bal. of \$712 52, credited to the state	837 48
			<hr/>
			\$1,349 48

The State of Delaware in Account with Caleb S. Layton, Sec'y of State.

DEBTOR.

1832.		<i>Dolls. Cts.</i>
January 30.	To my check of this date in favor of C. P. Comegys, Esq. State-treasurer, for \$1090, of which \$166 were in full of this acct. to this date, here charged the bal. of the check \$924, for use of the school fund	166 00
	 Receipt for the above from C. P. Comegys, Esq. St. treas. filed 2 Feb. 1832.	
Decem. 21.	To my check on the Farmers' Bank at Geo. Town, in favor of C. P. Comegys, Esq. St. Treasurer, in full of this acct. to this day	292 45
		<hr/> 458 45 <hr/>

CREDITOR.

1832.		<i>Dolls. Cts.</i>
January 14.	By cash rec'd. upon check of Thos. Stockton, Esq. clk. of pec. of Newcastle, under date of 11th inst. to wit: in full for 2 pedlars licenses, by him disposed to this day	16 00
	In full for fees in 12 constable's appointments \$5	60 00
	 Note.—The check was for \$1000, and the balance \$924, is credited to the school fund.	
18.	By cash rec'd of Geo. R. Fisher on com. as Prothy. of Sussex cty.	10 00
	Do. Jos. S. Layton, do	10 00
19.	Do. Edw. L. Wells, Es. Reg. in Ch. & clk. O. C. in Sussex	20 00
	Do. in check, Jos. L. Harper, Reg. in Ch. and clk. O. C. in Kent	20 00
	By cash rec'd of Jno. H. Eccleston, Prothy. of Sup. Co. in Kent	10 00
	Do. Jno. Adams, clk. pec. in Kent	10 00
24.	Do. C. D. Blaney, Prothy. in N. Castle	10 00
February 2.	Do. of George Jones for impression of great seal	1 00
4.	Do. of Matthew Kean, state's fee on com. to him, clk. of Orphans' court in Newcastle cty.	10 00
14.	By cash of Wm. M'Cauley, state's fee on com. as jus. pec. in N. C. C.	10 00
27.	Do. Rob. Mears, for impression of G. seal to patent	1 00
	Do. Theodore Mitchell	1 00
March 12.	Isaac Lockwood & M. Rider, impression of G. seal	2 00
		<hr/> 189 00 <hr/>

Amount carried forward,

1832.		<i>Amount brought forward,</i>	<i>Dolls. Cts.</i>
			189 00
March	29.	The state's fee on com. to Geo. K. Hall, a jus. pec. in Sussex	10 00
April	6.	Cash rec'd of Jos. S. Layton, Esq. clk. pec. in Sussex county, state's fee on 21 appointments of constables, by the Levy-Court, at the last March term of said court	105 00
		By cash rec'd. of Geo. R. Fisher for laws by him disposed	4 00
May	25.	Cash do do do to this day	14 85
		Do. do Edward Wootten for impression of G. seal	1 00
		Do do Jas. Anderson for do to patent	1 00
		Do do Levi Lister on com. as coroner	10 00
July	6.	Do do Thos. M'Dowell, com. as J. P. in Newcastle ct'y.	10 00
	10.	Do do Tho. Robinson, jr. Esq. for Mr. Tenent for imp. of G. seal	1 00
	27.	Do do John Primrose for impres. G. seal	1 00
August	6.	Do do Jos. S. Layton, clk. pec. in Sussex for the state fee on one constable's appointment for W. Hazzard	5 00
	24.	By cash of Geo. R. Fisher, pro. of Sussex ct'y. for sale of 8 copies of the Digest §1, duct commission thereon at 5 per ct.—amt. pd. over	7 60
Nov.	6.	By cash rec'd. of Cap. James Henry, on com. to him as jus. pec. in N. C. county in July last	10 00
	17.	By cash rec'd of Warren Jefferson, Es. on com. to him as sh'ff. of Sussex county, including writ of assistance	20 00
		By cash rec'd of Levi Lister on com. as coroner of Kent	10 00
		By cash rec'd of G. A. Ewing, Es. recorder, for impression of G. seal to 3 patents, to wit: for Hearn, Walter and Willing	3 00
	26.	By cash of James Whitaker, state's fee on com. as J. P. in Kent	10 00
	27.	of Tho. W. M'Ilvaine Sussex	10 00
	29.	of Wm. A. Aldree N. Castle ct'y.	10 00
	30.	By cash of Theo. Mitchell, Es. for impression of G. seal	1 00
		Edw. Stapleford do G. seal in April	1 00
Decem.	11.	G. A. Ewing for impression of G. seal to patent for George Meloy	1 00
	13.	By cash of James Robinson, state's fee on com. to him as jus. pec. in N. C. county	10 00
		By cash of Evan H. Thomas, Es. on com, to him as Register of Wills, &c. in N. C. county	10 00
		<i>Amount carried forward,</i>	457 45

1832.

	<i>Dolls. Cts.</i>
<i>Amount brought forward,</i>	457 45
18. By cash of G. A. Ewing, for impres. of G. seal to patent in favor of the heirs of Jno. Melson of E.	1 00
	<hr/> 458 45

Examined, allowed and settled,
J. BIDDLE, Auditor.

DEBTOR.

1833.

	<i>Dolls. Cts.</i>
Januy. 18. To this sum paid C. P. Comegys, es. state treasurer, by way of checks, &c. in full of the account, pr. his receipt of this date filed	1,056 35

CREDITOR.

1822.

	<i>Dolls. Cts.</i>
Decem. 22. By cash recd. of Luke Coverdale, for state's fee on comm. to him as jus. pea. in Kent	10 00
By cash of Jno. H. Eccleston, prothy. of Kent on account of sales of laws, per account filed	55 95
By do G. R. Fisher, prothy. of Sussex do do	22 50

1833.

January 2. By cash, C. D. Blaney " of N. C. county on sales of laws per statement filed	69 69
Do. of Jas. D. Wilds, state's fee on com. to him as jus. pec. in Kent county	10 00
Do. 2 impressions of g. seal, for Mr. Frick of Pa.	2 00
11. Do of G. R. Fisher, Es. on sales of digest	11 40
Do. of Jos. S. Layton, Es. clk. of pe. in Sussex county, for sales of 98 retailers' licenses per statement	\$145 29
Do. 3 constables commissions	15 00
	<hr/> 159 29
Do. of G. A. Ewing, Es. recorder of Sussex for impression of g. seal to two patents in favor of E. Pettyjohn and heirs of Dr. J. Robinson	2 00
14. Do. of Doc. Jas. P. Lofland, for impression of G. seal to remission of a fine	1 00
Do. of Thos. Stockton, Es. clk. pes. in N. C. county, on account of receipts for constables', pedlars' and retailers' licenses, pr. credits on his acct. recd. by way of a check of the 8th inst. for \$1550, the balance of \$837 48, being credited to the School Fund	712 52
	<hr/> \$ 1,056 35

E. E.
Jany. 22, 1833.

C. S. LAYTON.

The Contingent expenses of the Secretary's Office, in account with Caleb S. Layton, Secretary of State.

DEBTOR.

			<i>Dolls.</i>	<i>Cts.</i>
1832.				
February	3.	To cash paid Jos. S. Layton, for paper, pr. rect.		94
	14.	Copy of the act for the payment of claims against the state, passed at the last session furnished the state treasurer	1	20
		Copy of the act for support of government for the year 1832, furnished the auditor		87½
	28.	Copies furnished the executive of Maryland and Virginia, of the resolutions passed and adopted on the 8th inst. in relation to a canal from the Chesapeake to the Delaware bay	1	75
	2	cords of hickory wood for use of the secty. office, per bill and receipt.	4	00
March	7.	Paid Jos. S. Layton, pr. bill & receipt.	1	00
April	23.	Copy of the laws and resolutions passed at the last session of the General Assembly, furnished the printer, &c. pr. bill filed	53	76
June	1.	Cash paid per bill for two boxes to transmit the laws of last session to the prothy's of Kent & N. C.	1	00
July	25.	Cash paid Jos. S. Layton, pr. bill & receipt.		12½
Aug.	10.	Do. do.		56½
Sept.	24.	Do. Tunnell and Short		18¾
		Do. Jos. S. Layton		12½
		Copy of the bill to extend the jurisdiction of the justices of the peace to \$100, published pursuant to resolution of the senate, with certificate	1	50
		Do. do 2 copies furnished		1 50
Decem.	21.	Do. do. paid Jos. S. Layton, bal. of bill of this date	2	09½
			\$ 70	61¾
Balance due the state			120	36
			\$ 190	97¾

CREDITOR.

			<i>Dolls.</i>	<i>Cts.</i>
1832.				
		By balance due as per account submitted to the Legislature under date of the 27th Jany. 1832	90	97¾
May	1.	By this sum recd. of C. P. Comegys, Es. St. T. being the amt. appropriated for the contingent expenses of this office for the current year per Act of the 10th Feby. last	100	00
			190	97¾

DEBTOR.

		<i>Dolls. Cts.</i>
1833.		
Jany.	2. Cash pd. Jno. Reed for 11b candles for secy. office	12½
	Do. pd. his Excellency the governor for postage on letters, &c. on public service, per bill and receipt filed	13 27
	3. Cash pd. Jno. Catts, post-master in Dover, for postage to this date, pr. bill and receipt	10 62½
	12. Cash pd. Jas. S. McCalla, for printing for the state, pr. bill and receipt	17 00
	14. Do. pd. Philip Short, Es. for postage for the year 1832, and to this date, pr. bill and receipt	42 85
	Do. pd. do. for transportation of a box of laws & papers, from Geo. Town to Dover, pr. bill, &c.	2 25
	A copy of the state treasurer's bond, furnished the auditor, with certificate, &c.	1 25
	18. This sum pd. James Rogers, Es. Secretary of State in full of this account, per his receipt	32 99
		<hr/> 120 36 <hr/>

CREDITOR.

		<i>Dolls. Cts.</i>
1832.		
Decr.	21. By balance due the state on this account	120 36

Examined, Allowed and settled, Decm. 22d, 1832.

J. BIDDLE, Auditor of Accounts.

E. E.

C. S. LAYTON.

Jany. 22, 1833.

To the Honorable the Senate

and House of Representatives of the State of Delaware,

The foregoing accounts are respectfully submitted to the General Assembly, pursuant to an act in that behalf provided.

The expenses of the Secretary's office, from Jany. 3, 1832, to Jany. 14, 1833, inclusive, amounted to 157 98¼.

To defray the contingent expenses of that office for the ensuing year will require, perhaps, one hundred and fifty dollars. I respectfully recommend the appropriation of that sum, for that purpose.

All of which is respectfully submitted.

C. S. LAYTON.

Jany. 22, 1833.

On motion of Mr. Bayard,

Said accounts were read and laid upon the table for consideration.

The clerk of the House of Representatives being admitted, requested of the Senate, on behalf of the House, the document on which so much of the Governor's message as relates to South Carolina was founded.

On motion of Mr. Bayard,

Ordered, That the clerk of the Senate forward the document so required.

On motion of Mr. Smithers,
The amendments to
The bill entitled, "An act extending the laws of this state, which require hawkers, pedlars and petty-chapinen to take out license, to all traders in clocks and other time pieces not manufactured in this state," were taken up for consideration.

On motion of Mr. Smithers,
Resolved, That the senate insist on their amendments to said bill.
Ordered, That the clerk apprise the House of Representatives of said resolution, concerning said amendments of said bill.

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



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

The senate met pursuant to adjournment.

On motion of Mr. Bayard,
The bill entitled, "A further supplement to the act entitled, 'An act respecting the partition of lands and tenements among joint tenants and tenants in common,'" was taken up for consideration, and amended by inserting the word "further" before the word supplement, in the fifth line of the 1st section, and after the word "supplement," in the 11th line of the 1st section the words "and of the act entitled, 'An act concerning dower, partition, and waste.'"

Mr. Booth, on behalf of the committee on the petition of Cornelius D. Blaney and Edward Williams, of the town of Newcastle, reported

A bill entitled, "An act authorizing and empowering Cornelius D. Blaney, and Edward Williams, to sell and convey a certain messuage or tenement, and lot of land, in the town of Newcastle;" which,

On his motion,
Was read.

On motion of Mr. Lofland,
The amendments reported by the committee to which was referred
The bill entitled, "An act to incorporate the Dover Rail Road Company," were adopted.

On motion of Mr. Lofland,
The bill just amended, was taken up for a third reading. Upon the question, on the first section, a majority of the Senate voting in the negative, the bill
Was lost.

On motion,
The senate adjourned until to-morrow morning at ten o'clock.

FRIDAY, 10 o'clock, A. M. Jan. 25, 1833.

The Senate met pursuant to adjournment.

The clerk of the House of Representatives being admitted, returned

The bill entitled, "An act extending the laws of this state which require hawkers, pedlars, and petty-chapmen to take out license, to all traders in clocks, and other time-pieces, not manufactured in this state," with the following amendment, to the amendments made by the Senate to the same bill, to wit:

"House of Representatives, Jan. 25, 1833.

"Amend the first amendment of the Senate, by inserting, between the words "clocks", and "and", in the seventh line, the words "not manufactured in this State." Insert the same words, between the words "clocks," and "such", in the ninth line.

"Extract from the journal,

"JOSHUA G. BAKER, Clerk.

"For concurrence."

He also presented the bill entitled, "A further supplement to the act entitled, "An act concerning insolvent prisoners," which had been sent to the house for concurrence, with the expression of such concurrence endorsed upon it; also,

The bill entitled, "A supplement to the act entitled, "An act regulating innholders, tavern-keepers, and other public housekeepers, within this government, and empowering justices to settle the rates of liquor," which had been sent to the house for concurrence, with such concurrence endorsed upon it, and

The bill entitled, "An act to incorporate the Thorn Point House Company," with the petition on which the bill was founded; likewise, "The report of the committee, in the House, on so much of the Governor's message as relates to the communication from Georgia," and of the "committee to which was referred so much of the Governor's message as relates to the claims of this state against the United States, for interest on money expended by this state during the last war;" also, "An act to enable Noah James, of Sussex county, to locate certain vacant lands, situate in Broadcreek hundred, in said county and complete his title to said lands," with an accompanying petition.

And he withdrew.

On motion of Mr. Wainwright,
The communications just received were read.

On motion of Mr. Wainwright,
The bill entitled, "An act to incorporate the Beaver dam and Harrington Branch Canal Company," was taken up, and read a second time.

On motion of Mr. Loffland,
The bill entitled, "An act for the relief of certain minors therein mentioned," with the accompanying memorial of John M. Clayton; also,

The bill entitled, "A supplement to the act entitled, "An act for the relief of the owners and possessors of certain marsh and low grounds, generally called and known by the name of the Big Marshyhope, and to enable the owners and possessors of said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain, and reclaim the same," with the accompanying petition, were read.

On motion of Mr. Booth,
The bill entitled, "An act authorizing and empowering Cornelius D. Blaney, and Edward Williams, to sell and convey a certain messuage,

or tenement, and lot of ground, in the town of Newcastle," was taken up, and read a second time.

Mr. Booth, on behalf of the committee to which was referred the petition of Willard Hall and Henry Whitely, a committee of the trustees of Newark Academy, to obtain an act of incorporation for New Ark College," reported

A bill entitled, "An act to establish a college at Newark;" which,

On his motion,

Was read.

On motion of Mr. Booth,

The bill entitled, "An act to form two hundreds of what was heretofore Broadkilm hundred, in Sussex county, as to holding the general and special elections, the elections of assessors and inspectors, and appointment of constables," was read a second time, and referred to a committee.

Whereupon,

Messrs. Booth and Smithers were appointed as such committee.

On motion of Mr. Wainwright,

The bill entitled, "Resolutions to enable George R. Fisher of Sussex county, to sell certain Acts of Assembly therein mentioned," was read a third time and adopted.

Ordered, That the bill just concurred in be conveyed to the House, with the expression of such concurrence endorsed upon it.

On motion of Mr. Bayard,

The bill entitled, "An act extending the laws of this state, which require hawkers, peddlars and petty-chapmen to take out license, to all traders in clocks and other time pieces not manufactured in this state," was taken up for consideration, and the amendment proposed to the bill by the house, concurred in.

Ordered, That the House be apprised of such concurrence.

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

The clerk of the House of Representatives being admitted, presented for the concurrence of the Senate,

A bill entitled, "An act to enable Benaiah Tharp to locate certain vacant lands, situate in Mispillion hundred, in Kent county, and to complete his title to the same;" and

A bill entitled, "An act to carry into effect the last will and testament of John Houston, late of Sussex county, deceased," with the accompanying petition of the devisees of said John Houston, deceased. He also returned,

The bill entitled, "A supplement to the act entitled, 'An act concerning Landlords and Tenants,'" which had been sent to the house for concurrence, with the following amendment, to wit:

"House of Representatives, Jan. 25, 1833.

"Amend the bill—Strike out the interlineation inserted between the words "otherwise" and "issuing" in the 6th line of section 1.

"Extract from the journal,

"JOSHUA G. BAKER, Clerk.

"For concurrence."

He also returned

The bill entitled, "An act to amend the act entitled, 'An act directing the election of Assessors and Inspectors,'" which had been sent to the House for concurrence, with the expression of such concurrence endorsed upon it. He also returned

The bill entitled, "An act to incorporate the Newcastle Manufacturing Company," which had been sent to the House for concurrence, with the following amendment proposed by the House, to wit:

"House of Representatives, Jan. 25, 1833.

"Sec. 8. Be it enacted by the authority aforesaid, That, as a condition of the passing of this act, the said Newcastle Manufacturing Company shall, whenever the dividend of the said company shall exceed six per cent. per annum on the capital stock actually paid in, pay to the state treasurer, for the use of the state, one fourth part of such excess over six per cent. aforesaid.

"Make section 8 section 9.

"Extract from the Journal,

"J. G. BAKER, Clerk.

"For concurrence."

On motion of Mr. Sutton,

The communications just received were read.

On motion of Mr. Bayard,

The amendment of the House to

The bill entitled, "A supplement to the act entitled, 'An act concerning landlords and tenants,'" was concurred in by the Senate, with an amendment.

Ordered, That the house be apprised of the concurrence of the senate, with the amendment.

Mr. Lofland, on the part of the committee, on so much of the Governor's message as relates to the militia, reported

A bill entitled, "An act to establish volunteer companies within this State;" which,

On his motion,

Was read.

Mr. Cooper, a member of the House of Representatives, being admitted, presented the following enrolled bills for signature, to wit:

1. "An act to enable Philip Matthews, of Sussex county, to locate certain vacant lands, situate in Broadcreek hundred, in said county, and to complete his title to said lands."

2. "Resolution for the appointment of the State Treasurer."

3. "An act for the relief of the Tappahannah Marsh Company."

4. "An act granting to Susan Bateman, a certain piece of Land therein mentioned."

Mr. Dilworth, a member of the House of Representatives, being admitted, presented,

A bill entitled, "An act to amend the act entitled, 'An act concerning the Auditor of Accounts.'"

On motion of Mr. Wainwright,

Resolved, That Mr. Smithers be appointed to supply the vacancy occasioned by the indisposition of Mr. Waples, in the committee of enrolment.

Mr. Marim, of the House of Representatives being admitted, presented for concurrence,

A bill entitled, "An act to incorporate a company, for the purpose of cutting and making a canal between the waters of the Nanticoke River, and Broadkirk creek, in the county of Sussex, and for other purposes," with an accompanying petition; also the "bill reported on the petition of Joseph Buckmaster," which had been sent to the house for concurrence, with the expression of such concurrence endorsed upon it.

Mr. W. Harris, of the House of Representatives, being admitted, presented, for the signature of the speaker,

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

On motion of Mr. Lofland,

The bill entitled, "A supplement to the act entitled, 'An act to protect the navigation of Mispillion creek, in this state, and to prevent the wanton destruction of oysters in the same,'" was taken up for a third reading, and,

On motion of Mr. Bayard,

Referred to a committee of three.

Whereupon,

Messrs. Bayard, Lofland and Sutton were appointed as such committee.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

SATURDAY, 10 o'clock, A. M. Jan. 26, 1853.

The senate met pursuant to adjournment.

Mr. Bayard presented the memorial of sundry inhabitants of the State of Delaware, respecting certain defects in the laws, on the subject of lotteries; which,

On his motion,

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

Whereupon,

Messrs. Bayard, Smithers, and Sutton were appointed as such committee.

On motion of Mr. Bayard,

The bill entitled, "A further supplement to the act entitled, 'An act

respecting the partition of lands and tenements among joint tenants and tenants in common," was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

On motion of Mr. Booth,

The bill entitled, "An act to establish a College at Newark," was read a second time.

On motion of Mr. Smithers,

The bill entitled, "An act to incorporate a company, for the purpose of cutting and making a canal between the waters of the Nanticoke River, and Broadkirk creek, in the county of Sussex, and for other purposes," was read.

Mr. Wainwright, on the part of the committee of enrolment, reported the following bills, as duly and correctly enrolled, to wit:

1. "Resolution for the appointment of the State Treasurer."
2. "An act granting to Susan Bateman, a certain piece of land therein mentioned."
3. "An act to enable Philip Matthews, of Sussex county, to locate certain vacant lands, situate in Broadcreek hundred, in said county, and to complete his title to said lands."
4. "A supplement to the act entitled, 'An act regulating marriage.'"
5. "An act to amend the act entitled, 'An act concerning the Auditor of Accounts.'"

Mr. Bayard, on behalf of the committee on

The bill entitled, "A supplement to the act entitled, 'An act to protect the navigation of Mispillion creek, in this State, and to prevent the wanton destruction of oysters in the same,'" reported the following amendments; which,

On his motion,

Were adopted, to wit:

Amend by striking out the word "view" in the 7th line of the first section, and inserting the word "intent."

Amend the bill by striking out the words "any number of bushels over five," in the 8th line of the first section, and inserting, in lieu thereof, the words "exceeding in quantity five bushels."

