

- Mr. Aron, of the House, absent.
- Mr. Baynard, of the House, absent.
- Mr. Chandler, of the House, absent.
- Mr. Clark, of the House, absent.
- Mr. Clendaniel, of the House, absent.
- Mr. Dayett, of the House, absent.
- Mr. Ewing, of the House, voted for John Edward Addicks.
- Mr. Flinn, of the House, absent.
- Mr. Gooden, of the House, voted for Richard R. Kenney.
- Mr. Hardesty, of the House, voted for Richard R. Kenney.
- Mr. Hearn, of the House, absent.
- Mr. Healey, of the House, absent.
- Mr. Hitchen, of the House, absent.
- Mr. Hodgson, of the House, absent.
- Mr. Holcomb, of the House, absent.
- Mr. Hope, of the House, absent.
- Mr. Hutchinson, of the House, absent.
- Mr. Layton, of the House, absent.
- Mr. Long, of the House, absent.
- Mr. Monaghan, of the House, absent.

Mr. Moore, of the House, absent.

Mr. Pepper, of the House, absent.

Mr. Pilling, of the House, absent.

Mr. Prettyman, of the House, absent.

Mr. Ralph, of the House, absent.

Mr. Robertson, of the House, absent.

Mr. Shallcross, of the House, voted for Richard R. Kenney.

Mr. Short, of the House, absent.

Mr. Scotten, of the House, absent.

Mr. Vinyard, of the House, voted for Richard R. Kenney.

Mr. Warren, of the House, absent.

Mr. West, of the House, absent.

Mr. White, of the House, absent.

Mr. Wright, of the House, absent.

Mr. Speaker, of the House, absent.

The vote as above ascertained having been announced as follows:

For Richard R. Kenney, five votes.

For John Edward Addicks, two votes.

No quorum.

The President pro tem., of the Senate, declared that no person having received a majority of all the votes cast for United States Senator, there was no election to said office.

Mr. Hardesty moved that we now proceed to the election of a United States Senator for the short term, ending the fourth day of March, A. D. 1905,

Which motion

Prevailed.

The Clerks were directed to call the rolls of the respective Houses, and the members, as their names were called, responded by viva voce vote, as follows:

Mr. Abbott, of the Senate, absent.

Mr. Allee, of the Senate, voted for John Edward Addicks.

Mr. Blakely, of the Senate, absent.

Mr. Brasure, of the Senate, absent.

Mr. Clements, of the Senate, voted for Willard Saulsbury.

Mr. Farlow, of the Senate, absent.

Mr. Groves, of the Senate, absent.

Mr. Hart, of the Senate, absent.

Mr. Harrington, of the Senate, absent.

Mr. Knox, of the Senate, absent.

Mr. Maull, of the Senate, absent.

Mr. McFarlane, of the Senate, absent.

Mr. McNulty, of the Senate, absent.

Mr. Pennewill, of the Senate, absent.

Mr. Slaughter, of the Senate, absent.

Mr. Wright, of the Senate, absent.

Mr. President pro tem., of the Senate, absent.

Mr. Aron, of the House, absent.

Mr. Baynard, of the House, absent.

Mr. Chandler, of the House, absent.

Mr. Clark, of the House, absent.

Mr. Clendaniel, of the House, absent.

Mr. Dayett, of the House, absent.

Mr. Ewing, of the House, voted for John Edward Addicks.

Mr. Flinn, of the House, absent.

Mr. Gooden, of the House, voted for Willard Saulsbury.

Mr. Hardesty, of the House, voted for Willard Saulsbury.

Mr. Hearn, of the House, absent.

Mr. Healey, of the House, absent.

Mr. Hitchen, of the House, absent.

Mr. Hodgson, of the House, absent.

Mr. Holcomb, of the House, absent.

Mr. Hope, of the House, absent.

Mr. Hutchinson, of the House, absent.

Mr. Layton, of the House, absent.

Mr. Long, of the House, absent.

Mr. Monaghan, of the House, absent.

Mr. Moore, of the House, absent.

Mr. Pepper, of the House, absent.

Mr. Pilling, of the House, absent.

Mr. Prettyman, of the House, absent.

Mr. Ralph, of the House, absent.

Mr. Robertson, of the House, absent.

Mr. Shallcross, of the House, voted for Willard Saulsbury.

Mr. Short, of the House, absent.

Mr. Scotten, of the House, absent.

Mr. Vinyard, of the House, voted for Willard Saulsbury.

Mr. Warren, of the House, absent.

Mr. West, of the House, absent.

Mr. White, of the House, absent.

Mr. Wright, of the House, absent.

Mr. Speaker, of the House, absent.

The vote as above ascertained having been announced as follows:

For Willard Saulsbury, five votes.

For John Edward Addicks, two votes.

No quorum.

The President pro tem., of the Senate, declared that no person having received a majority of all the votes cast for United States Senator, there was no election to said office.

On motion of Mr. Clements, of the Senate, the two Houses separated, and the members of the Senate returned to their chamber.

Mr. Speaker pro tempore declared the House adjourned until Tuesday, March 5, 1901, 10.30 A. M.

Dover, Del., March 5th, 1901—10.45 o'clock A. M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Monaghan, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, West, White, Wright, Mr. Speaker.

All members present.

Journal read and approved.

Mr. Dayett, on behalf of the Committee on Miscellaneous Business,

To whom had been referred the bill,

(H B. No. 320), entitled

“An Act to authorize the condemnation of the turnpike road owned by the president, managers and company of the Wilmington and Christiana Turnpike Road, and for the purpose of making the same a public and free road,”

Reported the same back to the House favorably.

Mr. Dayett, on behalf of the Committee on Miscellaneous Business,

To whom had been referred the bill,

(H. B. No. 241), entitled

“An Act entitled ‘An Act to amend an act providing additional duties for the Plumbing Inspector of the city of Wilmington,’”

Reported the same back to the House favorably.

Mr. Dayett, on behalf of the Committee on Miscellaneous Business,

To whom had been referred the bill,

(H. B. No. 239), entitled

“An Act providing for the licensing of certain physicians to practice medicine in the State of Delaware,”

Reported the same back to the House unfavorably.

Mr. Dayett, on behalf of the Committee on Miscellaneous Business,

To whom had been referred the bill,

(H. B. No. 82), entitled

“An Act to regulate the hours of labor of employes of this State or of any political division thereof,”

Reported the same back to the House unfavorably.

Mr. Ewing, on behalf of the Committee on Printing,

To whom had been referred the bill,

(H. B. No. 353), entitled

“An Act authorizing the Insurance Commissioner to publish the reports of the former Insurance Commissioner, Edward Fowler, for the year ending December 31, 1900,”

Reported the same back to the House favorably.