Amend, by striking out "3d sect," and inserting in lieu thereof: "Sec. 3d. If any person or persons on board any such canoe, flat, scow, boat, or other vessel, coming within the meaning of this act, shall refuse to permit any person to enter the same, or shall resist by force any person either before or after entering the same, whose object shall be to ascertain whether the provisions of this act have been violated, or whose object shall be to carry into execution the provisions of this act, then, every person so refusing or resisting, shall forfeit and pay a fine of thirty dollars, to be recovered, with costs, before any justice of the peace, in the name of the person who shall sue for the same, in like manner as other debts of like amount are now recovered by law, one moiety thereof for the use of the said person suing for the same, and the other moiety to be paid to the treasurer of the county, for the use of the county where the offence is committed."

Amend by striking out the fourth section, and inserting in lieu thereof, "Sec. 4. Any person or persons who shall supply, or sell any oysters, exceeding in quantity five bushels, taken or gathered from within the said Mispillion creek, to any person or persons, with intent that they shall be removed out of this state, contrary to the provisions of this act, every such person, for such offence, shall forfeit and pay a fine of twenty dollars, to be recovered, with costs of suit, before any justice of the peace, in the name of the person suing for the same, as debts of like amount are by law recovered for the use of the person suing for the same."

On motion of Mr. Bayard,

The bill just amended was read a third time, as amended, and

Passed by paragraphs.

On motion,

The Senate adjourned until ten o'clock on Monday morning.

MONDAY, 10 o'clock, A. M. Jan. 28, 1833.

The Senate met pursuant to adjournment.

Mr. Booth, on behalf of the committee to which was referred the memorial of Cornelius D. Blaney, and Edward Williams, reported amendments to that bill, to wit:

"Amend by striking out from the 12th line of the first section, immediately after the word "Newcastle," the words "the said lot," and inserting, in lieu thereof, the following words: "and which, by a certain indenture purporting to be made between Henry Rowen of Newcastle hundred, in the county of Newcastle, of the one part, and the said Cornelius D. Blaney, and Edward Williams, of the other part, bearing date the seventh day of February, one thousand eight hundred and twenty-nine, and recorded in the office for the recording of deeds at Newcastle, in book L. vol. 4, page 65, &c. is described as"—Also amend in the 14th line of the same section, by inserting between the word "inches" and the word "bounded", the words "and as".

On motion of Mr. Booth,

The bill just amended was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed be sent to the house, for concurrence.

On motion of Mr. Wainwright,

The bill entitled, "An act to incorporate the Beaverdam and Harrington's branch canal company," was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

On motion of Mr. Lofland,

The bill entitled, "An act to establish volunteer companies within this state," was read a second time.

The clerk of the House of Representatives being admitted, returned the resolutions reported by the Senate's committee on so much of the Governor's message as relates to the communication from South Carolina, and sent to the House for adoption, with the expression of such adoption endorsed upon it; also,

The bills entitled, "A supplement to the act entitled, 'An act concerning landlords and tenants,'" which had been sent to the House for concurrence, with the expression of such concurrence endorsed upon it; also,

The bill entitled, "An additional supplement to an act entitled, 'An act to restrain persons from suffering swine to go at large within certain limits,'" concurred in, with an amendment.

And he withdrew.

On motion of Mr. Bayard,

The bill entitled, "An act for the removal of the seat of justice from the town of Newcastle to the city of Wilmington," was taken up for a third reading, with a view to its final passage. After some debate, while the motion was still pending—

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

After a prolonged debate, the yeas and nays being called on the first section of the question pending at the last adjournment, Mr. Bayard voted in the affirmative, and

Messrs. Booth, Lofland, Smithers, Sutton, Wainwright, and Mr. Speaker, in the negative. The nays being a majority, the bill *Was lost*.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

TUESDAY, 10 o'clock, A. M. Jan. 29, 1833.

The Senate met pursuant to adjournment.

On motion of Mr. Lofland,

The bill entitled, "An additional supplement to the act entitled, 'An act to restrain persons from suffering swine to go at large within certain limits,'" which had been returned by the House, with an amendment, was concurred in, as amended.

The clerk of the House of Representatives being admitted, presented the following bills, for concurrence, to wit:

"A further supplement to an act entitled, 'An act for the preservation of certain records of the Court of Common Pleas, and of the Superior Court of Kent county.'"

"An act to authorize a gate to be erected across a public road therein mentioned."

"An act for the relief of School District No. 3, in Kent county."

"An additional supplement to the act entitled, 'An act to enable the owners and possessors of the meadows, marsh, and cripple, lying upon Nonsuch and Mill creeks and adjoining Lewden's Island in the hundred and county of Newcastle, on Delaware, to embank and drain the same,

to keep the outside banks and dams in good repair forever, and to raise a sum for the doing thereof."

"An act to enable Lot Rawlins, of Sussex county, to locate certain vacant lands situated in Nanticoke hundred, in said county, and to complete his title to the same." And

"Resolutions reported by the committee to whom was referred that part of the Governor's message which relates to important internal communications," for concurrence in their adoption.

He at the same time returned—

The bill entitled, "A supplement to the act fixing the time of holding the courts of law and equity in this State," with the following amendments, to wit:

"House of Representatives, Jan. 29, 1833.

"Amend the bill in section 1st, lines 9th and tenth, by striking out the words "on the second Tuesday after the first Monday in December," and inserting the words "on the first Monday in October."

"Extract from the journal,

"J. G. BAKER, Clerk.

"For concurrence."

On motion of Mr. Wainwright,

The communications just received from the House were read.

On motion of Mr. Smithers,

The bill entitled, "An act for the relief of certain minors therein mentioned," was read a second time.

On motion of Mr. Wainwright,

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

On motion of Mr. Wainwright,

The bill entitled, "A supplement to the act entitled, 'An act for the relief of the owners and possessors of certain marsh and low grounds generally called and known by the name of the Big Marshy Hope, and to enable the owners and possessors of said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain and reclaim the same,'" was read a second time.

On motion of Mr. Lofland,

The bill entitled, "An act to incorporate the Thorn Point House Company," was read a second time.

On motion of Mr. Wainwright,

The bill entitled, "An act to enable Noah James, of Sussex county, to locate certain vacant lands situate in Broad-creek hundred, in said county, and to complete his title to said lands," was read a second time.

On motion of Mr. Wainwright,

The bill entitled, "An act to carry into effect the last will and testament of John Houston, late of Sussex county, deceased," was read a second time.

On motion of Mr. Booth,

The bill entitled, "An act to confirm and give effect, in the state of Delaware, to an act of the General Assembly of Maryland entitled, 'An act to incorporate 'The People's Steam Navigation Company,'" was read a second time, and referred to a committee of three:

Whereupon,
Messrs. Booth, Wainwright, and Lofland were appointed as such committee.

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



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

The Senate met pursuant to adjournment.

Mr. Wainwright, on the part of the committee of enrollment, reported the following bills as duly and correctly enrolled, to wit:

"Resolutions appointing certain Directors for the Farmers' Bank of the State of Delaware."

"An act to amend the act entitled, 'An act directing the election of Assessors and Inspectors.'"

"A further supplement to the act entitled 'An act concerning insolvent prisoners.'"

"A supplement to the act entitled, 'An act concerning landlords and tenants.'"

"An act granting to Joseph Buckmaster, of Kent county, a certain tract or parcel of marsh therein described."

"An act to repeal the act entitled, 'An act to amend the act entitled, 'An act directing the election of Assessors and Inspectors.'"

Ordered, That the bills just reported be sent to the House, for the signature of the speaker.

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, "An additional supplement to the act entitled, 'An act to extend the time for recording of deeds,'" leave was granted, and the bill read.

On motion of Mr. Bayard,

The bill entitled, "An act concerning the Mayor's Court of the city of Wilmington," was referred to a committee of three.

Whereupon,

Messrs. Bayard, Lofland and Smithers were appointed as such committee.

Mr. Lofland, on behalf of the committee to which was referred so much of the Governor's message as relates to communications from different states, on the subject of the militia, made the following report, to wit:

"The committee to whom was referred the several communications and resolutions received from the respective Legislatures of the States of Illinois and Indiana, relative to a more perfect organization of the militia of the several States, have had that subject under consideration, and believing, as they do, that a well organized militia is the safest as well as the most natural defence of a free government, and that those laws which place the means of defence and protection in the hands of the citizens themselves deserve particularly the attention of all those who value true liberty, beg leave to report the following resolutions:

“Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the organization of the militia of the United States, being a matter entrusted by the Constitution to the General Government, requires its attention, and can be efficiently and satisfactorily done alone by that government.

“Resolved, That our Senators in Congress be, and they are hereby instructed, and our Representative requested, to use their exertions to procure the passage of a law providing for a more perfect and uniform organization of the militia of the several States of the Union.

“Resolved, That his Excellency the Governor of this State be directed to transmit to each of our Senators, and to our Representative in Congress, a copy of the foregoing resolutions; also a copy to the Governors of the other States in the Union, with a view that the same may be submitted to their different Legislatures.”

Mr. Booth, on behalf of the committee on

The bill entitled, “An act to form two hundreds of what was heretofore Broadkiln hundred, in Sussex county, as to holding the general and special elections, the elections of assessors and inspectors, and appointment of constables,” reported the following amendments; which,

On his motion,

Were read, and

Adopted, to wit:

“Amend the first section of the bill, by striking out, at the end of the fourth, and beginning of the fifth line, the words “purposes aforesaid,” and insert in lieu thereof the words “purpose of holding the general and special elections, the election of Assessors and Inspectors, and the appointment of Constables.”

On motion of Mr. Booth,

The bill just amended was read a third time, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed, as amended, to the House, and ask the concurrence of the House in such amendments.

The clerk of the House of Representatives being admitted, presented for concurrence,

A bill entitled, “An act to incorporate the Powhattan Coal Company,” with an accompanying petition; which,

On motion of Mr. Wainwright,

Were read.

On motion of Mr. Booth,

For the appointment of a committee of accounts, Messrs. Booth and Lofland were appointed as such committee.

The clerk of the House of Representatives being admitted, presented the following bills, to wit:

“An act allowing an additional justice of the peace to Newcastle county,” for concurrence.

“An act to incorporate the Dover Rail Road Company,” concurred in.

He then informed the Senate, that the House concurred in the amendment proposed by the Senate to the bill for dividing Broadkiln hundred.

And he withdrew.

On motion of Mr. Wainwright,

The bill entitled, "An act to incorporate the Thorn Point House Company," was read a third time, by special order, and

Passed by paragraphs.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

On motion of Mr. Lofland,

The bill entitled, "An act to establish volunteer companies within this state," was taken up for consideration, and amended as follows, to wit:

Sec. 5. And be it further enacted, That the uniform of the different corps of volunteers and militia of this state, shall be the same as that which is established for the respective corps of the United States' troops, except only, the material and shape of the cap, and the size and color of the feather, which shall be determined by the respective companies.

Sec. 6. And be it further enacted, That, whenever any person shall have subscribed the muster roll of a volunteer company, it shall not be lawful for such person to withdraw his name from such muster roll, for the term of one year from the date of his signing the same, unless such person shall remove from the hundred in which the majority of the members of such company shall reside. And, in case of such removal, within a year, as aforesaid, such volunteer shall apply to the commanding officer of the company to which he belongs, who shall give him a discharge, certifying the time of his enlistment; and such volunteer shall report himself to the commanding officer of a similar corps, if any such there be in the hundred to which he shall remove, within ten days after his removal; and the said commanding officer is hereby authorized and empowered to enroll him in the company under his command. In case any volunteer, removing as aforesaid, shall fail to comply with the provisions of this section, he shall be subject to the same fines and penalties, for breach of military duty, which he would have been, in case no such removal had taken place.

On motion of Mr. Lofland,

The bill just amended was taken up for a third reading, with a view to its final passage.

The yeas and nays being taken on the final question, Messrs. Bayard, Booth, Lofland, Sutton, and Mr. Speaker voted in the affirmative; and Messrs. Smithers and Wainwright in the negative.

The yeas being a majority, the bill

Passed the Senate.

Mr. Bayard, on behalf of the committee to which was referred the memorial of sundry inhabitants of the State of Delaware, respecting certain defects in the laws, on the subject of lotteries, reported

A bill entitled, "An act concerning the sale of lottery tickets;" which,

On his motion,
Was read.

On motion,
The senate adjourned until ten o'clock to-morrow morning.

WEDNESDAY, 10 o'clock, A. M. Jan. 30, 1835.

The senate met pursuant to adjournment.

Mr. Wainwright, on behalf of the committee of enrolment, reported the following bills as duly and correctly enrolled, to wit:

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

"A further supplement to the act entitled, 'An act concerning the Newcastle and Frenchtown Turnpike and Rail Road Company.'"

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

On motion of Mr. Wainwright,

The bill entitled, "A further supplement to an act entitled, 'An act for the preservation of certain records of the Court of Common Pleas, and of the Supreme Court of Kent county,'" was read a second time.

On motion of Mr. Wainwright,

The bill entitled, "An act for the relief of School District No. 3, in Kent county," was read a second time.

On motion of Mr. Bayard,

The bill entitled, "An act concerning the sale of lottery tickets," was read a second time.

On motion of Mr. Bayard,

The first blank in the first section of the bill just read, was filled up with the words "one hundred dollars," and the second blank with the word "one."

On motion of Mr. Bayard,

The bill entitled, "An additional supplement to an act entitled, 'An act to extend the time for recording of deeds,'" was read a second time.

On motion of Mr. Bayard,

The bill entitled, "An act concerning the sale of lottery tickets," was further amended by adding to the first section the words "and shall limit the sale of such lottery tickets to a particular stand or shop."

On motion of Mr. Lofland,

The resolutions reported by the committee to which was referred so much of the Governor's message as relates to the communications from the several states on the subject of the militia, were read a second time, and

Adopted.

Mr. Bayard, on the part of the committee to which was referred

The bill entitled, "An act concerning the mayor's court of the city of Wilmington," reported the following amendments; which,

On his motion,

Were read, and

Adopted, to wit:

Amend the bill, by striking out the first, second, third, fourth, and fifth sections, and inserting, in lieu thereof, as follows:

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That so much of the

twenty-fourth section of the act entitled, "A supplement to the act entitled, 'An act to alter and re-establish the charter of the Borough of Wilmington,'" as requires that the jurors therein mentioned should be summoned five days before the first day of the term, be, and is hereby, repealed. And that, hereafter, the jurors therein mentioned, may be summoned at any time before or during the term, in case a writ or writs of *venire facias* shall issue for that purpose.

Sec. 2. And be it further enacted, That the nineteenth section of the said act entitled, "A supplement to the act entitled, 'An act to alter and re-establish the charter of the Borough of Wilmington,'" shall be construed to extend only to offences which have been committed, or shall be committed within the city of Wilmington.

Sec. 3. And be it further enacted, to the end and intent that persons indicted for offences committed within the said city, but who shall depart therefrom, may be brought to justice, that the mayor or alderman of the said city, for the time being, shall and may, as often as occasion may require, issue his writ or writs of *capias*, to the sheriff of any county within the state directed, commanding him to take and bring the body or bodies of any such person or persons, as shall be so as aforesaid indicted, before him, the said mayor or alderman, or either of them, to be dealt with according to law. And every sheriff to whom any such writ or writs of *capias* shall be directed and delivered, is hereby enjoined and required to use due diligence to execute the same, under such pains and penalties as are by law incurred by any sheriff or other officer, for refusing or neglecting to obey and execute any *capias* or other process to him directed and delivered.

Sec. 4. And be it further enacted, That it shall and may be lawful for the said Mayor's court, or for the said mayor or alderman before whom any complaint, indictment, plea, matter or thing of a criminal nature, within their jurisdiction, shall be made or depending, to issue his or their subpoena, to any person or persons within this state, commanding him or them to appear and give evidence therein. And every person to whom the same shall be directed, and on whom service thereon shall be duly made, shall attend accordingly, and give evidence, under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence when duly summoned for that purpose.

Sec. 5. And be it further enacted, That the sixth section of the act entitled, "A supplement to the act entitled, 'An act to alter and re-establish the charter of the Borough of Wilmington,'" passed at Dover, on the ninth day of February, one thousand eight hundred and thirty-two, be, and the same is hereby repealed, made null and void.

On motion of Mr. Bayard,

Ordered, That one hundred copies of the resolutions reported by the committee on so much of the Governor's message as relates to the communication from South Carolina concerning a Convention of the States, be printed.

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

Mr. Wainwright, on behalf of the committee of enrolment, reported, as duly and correctly enrolled, the bill entitled, "Resolutions reported by the committee to which was referred so much of the Governor's message as relates to the communication from the Executive of South Carolina respecting a convention of the states."

On motion of Mr. Smithers,

The bill entitled, "An act to authorize a gate to be erected across a public road therein mentioned," was read a second time.

On motion of Mr. Rodney,

The bill entitled, "An act allowing an additional Justice of the Peace to Sussex county," was *Indefinitely postponed.*

Mr. Booth, on behalf of the committee on the "petition to incorporate the Lewes creek and Indian river canal company," reported

A bill entitled, "An act to incorporate a company, for the purpose of making a canal to connect the waters of Lewes creek with Indian river and the Chesapeake bay, by Pokomoke river."

Mr. Booth, on behalf of the committee on the bill entitled, "A supplement to the act entitled, 'An act for granting power to the courts to grant licenses respecting slaves, in certain cases,'" reported the following amendments, to wit:

Strike out all after the enacting clause, and insert, in lieu thereof, the words "That from and after the passing of this act the chief justice or any associate judge of this State, upon petition to him in vacation, within the county in which he resides, shall have power to grant a license to the owner or owners of any negro or mulatto slave to export the same from this State to any other State, or to bring the same from any other into this State, upon such conditions as may be deemed proper, whenever in the opinion of such chief justice or associate judge the facts and circumstances set forth in the petition will justify the granting of such license: And also shall have power to grant a license to the owner or owners of any tract of land situate in any of the counties of the State of Maryland, adjoining this State, to employ his, her or their slave or slaves upon such tract of land, and to pass and repass them to and from the State of Maryland to this State, for such purpose, if in the opinion of such chief justice or associate judge, the facts and circumstances set forth in the petition will justify the granting of such license. Every such license, so to be granted, shall be issued by the prothonotary of the county where such petition is presented, and shall be under the hand of said prothonotary, and the seal of the Superior Court.

Sec. 2. And be it further enacted, That no negro or mulatto slave exported from, or brought into this State, or passed or repassed to and from the State of Maryland to this State, pursuant to a license issued as aforesaid, shall, by reason thereof, be entitled to his or her freedom.

Sec. 3. And be it further enacted, That for every negro or mulatto slave to be brought into this State as aforesaid, and for every negro or mulatto slave to be passed and repassed to and from the State of Maryland to this State, as aforesaid, the owner or owners thereof shall, before the granting such license as aforesaid, pay to the prothonotary the sum of ten dollars for the use of the fund for establishing schools in this State: and for every negro or mulatto slave to be exported as aforesaid, the sum

of five dollars, for the use of the said fund; and shall also pay to the prothonotary for issuing such license, and making a record thereof, the sum of two dollars;" which,

On his motion,
Were

Adopted.

On motion of Mr. Wainwright,

The bill entitled, "A supplement to the act entitled, 'An act for the relief of the owners and possessors of certain marsh and low grounds generally called and known by the name of the Big Marshy Hope, and to enable the owners and possessors of said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain and reclaim the same,'" was read a third time, and

Passed by paragraphs.

Ordered, That the clerk return the bill just passed, with the expression of the concurrence of the Senate endorsed upon it.

On motion of Mr. Lofland,

The amendments of the House to the bill entitled, "A supplement to the act fixing the time of holding the courts of law and equity in this state," were

Concurred in.

Ordered, That the House be apprised of such concurrence.

On motion,
The senate adjourned until to-morrow morning at ten o'clock.

THURSDAY, 10 o'clock, *A. M.* Jan. 31, 1833.

The senate met pursuant to adjournment.

On motion of Mr. Smithers,

The bill entitled, "A further supplement to 'An act for the preservation of certain records of the Court of Common Pleas, and of the Supreme Court of Kent county,'" was read a third time, and

Passed by paragraphs.

Ordered, That the clerk return the bill just passed to the House, with the concurrence of the senate endorsed upon it.

Mr. Bayard presented the following communication from William Kneass, of Philadelphia, which had been directed to John H. Eccleston, Esq. prothonotary of Kent county, enclosing a drawing of the arms of the State of Delaware, and the following communication:

John H. Eccleston, Esq.

DEAR SIR,

Accompanying is a drawing and heraldic description of the arms of your State intended for your archives. The unheraldic and preposterous emblazonment which has gained universal currency, to wit: one of the supporters holding a ship, the crest in his hand, arm extended over the shield, is corrected. The arms, now, have a true accordance with the science of heraldry, and as such are presented to the conservative care of your state authorities.

Yours very respectfully,

WM. KNEASS.

Phila. 28 Jan. 1833.

On motion of Mr. Bayard,

Ordered, That the clerk of the Senate have the drawing of the arms of the State of Delaware, presented by William Kneass, inclosed in an oak or poplar frame with a glass cover, and deposit the same in the office of the Secretary of State, and that he pay to John H. Eccleston, the expenses incurred by him in relation to the matter.

The clerk of the House of Representatives being admitted, presented the following bills, to wit:

“An act concerning the records of the several offices of this state.”

“An act concerning the bridge over Lewes-creek, in Sussex county,” with an accompanying petition.

“An act to appropriate the moneys in the treasury in this state,” for concurrence.

Mr. Booth presented the petition of sundry citizens of Pennsylvania and Delaware, concerning coal lands; which,

On his motion,

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

Whereupon,

Messrs. Booth, Smithers, and Rodney were appointed as such committee.

On motion of Mr. Smithers,

The bill entitled, “An act to incorporate a company for the purpose of cutting and making a canal between the waters of the Nanticoke River and Broadkilk creek, in the county of Sussex, and for other purposes,” was read a second time.

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, “A supplement to the act entitled, ‘An act to incorporate the Wilmington and Susquehannah Rail Road Company,’” leave was granted and the bill read.