Mr. Moore, on behalf of the Committee on Revenue and Taxation,

To whom had been referred the bill,

(H. B. No. 290), entitled

“An Act to amend an act entitled ‘An Act to revise and consolidate the statutes relating to the city of Wilmington,’ passed at Dover, April 13, 1895, empowering the Mayor and Council of Wilmington to levy an annual tax on foreign fire insurance companies,”

Reported the same back to the House favorably.

Mr. Moore, on behalf of the Committee on Elections,

To whom had been referred the bill,

(H. B. No. 222), entitled

“An Act providing for inspectors for the Election District of the Fifth Representative District of Sussex County for the general election of A. D. 1902,”

Reported the same back to the House favorably.

Mr. Moore, on behalf of the Committee on Elections,

To whom had been referred the bill,

(H. B. No. 221), entitled

“An Act designating the voting places in the election districts of Representative District No. 5, in Sussex County,”

Reported the same back to the House favorably.

Mr. Moore, on behalf of the Committee on Revenue and Taxation,

To whom had been recommitted the bill,

(H. B. No. 87), entitled

“An Act to authorize the Levy Court Commissioners of New Castle County to borrow money and issue bonds for the same,”

Reported the same back to the House favorably, with amendment.

Mr. Moore, on behalf of the Committee on Elections,

To whom had been referred the bill,

(S. B. No. 46), entitled.

“An Act to divide the Second Election District of the Tenth Representative District of Sussex County into two election districts,”

Reported the same back to the House favorably.

Mr. Moore, on behalf of the Committee on Elections,

To whom had been referred the bill,

(S. B. No. 45), entitled

“An Act designating the voting place in the Second and Third Election Districts of the Tenth Representative District of Sussex County,”

Reported the same back to the House favorably.

Mr. Aron, on behalf of the Committee on Agriculture,

To whom had been referred the bill,

(H. B. No. 291), entitled

“An Act to provide for a Veterinarian for the State of Delaware,”

Reported the same back to the House unfavorably.

Mr. Aron, on behalf of the Committee on Agriculture,

To whom had been referred the bill,

(S. B. No. 98), entitled

“An Act to amend Chapter 216, Volume 21, Laws of Delaware, entitled ‘An Act to provide and establish a State Board of Agriculture, and to prescribe its powers and duties,’ by increasing the powers and duties of the State Board of Agriculture,”

Reported the same back to the House favorably, with amendment.

Mr. Dayett, on behalf of the Committee on Miscellaneous Business,

To whom had been referred the bill,

(H. B. No. 258), entitled

“An Act giving widows as dower the same share, rights, and interests in their husbands property as husbands have in the property of their deceased wives, as tenant by the courtesy or otherwise,”

Reported the same back to the House unfavorably.

Mr. Hodgson, on behalf of the Committee on Enrolled Bills, reported as duly and correctly enrolled and ready for the signature of the Speaker, the following bills:

House Bill No. 308, entitled

“An Act to empower the Board of Pardons of this State to summon witnesses and to compel their attendance.”

House Bill No. 121, entitled

“An Act to amend Chapter 25, Volume 21, of the Laws of Delaware, and to abolish the affidavit required in said act.”

House Bill No. 174, entitled

“An Act to amend Chapter 67, of Volume 21, Laws of Delaware, by changing the date of holding the stated annual school meetings in Kent and Sussex Counties.”

House Bill No. 162, entitled

“An Act for the protection of foxes in this State.”

House Bill No. 199, entitled

“An Act to provide a fund to be used by the Attorney-General to pay the necessary expenses of criminal prosecutions.”

House Bill No. 192, entitled

“An Act making the twelfth day of February in each year, known as ‘Lincoln’s Birthday,’ a legal holiday.”

House Bill No. 133, entitled

“An Act to amend Chapter 765, Volume 19, of the Laws of Delaware, entitled ‘An Act to reincorporate the town of

Georgetown,' curtailing the limits, changing the corporate title, and increasing the appropriation from the Levy Court."

Mr. Robertson, on behalf of the joint committee appointed to settle with the State Librarian, submits the following report:

Amount received	\$250 00
Amount expended	256 79
	<hr/>
Balance due the Librarian	\$ 6 79

Respectfully submitted,

S. S. PENNÉWILL,
Senate Committee.

JAMES W. ROBERTSON,
HARRY PRETTYMAN,
WILLIAM G. HARDESTY,
House Committee.

On motion of Mr. Holcomb, the bill,

(H. B. No. 104), entitled

"An Act in relation to Notaries Public,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, "Shal lthe bill pass the House?"

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

Yeas—Messrs. Baynard, Ewing, Gooden, Hardesty, Hearn, Healey, Holcomb, Hutchinson, Monaghan, Pepper,

Pilling, Ralph, Shallcross, Scotten, Vinyard, Warren, West, Wright.—Yeas, 18.

Nays—Messrs. Aron, Chandler, Clark, Clendaniel, Dayett, Flinn, Hitchen, Hodgson, Layton, Long, Mõore, Prettyman, Robertson, Short, White, Mr. Speaker.—Nays, 16.

Absent—Mr. Hope.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Holcomb, the bill,

(H. B. No. 127), entitled

“An Act to allow the Mayor and Council of New Castle to issue bonds for certain purposes,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hutchinson, Layton, Long, Monaghan, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Shall-

cross, Short, Scotten, Vinyard, Warren, West, White, Wright, Mr. Speaker.—Yeas, 33.

Nay—Mr. Ewing.

Absent—Mr. Hope.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Speaker, the bill,

(H. B. No. 57), entitled

“An Act prescribing the method of apportioning the public school fund among the school districts of this State.”

Senate amendment.

Made special order for Thursday, March 7, 1901.

On motion of Mr. Speaker, the bill,

(S. B. No. 36), entitled

“An Act providing for the appointment of the Oyster Revenue Collector, and fixing his term of office and salary.”

Was taken up for consideration, and,

On his further motion, the Senate amendment thereto was read.

On the question, "Shall the House concur in the amendment?"

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Long, Moore, Pilling, Prettyman, Robertson, Shallcross, Short, Vinyard, Warren, West, White, Mr. Speaker.—Yeas, 27.

Nays, none.

Absent—Messrs. Gooden, Hutchinson, Layton, Monaghan, Pepper, Ralph, Scotten, Wright.

So the question was decided in the affirmative,

And the amendment having received the required constitutional majority,

Was declared concurred in.

Ordered that the Senate be informed thereof.

Hr. Hitchen presented a resolution.

House Resolution No. 12, entitled

"Resolution appropriating money to pay the expenses of the Learned-Scotten contest.

"Resolved, That the sum of two hundred and eighteen dollars and seventy-six cents, and the same is hereby appropriated, to be paid by the State Treasurer to Thomas C. Moore, chairman of the Committee on Elections of the House of Representatives, who shall therewith pay the expenses of the contest of Hervey D. Learned against John L.

Scotten, a member of the House, the same being a part of the expenses of the House at its present session,"

Which, on his motion, was read.

Mr. Hitchen moved that the resolution be adopted.

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

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Gooden, Hardesty, Healey, Hitchen, Hodgson, Holcomb, Moore, Pepper, Pilling, Prettyman, Robertson, Shalicross, Short, Scotten, Vinyard, West, White, Wright, Mr. Speaker.—Yeas, 27.

Nays, none.

Absent—Messrs. Hearn, Hope, Hutchinson, Layton, Long, Monaghan, Ralph, Warren.

So the question was decided in the affirmative,

And the resolution having received the required constitutional majority,

Was declared

Adopted.

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

House Bill No. 255, entitled

"An Act authorizing the Commissioners of School District No. III, of New Castle County, to borrow money to build a new school-house."

House Bill No. 194, entitled

“An Act to authorize the Commissioners of School District No. 115, in Pencader hundred, New Castle County, to borrow money to pay for the repairing and remodeling of their school-house.”

House Bill No. 256, entitled

“An Act to authorize School District No. 110, in New Castle County, to sell and dispose of the school building and land in said district and apply the proceeds thereof to the erection of a new school.”

House Bill No. 235, entitled

“An Act authorizing the Commissioners of School District No. 112, of New Castle County to borrow money to build a new school-house.”

House Bill No. 254, entitled

“An Act authorizing the Commissioners of School District No. 110, of New Castle County to borrow money to build a new school-house.”

House Bill No. 144, entitled

“An Act to amend Chapter 487, of Volume 16, Laws of Delaware, entitled ‘An Act to reincorporate the town of Milton,’ by changing the place of holding the town elections.”

House Bill No. 304, entitled

“An Act to amend Chapter 487, of Volume 16, Laws of Delaware, entitled ‘An Act to reincorporate the town of Milton,’ by increasing the appropriation by the Levy Court for repair of roads and streets.”

House Bill No. 45, entitled

“An Act in relation to the Levy Court of New Castle County.”

And returned the same to the House.

JOINT SESSION.

The hour of 12 o'clock M. having arrived, the President pro tempore, members, Clerks and Sergeant-at-Arms, of the Senate, being announced, were admitted.

Mr. President pro tempore directed the Clerks to call the rolls of the respective Houses. All members present.

Mr. Hardesty, of the House, moved the reading of the journals be dispensed with,

Which motion Prevailed.

The Clerks were directed to call the rolls of the respective Houses, and the members, as their names were called, responded by viva voce vote, as follows:

Mr. Abbott, of the Senate, voted for John Edward Addicks.

Mr. Allee, of the Senate, voted for John Edward Addicks.

Mr. Blakely, of the Senate, voted for John Edward Addicks.

Mr. Brasure, of the Senate, voted for John Edward Addicks.

Mr. Clements, of the Senate, voted for Richard R. Kenney.

Mr. Farlow, of the Senate, voted for Richard R. Kenney.

Mr. Groves, of the Senate, voted for Anthony Higgins.

Mr. Hart, of the Senate, voted for Richard R. Kenney.

Mr. Harrington, of the Senate, voted for Richard R. Kenney.

Mr. Knox, of the Senate, voted for Henry A. duPont.

Mr. Maull, of the Senate, voted for Richard R. Kenney.

Mr. McFarlane, of the Senate, voted for Anthony Higgins.

Mr. McNulty, of the Senate, voted for Richard R. Kenney.

Mr. Pennewill, of the Senate, voted for John Edward Addicks.

Mr. Slaughter, of the Senate, voted for Richard R. Kenney.

Mr. Wright, of the Senate, voted for Richard R. Kenney.

Mr. President pro tem., of the Senate, voted for Henry A. duPont.

Mr. Aron, of the House, voted for John Edward Addicks.

Mr. Baynard, of the House, voted for Henry A. duPont.

Mr. Chandler, of the House, voted for Henry A. duPont.

Mr. Clark, of the House, voted for Henry A. duPont.

Mr. Clendaniel, of the House, voted for John Edward Addicks.

Mr. Dayett, of the House, voted for Anthony Higgins.

Mr. Ewing, of the House, voted for John Edward Addicks.

Mr. Flinn, of the House, voted for Henry A. duPont.

Mr. Gooden, of the House, voted for Richard R. Kenney.

- Mr. Hardesty, of the House, voted for Richard R. Kenney.
- Mr. Hearn, of the House, voted for Richard R. Kenney.
- Mr. Healey, of the House, voted for Richard R. Kenney.
- Mr. Hitchen, of the House, voted for Henry A. duPont.
- Mr. Hodgson, of the House, voted for Henry A. duPont.
- Mr. Holcomb, of the House, voted for Richard R. Kenney.
- Mr. Hope, of the House, voted for John Edward Addicks.
- Mr. Hutchinson, of the House, voted for Richard R. Kenney.
- Mr. Layton, of the House, voted for John Edward Addicks.
- Mr. Long, of the House, voted for John Edward Addicks.
- Mr. Monaghan, of the House, voted for Richard R. Kenney.
- Mr. Moore, of the House, voted for John Edward Addicks.
- Mr. Pepper, of the House, voted for Richard R. Kenney.
- Mr. Pilling, of the House, voted for Henry A. duPont.
- Mr. Prettyman, of the House, voted for John Edward Addicks.
- Mr. Ralph, of the House, voted for Richard R. Kenney.
- Mr. Robertson, of the House, voted for Henry A. duPont.
- Mr. Shallcross, of the House, voted for Richard R. Kenney.

Mr. Short, of the House, voted for John Edward Addicks.

Mr. Scotten, of the House, voted for Richard R. Kenney.

Mr. Vinyard, of the House, voted for Richard R. Kenney.

Mr. Warren, of the House, voted for Richard R. Kenney.

Mr. West, of the House, voted for Richard R. Kenney.

Mr. White, of the House, voted for John Edward Addicks.

Mr. Wright, of the House, voted for Richard R. Kenney.

Mr. Speaker, of the House, voted for John Edward Addicks.

The vote as above ascertained having been announced as follows:

For Richard R. Kenney, twenty-three votes.

For John Edward Addicks, sixteen votes.

For Anthony Higgins, three votes.

For Henry A. duPont, ten votes.

Total, fifty-two votes.