On motion of Mr. Rodney,

The bill entitled, “An act to enable Benaiah Tharp to locate certain vacant land situate in Mispillion hundred, in Kent county, and to complete his title to the same,” was read a second time, and amended, by striking out of the ninth line of the first section, the words, “and the big marsh ditch,” and inserting in lieu thereof, the words, “at a marked red oak, now down, at the point where the lines of said Graham and Tharp meet with and intersect the lines of William Sipple, on the south end of Great Island.”

On motion of Mr. Rodney,

For leave to introduce and read a bill entitled, “An act to authorize William Sipple to locate certain vacant lands therein described, und to complete his title to the same,” leave was granted, and the bill read.

On motion of Mr. Wainwright,

The bill entitled, “An act for the relief of School District No. 3, in Kent county,” was read a third time, and *Passed by paragraphs.*

Ordered, that the clerk return the bill just passed to the House, with the concurrence of the Senate endorsed upon it.

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, “A further supplement to the act entitled, ‘An act to incorporate the Delaware Fire Insurance Company,’” leave was granted and the bill read.

On motion of Mr. Wainwright,

The bill entitled, "An act to carry into effect the last will and testament of John Houston, late of Sussex county, deceased," was read a third time, and

Passed by paragraphs.

Ordered, that the clerk return the bill just passed to the House, with the concurrence of the Senate endorsed upon it.

On motion of Mr. Rodney,

The bill entitled, "An act to incorporate a company for the purpose of making a canal to connect the waters of Lewes-creek with Indian River and the Chesapeake Bay, by Pokomoke River," was read a second time.

On motion of Mr. Bayard,

The bill entitled, "An act concerning the sale of lottery tickets," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed to the House, for concurrence.

On motion of Mr. Rodney,

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

On motion of Mr. Bayard,

The bill entitled, "An additional supplement to an act entitled, 'An act to extend the time for recording of deeds,'" was read a third time, and

Passed by paragraphs.

Ordered, That the clerk return the bill just passed, with the expression of the concurrence of the Senate endorsed upon it.

On motion of Mr. Rodney,

The bill entitled, "An act to enable Lot Rawlins, of Sussex county, to locate certain vacant lands situated in Nanticoke hundred, in said county, and to complete his title to the same," was read a second time.

On motion of Mr. Lofland,

The bill entitled, "An act to allow a gate to be made across a public road therein mentioned," was amended, by striking out the word "a," in the title, and adding the letter "s" to the word "gate," and inserting the words "one or more."

On motion of Mr. Lofland,

The bill just amended was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed be returned to the House, for concurrence in the amendments made to it by the Senate.

The clerk of the House of Representatives being admitted, presented a resolution for the adjournment of the respective Houses, on Wednesday, the sixth of February next.

On motion of Mr. Bayard,

The bill entitled, "An act allowing an additional justice of the peace to Newcastle county," was read.

On motion of Mr. Rodney,

The communication last received from the House, was read.

On motion of Mr. Booth,
It was suffered to lie on the table for consideration.

On motion of Mr. Booth,
The bill entitled, "An act to repeal the sixth section of the act entitled, 'An act to prohibit the emigration of free negroes or mulattoes into this state, and for other purposes,'" was amended, by prefixing the letters, "Sect. 1" to the enacting clause, and adding to the first section, to wit:

"Sec. 2. And be it further enacted, That the sixth section of the act entitled, "An act relating to fugitives from labor," passed at Dover, January 19th, 1826, be, and the same is hereby repealed."

On motion of Mr. Rodney,
The bill just amended was read a third time, and
Passed by paragraphs.

Ordered, That it be returned to the House, for concurrence in the amendment.

On motion of Mr. Rodney,
The bill entitled, "An act to enable Noah James, of Sussex county, to locate certain vacant lands, situate in Broadcreek hundred, in said county and complete his title to said lands," was read a third time, and
Passed by paragraphs.

Ordered, That the clerk return the bill just passed to the House, with the concurrence of the senate endorsed upon it.

On motion of Mr. Bayard,
The bill entitled, "An act concerning the Mayor's Court of the city of Wilmington," was taken up for a third reading with a view to its passage. The first and second sections having passed,

On motion,
The senate adjourned, while the question was pending, until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

The clerk of the House of Representatives being admitted, presented the following bills, to wit:

"An act for the preservation of certain records of the Orphans' Court of Sussex county,"

"An act to authorize a gate to be erected across a public road therein mentioned," with an accompanying petition.

"An act more effectually to prevent swine from running at large in the village of Middletown, and its vicinity."

"A supplement to an act entitled, 'An act concerning the Levy-court, clerk of the peace, assessors, collectors, and county treasurers.'"

"A resolution for extending the term of office of certain bank directors therein named, for two years."

"An act to change the location of the boundary, or division line, be-

tween the counties of Kent and Newcastle, within this state," with a petition for the same, for concurrence. He returned

The bill entitled, "An additional supplement to an act entitled, 'An act to establish a Bank, and incorporate a company, under the name of the Farmers' Bank of the State of Delaware,'" with the concurrence of the House endorsed upon it.

After some previous debate, the yeas and nays being taken upon the question pending at the last adjournment, Messrs. Bayard, Lofland, Rodney, Smithers, Sutton, Wainwright, and Mr. Speaker, voted in the affirmative; and Mr. Booth in the negative.

The yeas being a majority, the third section passed.

The yeas and nays being taken on the fifth section, Messrs. Booth, Lofland, Rodney, Smithers, and Sutton, voted in the negative; and Messrs. Bayard, Wainwright, and Mr. Speaker, in the affirmative.

The nays being a majority the section was lost

On motion of Mr. Bayard,

The rule of the Senate confining all amendments in bills to a time previous to the third reading, was suspended in relation to the bill now under consideration.

On motion of Mr. Bayard,

The said bill was amended, by substituting for the section just lost, the following words:

"Sec. 5. And be it further enacted, That the said Mayor's Court shall not be accountable to the state, for any fines, forfeitures, and amercements, which may be taxed, imposed, or set in the said Mayor's court, or estreated there, but the same shall be, and remain, for the use of the corporation of the said city."

The yeas and nays being taken on the final question, Messrs. Bayard, Lofland, Rodney, Smithers, Sutton, Wainwright, and Mr. Speaker, voted in the affirmative; and Mr. Booth in the negative.

The yeas being a majority, the bill

Passed the Senate.

Ordered, That the clerk convey the bill just passed to the House of Representatives, for their concurrence.

Mr. Marim, of the House of Representatives, being admitted, returned the following enrolled bills:

"A further supplement to the act entitled, 'An act concerning the Newcastle and Frenchtown Turnpike and Rail Road Company.'"

"Resolution appointing certain directors for the Farmers' Bank of the State of Delaware."

"An act to repeal the act entitled, 'An act to amend the act entitled, 'An act directing the election of assessors and inspectors,'"

"A supplement to the act entitled, 'An act concerning landlords and tenants.'"

"An act to amend the act entitled, 'An act directing the election of Assessors and Inspectors.'"

"An act granting to Joseph Buckmaster, of Kent county, a certain tract or parcel of marsh therein described."

"A further supplement to the act entitled 'An act concerning insolvent prisoners.'"

"A supplement to the act entitled, 'An act for regulating innholders,

tavern-keepers, and other public house-keepers within this government, and empowering the justices to settle the rates of liquor."

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

Mr. Gruwell, of the House of Representatives, being admitted, presented,

"An act prohibiting the planting of hedges, and thrashing of Murderkill creek," being duly enrolled, for the signature of the speaker.

Mr. Dilworth, of the House of Representatives, being admitted, presented, as duly enrolled,

"An act to incorporate the Trustees of the Smyrna circuit parsonage."

Mr. M. Johnson, of the House of Representatives being admitted, presented

"An act to enable Benjamin Fooks, of Sussex county, to locate certain vacant lands, situate in Little-creek hundred, in said county, and to complete his title to said lands," and

"Resolutions to enable George R. Fisher, prothonotary of Sussex county, to sell certain Acts of Assembly therein mentioned," as duly enrolled.

Mr. J. Johnson, of the House of Representatives, being admitted, presented

"An act to divide Christiana hundred into two hundreds," as duly enrolled.

On motion of Mr. Smithers,

The communications last received from the House, by the clerk, were read.

Mr. Booth, on behalf of the committee on "The supplement to the act entitled, 'An act concerning the real estates of intestates,'" reported

A bill entitled, "A supplement to the act entitled, 'An act concerning sales of the real estate of deceased persons, by executors or administrators, for payment of debts,'" which,

On his motion,

Was read.

On motion of Mr. Rodney,

The resolution which had been sent from the House, fixing the time for adjournment to Wednesday the 6th of February next, was laid on the table until Monday next.

Mr. Booth, on behalf of the committee to which was referred the petition of sundry citizens of Pennsylvania and Delaware, concerning the mining of coal, reported

A bill entitled, "An act to incorporate the Broad Mountain Coal Company;" which,

On his motion,

Was read.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

FRIDAY, 10 o'clock, *A. M. February 1, 1833.*

The Senate met pursuant to adjournment.

On motion of Mr. Bayard,

The bill entitled, "An act allowing an additional Justice of the Peace to Newcastle county," was read a second time.

The clerk of the House of Representatives being admitted, presented

The bill entitled, "A supplement to the act entitled, 'An act to protect the navigation of Mispillion creek, in this state, and to prevent the wanton destruction of oysters in the same,'" with the following amendment:

"House of Representatives, Jan. 30, 1833.

"Amend the bill. Strike out the words 'out of this State,' in the 8th line of section 1st, and insert the words 'without the mouth of Mispillion creek.'"

"Further, amend the first section, by adding thereto these words:

"Provided that nothing herein contained shall prevent persons who reside near the mouth of said creek, in Mispillion hundred, in the county of Kent, or Cedar creek hundred, in the county of Sussex, from taking any quantity of oysters out of said mouth, for neighborhood consumption."

"Amend the fourth section, as amended, by striking out the words 'out of this State,' in the fifth line, and inserting the words 'out of the mouth of said Mispillion creek.'"

"Extract from the journal,

"JOSHUA G. BAKER, Clerk.

"For concurrence."

He also presented for concurrence, "An act to enable Turpin, Jacob, and Charles Wright, to remove certain negroes therein mentioned from this State, into the State of Maryland," with an accompanying petition; and "An act allowing, for a limited time, an additional Justice of the Peace and Constable, to the county of Sussex," with an accompanying petition: also a "Resolution appointing a committee to settle with the State Treasurer, and receive the report of the Auditor of Accounts, in 1834."

On motion of Mr. Bayard,

The bill entitled, "A supplement to the act entitled, 'An act to incorporate the Wilmington and Susquehannah Rail Road Company,'" was read a second time.

On motion of Mr. Booth,

For leave to introduce and read a bill entitled, "A supplement to an act concerning strays," leave was granted, and the bill read.

On motion of Mr. Bayard,

The bill entitled, "A further supplement to the act entitled, 'An act to incorporate the Delaware Fire Insurance Company,'" was read a second time.

On motion of Mr. Booth,

The amendment proposed by the House to the bill entitled, "An act to incorporate the Newcastle Manufacturing Company," was amended, by

striking out all that follows after the words "authority aforesaid," and inserting in lieu thereof, the following words: "that, in consideration of the passage of this act, so long as the clear dividend of the said company shall exceed ten per centum per annum on the capital stock actually paid in, shall annually pay into the treasury of the State, for the use of the State, the tenth part of such excess over ten per centum aforesaid."

Ordered, That the clerk convey the bill just passed, as amended, to the House, and ask the concurrence of the House in such amendments.

On motion of Mr. Rodney,

The bill entitled, "An act to incorporate the Powhattan Coal Company," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk give intelligence of such concurrence to the House of Representatives.

On motion of Mr. Booth,

The bill entitled, "An act concerning the Broad Mountain Coal Company," was read a second time.

On motion of Mr. Bayard,

The amendment proposed by the House to the bill for protecting the navigation of Mispillion creek, and preventing the wanton destruction of oysters within the same," was taken up for consideration.

On motion of Mr. Bayard,

Resolved, That the Senate do not concur in the amendment proposed by the House to the said bill.

Ordered, That the House be apprised of such non-concurrence.

Mr. Booth presented a memorial counter to the memorial entitled, "Petition of the owners of Nonsuch marshes;" which,

On his motion,
Was read.

On motion of Mr. Bayard,

The bill founded on the memorial just mentioned, was taken up for consideration, and

On his further motion,

Indefinitely postponed.

Ordered, That the bill just acted upon be returned to the House, with the expression of indefinite postponement endorsed upon it.

On motion of Mr. Booth,

The bill entitled, "A supplement to an act entitled, 'An act concerning the sale of the real estates of deceased persons, by executors, or administrators, for the payment of debts,'" was read a second time.

On motion of Mr. Smithers,

The bill entitled, "An act vesting in Thomas Adams, James Lowry, James M. Buchanan, Stanley B. Short, Ephraim Collins, William Twiford, jr. and Gilley G. Short, and their successors as trustees, the title to a certain piece or parcel of land in the county of Sussex and village of Middleford," was read a second time.

On motion of Mr. Lofland,

The bill entitled, "An act to authorize William Sipple to locate cer-

tain vacant lands therein described, and to complete his title to the same," was read a second time.

On motion of Mr. Wainwright,

The bill entitled, "An act to change the location of the boundary or division line between the counties of Kent and Newcastle, within this State," was read a second time.

On motion of Mr. Bayard,

For the indefinite postponement of the bill just read, Messrs. Bayard, Booth, and Sutton, voted in the affirmative, and Messrs. Lofland, Rodney, Smithers, Wainwright, and Mr. Speaker, in the negative.

The nays being a majority, the motion *Was lost.*

On motion,

The Senate adjourned until three o'clock this afternoon.



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

The Senate met pursuant to adjournment.

On motion of Mr. Smithers,

To amend the bill entitled, "An act to incorporate a company, for the purpose of making a canal between the waters of the Nanticoke River, and Broadkirk creek, in the county of Sussex, and for other purposes," by striking out the word "eight", in the third line of section 26, and inserting the word "six" in lieu thereof.

The question being put, the motion *Was lost.*

On a further motion of Mr. Smithers,

The said bill was amended by striking off the entire 29th section.

On his further motion,

The said bill just amended was read a third time, as amended, and *Passed by paragraphs.*

Ordered, That the bill just passed, as amended, be conveyed to the House for concurrence in such amendment.

The clerk of the House being admitted, returned

The bill entitled, "An act incorporating the Newcastle Manufacturing Company," which had been sent to the House, for concurrence in the amendment, with such concurrence endorsed upon it.

On motion of Mr. Smithers,

The bill entitled, "An act to confirm and give effect, in the state of Delaware, to an act of the General Assembly of the State of Maryland entitled, "An act to incorporate "The People's Steam Navigation Company," was amended, by adding to the last section as follows: "Provided always, that in case the road to be constructed by the before named company, by virtue of this act, or to be contracted for by the said company with any other company, as aforesaid, shall or may be located between the waters of the Appoquinimink creek and those of the Christiana river, or within a distance from the Newcastle and Frenchtown rail road, on each side thereof, as great as the mouth of said Appoquinimink creek, and of said Christiana river, is from said rail road at the town of Newcastle, it shall

not be lawful for the before named company, or any other company, person, or persons, to use or travel on such road by locomotive engine, or engines to be propelled by steam.

Sec. 5. And be it enacted, That nothing in this act contained shall be construed to restrain the Legislature of the State of Delaware from imposing or levying such reasonable tax, by license, or otherwise, upon all vessels, property, estate, and funds, in which the capital stock of said company shall be invested, in common with similar vessels, property, estate, and funds of any other corporation or individuals, within this State."

On a further motion of Mr. Booth,
The bill just amended was read a third time, and

Passed by paragraphs.

Ordered,, That the bill just passed, as amended, be returned to the House, for concurrence in the amendment.

The clerk of the House of Representatives being admitted, presented the following bills:

"An act to incorporate the trustees of the Milford Circuit Parsonage."

"An act to enable James Hopkins, of Kent county, to locate certain vacant lands in Kent county, and complete his title to said lands," with an accompanying petition.

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, "A supplement to an act entitled, 'An act to provide for the recovery of small debts,'" leave was granted, and the bill read.

On motion of Mr. Bayard,

The bill entitled, "An act allowing an additional Justice of the Peace to Newcastle county," was read a third time, by special order, and

Passed by paragraphs.

Ordered, That the bill just passed, be returned to the House, with the concurrence of the Senate endorsed upon it.

On motion of Mr. Lofland,

The bill entitled, "An act to enable Benaiah Tharp to locate certain vacant land situate in Mispillion hundred, in Kent county, and to complete his title to the same," was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed, as amended, be conveyed to the House, for concurrence in the amendment.

On motion of Mr. Booth,

The bill entitled, "A supplement to an act entitled, 'An act concerning the sale of the real estates of deceased persons, by executors and administrators, for the payment of debts,'" was read a third time, by special order, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed to the House, for concurrence.

On motion of Mr. Rodney,

The bill entitled, "An act to authorize William Sipple to locate certain vacant lands therein described, and to complete his title to said lands," was read a third time, by special order, and

Passed the Senate.

Ordered, That the clerk convey the bill just passed, to the House of Representatives, for concurrence.

On motion of Mr. Bayard,

The bill entitled, "A further supplement to an act entitled, 'An act to incorporate the Delaware Fire Insurance Company,'" was read a third time, by special order, and *Passed*.

Ordered, That the bill just passed be conveyed to the house, for concurrence.

On motion of Mr. Booth,

The bill entitled, "A supplement to the act entitled, 'An act for granting power to the Courts to grant licenses, respecting slaves, in certain cases,'" was called up for a third reading.

The yeas and nays being taken on the first section, Messrs. Wainwright, and Smithers, voted in the negative; and Messrs. Bayard, Booth, Lofland, Rodney, Sutton, and Mr. Speaker, in the affirmative.

The yeas being a majority, the first section passed.

The yeas and nays being taken upon the final question, stood the same.

The yeas being a majority, the bill *Passed*.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

On motion of Mr. Bayard,

The bill entitled, "A supplement to an act entitled, 'An act to incorporate the Wilmington and Susquehannah Rail Road Company,'" was read a third time, by special order, and *Passed*.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

Mr. M. Johnson, of the House of Representatives, being admitted, presented, as correctly enrolled, for the signature of the speaker,

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

On motion of Mr. Booth,

For leave to introduce and read a bill entitled, "A supplement to the act concerning negroes and mulattoes, leave was granted and the bill read.

On motion of Mr. Bayard,

All the communications from the House of Representatives, as yet unread, were read.

On motion of Mr. Smithers,

The bill entitled, "A supplement to the act entitled, 'An act concerning the Levy-court, Clerk of the Peace, Assessors, Collectors and County Treasurers,'" was read a second time.

On motion of Mr. Rodney,

The bill entitled, "An act concerning the bridge over Lewes-creek, in Sussex county," was read a second time, and amended as follows:

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That whenever commissioners or freeholders shall be appointed, in pursuance of an act of

Assembly of this state, entitled "An act concerning roads and bridges," for the purpose of viewing and selecting a site or point for the laying off a road or causey, and for the erection of a bridge across Lewes-creek to Cape Henlopen; the said commissioners or freeholders shall have authority to select such site or sites as they may deem most eligible and proper, and make return thereof, to the Superior Court of Sussex county, in order for confirmation; and the said Court shall have authority to confirm the same, any law of this state to the contrary notwithstanding.

Section 2. Be it enacted by the authority aforesaid, That, whenever the report of the freeholders aforesaid, shall have been duly confirmed by the said Superior Court, and the same shall come before the Levy-court of Sussex county for approval, the said Levy-court shall be authorized to select and receive such site or location for a bridge and causey, or road, over such creek, as shall be deemed most eligible, or for which the greatest amount of voluntary contribution can be obtained, and, in the construction of the same.

On his further motion,

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

Passed by paragraphs.

Ordered, that the clerk return the bill just passed to the House, with the concurrence of the Senate endorsed upon it.

Mr. Wainwright, on the part of the committee of enrollment, reported the following bills as duly and correctly enrolled, to wit:

"An act to divide Christiana hundred into two hundreds."

"An act to incorporate the trustees of the Smyrna Circuit Parsonage."

"An act to prohibit the planting of hedges in, and threshing of Murderkill creek."

"An act to enable Benjamin Fooks, of Sussex county, to locate certain vacant lands, situate in Little-creek hundred, in said county, and to complete his title to said lands."

"Resolutions to enable George R. Fisher, Prothonotary of Sussex county, to sell certain acts of Assembly therein mentioned."

"A supplement to the act fixing the time of holding the courts of law and equity in this state."

"An additional supplement to the act entitled, 'An act to establish a Bank and incorporate a company under the name of the Farmers' Bank of the State of Delaware.'"

On motion of Mr. Bayard,

The bill entitled, "An act vesting in Thomas Adams, James Lowry, James M. Buchanan, Stanly B. Short, Ephraim Collins, William Twiford, jr., and Gilley G. Short, and their successors, as trustees, the title to a certain piece or parcel of land in the county of Sussex, and village of Middleford," was referred to a committee of three.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

SATURDAY, 10 o'clock, A. M. Feb. 2, 1833.

The senate met pursuant to adjournment.

The clerk of the House of Representatives being admitted, returned "Resolutions reported by the committee on so much of the Governor's message as relates to the communications from several states on the subject of the militia, with the concurrence of the House endorsed upon it.

He also returned,

The bill entitled, "An act to repeal the sixth section of the act entitled, 'An act to prohibit the emigration of free negroes, or mulattoes, into this state, and for other purposes,'" and informed the Senate that the House did not concur in the amendment to said bill proposed by the Senate. He then informed the Senate that the amendment proposed to

The bill entitled, "An act to authorize a gate to be erected across a public road therein mentioned," was concurred in by the House.

On motion of Mr. Lofland,

The memorial praying for the incorporation of the Milford Rail Road and Canal Company,

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

Whereupon,

Messrs. Lofland, Sutton, and Rodney, were appointed as such committee.

On motion of Mr. Bayard,

The bill entitled, "A supplement to an act entitled, 'An act to provide for the recovery of small debts,'" was read a second time.

On his further motion,

The bill just read was amended, by inserting the word "further" between the words "a" and "supplement" in the title.