The President pro tem., of the Senate, declared that no person having received a majority of all the votes cast for United States Senator, there was no election to said office.

Mr. Harrington, of the Senate, moved that we now proceed to the election of a United States Senator for the short term, ending the fourth day of March, A. D. 1905,

Which motion

Prevailed.

The Clerks were directed to call the rolls of the respective Houses, and the members, as their names were called, responded by viva voce vote, as follows:

Mr. Abbott, of the Senate, voted for John Edward Addicks.

Mr. Allee, of the Senate, voted for John Edward Addicks.

Mr. Blakely, of the Senate, voted for John Edward Addicks.

Mr. Brasure, of the Senate, voted for John Edward Addicks.

Mr. Clements, of the Senate, voted for Willard Saulsbury.

Mr. Farlow, of the Senate, voted for John G. Gray.

Mr. Groves, of the Senate, voted for John Edward Addicks.

Mr. Hart, of the Senate, voted for Willard Saulsbury.

Mr. Harrington, of the Senate, voted for Willard Saulsbury.

Mr. Knox, of the Senate, voted for Charles F. Richards.

Mr. Maull, of the Senate, voted for Willard Saulsbury.

Mr. McFarlane, of the Senate, voted for John Edward Addicks.

Mr. McNulty, of the Senate, voted for Willard Saulsbury.

Mr. Pennewill, of the Senate, voted for John Edward Addicks.

Mr. Slaughter, of the Senate, voted for Willard Saulsbury.

Mr. Wright, of the Senate, voted for Willard Saulsbury.

Mr. President pro tem., of the Senate, voted for Charles F. Richards.

Mr. Aron, of the House, voted for John Edward Addicks.

Mr. Baynard, of the House, voted for John Edward Addicks.

Mr. Chandler, of the House, voted for Charles F. Richards.

Mr. Clark, of the House, voted for Charles F. Richards.

Mr. Clendaniel, of the House, voted for John Edward Addicks.

Mr. Dayett, of the House, voted for John Edward Addicks.

Mr. Ewing, of the House, voted for John Edward Addicks.

Mr. Flinn, of the House, voted for Charles F. Richards.

Mr. Gooden, of the House, voted for Willard Saulsbury.

Mr. Hardesty, of the House, voted for Willard Saulsbury.

Mr. Hearn, of the House, voted for Willard Saulsbury.

Mr. Healey, of the House, voted for Willard Saulsbury.

Mr. Hitchen, of the House, voted for John Edward Addicks.

Mr. Hodgson, of the House, voted for Charles F. Richards.

Mr. Holcomb, of the House, voted for Willard Saulsbury.

Mr. Hope, of the House, voted for John Edward Addicks.

Mr. Hutchinson, of the House, voted for Willard Saulsbury.

- Mr. Layton, of the House, voted for John Edward Addicks.
- Mr. Long, of the House, voted for John Edward Addicks.
- Mr. Monaghan, of the House, voted for Willard Saulsbury.
- Mr. Moore, of the House, voted for John Edward Addicks.
- Mr. Pepper, of the House, voted for Willard Saulsbury.
- Mr. Pilling, of the House, voted for Charles F. Richards.
- Mr. Prettyman, of the House, voted for John Edward Addicks.
- Mr. Ralph, of the House, voted for Willard Saulsbury.
- Mr. Robertson, of the House, voted for John Edward Addicks.
- Mr. Shallcross, of the House, voted for Willard Saulsbury.
- Mr. Short, of the House, voted for John Edward Addicks.
- Mr. Scotten, of the House, voted for Willard Saulsbury.
- Mr. Vinyard, of the House, voted for Willard Saulsbury.
- Mr. Warren, of the House, voted for Willard Saulsbury.
- Mr. West, of the House, voted for Willard Saulsbury.
- Mr. White, of the House, voted for John Edward Addicks.
- Mr. Wright, of the House, voted for Willard Saulsbury.
- Mr. Speaker, of the House, voted for John Edward Addicks.

The voté as above ascertained having been announced as follows:

For John Edward Addicks, twenty-two votes.

For Willard Saulsbury, twenty-two votes.

For John G. Gray, one vote.

For Charles F. Richards, seven votes.

Total, fifty-two votes.

The President pro tem., of the Senate, declared that no person having received a majority of all the votes cast for United States Senator, there was no election to said office.

On motion of Mr. McNulty, of the Senate, the two Houses separated, and the members of the Senate returned to their chamber.

Mr. Hardesty moved that the House take a recess until 1.15 P. M.,

Which motion

Prevailed.

Dover, Del., Same Day, March 5, 1901—2 o'clock P. M.

House met at expiration of recess.

Mr. Warren moved that the vote on House Bill No. 4 be reconsidered.

A yea and nay vote being taken, resulted as follows:

Yeas—Messrs. Baynard, Chandler, Clark, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hodgson, Holcomb, Layton, Monaghan, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Scotten, Vinyard, Warren, West, Wright.—Yeas, 25.

Nays—Messrs. Aron, Dayett, Hope, Hutchinson, Long, White, Mr. Speaker.—Nays, 7.

Absent—Messrs. Clendaniel, Hitchen, Short.

And the motion was declared carried.

Senate Bill No. 17 was recommitted by request of Mr. Dayett.

Mr. Holcomb moved that House Bill No. 200 be laid on the table.

A yea and nay vote being taken, resulted as follows:

Yeas—Messrs. Gooden, Hardesty, Hearn, Healey, Holcomb, Pepper, Ralph, Shallcross, Scotten, Vinyard, Warren, Wright.—Yeas, 12.

Nays—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Hitchen, Hodgson, Hope, Layton, Long, Pilling, Prettyman, Robertson, Short, White, Mr. Speaker.—Nays, 18.

Absent—Messrs. Dayett, Hutchinson, Monaghan, Moore, West.

And the motion to lay on the table was declared lost.

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

House Bill No. 297, entitled

“An Act providing for a contingent fund for the Secretary of State.”

And returned the same to the House.

Mr. Cain, Clerk of the Senate, being admitted, presented for the signature of the Speaker of the House the following duly and correctly enrolled Senate bill, the same having been signed by the President pro tempore of the Senate :

Senate Bill No. 34, entitled

“An Act to reincorporate the town of Laurel.”

Mr. Cain, Clerk of the Senate, being admitted, returned to the House the following duly and correctly enrolled House bills, the same having been signed by the Speaker of the House and President pro tempore of the Senate :

House Bill, No. 297, entitled

“An Act providing for a contingent fund for the Secretary of State.”

On motion of Mr. Holcomb, the bill,

(H. B. No. 150), entitled

“An Act providing for the submission to the voters of any county, municipality or other taxing district of this State of the question whether or not property then subject to taxation in such county, hundred, municipality or other taxing district shall be exempt from taxation,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Gooden, Hardesty, Hearn, Healey, Holcomb, Hope, Hutchinson, Layton, Monaghan, Ralph.—Yeas, 10.

Nays—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Flinn, Hodgson, Prettyman, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, West, Mr. Speaker.—Nays, 17.

Absent—Messrs. Ewing, Hitchen, Long, Moore, Pepper, Pilling, White, Wright.

So the question was decided in the negative,

And the bill not having received the required constitutional majority,

Was declared not adopted.

On motion of Mr. Holcomb, the bill,

(H. B. No. 123), entitled

"An Act to create a new election district in New Castle hundred, in New Castle County, and to establish a polling place therein,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Clark, Gooden, Hardesty, Hearn, Healey, Holcomb, Hutchinson, Monaghan, Pepper, Ralph, Shallcross, Scotten, Vinyard, Warren, West, Wright.—Yeas, 16.

Nays—Messrs. Aron, Baynard, Chandler, Clendaniel, Dayett, Ewing, Flinn, Hitchen, Hodgson, Hope, Layton, Long, Pilling, Prettyman, Robertson, Short, White, Mr. Speaker.—Nays, 18.

Absent—Mr. Moore.

So the question was decided in the negative,

And the bill not having received the required constitutional majority,

Was declared not adopted.

On motion of Mr. Dayett, the bill,

(H. B. No. 165), entitled

“An Act to amend Chapter 148, Volume 16, Laws of Delaware, by increasing the salary of the Coroner of New Castle County,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Hitchen, Hodgson, Hope, Layton, Long, Moore, Pilling, Prettyman, Robertson, White, Mr. Speaker.—Yeas, 18.

Nays—Messrs. Gooden, Hardesty, Hearn, Healey, Holcomb, Hutchinson, Monaghan, Pepper, Ralph, Shallcross, Short, Scotteñ, Vinyard, Warren, West, Wright.—Nays, 16.

Absent—Mr. Baynard.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Dayett, the bill,

(H. B. No. 245), entitled

“An Act to change the voting place in the Second Election District of the Eleventh Representative District in New Castle County,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House?”

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Hardesty, Healey, Hitchen, Hodgson,

Holcomb, Hutchinson, Layton, Long, Monaghan, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, West, White, Wright, Mr. Speaker.—Yeas, 31.

Nays—Messrs. Gooden, Hearn, Warren.—Nays, 3.

Absent—Mr. Hope.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Dayett, the bill,

(H. B. No. 342), entitled

“An Act prohibiting brewers from sub-letting properties for saloon purposes,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

On motion of Mr. Hutchinson the bill was laid on the table.

On motion of Mr. Healey, the bill,

(H. B. No. 223), entitled

“An Act to authorize the Mayor and Council of Wilming-

ton to borrow a certain sum of money for the elimination of grade crossings of railroads and for the improvement of streets and avenues and the construction of sewers in the city of Wilmington, Del.,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Monaghan, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, West, White, Wright, Mr. Speaker.—Yeas, 34.

Nays, none.

Absent—Mr. Warren.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Ewing, the bill,

(H. B. No. 265), entitled

"An Act appropriating \$601.61 to James H. Hughes, for-

mer Secretary of State, to reimburse him for money expended by him for contingent expenses of the office of Secretary of State, and to pay him for recording report, field notes, etc., relating to the boundary between the State of Delaware and the Commonwealth of Pennsylvania,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Baynard, Chandler, Clark, Ewing, Flinn, Gooden, Hearn, Healey, Hitchen, Holcomb, Hope, Hutchinson, Layton, Long, Monaghan, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Warren, West, White, Wright, Mr. Speaker.—Yeas, 29.

Nays, none.

Absent—Messrs. Aron, Clendaniel, Dayett, Hardesty, Hodgson, Vinyard.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Ewing, the bill,

(H. B. No. 267), entitled

“An Act appropriating five hundred and eighty-nine dollars and fifteen cents to the Dover Index for printing licenses, corporation blanks, etc., etc., for the Secretary of State,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Monaghan, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, West, White, Wright, Mr. Speaker.—Yeas, 31.

Nays, none.

Absent—Messrs. Clendaniel, Dayett, Hitchen, Moore.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Ewing, the bill,

(H. B. No. 264), entitled

“An Act appropriating one hundred dollars to the Mercan-

tile Printing Company for printing 1,000 copies of the corporation laws for the Secretary of State,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Baynard, Chandler, Ewing, Flinn, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Layton, Long, Monaghan, Pepper, Pilling, Prettyman, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, West, Mr. Speaker.—Yeas, 26.

Nays, none.

Absent—Messrs. Clark, Clendaniel, Dayett, Gooden, Hutchinson, Moore, Ralph, West, Wright.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Ewing, the bill,

(H. B. No. 262), entitled

"An Act to amend Chapter 67, Volume 21, Laws of Delaware, entitled 'An Act concerning the establishment of a

general system of free public schools,' by defining the powers of collectors,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Baynard, Clark, Clendaniel, Ewing, Gooden, Hardesty, Hearn, Healey, Hitchen, Holcomb, Hope, Hutchinson, Layton, Long, Pepper, Pilling, Prettyman, Robertson, Shallcross, Short, Warren, White, Mr. Speaker.—Yeas, 24.

Nays—Messrs. Vinyard, Wright.—Nays, 2.

Absent—Messrs. Chandler, Dayett, Flinn, Hodgson, Monaghan, Moore, Ralph, Scotten, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Ewing, the bill,

(H. B. No. 218), entitled

"An Act to amend Section 8, Chapter 374, Volume 20, Laws of Delaware, being 'An Act to regulate the business of pawn brokers and junk dealers in New Castle County,'"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Pepper, Pilling, Ralph, Robertson, Shallcross, Short, Scotten, White, Mr. Speaker.—Yeas, 25.

Nays—Messrs. Hitchen and Vinyard.—Nays, 2.

Absent—Messrs. Aron, Dayett, Monaghan, Moore, Prettyman, Warren, West, Wright.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Ewing, the bill,

(H. B. No. 343), entitled

"An Act authorizing the Commissioners of School District No. 108, of New Castle County, to borrow money to build a new school-house,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Hardesty, Healey, Hitchen, Hodgson, Holcomb, Hope, Layton, Long, Pilling, Ralph, Robertson; Shallcross, Short, Scotten, Vinyard, Warren, White, Mr. Speaker.—Yeas, 25.

Nays, none.