On motion of Mr. Rodney,

The bill entitled, "An act to incorporate a company for the purpose of making a canal to connect the waters of Lewes-creek with Indian River and the Chesapeake Bay, by Pokomoke River," was taken up for consideration, and

On his further motion,

Amended, by filling up the first blank in the first section, with the names of "Miers Burton, George Truitt, William Dunning, Joseph L. Barnard, William D. Waples, Thomas Robinson of Wm., Lewis West, Robert Burton, of Lewes, Capt. Nathaniel Tingle;" the second blank in the same section, with the words "two hundred and fifty," and the third, with the word "twenty;" also, by inserting, in the first blank of the second section, the words "Millsborough in Sussex county," in the second, the word "May," in the third, the word "four," in the fourth, the words "two hundred and fifty," in the fifth, the words "two hundred and fifty," and in the sixth, the word "hundred." Also, by inserting, in the first blank of the third section, the words "Lewes and Pocomoke Canal Company," in the second, the word "seven," and in the third, the word "three:" Also by filling up the blank against the several specified articles of toll with the rate of toll for each article.

The clerk of the House being admitted, presented, for the concurrence of the Senate,

A bill entitled, "An act for the establishment of free schools."

Mr. Brooks, of the House of Representatives, being admitted, presented, for the signature of the speaker,

"An act to enable Daniel Hudson, administrator of James Roberts, deceased, to sell and convey certain lands therein mentioned," and

"An act to incorporate the Strunklin and Long Island Marsh Company, for the better securing and improving of the same."

On motion of Mr. Wainwright,

The bill entitled, "An act to enable Lot Rawlins, of Sussex county, to locate certain vacant lands situated in Nanticoke hundred, in said county, and to complete his title to the same," was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed, be returned to the House, with the concurrence of the Senate endorsed upon it.

Mr. Lofland, on behalf of the committee to which was referred the petition of sundry persons, praying for the incorporation of a rail road and canal company, reported

A bill upon the subject entitled, "An act to incorporate the Milford Rail Road and Canal Company;" which,

On his motion,
Was read.

On motion of Mr. Lofland,

The resolutions appointing a committee to settle with the State Treasurer, and receive the report of the Auditor of Accounts, in eighteen hundred and thirty-four, were read a second time, and

Concurred in.

Ordered, That the resolutions be returned to the House with the expression of such concurrence endorsed upon it.

Messrs. Bayard, Rodney, and Wainwright were appointed a committee on the bill entitled, "An act vesting in Thomas Adams, James Lowry, James M. Buchanan, Stanley B. Short, Ephraim Collins, William Twiford, jr. and Gilley G. Short, and their successors as trustees, the title to a certain piece or parcel of land in the county of Sussex and village of Middleford."

On motion of Mr. Bayard,

For leave to introduce and read a resolution concerning the reprinting of the laws enacted at the last session of the Legislature, leave was granted, and the resolution read.

On motion of Mr. Smithers,

The bill entitled, "A supplement to an act entitled, 'An act concerning the Levy-court, clerk of the peace, assessors, collectors, and county treasurers,'" was read a third time, and

Passed by paragraphs.

Ordered, That the clerk return the bill just passed, with the expression of the concurrence of the Senate endorsed upon it.

On motion of Mr. Wainwright,

The bill entitled, "An act to enable James Hopkins, of Kent county, to locate certain vacant lands in Kent county, and to complete his title to said lands," was read a third time by special order, by paragraphs,

Passed by paragraphs.

Ordered, That the clerk return the bill just passed to the House, with the concurrence of the senate endorsed upon it.

Mr. Cooper, a member of the House of Representatives, being admitted, informed the Senate that the House did not concur in the amendment proposed by the Senate to

The bill entitled, "An act to incorporate a company, for the purpose of cutting and making a canal between the waters of the Nanticoke River, and Broadkilm creek, in the county of Sussex, and for other purposes," and that he was directed to ask a committee of conference on the subject.

On motion of Mr. Rodney,

The bill entitled, "An act to appropriate the moneys in the treasury in this state," was read a second time.

The clerk of the House of Representatives being admitted, apprized the Senate of the concurrence of the House in the amendment proposed by the Senate to

The bill entitled, "An act to confirm and give effect, in the state of Delaware, to an act of the General Assembly of the State of Maryland entitled, "An act to incorporate "The People's Steam Navigation Company,"

On motion of Mr. Rodney,

The bill entitled, "An act allowing, for a limited time, an additional justice of the peace to the county of Sussex," which had been sent to the Senate for concurrence, was

Indefinitely postponed.

On motion of Mr. Lofland,

The account of James A. Sparks, for services rendered to the Senate, was read and referred to the committee of accounts.

Mr. Booth presented the account of Thomas H. Tatlow; which,

On his motion,

Was read and referred to the committee of accounts.

On motion of Mr. Booth,

The bill entitled, "An act concerning the Broad Mountain Coal Company," was amended as follows:

Amend the bill by inserting in the third line of the first section immediately after the word "met" the words "with the concurrence of two-thirds of each branch of the Legislature".

Strike out the word "until" at the end of the 4th line of the third section—also strike out the fifth and sixth lines of same section and the word "three" at the beginning of the seventh line thereof.

Add the following, to wit:

"Sec. 10. And be it further enacted, That this act of incorporation shall not be in force for a longer period than twenty years, without the re-enactment of the Legislature; and the power to revoke this act is hereby reserved by the Legislature."

On motion of Mr. Rodney,

The bill entitled, "An act concerning the records of the several offices of this state," was read a second time, and

On his further motion,

Referred to a committee of three.

Whereupon,

Messrs. Rodney, Bayard, and Smithers, were appointed as such committee.

On motion of Mr. Booth,

The bill entitled, "An act to incorporate the Broad Mountain Coal Company," was read a third time, with a view to its final passage.

The yeas and nays being called for, Messrs. Bayard, Booth, Lofland, Rodney, Smithers, Sutton, Wainwright, and Mr. Speaker, voted in the affirmative. The bill

Passed the Senate.

Ordered, That the clerk convey said bill to the House, for concurrence.

On motion of Mr. Booth,

The bill entitled, "A supplement to the act entitled, 'An act concerning negroes and mulattoes,'" was read a second time.

On motion of Mr. Lofland,

The resolutions concerning the claim of this State against the United States, for interest on money expended in the late war, which had been sent from the House for the concurrence of the Senate, was referred to the committee on that part of the Governor's message which relates to the same subject.

On motion,

The senate adjourned until three o'clock this afternoon.



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

The senate met pursuant to adjournment.

Mr. Wainwright, of the committee of enrollment, reported,

"An act to enable Daniel Hudson, administrator of James Roberts, deceased, to sell and convey certain lands therein mentioned," as duly and correctly enrolled.

On motion of Mr. Lofland,

"The resolution for extending the term of office of certain bank directors therein mentioned, to two years," was read a second time, and,

Adopted.

On motion of Mr. Rodney,

A bill entitled, "An act to incorporate a company, for the purpose of making a canal to connect the waters of Lewes creek with Indian river and the Chesapeake bay, by Pokomoke river," was read a third time, by special order, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed to the House, for concurrence.

On motion of Mr. Bayard,

The bill entitled, "A supplement to an act entitled, 'An act for the recovery of small debts,'" was taken up for consideration; and,

On his further motion,

Amended, by striking out the word "interested" in the seventh line of the first section, and inserting in lieu thereof, the words, "entitled to the benefit thereof;" also, by inserting, after the word "shall," in the tenth line of the first section, the words "at the request of the plaintiff or person entitled to the benefit thereof, or his, or her agent;" also, by inserting, after the word "plaintiff," in the tenth line of the second sec-

tion, the words, "or person entitled to the benefit thereof," and striking out the words, "or person interested in the same," in the eleventh line of the same section. Also, by striking out the words, "or any fit person consenting to levy the same," in the fourteenth and fifteenth lines of the second section. Also, by striking out the words, "under the same penalty as above provided, in relation to the summons," in the seventeenth and eighteenth lines of the second section; and inserting in lieu thereof, the words, "subject to the provisions of the eighteenth section to which this is a supplement."

On motion of Mr. Wainwright,

The bill entitled, "An act more effectually to prevent swine from running at large in the village of Middletown, and its vicinity," was read a second time.

On motion of Mr. Lofland,

The bill entitled, "An act authorizing a gate to be erected across a public road therein mentioned," was read a second time.

On motion of Mr. Wainwright,

The bill entitled, "A supplement to an act concerning strays," was read a second time.

Mr. Rodney, on behalf of the committee to which was referred the bill entitled, "An act concerning the records of the several offices in this State," reported the said bill as amended, by making the first section as follows:

"Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the commissioners of the Levy-Court and Court of Appeal in the several counties of this State are hereby authorized, directed, and required, to make a fair, full, and just allowance to every public officer whose duty it is to provide books and cases, seals, and screws, for the use of their respective offices, for the preservation of the public records, or for the public accommodation; whenever it shall become necessary and proper to provide or procure any new book or books, or record, or case, or cases, or seal or seals, screw, or other article necessary for the safe keeping of the public records, provided that no higher rates shall be allowed to the said officers than the actual costs of said articles, nor shall any allowance be made for such articles as are now in use in their respective offices.

On motion of Mr. Rodney,

The communications last received from the House were read.

On motion of Mr. Rodney,

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

Passed.

Ordered, That the clerk of the Senate return the above mentioned bill to the House, with the concurrence of the Senate, endorsed upon it.

On motion of Mr. Bayard,

The bill entitled, "A supplement to the act entitled, 'An act providing for the recovery of small debts,'" was read a third time by special order, and

Passed.

Ordered, That the clerk convey the bill just passed to the House, for concurrence.

On motion of Mr. Wainwright,

The bill intituled, "An act to enable James Hopkins, of Kent county, to locate certain vacant lands in Kent county, and to complete his title to said lands," was read a third time by special order, and *Passed.*

Ordered, That the bill just passed be returned to the House, with the concurrence of the Senate endorsed upon it.

On motion of Mr. Lofland,

The amendment of the House to the bill entitled, "An act to alter the time of holding the stated annual meeting of the school voters, in each school district in the several counties of this state," was

Concurred in.

Ordered, That the House be apprised of such concurrence.

On motion of Mr. Booth,

For leave to introduce and read a bill entitled, "A supplement to the act allowing, for a limited time, an additional justice of the peace to Newcastle county," leave was granted and the bill read.

On motion,

The Senate adjourned until ten o'clock on Monday morning.

MONDAY, 10 o'clock, A. M. Feb. 4, 1835.

The Senate met pursuant to adjournment.

The clerk of the House being admitted, presented

The bill entitled, "An act establishing certain fees for certain services therein mentioned."

An act entitled, "An act for the establishment of free schools."

"A communication from Samuel Grace;" and

"An act to enable George Hearn, of Sussex county, to locate certain vacant lands therein mentioned," with an accompanying petition; which,

On motion of Mr. Smithers,

Were read.

On motion of Mr. Lofland,

The bill entitled, "An act to incorporate the Milford Rail Road and Canal Company," was amended, by filling up the blank in the second section, with the names of Benjamin Potter, Purnell Hall, William C. Williams, Lowder Layton, Joseph G. Oliver, Peter F. Causey, William E. Jester, Benaiah Watson, Henry Hudson and Trusten P. McColley, and by striking out the sixth section, and inserting in lieu thereof, as follows:

"Sect. 6. And be it enacted, That the Legislature hereby reserves the power to revoke this charter.

On motion of Mr. Lofland,

The bill just amended was read a second time.

Mr. Bayard, on behalf of the committee to which was referred

The bill entitled, "An act vesting in Thomas Adams, James Lowry, James M. Buchanan, Stanley B. Short, Ephraim Collins, William Twiford, jr., and Gilley G. Short, and their successors, as trustees, the title

to a certain piece or parcel of land in the county of Sussex, and village of Middleford," reported the bill with amendments.

On further motion of Mr. Bayard,
The bill just amended was read a third time, by paragraphs, and
Passed the Senate.

Ordered, That the bill just passed be returned to the House, for concurrence in the amendments made to it by the Senate.

On motion of Mr. Rodney,
Resolved, That a committee of conference be appointed on
The bill entitled, "An act to incorporate a company for the purpose of cutting and making a canal between the waters of the Nanticoke River and Broadkirk creek, in the county of Sussex, and for other purposes."

Whereupon,
Messrs. Rodney, Booth, and Lofland were appointed as such committee.

On motion of Mr. Bayard,
To postpone, until the next session,
The bill entitled, "An act to change the location of the boundary or division line between the counties of Kent and Newcastle, within this State." Messrs. Bayard, Booth, Lofland, Rodney, Sutton, Waples, and Mr. Speaker, voted in the affirmative; and Messrs. Smithers and Wainwright in the negative.

The yeas being a majority, the motion prevailed.

Ordered, That the house be apprised of the postponement of the bill.

On motion of Mr. Bayard,
Resolved, That a committee of conference be appointed on
The bill entitled, "A supplement to an act regulating innholders, tavern-keepers, and other public house-keepers within this government, and empowering the justices to settle the rates of liquor."

Whereupon,
Messrs. Bayard, Wainwright, and Waples, were appointed as such committee.

Ordered, That the result of the last motion be conveyed to the House, and a committee of conference on their part requested.

On motion of Mr. Sutton,
The bill entitled, "A supplement to 'An act allowing, for a limited time, an additional Justice of the Peace to Newcastle county,'" was read a second time.

On motion of Mr. Bayard,
The bill just read was read a third time, by special order, and
Passed by paragraphs.

Ordered, That the clerk convey the bill just passed to the house of representatives, for their concurrence.

On motion of Mr. Lofland,
For leave to introduce and read resolutions concerning an union between the Eastern Shore of Maryland and this State, in government, leave was granted, and the resolutions read.

On motion of Mr. Bayard,

The resolutions just read were amended by adding to the third resolution, the words, "and that of the Congress of the United States." Also,

On motion of Mr. Lofland,

By filling the blank between the words "appoint" and "commissioners," with the word "three."

On motion of Mr. Waples,

The resolutions were

Adopted.

On motion of Mr. Bayard,

Ordered, That the resolutions be conveyed to the House, for concurrence, by a member of the Senate.

On motion of Mr. Booth,

The bill entitled, "An act to establish a college at Newark," was amended by striking out the word "twenty" in the eighth line of the first section, and inserting the word "thirty," in lieu thereof.

In the eighteenth line of the same section, by striking out the words "or any member or members thereof."

By striking out the names "James Booth" and "E. I. Dupont," and inserting the following names: "Alexander L. Hayes, Louis M'Lane, Rev. James M'Graw, Rev. Robert Graham, Rev. Samuel Bell, Richard H. Bayard, Benjamin C. Howard, Samuel M'Kean, Rev. Ezra Styles Ely, Arnold Naudain, Allan Thompson, and John Wales."

On his further motion,

The bill just amended was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

On motion of Mr. Wainwright,

The bill entitled, "An act more effectually to prevent swine from running at large in the village of Middletown, and its vicinity," was read a third time and

Passed.

Ordered, that the clerk return the bill just passed to the House, with the concurrence of the Senate endorsed upon it.

On motion of Mr. Booth,

The bill entitled, "A supplement to an act concerning strays," was read a third time, and

Passed by paragraphs.

Ordered, That the clerk convey the bill just passed, to the House of Representatives, for concurrence.

On motion of Mr. Booth,

The bill entitled, "A supplement to the act concerning free negroes and mulattoes," was read a third time, and

Passed by paragraphs.

Ordered, That the bill just passed be conveyed to the house, for concurrence.

On motion,

The senate adjourned until three o'clock this afternoon.

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

The senate met pursuant to adjournment.

Mr. Wainwright, on behalf of the committee of enrolment, reported the following bills as duly and correctly enrolled, to wit:

"An act to incorporate the Strunklin and Long Island Marsh company."

"An act incorporating the Newcastle Manufacturing Company."

"Resolutions reported by the committee on so much of the Governor's Message as relates to the communications from the several States, on the subject of the Militia."

"An act to incorporate the Dover Rail Road Company."

The clerk of the House of Representatives being admitted, presented the following bills:

"An act respecting the partition of lands and tenements among joint tenants and tenants in common," concurred in.

"An act concerning the sale of lottery tickets," concurred in.

Mr. Booth laid before the Senate the report of the Directors of the New Castle and Frenchtown Turnpike and Rail Road Company, which, on his motion, was read:

*Office of the New Castle and Frenchtown Turnpike
and Rail Road Company, January 30, A. D. 1833.*

The directors of the New Castle and Frenchtown Turnpike and Rail Road Company, pursuant to an act of the Legislatures of Maryland and Delaware, respectfully report to the General Assembly of the State of Delaware, that the said directors, on the fourth day of August, one thousand eight hundred and thirty-two, declared a dividend of four per centum per annum on the capital stock of the said company.

By order of the board of Directors,

JAMES BOOTH, President.

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

On motion of Mr. Booth,

The resolution of the House, relative to adjournment, was amended, by striking out the words "Wednesday the sixth," and inserting in lieu thereof, "Friday the eighth day of February, instant, at twelve o'clock, noon."

On his further motion,

The resolution, as amended, was

Concurred in.

Ordered, That the House be apprised of such concurrence.

The clerk of the House of Representatives being admitted, returned the bill entitled, "A supplement to the act regulating innholders, tavern-keepers, and other public house-keepers, within this government; and empowering the justices to settle the rates of liquor," and informed the Senate that the House had concurred in the amendment proposed by the committee of conference.

On motion of Mr. Lofland,

The bill entitled, "An act to incorporate the Milford Rail Road and Canal Company," was read a third time, and

Passed.

Ordered, That the clerk convey the bill just passed to the House, for concurrence.

On motion of Mr. Waples,

The bill entitled, "An act for the relief of certain minors therein mentioned," was read a third time, and *Passed*.

Ordered, That the clerk return the bill just passed, with the expression of the concurrence of the Senate endorsed upon it.

On motion of Mr. Wainwright,

The bill entitled, "An act authorizing a gate to be erected across a public road therein mentioned," was read a third time, and *Passed*.

Ordered, That the clerk return the bill just passed to the House, with the concurrence of the senate endorsed upon it.

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, "An act requiring sheriffs to give security," leave was granted, and the bill read.

Mr. Cooper of the House of Representatives, being admitted, returned the "Resolutions concerning the union of the people of the Eastern Shore of Maryland and of this State under one government, to be denominated the State of Delaware," as concurred in by the House.

Mr. Bayard, on behalf of the committee of conference on the bill entitled, "A supplement to an act for regulating innholders, tavernkeepers, and other public house-keepers, within this government, and empowering the justices to settle the rates of liquor," reported the following amendment: "Amend the bill by striking out the word "ten" in the ninth line of the second section, and inserting in lieu thereof the word "two", it being an error in the engrossment thereof.

On his motion,

The report was

Adopted.

On motion of Mr. Booth,

For leave to introduce and read a bill entitled, "A supplement to an act entitled, "An act to prevent the emigration of free negroes and mulattoes into this State, and for other purposes, leave was granted, and the bill read.

The clerk of the House, being admitted, presented the following bills as concurred in:

"An act to authorize William Sipple to locate certain vacant lands therein described, and to complete his title to the same."

"An act to revive the act authorizing Miers Burton, administrator of Benjamin Burton, deceased, to sell and convey certain lands of said Benjamin Burton, of which said Benjamin Burton died intestate."

"A supplement to an act entitled, 'An act to incorporate the Wilmington and Susquehannah Rail Road Company.'"

Mr. Hearn, of the House of Representatives, being admitted, presented, as duly signed, the enrolled bill entitled,

"Resolutions reported by the committee to whom was referred so much of the Governor's message as relates to the communication from the Executive of South Carolina, on the subject of a Convention of the States."

Mr. Herdman of the House, being admitted, presented for signature:

"An act for the relief of School District, No. 3, in Kent county."

"An act to incorporate the Powhattan Coal Company," as duly enrolled.

Mr. Springer of the House, being admitted, presented, as duly enrolled:

"An act to enable Noah James, of Sussex county, to locate certain vacant lands, situate in Broadcreek hundred, in said county and complete his title to said lands."

"An act to incorporate the Thorn Point House Company."

Mr. Causey of the House of Representatives, being admitted, presented, for signature, the following duly enrolled bills:

"An act to form two hundreds of what was heretofore Broadkiln hundred, in Sussex county, as to holding the general and special elections, the elections of assessors and inspectors, and appointment of constables."

"A further supplement to 'An act for the preservation of certain records of the Court of Common Pleas, and of the Supreme Court of Kent county.'"

"An act extending the laws of this state, which require hawkers, pedlars and petty-chapmen to take out license, to all traders in clocks and other time pieces not manufactured in this state."

The clerk of the House, being admitted, informed the Senate that the House concurred in the amendment proposed by the Senate to the "Act concerning the records of the several offices of this state."

Mr. Booth, on the part of the committee of Accounts, moved, that the account of Thomas H. Tatlow, be referred to the committee of claims in the House.

On motion of Mr. Bayard,

The bill entitled, "An additional supplement to an act entitled, 'An act for the establishment of free schools,'" was read a second time.

On motion,

The senate adjourned until to-morrow morning at ten o'clock.

TUESDAY, 10 o'clock, A. M. Feb. 5, 1833.

The Senate met pursuant to adjournment.

Mr. Wainwright, on the part of the committee of enrollment, reported the following bills as duly and correctly enrolled, to wit:

"An act to incorporate the Thorn Point House Company."

"An act extending the laws of this state which require hawkers, pedlars, and petty-chapmen to take out license, to all traders in clocks, and other time-pieces, not manufactured in this state."

"An act to incorporate the Dover Rail Road Company."

"An act to divide Broadkiln hundred into two hundreds."

"An act for the relief of School District No. 3, in Kent county."

The clerk of the House of Representatives being admitted, informed the Senate that the House concurred in the amendment of the Senate to

The bill entitled, "An act vesting in Thomas Adams, James Lowry, James M. Buchanan, Stanly B. Short, Ephraim Collins, William Twiford, jr., and Gilley G. Short, and their successors, as trustees, the title to a certain piece or parcel of land in the county of Sussex, and village of Middleford," with an amendment.

On motion of Mr. Smithers,

The bill entitled, "An act supplementary to an act for the establishment of free schools," was read a second time.