Absent—Messrs. Dayett, Gooden, Hearn, Hutchinson, Monaghan, Moore, Pepper, Prettyman, West, Wright.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Ewing, the bill,

(H. B. No. 266), entitled

"An Act providing that Constables in New Castle County shall wear a badge or star with the word 'Constable' engraved thereon,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Baynard, Clark, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Pepper, Pilling, Ralph, Robertson, Shallcross, Short, Scotten, Warren, White, Mr. Speaker.—Yeas, 25.

Nays, none.

Absent—Messrs. Aron, Chandler, Clendaniel, Dayett, Monaghan, Moore, Prettyman, Vinyard, West, Wright.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Ewing, the bill,

(H. B. No. 344), entitled

"An Act authorizing the Commissioners of School District No. 109, of New Castle County, to borrow money to build a new school-house,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Baynard, Chandler, Clendaniel, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, White, Mr. Speaker.—Yeas, 26.

Nays, none.

Absent—Messrs. Aron, Clark, Dayett, Monaghan, Moore, Pepper, Pilling, West, Wright.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Flinn, the bill,

(H. B. No. 21), entitled

“An Act to provide for the permanent improvement of the public highways in the State of Delaware,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

Mr. Holcomb moved that the bill be recommitted,

Which motion Prevailed.

On motion of Mr. Flinn, the bill,

(H. B. No. 321), entitled

“An Act for the releif of the Sarah Ann White Home for Aged and Infirm Colored Persons,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Hardesty, Healey, Hitchen, Holcomb, Hope, Hutchinson, Layton, Long, Pilling, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, White, Mr. Speaker.
—Yeas, 24.

Nay—Mr. Wright.

Absent—Messrs. Aron, Dayett, Gooden, Hearn, Hodgson, Monaghan, Moore, Pepper, Prettyman, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Hardesty, the bill,

(H. B. No. 239), entitled

“An Act providing for the licensing of certain physicians to practice medicine in the State of Delaware,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Hardesty and Vinyard.—Yeas, 2.

Nays—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Gooden, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Warren, White, Wright, Mr. Speaker.—Nays, 29.

Absent—Messrs. Dayett, Monaghan, Moore, West.

So the question was decided in the negative,

And the bill not having received the required constitutional majority,

Was declared not adopted.

On motion of Mr. Hodgson, the bill,

(H. B. No. 324), entitled

“An Act authorizing the Road Commissioners of Appoquinimink hundred, in New Castle County, to fund the floating debt and secure the payment thereof,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Pepper, Pilling, Prettyman Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, White, Wright, Mr. Speaker.—Yeas, 31.

Nays, none.

Absent—Messrs. Dayett, Monaghan, Moore, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Hardesty, the bill,

(H. B. No. 270), entitled

"A supplement to Chapter 479, Volume 13, Laws of Delaware, entitled 'An Act to incorporate the town of Felton, and for other purposes,' providing for the selection of an Alderman and Bailiff for said town,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Vinyard, Warren, White, Wright, Mr. Speaker.—Yeas, 30.

Nays, none.

Absent—Messrs. Dayett, Monaghan, Moore, Scotten, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Hitchen, the bill,

(H. B. No. 200), entitled

"An Act to enable the Governor to appoint an additional Notary Public in New Castle County for Wilmington hundred,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Hitchen, Hodgson, Hope, Layton, Long, Pilling, Prettyman, Robertson, Short, White, Mr. Speaker.—Yeas, 18.

Nays—Messrs. Hardesty, Hearn, Healey, Holcomb, Pepper, Ralph, Shallcross, Scotten, Vinyard, Warren, Wright.—Nays, 11.

Absent—Messrs. Dayett, Gooden, Hutchinson, Monaghan, Moore, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Hodgson, the bill,

(H. B. No. 276), entitled

"An Act for the protection of foxes in this State,"

As amended,

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Baynard, Clark, Ewing, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Long, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, White, Mr. Speaker.—Yeas, 25.

Nay—Mr. Wright.

Absent—Messrs. Chandler, Clendaniel, Dayett, Flinn, Hutchinson, Layton, Monaghan, Moore, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared adopted as amended.

Ordered to the Senate for concurrence.

On motion of Mr. Hitchen, the bill,

(H. B. No. 273), entitled

“An Act in relation to State Detectives,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel,

Ewing, Flinn, Hitchen, Hodgson, Hope, Layton, Long, Pilling, Prettyman, Robertson, Short, White, Mr. Speaker.—Yeas, 18.

Nays—Messrs. Gooden, Hearn, Healey, Holcomb, Pepper, Ralph, Shallcross, Scotten, Vinyard, Warren, Wright.—Nays, 11.

Absent—Messrs. Dayett, Hardesty, Hutchinson, Monaghan, Moore, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Hitchen, the bill,

(H. B. No. 84), entitled

“An Act in relation to the sale of drugs and chemicals in this State, and providing for a State Board of Pharmacy,”

As amended,

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

“On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Hardesty, Hearn, Hitchen, Holcomb, Hope, Layton, Long, Prettyman, Ralph, Robertson, Shallcross, Short, Vinyard, Warren, White, Wright, Mr. Speaker.—Yeas, 24.

Nays, none.

Absent—Messrs. Dayett, Gooden, Healey, Hodgson, Hutchinson, Monaghan, Moore, Pepper, Pilling, Scotten, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared adopted as amended.

Ordered to the Senate for concurrence.

Mr. Healey moved that the House take a recess until 7 o'clock P. M.,

Which motion

Prevailed.

Dover, Del., Same Day, March 5th, 1901—7.30 P. M.

House met at expiration of recess.

Mr. Holcomb moved that a committee of three be appoint-

ed to investigate the commitment of vagrants in Kent county,

Which motion Prevailed.

Messrs. Scotten, Flinn and Ewing committee.

House Bill No. 301 was withdrawn and recommitted by request of Mr. Scotten.

Mr. Warren moved that the vote on House Bill No. 101 be reconsidered.

A yea and nay vote being taken, resulted as follows :

Yeas—Messrs. Gooden, Healey, Holcomb, Pepper, Ralph, Scotten, Warren, Wright.—Yeas, 8.

Nays—Messrs. Chandler, Clark, Ewing, Flinn, Shallcross, Short, Vinyard, Mr. Speaker.—Nays, 8.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Hardesty, Hearn, Hitchen, Hodgson, Hope, Hutchinson, Layton, Long, Monaghan, Moore, Pilling, Prettyman, Robertson, West, White.

And the motion was declared lost.

Mr. Clark, on behalf of the Committee on Revised Statutes,

To whom had been referred the bill,

(H. B. No. 309), entitled

“An Act to re-enact and revise the insurance laws of Delaware in order to make them conform with the requirements of the amended Constitution, and of the General Corporation Law,”

Reported the same back to the House favorably.

Mr. Shallcross, on behalf of the Committee on Fish, Oysters and Game,

To whom had been referred the bill,

(H. B. No. 354), entitled

“An Act for the protection of fish in Morris’ Mill Pond, near Dover,”

Reported the same back to the House favorably.

On motion of Mr. Long, the bill,

(H. B. No. 177), entitled

“An Act to make valid certain acts of the Commissioners of Consolidated Districts Nos. 26 and 227, Sussex County,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Chandler, Clark, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Holcomb, Layton, Long, Pepper, Pilling, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, Wright, Mr. Speaker.—Yeas, 22.

Nays, none.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Hitchen, Hodgson, Hope, Hutchinson, Monaghan, Moore, Perttyman, West, White.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Robertson, the bill,

(H. B. No. 294), entitled

“An Act to establish bulkhead, wharf and pier lines on the Delaware River, in front of the city of Wilmington and vicinity,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Chandler, Clark, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Holcomb, Hope, Layton, Long, Pepper, Pilling, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, Wright, Mr. Speaker.—Yeas, 23.

Nays, none.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Hitchen, Hodgson, Hutchinson, Monaghan, Moore, Prettyman, West, White.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Robertson, the bill,

(H. B. No. 181), entitled

“An Act for the protection of life and property against loss or damage from the operation of steam boilers or steam engines, or wherever steam is used for power by incompetent persons,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Ewing, Holcomb, Hope, Layton, Ralph, Robertson.—Yeas, 6.

Nays—Messrs. Chandler, Clark, Flinn, Gooden, Hardesty, Hearn, Pepper, Pilling, Shallcross, Short, Scotten, Vinyard, Warren, Wright, Mr. Speaker.—Nays, 15.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Healey, Hitchen, Hodgson, Hutchinson, Long, Monaghan, Moore, Prettyman, West, White.

So the question was decided in the negative,

And the bill not having received the required constitutional majority,

Was declared not adopted.

On motion of Mr. Robertson, the bill,

(H. B. No. 204), entitled

“An Act in relation to spite fences and other structures,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yea—Mr. Robertson.

Nays—Messrs. Chandler, Clark, Ewing, Flinn, Gooden, Hearn, Healey, Holcomb, Hope, Layton, Long, Pepper, Pilling, Ralph, Shallcross, Short, Scotten, Vinyard, Warren, Wright, Mr. Speaker.—Nays, 21.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Hardesty, Hitchen, Hodgson, Hutchinson, Monaghan, Moore, Prettyman, West, White.

So the question was decided in the negative,

And the bill not having received the required constitutional majority,

Was declared not adopted.

On motion of Mr. Robertson, the bill,

(H. B. No. 337), entitled

“An Act to enable R. M. Burns to acquire complete title to certain vacant and marsh lands in Kent County,”

As amended,

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas, none.

Nays—Messrs. Chandler, Clark, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Holcomb, Hope, Layton, Long, Pepper, Pilling, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, Wright, Mr. Speaker.—Nays, 23.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Hitchen, Hodgson, Hutchinson, Monaghan, Moore, Prettyman, West, White.

So the question was decided in the negative,

And the bill not having received the required constitutional majority,

Was declared not adopted.

On motion of Mr. Shallcross, the bill,

(H. B. No. 134), entitled

“An Act giving the consent of the State of Delaware to the

cutting of the county road in St. Georges hundred, in New Castle County, by a new cut-off of Appoquinimink River, near Fennimore's Landing,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Chandler, Clark, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Holcomb, Hope, Long, Pepper, Pilling, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, Wright, Mr. Speaker.—Yeas, 22.

Nays, none.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Hitchen, Hodgson, Hutchinson, Layton, Monaghan, Moore, Prettyman, West, White.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared adopted as amended.

Ordered to the Senate for concurrence.

On motion of Mr. Vinyard, the bill,

(H. B. No. 112), entitled

"An Act providing for a theatre license,"

As amended and amended,

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Gooden and Hardesty—Yeas, 2.

Nays—Messrs. Chandler, Clark, Ewing, Flinn, Hearn, Healey, Holcomb, Long, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Wright, Mr. Speaker.—Nays, 16.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Hitchen, Hodgson, Hope, Hutchinson, Layton, Monaghan, Moore, Pepper, Pilling, Prettyman, Warren, West, White.

So the question was decided in the negative,

And the bill not having received the required constitutional majority,

Was declared not adopted.

On motion of Mr. Vinyard, the bill,

(H. B. No. 350), entitled

"An Act to amend Chapter 216, Volume 17, Laws of Delaware, entitled 'An Act to change the time of holding the Court of Chancery,' by providing for additional terms of said court in Kent County,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Chandler, Clark, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Holcomb, Long, Pepper, Pilling, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, Wright, Mr. Speaker.—Yeas, 21.

Nays, none.

Absent—Messrs. Aron, Baynard, Clendaniel, Dayett, Hitchen, Hodgson, Hope, Hutchinson, Layton, Monaghan, Moore, Prettyman, West, White.

So the question was decided in the affirmative

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

Mr. Speaker declared the House adjourned until 10.15 o'clock, March 6, 1901.

Dover, Del., March 6th, 1901—11 o'clock A. M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Monaghan, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, West, White, Wright, Mr. Speaker.

All members present.

Reading of journal dispensed with.

Mr. Baynard, on behalf of the Committee on Judiciary,

To whom had been referred the bill,

(H. B. No. 238), entitled

“An Act to amend Chapter 145, Volume 16, Laws of Delaware, in relation to mechanis' liens,”

Reported the same back to the House unfavorably.

Mr. Moore, on behalf of the Committee on Revenue and Taxation,

To whom had been referred the bill,

(H. B. No. 257), entitled

“A further supplement to an act, entitled ‘An Act to regulate the sale of intoxicating liquors,’ passed at Dover, April 10th, 1873, increasing the price of a license to keep an inn or tavern,”

Reported the same back to the House favorably on the substitute.

Mr. Ewing, on behalf of the Committee on Printing,

To whom had been referred the bill,

(H. B. No. 224), entitled

“An Act providing for the appointment of a State Printer, and prescribing his duties, allowances and salary,”

Reported the same back to the House unfavorably.

Mr. Dayett, on behalf of the Committee on Miscellaneous Business,

To whom had been referred the bill,

(H. B. No. 272), entitled

“An Act providing for different rules of descent of intestate real and personal estate,”

Reported the same back to the House unfavorably.