On motion of Mr. Rodney,

The bill entitled, "An act for the preservation of certain records of the Orphans' Court of Sussex county," was read a second time.

On motion of Mr. Rodney,

The bill entitled, "An act to enable Turpin, Jacob, and Charles Wright, to remove certain negroes therein mentioned into the State of Maryland," was read a second time.

On motion of Mr. Bayard,

The bill entitled, "An act requiring Sheriffs to give security," was read a second time.

On motion of Mr. Waples,

The bill entitled, "An act to enable George Hearn, of Sussex county, to locate certain vacant and uncultivated lands, situated in Little-creek hundred, in said county, and to complete his title to said lands," was read a second time.

Mr. Rodney, on behalf of the committee on the claims of this State against the United States, for money expended in the last war, and arising from the proceeds of the sale of the public lands, reported the following resolutions:

"The committee to whom was referred so much of the Governor's message as relates to the claim of this State, upon the General Government, for expenses incurred in the common defence, during the late war; report the following resolutions.

"Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the act passed at the last session of Congress, making provision for the payment of claims for interest on expenditures made by the several States, for the common defence during the late war, and which did not become a law from its not having received the signature of the Executive, was so just and proper in its nature, and so fully accords with the views of this Legislature; being particularly calculated to meet the claims of this State; that our Senators and Representative in Congress, be, and they are, hereby requested to exert themselves to procure the enactment of a similar law so soon hereafter as the same can be effected."

"To the same committee was referred that part of the Governor's message relating to the subject of the public lands of the Union; and they report the following resolutions:

"Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the bill which lately passed the Senate of the United States for making distribution of the proceeds arising from the sales of public lands, for a limited period, among the several States of the Union, to be applied by them to the purposes of education, internal improvement and colonization; is so just and patriotic in all its provisions and bearings; having for its object the promotion of the happiness and welfare of the whole American people; that it meets the fullest approbation and accomplishes the wishes of the General Assembly.

Resolved, That copies of the foregoing resolutions be signed by the Speakers of both Houses respectively, and sent to each of our Senators, and to our Representative in Congress."

Mr. Baker, the clerk of the House of Representatives, being admitted, returned the bill entitled, "An act concerning the Mayor's Court of the city of Wilmington," as concurred in.

On motion of Mr. Bayard,

For leave to introduce a bill entitled, "A supplement to an act concerning the keeping of papers in the executive department," leave was granted, and

On his further motion,
The bill read.

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



Eodem Die, three o'clock P. M.

The senate met pursuant to adjournment.

Mr. Rodney, on behalf of the committee on

The bill entitled, "An act to incorporate a company, for the purpose of cutting and making a canal between the waters of the Nanticoke River, and Broadkirk creek, in the county of Sussex, and for other purposes," reported, that the committee of conference on the part of the Senate had agreed to recede from their amendment, so far as to strike out, in the 20th section the words "at the expiration of thirty years;" also the words "or dissolved," in the same section, and the words "hereby created."

On his motion,
The report of the committee was *Adopted*.

Ordered, That the House be apprised of such adoption.

On motion of Mr. Rodney,

The report of the committee on the claims of this State on account of moneys expended in the late war, and proceeds arising from the sale of public lands, was taken up for consideration, and

Adopted.

The clerk of the House of Representatives being admitted, presented for concurrence, a bill entitled, "An additional supplement to an act entitled, 'An act to enable the owners and possessors of the marsh, cripple, and low grounds lying on Black-bird creek, in Newcastle county, to bank, and drain the same.'"

He also returned

The bill entitled, "A further supplement to the act entitled, 'An act to incorporate the Delaware Fire Insurance Company.'"

He then informed the Senate, that the House had concurred in the amendment to the bill entitled, "An additional supplement to the school laws."

And he withdrew.

On motion of Mr. Bayard,

That the Senate do not concur in the amendment proposed by the house to the bill entitled, "A further supplement to an act entitled, 'An act

to incorporate the Delaware Fire Insurance Company." The yeas and nays being taken, Messrs. Bayard, Booth, Rodney, Sutton, Wainwright, Waples, and Mr. Speaker voted in the affirmative; and,

Messrs. Lofland, and Smithers in the negative.

The yeas being a majority, the motion prevailed.

Ordered. That the clerk apprise the House of Representatives of such non-concurrence.

On motion of Mr. Rodney,

The communication last received from the House, was read.

Mr. Wainwright, on the part of the committee of enrolment, reported the following bills, as duly and correctly enrolled, to wit:

"A supplement to the act entitled, 'An act to incorporate the Wilmington and Susquehannah Rail Road Company.'"

"An act to revive an act authorizing Miers Burton, executor of Benjamin Burton, deceased, to sell and convey certain lands of said Benjamin Burton, of which the said Benjamin Burton died intestate."

"An act to authorize William Sipple to locate certain vacant lands therein described, and to complete his title to the same."

"Resolutions concerning the union of the people of the Eastern Shore of Maryland, and of this State, under one government, to be denominated the State of Delaware.

"An act concerning the sale of lottery tickets."

"A supplement to an act entitled, 'An act concerning the partition of lands and tenements among joint tenants and tenants in common.'"

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, "A supplement to an act entitled, 'An act providing for the punishment of certain crimes and misdemeanors,'" leave was granted, and the bill read.

Mr. Booth, on behalf of the committee on

The bill entitled, "A supplement to an act entitled, 'An act concerning the Levy-court, clerk of the peace, assessors, collectors, and county treasurers,'" reported the following amendments; which,

On motion of Mr. Smithers,

Were read, and

Adopted, to wit:

"Amend the bill, by striking out all the first section, after the enacting clause, and insert the following:

"That a general rate of persons, and valuation of personal property, in each hundred, in the several counties of this state, shall be made, so as to be returned on the first Tuesday of February, in the year of our Lord, one thousand eight hundred and thirty-four, and shall stand and be acted on, for three years; and, another general rate of persons, and valuation of personal property, shall be made so as to be returned on the first Tuesday of February, in the year of our Lord one thousand eight hundred and thirty-seven, and shall stand and be acted on, for four years: And such general rate of persons, and valuation of personal property, shall be made so as to be returned on the first Tuesday of February in every fourth year thereafter. And the present rate of persons and valuation of personal property, shall stand and be acted upon until the said first Tuesday of February, in the year of our Lord one thousand eight hundred and thirty-four. And a general valuation of the real property in each hundred, in

the several counties of this state, shall be made so as to be returned on the first Tuesday of February, in the year of Lord one thousand eight hundred and thirty-seven, and shall stand and be acted upon for eight years: and such general valuation of real property shall be made so as to be returned on the first Tuesday of February, in every eighth year thereafter. And the present valuation of real property shall stand and be acted upon until the said first Tuesday of February, in the year of our Lord one thousand eight hundred and thirty-seven."

On motion of Mr. Rodney,

The bill just amended, was read a third time, and passed as amended.

Ordered, That the bill just passed, as amended, be returned to the House, for their concurrence in such amendment.

On motion of Mr. Bayard,

The bill entitled, "An act establishing certain fees for certain services therein mentioned," was read a second time.

On motion of Mr. Lofland,

The bill just read was amended, by striking out from the seventeenth and eighteenth lines, the words "to appraisers for appraising a levy under an execution in the hands of a constable, each 25 cents."

Mr. Marim, of the House of Representatives, being admitted, returned

The bill entitled, "A supplement to the act entitled, 'An act concerning the Levy-court, Clerk of the Peace, Assessors, Collectors and County Treasurers,'" as further amended, by inserting the word "further" between the words "a" and "supplement," in the title, and requested the concurrence of the Senate in such amendment.

On motion of Mr. Rodney,

The Senate concurred in such amendment.

Ordered, That the House be apprised of such concurrence.

On motion of Mr. Bayard,

The bill entitled, "An act establishing certain fees for certain services therein mentioned," was read a third time, by special order, and *Passed*.

Ordered, That the bill just passed, as amended, be returned to the House, for concurrence in the amendment.

On motion of Mr. Booth,

Resolved, That the Senate recede from their amendment to

The bill entitled, "An act to repeal the sixth section of the act entitled, 'An act to prohibit the emigration of free negroes and mulattoes into this state, and for other purposes.'"

On motion of Mr. Booth,

The bill entitled, "A supplement to the act entitled, 'An act to prohibit the emigration of free negroes and mulattoes into this state, and for other purposes,'" was read a second time.

On motion of Mr. Bayard,

The bill entitled, "An act supplementary to an act entitled, 'An act for the establishment of free schools,'" was amended by dividing it into four sections, to wit:

Inserting, at the beginning of the first line, the word and figure "section 1."

Inserting, at the beginning of the 34th line, "Section 2. And be it further enacted."

Inserting, at the beginning of the 70th line, "Section 3. And be it further enacted."

Inserting, at the beginning of the 84th line, "Section 4. And be it further enacted."

On his further motion,
The bill was read a third time, and passed as amended.

Ordered, That the bill just passed, as amended, be returned to the House, for concurrence in the amendment.

On motion,
The senate adjourned until to-morrow morning at ten o'clock.

WEDNESDAY, 10 o'clock, A. M. Feb. 6, 1833.

The senate met pursuant to adjournment.

On motion of Mr. Smithers,
The bill entitled, "A supplement to an act entitled, 'An act granting to William Russell, of Kent county, a tract or parcel of marsh therein described,'" was read a second time.

On motion of Mr. Lofland,
The bill entitled, "An act to enable George Hearn, of Sussex county, to locate certain vacant lands, and to complete his title to said lands," was taken up for consideration, and,

On his further motion,
Amended, by adding to the end of the first section, as follows:
"Provided nevertheless, That it shall be the duty of the said George Hearn, and he is hereby required and directed, immediately after the return of the said plot into the office of the recorder of deeds aforesaid, to give notice, in one or more newspapers published in this state, for the space of one month, that the aforesaid lands have been surveyed, and that a plot thereof has been made and returned into the said office for the information of all persons concerned."

On motion of Mr. Smithers,
The bill entitled, "A supplement to an act entitled, "An act granting to William Russell, of Kent county, a certain tract or parcel of marsh therein described," was amended as follows:

Sec. 2. And be it enacted, That it shall be lawful for the said William Russell, his heirs or assigns, to have a copy of the said act to which this is a supplement, attested by the Secretary of State, under the seal of his office, recorded in the office for recording of deeds in one of the counties of this state, at any time within the said six months from the passing of this act; and the same so recorded, shall be as available, to all intents and purposes, as if such copy had been recorded within twelve months from the passing of the said act.

On further motion of Mr. Smithers,
The bill just amended was read a third time, by special order, and
Passed.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

On motion of Mr. Bayard,

The bill entitled, "An act requiring sheriffs to give security," was read a third time, and *Passed*.

Ordered, That the clerk convey the bill just passed to the House of Representatives, for their concurrence.

The clerk of the House of Representatives being admitted, returned the following bills, as concurred in:

"A supplement to the act entitled, 'An act for granting power to the courts to grant licenses respecting slaves, in certain cases.'"

"A supplement to the act concerning strays."

"Resolutions on the subject of the claim of this State on the United States, and upon the division of the proceeds of the sale of the public lands of the Union."

"A supplement to the act entitled, 'An act concerning the sale of the real estates of deceased persons, by executors or administrators, for the payment of debts.'"

"An act authorizing and empowering Cornelius D. Blaney, and Edward Williams, to sell and convey a certain messuage or tenement, and lot of land, in the town of Newcastle," with an accompanying petition.

He also informed the Senate, that the House concurred in the amendment of the Senate to

The bill entitled, "An act establishing certain fees for certain services therein mentioned."

On motion of Mr. Lofland,

The bill entitled, An act to enable George Hearn, of Sussex county, to locate certain vacant lands, situate in Little-creek hundred, in said county, and to complete his title to said lands," was read a third time, and *Passed*.

Ordered, That the clerk return the bill just passed, with the expression of the concurrence of the Senate endorsed upon it.

The clerk of the House, being admitted, returned the bills entitled:

"An act to incorporate the Broad Mountain Coal Company," and,

"An act to establish a college at Newark," as both concurred in with amendments.

On motion of Mr. Bayard,

The amendment of the House, to the bill entitled, "An act to establish a college at Newark," was concurred in.

On motion of Mr. Bayard,

The amendment of the House to

The bill entitled, "An act concerning the Broad Mountain Coal Company," was concurred in.

On motion of Mr. Bayard,

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

On his further motion,

Amended, by inserting between the words "members" and "shall," the words, "every person so offending," in the 5th line of the first sec-

tion; and, between the words "of" and "either," the words "any or" in the 5th line of the third section.

On motion of Mr. Bayard,

The bill entitled, "A supplement to the act entitled, 'An act concerning the keeping of the papers belonging to the Executive Department, and the acts of the General Assembly, and the printing and disposal of the laws and journals,'" was read a second time.

On motion of Mr. Bayard,

The bill entitled, "An act to incorporate the trustees of the Milford Circuit Parsonage," was read a second time, and,

On his further motion,

Amended, by striking out the word "but," in the eighth line of the third section.

The clerk of the House of Representatives being admitted, returned

The bill entitled, "A further supplement to the act entitled, 'An act to incorporate the Delaware Fire Insurance Company,'" and informed the Senate that the House insisted on their amendment to said bill. He also returned

The bill entitled, "An additional supplement to an act entitled, 'An act to extend the time for recording of deeds,'" as concurred in, with an amendment.

On motion of Mr. Bayard,

Resolved, That the Senate do not concur in the amendment of the House to the bill entitled, "An additional supplement to the act entitled, 'An act to extend the time for recording of deeds.'"

On motion of Mr. Bayard,

That the Senate insist on their disagreement to the amendment of the House to the bill entitled, "An act to incorporate the Delaware Fire Insurance Company."

The yeas and nays being taken, Messrs. Bayard, Booth, Rodney, Sutton, Wainwright, Waples, and Mr. Speaker voted in the affirmative; and Messrs. Lofland and Smithers in the negative.

The yeas being a majority, the motion prevailed.

Mr. Lofland presented two bills of Reed and Bostick, for articles furnished to the Senate during the present session;" which,

On his motion,

Were read and referred to the committee of accounts.

On motion of Mr. Waples,

The bill entitled, "An additional supplement to an act entitled, 'An act to enable the owners and possessors of the marsh, cripple, and low grounds lying on Black-bird creek, in Newcastle county, to bank, and drain the same,'" was read a second time.

On motion of Mr. Waples,

The bill entitled, "An act to enable Turpin, Jacob, and Charles Wright, to remove certain negroes therein mentioned into the State of Maryland," was taken up for a third reading, with a view to its passing the Senate.

The yeas and nays being called for, on the final question, Messrs. Bayard, Booth, Sutton, Waples, and Mr. Speaker, voted in the affirmative; and Messrs. Smithers and Wainwright in the negative.

The yeas being a majority, the bill

Passed.

Ordered, That the clerk return the bill just passed to the House, with the concurrence of the senate endorsed upon it.

Mr. Wainwright, on behalf of the committee of enrolment, reported the following bills, as duly and correctly enrolled, to wit:

“An act concerning the Mayor’s Court of the city of Wilmington,” and

“Resolutions reported by the committee on so much of the Governor’s Message as relates to the communication from the Executive of South Carolina.”

On motion of Mr. Bayard,

The bill entitled, “A supplement to an act entitled, ‘An act providing for the punishment of certain crimes and misdemeanors,’” was read a third time, by special order, and

Passed.

Ordered, That the bill just passed be conveyed to the House, for concurrence.

On motion of Mr. Bayard,

The bill entitled, “A supplement to an act entitled, ‘An act concerning the keeping of the papers of the executive department, and the acts of the General Assembly, and the printing and disposal of the laws and journals,’” was read a third time, by special order, and

Passed.

Ordered, That the clerk convey the bill just passed, to the House of Representatives, for concurrence.

The clerk of the House, being admitted, informed the Senate that the House concurred in the amendment of the Senate, to

The bill entitled, “An act supplementary to an act for the establishment of free schools.”

He also informed the Senate that the House concurred in the amendment proposed by the Senate to

The bill entitled, “An act to enable George Hearn, of Sussex county, to locate certain vacant and uncultivated lands, situated in Little-creek hundred, in said county, and to complete his title to said lands.”

On motion of Mr. Booth,

For leave to introduce and read a bill entitled, “A supplement to the act concerning apprentices and servants,” leave was granted, and the bill read.

On motion of Mr. Booth,

The bill just read, was read a second time, by special order.

On motion,

The senate adjourned until 3 o’clock this afternoon.



Eodem Die, three o’clock P. M.

The senate met pursuant to adjournment.

On motion of Mr. Bayard,

The bill entitled, “An act to incorporate the Milford circuit parsonage,” was, by special order, taken up for a third reading, with a view to its final passage.

The yeas and nays being taken upon the final question, Messrs. Bayard, Booth, Lofland, Smithers, and Mr. Speaker, voted in the affirmative; and Messrs. Wainwright, and Waples in the negative.

The yeas being a majority, the bill *Passed.*

Ordered, That the clerk give intelligence of such concurrence to the House of Representatives.

On motion of Mr. Booth,

The bill entitled, "A supplement to the act concerning apprentices, and servants," was read a third time, by special order, and.

Passed the Senate.

Ordered, That the clerk convey the bill just passed to the House, for concurrence.

On motion of Mr. Lofland,

The bill entitled, "A supplement to an act entitled, "An act to prohibit the emigration of free negroes and mulattoes into this State, and for other purposes," was amended, by striking out all, after the enacting clause, and inserting, as follows:

"That where any proceedings, under the act to which this a supplement, passed the twenty-eighth day of January, one thousand eight hundred and eleven, are, or shall hereafter be had against any free negro, or free mulatto, it shall and may be lawful for such free negro or free mulatto, to apply to the Superior court in term time, or to the Chief Justice, Chancellor, or any Associate Judge, in vacation, for a hearing of the case; which shall be granted; and the said Court, Chief Justice, Chancellor, or Associate Judge, upon such hearing, may, in their or his discretion, under all the circumstances of the case, authorize such free negro or mulatto to remain in the State, or may order him or her to depart from the State, within such reasonable time as shall be specified in such order; the original act, to which this is a supplement, or any other law to the contrary, notwithstanding. And, in case the said Court, Chief Justice, Chancellor, or Associate Judge shall make such order, commanding such free negro or free mulatto to depart from the State, and if such free negro or free mulatto shall not depart, pursuant to the terms of the said order, he or she shall be liable to the penalties and punishment in the original act mentioned."

On motion of Mr. Lofland,

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

Passed as amended.

Ordered, That the clerk convey the bill just passed to the house of representatives, for their concurrence.

Mr. Lofland laid before the Senate the account of Samuel Wise, for services rendered, as sergeant-at-arms, and doorkeeper, of the Senate; which,

On his motion,

Was read, and referred to the committee of accounts.

Mr. Harris, of the House, being admitted, presented sundry enrolled bills, for the signature of the speaker.

Mr. M. Johnson, of the House of Representatives, being admitted, presented sundry enrolled bills, for the signature of the speaker.

Mr. Hearn, of the House of Representatives, being admitted, presented sundry enrolled bills, for signature.

Mr. Herdman of the House of Representatives, being admitted, presented sundry enrolled bills, for signature.

On motion of Mr. Bayard,

For leave to introduce and read a bill entitled, "A supplement to an act entitled, 'An act concerning negro and mulatto slaves,'" leave was granted, and the bill read.

On motion,

The senate adjourned till to-morrow morning at ten o'clock.

THURSDAY, 10 o'clock, *A. M.* Feb. 7, 1833.

The senate met pursuant to adjournment.

Mr. Wainwright, on the part of the committee of enrollment, reported the following bills, as duly and correctly enrolled, to wit:

"An act allowing an additional justice of the peace to Newcastle county."

"A supplement to an act entitled, 'An act concerning the Levy-court, clerk of the peace, assessors, collectors, and county treasurers.'"

"Resolution for extending the term of office of certain Bank Directors, therein named, to two years."

"Resolution appointing a committee to settle with the State Treasurer, and receive the report of the Auditor of Accounts."

"An act to incorporate the Beaver dam and Harrington Branch Canal Company."

"An act to confirm and give effect, in the state of Delaware, to an act of the General Assembly of the State of Maryland entitled, 'An act to incorporate 'The People's Steam Navigation Company.'"

"A supplement to the act entitled, 'An act for the relief of the owners and possessors of certain marsh and low grounds, generally called and known by the name of the Big Marshyhope, and to enable the owners and possessors of said marsh and low grounds, and the marsh and low grounds contiguous thereto, to ditch, drain, and reclaim the same.'"

"An act to enable Lot Rawlins of Sussex county, to locate certain vacant lands, situated in Nanticoke hundred, in said county, and to complete his title to the same."

"An act to alter the time of holding the stated annual meeting of the school voters, in each school district in the several counties of this state."

"An act to authorize one or more gates to be erected across a public road therein mentioned."

"An act to appropriate the moneys in the treasury in this state."

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

"A supplement to the act entitled, 'An act to protect the navigation of Mispillion creek, in this state, and to prevent the wanton destruction of oysters in the same.'"

"An act to carry into effect the last will and testament of John Houston, late of Sussex county, deceased."

"A supplement to an act entitled, 'An act concerning the sale of the real estates of deceased persons, by executors, or administrators, for the payment of debts.'"

The clerk of the House of Representatives being admitted, informed the Senate that the House concurred in their amendment to the "Act to incorporate the trustees of the Milford circuit parsonage," and the "Act supplementary to an act entitled, 'An act for the establishment of free schools.'"

He also informed the Senate that the House receded from their amendment to the bill entitled, "An additional supplement to the act entitled, 'An act to extend the time for recording of deeds.'"

He then presented, for concurrence, a bill entitled, "An act allowing an additional constable to Mispillion hundred in Kent county," with an accompanying petition; and,

Informed the Senate that the bill entitled, "An act concerning negroes and mulattoes," was indefinitely postponed by the House.

And he withdrew.

The clerk of the House, being again admitted, returned the following bills, as concurred in:

"An act to incorporate the Milford Rail Road and Canal Company."

"An act for the recovery of small debts."

"A supplement to an act granting to William Russel, of Kent county, a certain tract or parcel of Marsh therein described."

"A supplement to 'An act allowing, for a limited time, an additional Justice of the Peace to Newcastle county.'"

"A supplement to the act concerning apprentices and servants."

On motion of Mr. Booth,

The amendment proposed by the House to the bill entitled, "An act to incorporate a company for the purpose of making a canal to connect the waters of Lewes-creek with Indian River and the Chesapeake Bay, by Pocomoke River," was concurred in.

Ordered, That the House be apprised of such concurrence.

Mr. Lofland presented bills of Aug: M. Schec, James Schec, and Thomas Stevenson, for services rendered to the Senate; which,

On his motion,

Were read, and referred to the committee of accounts.

On motion of Mr. Rodney,

The bill entitled, "An act allowing an additional constable to Mispillion hundred, in Kent county," was read a second time, by special order.

On motion of Mr. Bayard,

To adopt the resolution concerning the reprinting the laws of the last session," the yeas and nays being taken, Messrs. Bayard, Booth, Sutton, Waples, and Mr. Speaker voted in the affirmative; Messrs. Lofland, Rodney, Smithers, and Wainwright in the negative.

The yeas being a majority, the motion prevailed.

Ordered, That the resolution just adopted, be conveyed to the House, for concurrence in such adoption.

The clerk of the House being admitted, presented for concurrence,

The bill entitled, "An act for the benefit of Abel Jeans," with an accompanying petition; also,

"An act for the payment of claims against the State, and against the school fund;" with the claims on which it was founded.

On motion of Mr. Bayard,

The bill entitled, "An act to enable the owners and possessors of the marsh, cripple, and low grounds lying upon Blackbird creek, in Newcastle county, to bank, drain, and reclaim the same," was taken up for consideration, and,

On motion of Mr. Lofland,

Laid on the table until the afternoon.

On motion of Mr. Lofland,

The bill entitled, "An act allowing an additional constable to Mispillion hundred, in Kent county," was read a third time, by special order, and

Passed.

Ordered, That the bill just passed, be returned to the House, with the concurrence of the Senate endorsed upon it.

On motion of Mr. Smithers,

The bill entitled, "An act for the benefit of Abel Jeans," was read.

On motion of Mr. Bayard,

The bill just read was read a second time, by special order.

On motion,

The Senate adjourned until three o'clock this afternoon.



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

The Senate met pursuant to adjournment.

Mr. Wainwright, on the part of the committee of enrollment, reported the following bills as duly and correctly enrolled, to wit:

"A supplement to the act entitled, 'An act for granting power to the Courts to grant licenses, respecting slaves, in certain cases.'"

"An act to establish a College at Newark,"

"An act to incorporate the Broad Mountain Coal Company."

"Resolutions on the subject of the claims of this state on the United States, and upon the division of the proceeds arising from the sales of the public lands of the Union."

"An act authorizing and empowering Cornelius D. Blaney, and Edward Williams, to sell and convey a certain messuage, or tenement, and lot of land, in the town of Newcastle."

Mr. Lofland presented the bill of G. M. Manlove against the Senate; which,

On his motion,

Was read and referred to the committee of accounts.

On motion of Mr. Booth,

The bill entitled, "An act for the benefit of Abel Jeans," was amended, by striking out the title, and inserting in lieu thereof, the words, "An act to authorize Abel Jeans to construct a rail road across a public road."

On his further motion,
The bill just amended, was read a third time, by special order, and
Passed.

Ordered, that the clerk return the bill just passed to the House, with the concurrence of the Senate endorsed upon it.

On motion of Mr. Smithers,
The bill entitled, "An act giving jurisdiction in replevin to justices of the peace," was read.

On motion of Mr. Rodney,
The bill just read was *Indefinitely postponed.*
Ordered, That the House be apprised of such postponement.

On motion of Mr. Rodney,
The bill entitled, "An act for the payment of claims against the state, and against the school fund," was read, and

On his further motion,
Amended, by striking out all between the word "cents," in the 17th line, and the word "to" in the 20th line.

The clerk of the House of Representatives being admitted, returned
The bill entitled, "A supplement to an act entitled, 'An act providing for the punishment of certain crimes and misdemeanors,'" as concurred in, with an amendment, and presented for concurrence,

The bill entitled, "An act regulating the commissions to be received by the collectors of Newcastle and Christiana hundreds, and the collector of the city of Wilmington, in the county of Newcastle," He also informed the Senate, that the House acceded to the proposal of a committee of conference on the bill entitled, "A supplement to an act entitled, 'An act to incorporate the Delaware Fire Insurance Company,'" and that Messrs. Cooper, Causey, and Jacobs, were appointed as such committee, on the part of the House.

On motion of Mr. Smithers,
The bill entitled, "An act regulating the commissions to be received by the collectors of Newcastle and Christiana hundreds, and the collector of the city of Wilmington, in the county of Newcastle," was read.

The clerk of the House of Representatives being admitted, informed the Senate that the House concurred in the amendment to the bill for the benefit of Abel Jeans.

On motion of Mr. Bayard,
The amendment proposed by the house, to the bill entitled, "A supplement to the act entitled, 'An act providing for the punishment of certain crimes and misdemeanors,'" was concurred in.

On motion of Mr. Rodney,
The bill entitled, "An act providing for the payment of claims against the state, and against the school fund," was further amended, 1st, by striking out the words "two hundred dollars," in the 28th line, and inserting the words "one hundred and thirty dollars," in lieu thereof. 2d. by adding, to the first section, the following words, "and to Ignatius T. Cooper and William Johnson, each, the sum of sixty dollars, for arranging books, pamphlets, and papers, in the libraries of the two houses of the General Assembly, and for all other services relating thereto.— 3d. by inserting, after the word "office," in the 5th line of the third sec-

tion, as follows: "for the year one thousand eight hundred and thirty-three, is further authorized to pay the said Secretary of State, in the year one thousand eight hundred and thirty-four, the further sum of two hundred dollars, for the contingent expenses of his office, in that year."

Mr. M. Johnson, of the House of Representatives, being admitted, presented sundry enrolled bills, for the signature of the speaker.

Mr. Gruwell, of the House, being admitted, presented sundry enrolled bills, for the signature of the speaker.

Mr. Brooks, of the House of Representatives, being admitted, presented sundry enrolled bills, for signature.

On motion of Mr. Bayard,

Resolved, That the Senate concur in the amendment of the House, to

The bill entitled, "A further supplement to the act entitled, 'An act to incorporate the Delaware Fire Insurance Company,'" with an additional amendment, to wit: by adding, "Provided always, that this act shall not take effect until its acceptance is signified to the Secretary of State, by a formal certificate thereof, under the seal of the said corporation."

On motion of Mr. Rodney,

The act regulating commissions to be received by the collectors of Newcastle and Christiana hundreds, and the collector of the city of Wilmington, in the county of Newcastle," was read a second time, by special order.

The clerk of the House, being again admitted, returned the following bills, as concurred in:

"An act requiring sheriffs to give security."

"A supplement to the act entitled, 'An act to prohibit the emigration of free negroes and mulattoes into this State, and for other purposes.'"

Mr. Webster of the House of Representatives, being admitted, returned sundry enrolled bills.

The clerk of the House of Representatives being admitted, returned

The bill entitled, "An act to incorporate the Delaware Fire Insurance Company," and informed the Senate that the House concurred in their amendment to said bill. He also returned,

The bill entitled, "An act repealing part of the act entitled, 'An act to carry into effect the amended constitution, and for other purposes,'" and informed the Senate that the House had concurred in the bill, with the following amendment, in which the concurrence of the Senate was requested.

"House of Representatives, Feb. 7, 1833.

"Amend the bill, by prefixing the word and figure 'Section 1,' to the first line, and add, as section 2:

" 'Section 2. Be it further enacted, That the chancellor shall not sit in any cause, in which his parent, grand-parent, child, grand-child, brother or sister, nephew or neice, uncle or aunt, his brother-in-law, or his son-in-law shall be a party.'

"Extract from the journal,

"J. G. BAKER, Clerk.

"For concurrence."

On motion of Mr. Bayard,
The amendment was concurred in.

On motion of Mr. Bayard,
The bill entitled, "An additional supplement to an act entitled, 'An act to enable the owners and possessors of the marsh, cripple, and low grounds, lying upon Black-bird creek, in Newcastle county, to bank, drain, and reclaim the same,'" was amended as follows:

Amend the bill by striking out the second section, and inserting, in lieu thereof, as follows:

Section 2. And be it further enacted, That it shall be the duty of the managers, for the time being, of the Black-Bird Marsh Company, to call an occasional meeting of the owners and possessors of the said marsh, according to the provisions of the second section of the act to which this is an additional supplement, for the purpose of submitting this act to such meeting for acceptance. The occasional meeting shall be held on the first day of May next, at Taylor's Bridge, and the notice to be given to the said owners and possessors, as well as the public notice, shall state the object of the said meeting. If, at the said meeting, the majority of votes given, shall be in favor of accepting this supplement to the charter of the said company, then this act shall immediately take effect, and a certified copy thereof, with a certificate of such acceptance, endorsed thereon, under the seal of the said corporation, shall be recorded in the office for recording of deeds, in and for Newcastle county. But if the majority of votes then given, shall be against accepting the supplement, then this act shall be null and void."

On motion of Mr. Bayard,
The bill just amended, was read a third time, and passed as amended.
Ordered, That the bill just passed be returned to the House, for concurrence in the amendment.

On motion of Mr. Bayard,
The amendment proposed by the House, to
The bill entitled, "An act repealing part of the act entitled, "An act to carry into effect the amended Constitution, and for other purposes," was concurred in.

Ordered. That the clerk apprise the House of Representatives of such concurrence.

Mr. Waples, laid before the Senate, the following resolutions, relative to the protective system; which,

On motion of Mr. Rodney,
Were

Adopted:

"Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in the opinion of this General Assembly, the protective system ought to be sustained; because it encourages domestic industry, and is essential to the prosperity of the Agricultural and manufacturing States.

Resolved, That the abandonment of this system, at the present time, would be a surrender of the *right* and interest of a *large majority* of the people, to the *menaces of a few*, and destroy confidence in the ability of the General Government to sustain the laws and Constitution of the United States.

Resolved, That the Tariff bill, reported at the present session of Congress, to the House of Representatives, by the chairman of the committee of ways and means, will have an injurious effect upon the industry of this state, and of the other agricultural and manufacturing states; and that our Senators, and Representative in Congress be, and they are hereby requested, to use their exertions to prevent the passing of the said bill.

Resolved, That copies of these resolutions, be transmitted by the Governor, to our Senators and Representative in Congress.

Ordered, That the resolutions just adopted be conveyed to the House, for concurrence.

On motion,

The senate adjourned until 8 o'clock this evening.



Eodem Die, eight o'clock P. M.

The senate met pursuant to adjournment.

On motion of Mr. Wainwright,

Resolved, That two members be added to the committee of enrollment.

Whereupon,

Messrs. Rodney and Booth were appointed as such committee.

On motion of Mr. Rodney,

The bill entitled, "An act regulating the commissions to be received by the collectors of Newcastle and Christiana hundreds, and the collector of the city of Wilmington, in the county of Newcastle," was read a third time, by special order, and *Passed*.

Ordered, That the bill just concurred in be conveyed to the House, with the expression of such concurrence endorsed upon it.

Mr. Wainwright, on behalf of the committee of enrollment, reported the following bills, as duly and correctly enrolled, to wit:

"An act establishing certain fees for certain services therein mentioned."

"An act to enable James Hopkins, of Kent county, to locate certain vacant lands in Kent county, and to complete his title to said lands."

"An act to enable George Hearn, of Sussex county, to locate certain vacant lands, situate in Little-creek hundred, in said county, and to complete his title to said lands."

"An act to repeal the sixth section of the act entitled, 'An act to prohibit the emigration of free negroes and mulattoes into this state, and for other purposes.'"

"An act to authorize a gate to be erected across a public road therein mentioned."

"An act concerning the bridge over Lewes-creek, in Sussex county."

"An additional supplement to an act entitled, 'An act for the establishment of free schools.'"

"An act more effectually to prevent swine from running at large in the village of Middletown, and its vicinity."

"An act vesting in Thomas Adams, James Lowry, James M. Buchanan, Stanley B. Short, Ephraim Collins, William Twiford, jr. and Gilley G.

Short, and their successors, as trustees, the title to a certain piece or parcel of land in the county of Sussex and village of Middleford."

"An act for the relief of certain minors therein mentioned."

"A supplement to the act concerning apprentices, and servants,"

"A further supplement to the act entitled, 'An act providing for the recovery of small debts.'"

"An additional supplement to an act entitled, 'An act to extend the time for recording of deeds;'" and

"A supplement to an act granting to William Russel, of Kent county, a certain tract or parcel of Marsh therein described."

The clerk of the House of Representatives, being admitted, returned "Resolutions relative to the protective system," as concurred in.

He then informed the Senate, that the House concurred in their amendment to the bill entitled, "An additional supplement to an act entitled, 'An act to enable the owners and possessors of the marsh, cripple, and lowgrounds lying on Black-bird creek, in Newcastle county, to bank, and drain the same.'"

And he withdrew.

Mr. Marim, being admitted, presented, for concurrence, "A resolution in relation to the account of J. H. Eccleston, for procuring seals for the courts."

He also returned, the bill entitled, "An act providing for the payment of claims against the State, and against the School Fund," and informed the Senate, that their first amendment to said bill was not concurred in by the House; their second not concurred in; their third concurred in with an amendment substituting the word "seventy-five" for "sixty;" and their fourth, concurred in.

On motion of Mr. Bayard,

That the Senate recede from their first and second amendment to the last mentioned bill,

The yeas and nays being called for, Messrs. Bayard, Booth, Sutton, Wainwright, and Mr. Speaker, voted in the affirmative; and Messrs. Lofland, Rodney, Smithers, and Waples, in the negative.

The yeas being a majority, the motion prevailed.

On further motion of Mr. Bayard,

The Senate concurred in the amendment proposed by the House to their third amendment of said bill.

On motion of Mr. Lofland,

The resolution in relation to the account of John H. Eccleston, for procuring seals for the courts, was read, as follows:

"Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the account rendered to this General Assembly by John H. Eccleston, Esquire, of his expenses in procuring seals for the Courts, under an act passed at the last session of the General Assembly, is correct; and that said John Eccleston be, and he is hereby discharged from all liability, for any balance which may remain in his hands, of the sum of two hundred and fifty dollars, which was appropriated for defraying the expenses aforesaid."

On motion of Mr. Lofland,

The resolution just read, was

Adopted.

Ordered, That the House be apprised of such concurrence.

Mr. Raymond of the House of Representatives, being admitted, presented sundry enrolled bills, for signature.

Mr. Rodney, on the part of the committee of enrollment, reported the following bills, as duly and correctly enrolled, to wit:

“An act requiring sheriffs to give security;” and

“An act to incorporate a company, for the purpose of cutting and making a canal between the waters of the Nanticoke River, and Broadkiln creek, in the county of Sussex, and for other purposes.”

On motion,

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

FRIDAY, 9½ o'clock, *A. M.* February 8, 1833.

The Senate met pursuant to adjournment.

Mr. Wainwright, of the committee of enrollment, reported the following bills as duly enrolled, to wit:

“A supplement to an act entitled, “An act providing for the punishment of certain crimes and misdemeanors.”

“A further supplement to the act entitled, “An act to incorporate the Delaware Fire Insurance Company.”

“An act to incorporate the Milford Rail Road and Canal Company.”

“An act to repeal a part of the act entitled, “An act to carry into effect the amended constitution, and for other purposes.”

“An act to incorporate a company, for the purpose of making a canal to connect the waters of Lewes creek with Indian river, and the Chesapeake bay, by Pocomoke river.”

Mr. Lofland presented the bill of W. R. Morris, for services rendered the Senate, as Clerk; which,

On his motion,

Was read and referred to the committee of accounts.

Mr. Gruwell, being admitted, presented sundry enrolled bills, for signature.

Mr. Springer, being admitted, presented sundry enrolled bills, for signature.

Mr. Rodney, of the committee of enrollment, reported the following bills, as duly enrolled:

“An act to enable Turpin, Jacob, and Charles Wright, to remove certain negroes therein mentioned into the State of Maryland.”

“An act regulating the commissions to be received by the collectors of Newcastle and Christiana hundreds, and the collector of the city of Wilmington, in the county of Newcastle.”

“Resolution in relation to the account of J. H. Eccleston, for procuring seals for the courts.”

“An act to authorize Abel Jeans to construct a rail road across a public road.”

“An act for the payment of claims against the State, and against the School Fund.

"An act concerning the records of the several offices of this State."

Mr. Loffland, on behalf of the committee of accounts, made the following report:

The committee of accounts beg leave to report, for the consideration of the Senate, the following accounts, and recommend the allowance of the same:

To Joshua Burton, Speaker of the Senate, 41 days, 51 miles	\$135 75
Richard H. Bayard, - - - 41 50	115 00
James Booth, - - - 41 45	113 75
John Sutton, - - - 41 31	110 25
Thomas Wainwright, - - - 39 3	98 25
Joseph Smithers, - - - 39 00	97 50
James P. Loffland, - - - 41 20	107 50
William D. Waples, - - - 41 49	114 75
Henry F. Rodney, - - - 41 44	113 50
Samuel Wise, sergeant-at-arms, his daily allowance, ringing the bell, and extra services	83 86
His bill of articles furnished the Senate	25 08
Messrs. Reed and Bostick, as per bill	1 22
Thomas Stevenson, for work done, as per bill	3 37 $\frac{1}{2}$
Augustus M. Schee, for printing this session, as per bill	69 70
George M. Manlove, as per bill	33 54 $\frac{1}{2}$
James Schee, for his services, this session	4 00
James A. Sparks, for superintending the printing of the Journal of the Senate of the session of 1832, transcribing, reading, correcting proof sheets, and making index to the same	200 00
William R. Morris, for transcribing, engrossing bills and resolutions, reading and filing petitions, &c.	225 00
His daily allowance	97 50
For sundry articles furnished the Senate the present session	9 70
Moses America for attending on Senate during the present session, including all his services	20 00
Elijah Douglass, for cutting and splitting wood, and other services the present session	15 00

On motion of Mr. Wainwright,

The report of the committee of accounts, was *Adopted.*

Mr. Rodney, of the committee of enrollment, reported the following bills, as duly enrolled, to wit:

"An act supplementary to an act for the establishment of free schools."

"A supplement to the act entitled, 'An act concerning the Levy-court, Clerk of the Peace, Assessors, Collectors and County Treasurers.'"

The clerk of the House being admitted, presented, for concurrence the following joint resolution, providing for the payment of the loan from the executors of Ezekiel Needham; which,

On motion of Mr. Bayard,

Was read, to wit:

"Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That in case payment of the sum of ten thousand dollars, due from the State of Delaware to the executors of Ezekiel Needham, deceased, shall be demanded of the State Treasurer, the said State Treasurer be, and he is hereby authorized and directed to

make such payment, out of any money in his hands, not otherwise appropriated; and if there should not be sufficient funds in the treasury to pay said sum, then, and in that case, it shall be the duty of said treasurer, and he is hereby authorized, and empowered to borrow the same from the trustee of the fund for establishing schools in this State, to be repaid as soon as the said Treasurer may have in hand money belonging to the State, sufficient for that purpose.

On motion of Mr. Rodney,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That be, and he is hereby appointed to take charge of all the books, papers, and furniture belonging to the State in the Senate Chamber, and the Hall of the House of Representatives; and cause the same to be safely deposited in one or the other of the said rooms, and, from time to time, examined and attended to, as he may judge proper, in order to preserve the same; or, or in case he may deem it proper, such of the said articles may be deposited in the office of the Secretary of State.

On motion of Mr. Rodney,

Resolved, That the blank in the resolution just read be filled with the name of William R. Morris.

Ordered, That the resolutions just adopted be conveyed to the house, for concurrence.

Mr. Cooper, of the House of Representatives, being admitted, returned the resolution last passed, as concurred in by the House, with the following amendment:

“House of Representatives, Feb. 8, 1833.

“Amend the resolution, by striking out all after the word ‘Representatives,’ in the 6th line, and inserting in lieu thereof, the words, “and shall cause the books and papers of each house to be put into their cases, according to their catalogues respectively, and locked up; and shall cause the furniture of both Houses to be safely deposited in one or the other of said rooms, and locked up; and from time to time, shall examine and attend to the same, that they may be preserved from injury.”

“Extract from the Journal,

“J. G. BAKER, Clerk.

“For concurrence.”

On motion of Mr. Rodney,

The amendment was concurred in by the Senate.

Mr. W. Harris, of the House of Representatives, being admitted, presented sundry enrolled bills, for signature.

Mr. Rodney, of the committee of enrollment, reported the bill entitled, “An additional supplement to the act entitled, ‘An act to enable the owners and possessors of the marsh, cripple, and lowgrounds lying on Blackbird creek, in Newcastle county, to bank, and drain the same,” as duly enrolled.

Mr. Dilworth, of the House of Representatives, being admitted, returned sundry enrolled bills.

Mr. Causey, of the House of Representatives, being admitted, returned sundry enrolled bills.

Mr. Dilworth, of the House of Representatives, being admitted, presented sundry enrolled bills, for signature.

Mr. Wainwright, of the committee of enrollment, reported the following bills, as duly enrolled:

“Resolutions providing for the payment of the loan from the executors of Ezekiel Needham,” and,

“An act to incorporate the trustees of the Milford circuit parsonage.”

Mr. Herdman, of the House of Representatives, being admitted, returned sundry enrolled bills.

On motion of Mr. Bayard,

“*Resolved by the Senate of Delaware, That the thanks of the Senate be, and are hereby presented to Joshua Burton, Esq. the Speaker, for his faithful and impartial discharge of the duties of his office.*”

The Speaker arose, and addressed the Senate, as follows:

Gentlemen,

I am fully sensible of your kindness and indulgence to me, during the present session. For the compliment paid me by the resolution you have just passed, I return you my grateful acknowledgments. With feelings of friendship for each of you, and my best wishes for your safe return to your respective families, and many years of health and happiness, I bid you an affectionate farewell.

The clerk of the House of Representatives, being admitted, informed the Senate that the House, having finished their business, would be ready to adjourn, *sine die*, in five minutes.

And he withdrew.

On motion of Mr. Lofland,

The journal of the day was read.

On motion of Mr. Lofland,

Ordered, That the clerk proceed to the Hall of the House of Representatives, and inform the House, that the Senate, having finished their business, are now ready to adjourn, *sine die*.

On motion of Mr. Rodney,

The Senate adjourned, *sine die*.

WILLIAM R. MORRIS, *Clerk*
Of the Senate of the State of Delaware.

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- Assessors and inspectors, an act to repeal the act to amend the act directing the election of—reported 23, read a second time 37, read a third time and passed 38, returned to the senate concurred in 54, enrolled 89.
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- _____, an act to amend the act directing the election of—reported 23, read a second time 37, read a third time and passed 38, returned concurred in 83, enrolled 89.
- Auditor of Accounts, an act to amend the act concerning the—presented and read 42, read a second time 48, read a third time, passed and returned 59, reported enrolled 85.
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- Bateman Susan, an act granting to, a certain piece of land therein mentioned—presented and read 43, read a second time 52, read a third time, passed and returned 56, enrolled 85.
- Beaverdam and Harrington's Branch Canal Company, an act to incorporate the—presented and read 73, enrolled 127.
- Big Marshyhope, a supplement to the act to enable the owners and possessors of the marsh and low grounds on, to ditch, drain and reclaim the same—presented 68, read 81, read a second time 88, read a third time, passed and returned 95, enrolled 127.
- Blaney Cornelius D. and Edward Williams, an act authorizing and empowering, to sell and convey a certain messuage or tenement and lot of land in the town of Newcastle—reported and read 80, read a second time 81, 82, reported amended, read a third time, passed and sent for concurrence 86, returned concurred in 123, enrolled 129.
- Blackbird creek in Newcastle county, an additional supplement to an act to enable the owners and possessors of the marsh, cripple and low grounds lying on, to bank and drain the same—presented 119, read a second time 124, taken up for consideration and postponed until the afternoon 129, amended, passed and returned 132, amendment concurred in 134, enrolled 137.
- Broadkilm hundred, an act to divide, into two hundreds—presented and read 70, read a second time and committed 82, reported amended, amendments adopted, read a third time, passed and returned 90, amendment concurred in 90, enrolled 117.
- Bridge over Lewes creek in Sussex county, an act concerning—presented 96, read 105, read a second time 105, amended 106, read a third time, passed and returned 106, enrolled 133.
- Broad Mountain Coal Company, an act to incorporate the—reported and read 100, read a second time 102, amended 109, read a third time, passed by yeas and nays and sent for concurrence 110, returned amended 123, amendment concurred in 123, enrolled 129.

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- Buckmaster Joseph, an act granting to, a certain tract or parcel of marsh therein described—reported and read 57, read a second time 60, read a third time, passed and sent for concurrence 67, returned concurred in 84, enrolled 89.
- Burton Miers, executor of Benjamin Burton, deceased, a bill to revive the act authorizing, to sell and convey certain lands of the said Benjamin Burton, of which the said Burton died intestate—presented and read 53, read a third time, passed and returned 57, returned concurred in 116, enrolled 120.
- Canal to connect the waters of Lewes creek with Indian river and the Chesapeake Bay by Pocomoke river, an act to incorporate a company for the purpose of making a—reported 94, read a second time 97, taken up for consideration and amended 107, read a third time, passed and sent for concurrence 110, amendments made by the house concurred in, and the house informed thereof 128, enrolled 136.
- Canal between the waters of Nanticoke river and Broadkirk creek, in Sussex county, and for other purposes, an act for the purpose of cutting and making a—presented 84, read 85, read a second time 96, amended, read a third time, passed and returned 103, returned to the senate and a committee of conference asked 109, committee of conference appointed 113, reported amended, amendments adopted, and House apprised 119, enrolled 135.
- Christiana hundred, an act to divide into two hundreds—presented and read 66, read a second time and referred 67, reported without amendment 70, amended, read a third time, passed and sent for concurrence 72, clerk ordered to send a copy to the clerk of the peace of Newcastle county 73, enrolled 106.
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- College at Newark, an act to establish a—reported and read 82, read a second time 85, amended, read a third time, passed and sent for concurrence 114, returned amended 123, amendment concurred in 123, enrolled 129.
- Commissions to be received by the collectors of Newcastle and Christiana hundreds and the collector of the city of Wilmington, in the county of Newcastle, an act regulating the—presented and read 130, read a second time 131, read a third time, passed and returned 133, enrolled 135.
- Constable to Mispillion hundred in Kent county, an act allowing an additional—presented 128, read a second time 128.
- Constitution, an act repealing a part of the act to carry into effect the amended—introduced and read 38, read a second time 43, read a third time and laid on the table for consideration 51, returned concurred in with an amendment 131, amendments concurred in 132, returned 132, enrolled 135.

BILL,

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Crimes and misdemeanors, an act providing for the punishment of certain—introduced and read 120, read a second time 123, amended 123-4, read a third time, passed and sent for concurrence 125, returned concurred in with an amendment 130, amendment concurred in 130, enrolled 135.

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Dover Rail Road Company, an act to incorporate the—reported 55, read a second time 57, read a third time, passed and sent for concurrence 64, amendments adopted; taken up for a third reading, and on the first section the bill was lost, 80, returned from the House concurred in 90, enrolled 115.

Dover Rail Road Company, an act granting a lottery privilege to the, for the purpose of internal improvement—reported 55, taken up for consideration 59, amended 60, read a second time, amended and sent for concurrence 64, amendments laid on the table 71, enrolled 117.

Farmers' Bank of the State of Delaware, an additional supplement to the act to establish a bank and incorporate a company under the name of the—introduced and read 57, read a second time 67, read a third time, passed and sent for concurrence 70, returned concurred in 99, enrolled 106.

Fees for certain services, an act establishing certain—presented and read 112, read a second time and amended 121, read a third time, passed and returned 121, returned concurred in 123, enrolled 133.

Fire Insurance Company, a further supplement to the act to incorporate the Delaware—introduced and read 96, read a second time 101, read a third time, passed and sent for concurrence 105, returned 119, non-concurred in the amendments made by the House, by yeas and nays 120, House insist on their amendments 124, Senate insist on their disagreement, by yeas and nays 124, House proposes a committee of conference 130, Senate concurs in the amendments with an additional amendment 131, which is returned from the House concurred in 131, enrolled 135.

Fisher George R. of Sussex county, an act to enable, to sell certain acts of Assembly therein mentioned—presented and read 59, read a second time 66, read a third time, adopted and returned 82, enrolled 106.

BILL,

Fooks Benjamin of Sussex county, an act to enable, to locate certain vacant lands, situate in Little-creek hundred, in said county, and to complete his title to said lands—presented and read 42, read a second time 55, read a third time, passed and returned 58, enrolled 106.

Free negroes and mulattoes, a supplement to an act to prevent the emigration of, into this State and for other purposes—introduced and read 116, read a second time 121, amended, read a third time, passed and sent for concurrence 126, returned concurred in 131.

Free Schools, an additional supplement to the act for the establishment of—presented and read 112, read a second time 117, House concurred in the amendment 119, amended 121-2, returned 122, House concurred 125, 128, enrolled 133.

Free Schools, an act for the establishment of—presented 107, read a second time 118, enrolled 136.

Free Schools, an act to amend the supplement to the act for the establishment of—reported by the committee on unfinished business 12.

Gate to be erected across a public road therein mentioned, an act to authorize a—presented 87, read 88, read a second time 94, amended, read a third time, passed and returned 97, House concurred in the amendment 107, enrolled 127.

Gate to be erected across a public road therein mentioned, an act to authorize a—presented 98, read 100, read a second time 111, read a third time, passed and returned 116, enrolled 133.

Hawkers, pedlers and petty chapmen, an act extending the laws of this State, which require, to take out license, to all traders in clocks not manufactured in this State—presented and read 49, taken up and read 51, read a second time 54, read a third time and referred 58, reported amended 59, amendments adopted, read a third time and passed 65, returned to the Senate with notice that the House did concur in one, and did not concur in another amendment, which the Senate had proposed to said bill 73, taken up for consideration and insist upon the amendments, House informed 80, returned with an amendment to the amendments 81, amendments concurred in 82, House informed 82, enrolled 117.

Hearn George of Sussex county, an act to enable, to locate certain vacant lands therein mentioned—presented and read 112, read a second time 118, amended 122, read a third time, passed and returned 123, enrolled 133.

Hopkins James of Kent county, an act to enable, to locate certain vacant lands in Kent county and to complete his title to said lands—presented 104, read 105, read a third time, passed and returned 108, read a third time, passed and returned 112, enrolled 133.

Horseracing, an act concerning jockey clubs and—reported and read 59, read a second time 65, amended by striking out the words “concerning jockey clubs and horseracing” and substituting “to encourage the improvement of the breed of horses within this State”, 66, read a third time, passed by yeas and nays and sent for concurrence 69, returned indefinitely postponed 72.

Houston John, late of Sussex county deceased, an act to carry into effect the last will and testament of—presented 82, read a second time 88, read a third time, passed and returned 97, enrolled 127.

BILL,

Hudson Daniel, administrator of James Roberts, deceased, an act to enable, to sell and convey certain lands therein mentioned—presented 57, read 58, read a second time 60, read a third time, passed and returned 69, enrolled 110.

Inn holders, tavern-keepers and other public house-keepers within this government, a supplement to the act for regulating, and empowering justices to settle the rates of liquor—introduced and read 40, read a second time 42, taken up for a third reading and lost 49, 50, reconsidered 51, referred 54, reported amended 55-6, amendments adopted 56, taken up for a third reading and postponed until to-morrow 56, amended 64, passed by yeas and nays 64-5, returned concurred in 81, enrolled 92, committee of conference appointed, and the House requested to appoint a similar committee 113, informed that the House concurred in the amendment proposed by the committee of conference 115, adopted 116.

Insolvent prisoners, a further supplement to the act concerning—introduced and read 38, read a second time 43, read a third time, passed and sent for concurrence 48, returned concurred in 81, enrolled 89.

Intestates, a supplement to the act concerning the real estate of—reported by the committee on unfinished business 12.

James Noah, of Sussex county, an act to enable, to locate certain vacant lands, situate in Broad-creek hundred, in said county, and to complete his title to said lands—presented and read 81, read a second time 88, read a third time, passed and returned 98, enrolled 117.

Jeans Abel, an act for his benefit—presented 128, read 129, read a second time, by special order, and amended 129, read a third time, passed and sent for concurrence 130, enrolled 135.

Joint tenants and tenants in common, a farther supplement to the act respecting the partition of lands and tenements among—introduced and read 39, 40, read a second time 42, referred 53, reported with amendments, and amendments adopted 71-2, read a second time 72, amended 80, read a third time, passed and sent for concurrence 85, enrolled 120.

Justice of the peace to Newcastle county, a supplement to the act allowing for a limited time an additional—introduced and read 112, read a second and third times, by special order, passed and sent for concurrence 113, returned concurred in 128, enrolled 128.

Justice of the peace and constable to the county of Sussex, an act allowing for a limited time an additional—presented 101, indefinitely postponed 109.

Justice of the peace to Newcastle county, an act allowing an additional—presented 90, read 97, read a second time 101, read a third time, passed and returned 104, enrolled 127.

Justice of the peace, an act allowing an additional, in Sussex county—presented and read 21, indefinitely postponed 94.

Justices of the peace, an act altering and amending the act providing for the recovery of small debts, and extending the jurisdiction of, to sums not exceeding one hundred dollars—reported by the committee on unfinished business 12.

BILL,

Landlords and tenants, a supplement to the act concerning—introduced and read 40, read a second time 42, read a third time, passed and sent for concurrence 48, returned amended 83, amendment amended and House informed 83, returned concurred in 87, enrolled 89.

Levy-court, clerk of the peace, assessors, collectors and county treasurers, a supplement to the act concerning, presented 89, read 100, read a second time 105, read a third time, passed and returned 108, returned further amended, which was concurred in 121, enrolled 136.

Levy-court, clerk of the peace, assessors, collectors and county treasurers, a supplement to the act concerning—read a second time 48, referred 66, reported with an amendment and report adopted 120, read a third time, passed and returned 121, enrolled 127.

Lottery tickets, an act concerning the sale of—reported and read 91, read a second time and amended 92, further amended 92, read a third time, passed and sent for concurrence 97, returned concurred in 115, enrolled 120.

Lottery for the purpose of constructing a Grand Masonic Hall in the borough of Wilmington, a supplement to the act to enable certain persons to raise the sum of 15,000 dollars by—introduced and read 50, read a second time 52, read a third time, passed by yeas and nays and sent for concurrence 55, returned non-concurred in 57.

Manufacturing company, an act to incorporate the Newcastle—reported and read 40, read a second time 43, read a third time and passed by yeas and nays, unanimously 48, returned amended 83, amendments amended and sent for concurrence 102, returned concurred in 103, enrolled 115.

Marriage, a supplement to the act regulating—presented and read 23, read a second time and amended 42, read a third time, passed and returned 49, returned amended 51, enrolled 85.

Matthews Philip, of Sussex county, an act to enable, to locate certain vacant lands, situate in Broadcreek hundred, in said county, and to complete his title to said lands—presented and read 39, read a second time 52, read a third time, passed and returned 58, enrolled 85.

Mayor's Court in the city of Wilmington, an act concerning the—introduced and read 43, read a second time and laid on the table 44, referred 89, reported with amendments which were adopted 92, 93, taken up for a third reading, first and second sections passed, when the senate adjourned 98, amended, passed by yeas and nays and sent for concurrence 99, returned concurred in 119, enrolled 125.

Milford circuit parsonage, an act to incorporate the trustees of the—presented 104, read 105, read a second time 124, taken up for a third reading 125, passed by yeas and nays and returned 126, enrolled 138.

Milford rail road and canal company, an act to incorporate the—reported and read 108, amended and read a second time 112, read a third time, passed and sent for concurrence 116, returned concurred in 128, enrolled 135.

BILL,

- Minors therein mentioned, an act for the relief of—presented 68, read 81, read a second time 83, read a third time, passed and returned 116, enrolled 134.
- Mispillion creek in this state, a supplement to the act to protect the navigation of, and to prevent the wanton destruction of oysters in the same—presented and read 60, read a second time 67, taken up for a third reading and committed 84, reported with amendments, amendments adopted and bill passed 85, 86, returned from the house amended 101, amendments non-concurred in and House informed 102, enrolled 127.
- Moneys in the treasury of this state, an act to appropriate the—presented 96, read 105, read a second time 109, read a third time, passed and returned 111, enrolled 127.
- Murderkill creek, an act to prohibit the planting of hedges in, and thrashing of—presented and read 56, read a second time 67, read a third time, passed and returned 72, enrolled 106.
- Negroes and mulattoes, a supplement to the act concerning—introduced and read 105, read a second time 110.
- Negroes and mulattoes, an act repealing the sixth section of the act to prohibit the emigration of free, into this state—presented and read 21, read a second time 52, amended, passed and returned 98, senate informed that the house did not agree to the amendment 107, senate recedes 121, enrolled 133.
- Negro and mulatto slaves, a supplement to the act concerning—introduced and read 127, indefinitely postponed by the House 128.
- Newcastle and Frenchtown turnpike and rail road company, a further supplement to the act concerning—introduced and read 39, read a second time and referred 41, 42, reported and laid on the table until to-morrow 49, remonstrance against 53, taken up for consideration 53, taken up for a third reading with a view to its passing, passed by yeas and nays and sent for concurrence 54, returned concurred in with amendments 68, amendments adopted by yeas and nays, and the bill sent for concurrence 71, enrolled 92.
- Nonsuch and Mill creek marshes, an additional supplement to the act to enable the owners and possessors of the meadows, marsh and cripple lying on, and adjoining Lewden's island, in the hundred and county of Newcastle on Delaware, to embank and drain the same—presented 87, 88, read 88, taken up for consideration and indefinitely postponed 102.
- Papers of the executive department, a supplement to the act concerning the keeping of the—introduced and read 119, read a second time 124, read a third time, passed and sent for concurrence 125.
- People's Steam Navigation Company, an act to confirm and give effect in the State of Delaware to an act of the General Assembly of the State of Maryland, to an act to incorporate the—presented and read 70, read a second time and committed 88, amended, read a third time, passed and returned 104, amendment concurred in by the House 109, enrolled 127.
- Powhattan Coal Company, an act to incorporate the—presented and read 90, read a second time 97, read a third time, passed and returned 102, enrolled 117.

BILL.

Rail road company, an act to incorporate the Wilmington and Susquehannah—introduced and read 96, read a second time 101, read a third time, passed and sent for concurrence 105, returned concurred in 116, enrolled 120.

Rawlins Lot, of Sussex county, an act to enable, to locate certain vacant lands, situate in Nanticoke hundred, in said county, and to complete his title to the same—presented and read 88, read a second time 97, read a third time, passed and returned 108, enrolled 127.

Records in the Orphans' Court of Sussex county, an act for the preservation of certain—presented 98, read 100, read a second time 118.

Records of the several offices of this State, an act concerning—presented 96, read 105, read a second time and referred 109, reported amended 111, amendments concurred in by the House 117, enrolled 136.

Records of the Court of Common Pleas, and of the Superior Court of Kent county, a further supplement to the act for the preservation of—presented 87, read, 88, read a second time 92, read a third time, passed and returned 95.

Replevin to justices of the peace, an act giving jurisdiction in—read and indefinitely postponed, and the House informed thereof 130.

Russel William of Kent county, a supplement to an act granting to, a tract or parcel of marsh therein described—read a second time 122, amended, read a third time and passed 123, sent for concurrence 123, returned concurred in 128, enrolled 134.

Salaries of the Chancellor and Judges, an act fixing the—reported 37, read a second time and amended 43, taken up for consideration and lost by yeas and nays 52.

Sales of the real estate of deceased persons by executors or administrators, a supplement, to the act concerning, for the payment of debts—introduced and read 100, read a second time 102, read a third time, passed and sent for concurrence 104, returned concurred in 123, enrolled 128.

School District No. 3, in Kent county, an act for the relief of—presented 87, read 88, read a second time 92, read a third time, passed and returned 96, enrolled 117.

School Voters, an act to alter the time of holding the stated annual meeting of the, in each school district in the several counties of this State—reported 23, read a second time 37, read a third time and passed 38, amendment of the House concurred in, and the House informed 112.

Seat of Justice from the town of Newcastle to the city of Wilmington, an act for the removal of the—reported and read 44, read a second time and postponed until to-morrow, and made the order of the day 49, ordered to be printed 57, amended 70, taken up for a third reading, and lost by yeas and nays 87.

Sheriffs to give security, an act requiring—introduced and read 116, read a second time 118, read a third time, passed and sent for concurrence 123, returned concurred in 131, enrolled 135.

Ships and other vessels and the goods thereof, an act to repeal a part of the ninth section of an act for the more effectual preservation of all such, as shall be forced on shore or stranded upon the coasts of

BILL,

this State, and for other purposes—presented and read 37, read a second time 52, referred 67, reported with amendments, read a third time, passed and sent for concurrence 69, enrolled 105.

Sipple William, an act to authorize, to locate certain vacant lands therein described, and to complete his title to the same—introduced and read 96, read a second time 103, read a third time and passed 104, sent for concurrence 105, returned concurred in 116, enrolled 120.

Slaves, a supplement to the act granting power to the Court to grant licenses respecting, in certain cases—introduced and read 42, referred 52, reported with amendments 94, amendments adopted 95, read a third time, passed by yeas and nays, and sent for concurrence 105, returned concurred in 123, enrolled 129.

Small debts, a supplement to an act to provide for the recovery of—introduced and read 104, read a second time and amended 107, taken up for consideration and amended 110, read a third time, passed and sent for concurrence 111, returned concurred in 128, enrolled 134.

Smyrna Circuit Parsonage, an act to incorporate the trustees of—presented 53, read 55, read a second time 58, read a third time, passed by yeas and nays and sent for concurrence 66, enrolled 106.

Strays, a supplement to the act concerning—introduced and read 101, read a second time 111, read a third time, passed and sent for concurrence 114, returned concurred in 123.

Strunkiln and Long Island Marsh Company, an act to incorporate the, for the better securing and improving the same—presented and read 56, read a second time 59, read a third time, passed and returned 66, enrolled 115.

Subpoenas to appear and answer in Chancery, an act about the service of—introduced and read 43, read a second time 44, read a third time and passed 51.

Swine to go at large within certain limits, an additional supplement to the act to restrain persons from suffering—introduced and read 53, read a second time 55, read a third time, passed and sent for concurrence 58, returned concurred in with an amendment 87, returned by the House concurred in as amended 87, enrolled 92.

Swine from running at large in the village of Middletown and its vicinity, an act more effectually to prevent—presented 98, read 100, read a second time 111, read a third time, passed and returned 114, enrolled 133.

Tharp Benaiah, an act to enable, to locate certain vacant lands, situate in Mispillion hundred, in Kent county, and to complete his title to the same—presented 82, read a second time 88, read a second time and amended 96, read a third time, passed and returned 104, enrolled 127.

Thorn Point House Company, an act to incorporate the—presented and read 81, read a second time 88, read a third time, passed and returned 91, enrolled 117.

Volunteer Companies within this State, an act to establish—reported and read 83, read a second time 86, taken up for consideration and amended; taken up for a third reading and passed by yeas and nays 31.

BILL,

Wright Turpin, Jacob and Charles, an act to enable to remove certain negroes therein mentioned from this State into the State of Maryland—presented 101, read a second time 118, taken up for a third reading and passed by yeas and nays 124-5, returned 125, enrolled 135.

CERTIFICATE,

Bennett Caleb P. of the election of, to be signed by the speaker of both Houses, that he was duly elected governor 35.

Naudain Arnold, of the election of, as Senator in the United States' Senate 41.

CLERK,

William R. Morris elected 4.

Ordered to inform the House of Representatives that the Senate had formed a quorum, and were ready for business 4.

Ordered to procure unbound volumes of the laws from the prothonotary for the use of the Senate 38.

Ordered to transmit to the clerk of the peace of Newcastle county a copy of the "Act to divide Christiana hundred into two hundreds" 73.

COMMITTEE,

Accounts, of—appointed 90, reported 136.

Adams Thomas, and others, and their successors, as trustees, on the bill vesting in them the title to a certain piece or parcel of land in the county of Sussex and village of Middleford—appointed 108, reported 112.

Blaney Cornelius D. and Edward Williams, on their petition—appointed 71, reported 80, 86.

Broadkilm hundred, on the bill to divide, into two hundreds—appointed 82, reported 90.

Buckmaster Joseph, on his petition—appointed 53, reported 57.

Canal Company, on the petition of sundry persons praying for the incorporation of the Lewes creek and Indian River—appointed 67, reported 94.

Canal between the waters of Nanticoke river and Broadkilm creek in the county of Sussex, and for other purposes, of conference, on the bill to incorporate a company for the purpose of making and cutting a—appointed 113, reported 119.

Christiana hundred, on the bill to divide, into two hundreds—appointed 68, reported 70.

Claims of this State against the United States, for interest on money expended in the late war, on so much of the Governor's message as relates to the—appointed 110, reported 118.

Coal lands, on the petition of sundry citizens of Pennsylvania and Delaware, concerning—appointed 96, reported 100.

Conference, of, 113, 116.

Courts, Superior and Chancery, on so much of the Governor's message as relates to the time for holding the fall terms of the—appointed 12, reported 23.

Crimes and misdemeanors, on the memorial of sundry persons praying the repeal of a certain clause of a certain section of an act providing for the punishment of certain—appointed 51, reported 59.

COMMITTEE,

Elections, of, appointed 5, reported 12, 13.

Enrollment, of, appointed 52, an additional member appointed to supply the place occasioned by the indisposition of Mr. Waples 84, reported 85, 92, 94, 106, 115, 117, 120, 127, 129, 133, two additional members added to the 133, reported 134-5-6-7-8.

Farmers' Bank of the State of Delaware, to appoint certain directors for the—reported 70.

Governor elect, to wait on the, and inform him that a joint meeting of the two Houses would convene in the court room on Tuesday the 15th instant, to attend him while the oaths of office are administered to him—appointed 36, reported 44.

Hawkers, pedlers and petty-chapmen, on the bill to extend the laws of this State which require, to take out license to all traders in clocks not manufactured in this State—appointed 58, reported 59.

Inn-holders, tavern-keepers and other public house-keepers within this government, on the supplement to the act regulating, and empowering justices to settle the rates of liquor—appointed 54, 113, reported 55-6, 116.

Joint, to wait on the Governor and inform him that the General Assembly are ready to receive any communication he may wish to make—appointed 4, reported 4.

Joint, to wait on, and settle with, the State Treasurer and make report thereof—appointed 10, reported 15.

Joint tenants and tenants in common, on the further supplement to an act respecting the partition of lands and tenements among—appointed 53, reported 71-2.

Levy-court, clerk of the peace, assessors, collectors and county treasurers, on the supplement to the act concerning of—appointed 66, reported 120.

Lotteries, on the memorial of sundry persons respecting certain defects in the laws on the subject of—appointed 84, reported 91.

Manufacturing establishment in the town of Newcastle, on the memorial of sundry citizens of Newcastle county, praying for the incorporation of a company for the purpose of erecting and carrying on a—appointed 40, reported 40.

Mayor's Court of the city of Wilmington, on the bill concerning—appointed 89, reported 92.

Milford Rail Road and Canal Company, on the memorial of the—appointed 107, reported 108.

Militia of this State, on so much of the governor's message as refers to the—appointed 12, referred 29, 56, 68, 69, reported 83, 89.

Mispillion creek, on the bill to protect the navigation of, and to prevent the wanton destruction of oysters in—appointed 84, reported 85.

Newark Academy, on the memorial of the trustees of, praying an act to incorporate Newark College—appointed 41, reported 82.

Newcastle and Frenchtown Turnpike and Rail Road Company, on the further supplement to the act concerning—appointed 42, reported 49.

People's Steam Navigation Company, on the act to confirm and give effect in the State of Delaware to an act of the General Assembly of Maryland, to an act to incorporate the—appointed 89.

COMMITTEE,

Public lands, on so much of the governor's message as refers to the distribution of the moneys arising from the sale of the—appointed 12, 20, reported 118.

Rail Road from Dover to Mahan's river, or to some point on Little-creek, on the memorial of sundry citizens of Kent county, praying for the incorporation of a company to construct a—appointed 50, reported 55.

Rules for the government of the Senate, to draft—appointed 5, reported 10, 11.

St. Jones' creek, on the memorial of sundry citizens of Kent county, praying for a law preventing the employment of drag seins or drives in—appointed 50.

Salaries of the Judges of the Superior Court, on so much of the governor's message as refers to an increase of the—appointed 12, reported 37.

Seat of Justice, on the memorial of sundry citizens of Newcastle county, praying the removal of the, from the town of Newcastle to the city of Wilmington—appointed 39, counter memorial referred 43, reported 44.

Ships and other vessels and the goods thereof, on the bill to repeal a part of the act for the more effectual preservation of all such, as shall be forced on shore or stranded upon the coasts of this State and for other purposes—appointed 66, reported 69.

Slaves, on the supplement to the act granting power to the courts to grant licenses respecting, in certain cases—appointed 52, 69, reported 94.

South Carolina, on so much of the governor's message as refers to—appointed 11, 20, reported 23-4-5-6-7-8-9, 30-1-2-3-4.

State Treasurer, joint, to wait on the, in the Senate chamber, at Dover, on the first Tuesday in January, 1834, settle his accounts, ascertain the amount of cash on hand and make report thereof to the Executive in order that the same may be laid before the next Legislature—appointed 16, 101.

Unfinished business, appointed 9, reported 12.

COMMUNICATION,

Governor makes a written, 5, 16, 56.

Grace Samuel, from, 112.

Kneass William, from, enclosing a drawing and heraldic description of the arms of the State 95, which drawing is ordered to be framed and deposited in the office of the Secretary of State 96.

Newcastle and Frenchtown turnpike and rail road company, from the committee on the part of the—presented, and laid on the table 71.

Ordered to be delivered into the care of the Secretary of State 71.

GENERAL ASSEMBLY,

Met at Dover 3.

Adjourned *sine die* 138.

GEORGIA,

Report of the committee, in the House, on so much of the Governor's message as relates to the communication from 81.

GOVERNOR,

Communication from the 5, 16, 56.

Invited to take a seat on the floor of the Senate chamber 12.

HAZZARD DAVID,

Governor of Delaware makes a written communication 5, 16, 56.

INDIANA,

Communication from the Governor of, inclosing resolutions relative to the militia of the several States of the Union 18.

JOINT MEETING,

Bennett Caleb P. declared in, to have been elected Governor of the State for the term of four years 34.

_____, takes the affirmations of office, in, 44.

Naudain Arnold, chosen a senator in the Senate of the United States, in, 41.

KENT COUNTY,

Members from, appeared and took their seats 3.

MEMORIAL,

Canal Company, of sundry persons praying for the incorporation of the Lewes creek and Indian river—presented, read and referred 67.

Crimes and misdemeanors, of sundry persons, praying for the repeal of so much of the last clause of the first section of the act providing for the punishment of certain, as relates to the imposing a fine on any person concerned in racing or betting upon any horse—presented, read and referred 50, 51.

Fooks Benjamin, of, 43.

Justice of the peace in Sussex county, of sundry citizens of Indian-river hundred, praying for an additional—presented and read 21.

Justice, seat of, of sundry citizens of Newcastle county, praying the removal of the, from the town of Newcastle to the city of Wilmington—presented, read and referred 39, 43, 57, 65.

Lotteries, of sundry inhabitants of the State of Delaware, respecting certain defects in the laws on the subject of—presented, read and referred 84.

Manufacturing establishment in the town of Newcastle, of sundry citizens of Newcastle county, praying for the incorporation of a company for the purpose of erecting and carrying on a—presented, read and referred 40.

Milford rail road and canal company, of—presented, read and referred 107.

Mispillion creek, of sundry persons, praying a law to prevent the taking of oysters from—presented and read 60.

Newark Academy, of Willard Hall and Henry Whiteley, trustees of, praying an act to incorporate Newark College—presented, read and referred 41.

Rail road from the town of Dover to Mahan's river, or some point on Little creek, of sundry citizens of Kent county, praying for an act to incorporate a company to make a—presented, read and referred 50.

MEMORIAL,

St. Jones' creek, of sundry citizens of Kent county, praying a law preventing the employment of drag seins or drives in—presented, read and referred 50.

MORRIS WILLIAM R.

Appointed to take charge of the books, papers and furniture belonging to the State, in the Senate chamber and hall of the House of Representatives 137.

Elected clerk 3.

NAUDAIN ARNOLD,

Chosen a senator in the senate of the United States 41.

NAWCASTLE COUNTY,

Members from, appeared and took their seats 3.

PENNSYLVANIA,

Communication from the Governor of the State of, concerning the doctrine of nullification 19.

PETITION,

Blaney Cornelius D. and Edward Williams of—presented, read and referred 71.

Buckmaster Joseph, of, for a grant of marsh—presented and read 52, referred 53.

Canal company, of sundry persons praying an act to incorporate a, to connect the waters of Lewes creek with Indian river and the Chesapeake bay by Pocomoke river—reported 94.

Coal lands, of sundry citizens of Pennsylvania and Delaware concerning—presented, read and referred 96.

Matthews Philip, of, praying a law to enable him to procure a title to certain vacant lands—presented and read 42.

Militia law, of sundry persons praying a—presented 68, read and referred 69.

Tappahannah marsh company, for the passage of an act for the relief of—presented 51, read 53.

QUORUM,

Of the Senate 3.

REMONSTRANCE,

Justice of the Peace in Sussex county, of twenty-eight persons of Indian-river hundred against the appointment of an additional, to said hundred 21.

Justice, against the removal of the seat of, from the town of Newcastle to the city of Wilmington 51.

Newcastle and Frenchtown turnpike and rail road company, against the incorporation of the—introduced and read 53.

Nonsuch Marshes, against the petition of the owners of the—presented and read 102.

REPORT,

Accounts, of the committee of, 136.

Adams Thomas, and others, and their successors as trustees, of the committee on the bill vesting in, the title to a certain piece of land in the county of Sussex and village of Middleford 112.

Blaney Cornelius D. and Edward Williams, of the committee on the petition of 80, 86.

Broadkiln hundred, of the committee on the bill to divide, into two hundreds 90.

Buckmaster Joseph, of the committee on the petition of 57.

Canal between the Nanticoke river and Broadkiln creek, of the committee on the bill to incorporate a company for the purpose of cutting and making a, 119.

Canal company, of the committee on the petition of sundry persons praying for the incorporation of the Lewes creek and Indian river 94.

Christiana hundred, of the committee on the bill to divide, into two hundreds 70.

Cliams of the state against the United States for interest on money expended in the late war, of the committee appointed on the subject of the 118.

Coal lands, of the committee on the petition of sundry citizens of Pennsylvania and Delaware, concerning the 100.

Courts, Superior and Chancery, of the committee appointed on so much of the Governor's message as relates to the time of holding the fall terms of the 23.

Crimes and misdemeanors, of the committee on the memorial of sundry persons praying the repeal of a part of the act for the punishment of certain 59.

Elections, of the committee of 13.

Enrollment, of the committee of 85, 92, 94, 106, 115, 117, 120, 127, 133-4-5-6-7-8.

Farmers' Bank of the State of Delaware, of the committee on the resolution to appoint certain directors for the 70.

Georgia, of the committee, in the House, on so much of the Governor's message as relates to the communication from 81.

Governor, of the joint committee appointed to wait on the, and inform him that the General Assembly have met and are ready to receive any communication he may wish to make 4.

Governor elect, of the joint committee appointed to wait on the 44.

Hawkers, pedlers and petty chapmen, of the committee on the bill to extend the laws of this State which require, to all traders in clocks not manufactured in this State 59.

Inn-holders, tavern-keepers and other public house-keepers, of the committee on the supplement to the act regulating, and empowering justices to settle the rates of liquor 55-6, of the committee of conference on 116.

Joint tenants and tenants in common, of the committee on the further supplement to an act respecting the partition of lands and tenements among 71.

Levy-court, clerk of the peace, assessors, collectors and county treasurers, of the committee on the supplement to the act concerning the 120.

Lotteries, on the committee on the petition of sundry inhabitants of the State of Delaware respecting 91.

REPORT,

Manufacturing establishment in the town of Newcastle, of the committee on the memorial of sundry citizens of Newcastle county, praying for the incorporation of a, 40.

Mayor's court of the city of Wilmington, of the committee on the bill concerning 92.

Milford rail road and canal company, of the committee on the memorial of sundry persons praying for an act to incorporate the 108.

Militia, of the committee on so much of the Governor's message as relates to the 83, 89.

Mispillion creek, of the committee on the bill to protect the navigation of, and the wanton destruction of oysters in, 85.

Newark Academy, of the committee on the memorial of the trustees of 82.

Newcastle and Frenchtown turnpike and rail road company, of the committee on the further supplement to the act concerning the 49.

Public lands, of the committee on so much of the Governor's message as relates to the distribution of the moneys arising from the sale of the 118.

Rail road from the town of Dover to Mahan's river, or some other point on Little creek, of the committee on the petition of sundry citizens of Kent county, praying for an act to incorporate a company to make a 55.

Records of the several offices of this State, of the committee on the bill concerning the 111.

Rules for the government of the Senate, of the committee to draft 10.

St. Jones' creek, of the committee on the memorial of sundry citizens of Kent county, praying for a law preventing the employment of drag seins or drives in —.

Salaries of the Judges of the Superior Court, of the committee on so much of the governor's message as refers to an increase of the 37.

Seat of Justice, of the committee on the memorial of sundry citizens of Newcastle county, praying the removal of the, from the town of Newcastle to the city of Wilmington 44.

Ships and other vessels and the goods thereof, of the committee on the bill to repeal a part of the act for the more effectual preservation of all such, as shall be forced on shore or stranded upon the coasts of this State and for other purposes 69, 94.

Slaves, of the committee on the supplement to the act granting power to the courts to grant licenses respecting, in certain cases 69, 94.

South Carolina, of the committee on so much of the governor's message as refers to 23, 60.

State Treasurer, of a joint committee appointed to wait on the, to settle with, and count the cash on hand 15.

Unfinished business, of the committee on 12.

RESOLUTION,

Adjournment of the respective houses, *sine die*, for the—presented and read 97, ordered to lie on the table 98, laid on the table until Monday 100, amended, amendment concurred in and House informed 115.

Bank directors therein named, extending the term of office of certain, for two years—presented 98, read 100, adopted 110, enrolled 127.

RESOLUTION,

- Booth James, appointing him teller on the part of the Senate in joint meeting, to make a list of the votes given for governor in November last 14.
- Burton Joshua, of thanks for the faithful and impartial discharge of the duties of his office as speaker 138.
- Claims of this State against the United States for interest on money expended in the late war, concerning the—referred 110, reported 118, adopted 119
- Election, to assemble both Houses in joint meeting to be present at the opening and publishing the returns of the, held in November last, for Governor—introduced, read, adopted and sent for concurrence 13, returned concurred in 14.
- Farmers' Bank of the State of Delaware, appointing certain directors for the—introduced and read 14, adopted 16, reported amended and adopted 70, enrolled 89.
- Fisher George R. a joint, to enable him to sell certain acts of Assembly therein mentioned—presented and read 59, read a third time, adopted and returned 82, enrolled 106.
- Governor, to appoint a joint committee to wait on the, and inform him that the Legislature have convened, and are ready to receive any communication he may wish to make—presented, read and concurred in, and committee appointed 4.
- Governor elect, appointing a joint committee to wait on the, with the information that the two Houses will assemble in the court room at 12 o'clock, noon, on Tuesday the 15th inst. and attend him while the oaths of office are administered—presented, read and concurred in 36.
- Internal improvement, reported by the committee to whom was referred that part of the Governor's message which relates to important—presented and read 88.
- Lands of the Union, on the subject of the division of the proceeds of the sale of the public—reported 118, concurred in by the House 123, enrolled 129.
- Members of the Senate, to enquire into the qualifications of 4.
- Militia, recommending to the General Government the organization of the—reported 90, read a second time and adopted 92, returned concurred in 107, enrolled 115.
- Morris William R. appointing, to take charge of the books, papers and furniture belonging to the State, in the Senate Chamber and Hall of the House of Representatives—introduced, read, adopted and sent for concurrence, returned amended and amendment adopted 137.
- Needham Ezekiel, for the payment of a loan to the executors of—presented and read 136, enrolled 138.
- Protective System, on the subject of—introduced, read, adopted and sent for concurrence 132-3, returned concurred in 134.
- Reprinting the laws enacted at the last session of the Legislature, concerning the—introduced and read 108, adopted by yeas and nays and sent for concurrence 128.
- Rules for the government of the Senate, to appoint a committee to draft—appointed 5, reported 10.
- Seals of the Courts, in relation to the account of J. H. Eccleston, for procuring—presented, read and adopted 134, returned 135, enrolled 135.

RESOLUTION,

Senator in Congress, for a joint meeting of the two Houses, to elect a —presented, read and amended 21, returned non-concurred in 23, Senate receded and resolution laid on the table 35, concurred in and returned 38.

South Carolina, on the communication from the governor of, relative to the subject of the several acts of Congress, imposing duties for the protection of Manufactures, with the Ordinance to nullify the same—reported, read and laid on the table 23, 34, adopted 37; a member of the House enquired if the resolutions had been acted on by the Senate; the report is adopted by a resolution, and a member of the Senate sent to notify the House of such adoption, and to ask their concurrence in the same 39, returned amended 49, amendments concurred in, and the House informed 50, ordered to be printed 50. Other resolutions referred to the same committee 56, adopted and sent for concurrence 71, enrolled 125.

South Carolina, on the communication from the Governor of, relative to calling a convention of the States to amend the Constitution of the United States—introduced 60, read and ordered to be printed 64, adopted and sent for concurrence 71, returned concurred in 86, ordered to be printed 93, enrolled 94, concurred in 116.

State Treasurer, appointing a joint committee to wait on, to examine the accounts of, count the cash on hand and make report—presented, concurred in and committee appointed 10, report of committee 15.

State Treasurer, to appoint a joint committee to meet in the Senate chamber, at Dover, on the first Tuesday of January, 1834, to examine the accounts of, count the cash on hand, and report forthwith to the executive, in order that the same may be laid before the next General Assembly—introduced and read 13, adopted 16, read a second time, adopted and sent for concurrence 108, enrolled 127.

State Treasurer, appointing Cornelius P. Comegys,—presented, read and concurred in 36, enrolled 85.

Union between the Eastern Shore of Maryland and this State in government, concerning an—introduced and read 113, amended, adopted and sent for concurrence 114, returned concurred in 116, enrolled 120.

RULES,

For the government of the Senate—reported 10.

SECRETARY OF STATE,

Communication from 22, 79.

Delivered a written communication from the Governor 5, 16, 56.

STATE TREASURER,

Comegys Cornelius P. appointed, 36.

Resolution appointing a joint committee to examine the accounts of, and count the cash on hand 10.

Resolution appointing a joint committee to settle with the, on the first Tuesday in January 1834—13.

SUSSEX COUNTY,

Members from, appeared and took their seats 3.

TENNESSEE,

Communication from the Secretary of State for the State of, enclosing resolutions relative to the vacant lands 17.

UNFINISHED BUSINESS,

Committee on, appointed 9, reported 12.

Committee on, asked further time for consideration 42.

WISE SAMUEL,

Elected doorkeeper and sergeant-at-arms 4.

YEAS AND NAYS,

Broad Mountain Coal Company, on the passage of a bill to incorporate the, 110.

Division line between the counties of Kent and Newcastle, within this State, on a motion for the indefinite postponement of the bill to change the location of the boundary or, 103, on postponing until next session 113.

Fire Insurance Company, on the amendments made by the House, to the further additional supplement to the act to incorporate the Delaware 120, on adherence to their disagreement to the amendment by the House 124.

Horses, on the passage of the bill to improve the breed of, within this State 69.

Innholders, tavern-keepers and other public house-keepers, on the passage of the supplement to the act for regulating, in this government, and empowering justices to settle the rates of liquor 64.

Lottery for the purpose of constructing a Grand Masonic Hall in the borough of Wilmington, on the passage of a supplement to the act to enable certain persons to raise the sum of 15000 dollars by, 54.

Mayor's Court in the city of Wilmington, on the passage of the bill concerning the, 99.

Milford Circuit Parsonage, on the passage of an act to incorporate the trustees of the, 126.

Newcastle and Frenchtown turnpike and rail road company, on the second section of the further supplement to the act concerning the, 54, on the final passage of 54, on the amendments proposed by the House 71.

Newcastle Manufacturing Company, on the passage of the act to incorporate the, 48.

Reprinting the laws enacted at the last session of the Legislature, on the passage of the resolution for, 128.

Salaries of the Chancellor and Judges, on the third reading of the act fixing the, 52.

Seat of Justice, on the third reading of the first section of the bill for the removal of the, from the town of Newcastle to the city of Wilmington 87.

Slaves, on the passage of a supplement to the act granting power to the court to grant licenses respecting, in certain cases 105.

Smyrna Circuit Parsonage, on the passage of an act for incorporating the trustees of the 66.

Volunteer companies, on the passage of the bill to establish, within this State 91.

YEAS AND NAYS,

Wright Turpin, Charles and Jacob, on the passage of an act to enable, to remove certain negroes therein mentioned from this State into the State of Maryland 124.

By virtue of an act of the General Assembly of the State of Delaware, passed at Dover, on the twenty-seventh day of January, in the year of our Lord, one thousand, eight hundred and twenty-nine, entitled, "An act concerning the keeping of the papers belonging to the Executive Department, and the acts of the General Assembly, and the printing and disposal of the Laws and journals," I do hereby appoint Mr. Augustus M. Schee, to print the foregoing Journal and Index.

WILLIAM R. MORRIS,

Clerk of the Senate of the State of Delaware.

1870

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