Mr. Dayett, on behalf of the Committee on Miscellaneous Business,

To whom had been referred the bill,

(S. B. No. 17), entitled

“An Act prohibiting the manufacturing and sale of cigarettes, cigarette paper and cigarette tobacco within this State,”

Reported the same back to the House favorably, with amendments.

Mr. Dayett, on behalf of the Committee on Miscellaneous Business,

To whom had been referred the bill,

(H. B. No. 197), entitled

“An Act to make valid the record of certain deeds and mortgages,”

Reported the same back to the House favorably.

Mr. Baynard, on behalf of the Committee on Judiciary,

To whom had been referred the bill,

(H. B. No. 311), entitled

“An Act to amend Chapter 106 of the Revised Statutes of pleading and practice in civil actions,”

Reported the same back to the House unfavorably.

Mr. Baynard, on behalf of the Committee on Judiciary,

To whom had been referred the bill,

(H. B. No. 335), entitled

“An Act making certain evidence necessary to the recovery of exemplary damages in civil actions for libel,”

Reported the same back to the House unfavorably.

Mr. Baynard, on behalf of the Committee on Education,

To whom had been referred the bill,

(H. B. No. 313), entitled

“An Act to amend an act, entitled ‘An Act to amend an act, entitled “An Act to revise and consolidate the Statutes relating to the Board of Public Education of the city of Wilmington,”’”

Reported the same back to the House favorably.

Mr. Baynard, on behalf of the Committee on Education,

To whom had been recommitted the bill,

(S. B. No. 77), entitled

“An Act to amend Chapter 67, Volume 21, Laws of Delaware, relating to the general system of free public schools, by changing the term of certificates of teachers and abolishing provisional grade certificates,”

Reported the same back to the House favorably, as amended.

Mr. Ewing, on behalf of the Committee on Printing,

To whom had been referred the bill,

(H. B. No. 232), entitled

“An Act creating the office of Superintendent of Public Printing, and defining the duties thereof,”

Reported the same back to the House favorably.

Mr. Ewing, on behalf of the Committee on Printing,

To whom had been referred the bill,

(H. B. No. 214), entitled

“An Act to establish a Department of Printing and Supplies, and to carry into effect the provisions of Section 8 of Article 15 of the Constitution,”

Reported the same back to the House unfavorably.

Mr. Robertson, on behalf of the Committee on Municipal Corporations,

To whom had been referred the bill,

(S. B. No. 23), entitled

“An Act in relation to Ninth street, west of Market street, in the city of Wilmington, prohibiting street cars thereon,”

Reported back to the House favorably a substitute.

Mr. Robertson, on behalf of the Committee on Municipal Corporations,

To whom had been referred the bill,

(S. B. No. 100), entitled

“An Act to incorporate the town of Selbyville,”

Reported the same back to the House favorably.

Mr. Hodgson, on behalf of the Committee on Enrolled Bills, reported as duly and correctly enrolled and ready for the signature of the Speaker, the following bills:

House Bill No. 29, entitled

“An Act appropriating fifty-five hundred dollars (\$5,500), to pay the overdue and unpaid accounts of and for the maintenance and instruction of deaf, dumb, blind and idiotic children in institutions outside of the State.”

House Bill No. 304, entitled

“An Act to amend Chapter 487, of Volume 16, Laws of Delaware, entitled ‘An Act to reincorporate the town of Milton,’ by increasing the appropriation by the Levy Court for repair of roads and streets.”

House Bill No. 45, entitled

“An Act in relation to the Levy Court of New Castle County.”

House Bill No. 78, entitled

“An Act appropriating money to the Board of Education of the united school districts of Laurel to pay for pupils who attended said schools from other districts under graded school law.”

House Bill No. 256, entitled

“An Act to authorize School District No. 110, in New Castle County, to sell and dispose of the school buildings and land in said district and apply the proceeds thereof to the erection of a new school-house.”

Mr. Cain, Clerk of the Senate, being admitted, returned to the House the following duly and correctly enrolled House bills, the same having been signed by the Speaker of the House and President pro tempore of the Senate:

House Bill No. 166, entitled

“An Act to amend Chapter 500, of Volume 20, Laws of

Delaware, entitled 'An Act to authorize the levying of a special tax for shelling the county roads of Broad Creek hundred, Sussex County,' by providing that said oyster shells may be used on another road leading from Laurel, in Little Creek hundred."

House Bill No. 308, entitled

"An Act to empower the Board of Pardons of this State to summon witnesses and to compel their attendance."

House Bill No. 148, entitled

"An Act for the improvement of the school-houses for colored children in this State, and making an appropriation therefor."

House Bill No. 195, entitled

"An Act to change the name of Lulu Blocksom to Lulu Blocksom Dashiell."

House Bill No. 199, entitled

"An Act to provide a fund to be used by the Attorney-General to pay the necessary expenses of criminal prosecution."

House Bill No. 217, entitled

"An Act proposing amendments to Article 9 of the Constitution of the State of Delaware, 'Concerning corporations.'"

House Bill No. 230, entitled

"An Act to change the name of Solomon J. Baeringer to George J. Baeringer."

House Bill No. 85, entitled

“An Act to amend Chapter 209, of Volume 20, Laws of Delaware, entitled ‘An Act to prevent deception in the manufacture and sale of imitation butter,’ by striking out Section 4 of said act, requiring a placard on tubs, etc., and inserting the same in Section 1 thereof.”

House Bill No. 129, entitled

“An Act to amend Chapter 480, of Volume 13, Laws of Delaware, entitled ‘An Act to incorporate the town of Harrington,’ by increasing the amount to be raised by taxation, and to provide for taxing vacant lots in said town.”

House Bill No. 143, entitled

“An Act authorizing a special tax to provide a special fund for the purchase of oyster shells for the county roads of the First Election District of the Third Representative District of Sussex County.”

On motion of Mr. Clark, the bill,

(H. B. No. 309), entitled

“An Act to re-enact and revise the insurance laws of Delaware, in order to make them conform with the requirements of the amended Constitution and of the General Corporation Law,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel,

Dayett, Ewing, Flinn, Gooden, Hardesty, Hitchen, Hodgson, Holcomb, Hope, Hutchinson, Layton, Long, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Short, Scotten, Vinyard, Warren, West, White, Mr. Speaker.—Yeas, 30.

Nays—Messrs. Healey and Monaghan.—Nays, 2.

Absent—Messrs. Hearn, Shallcross, Wright.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Hope, the bill,

(H. B. No. 231), entitled

“An Act to authorize and empower the Commissioners of United School Districts Nos. 113 and 113 1-2 to borrow money to repair, rebuild, enlarge or remodel their school-house or otherwise provide for a better and more suitable site or more commodious school facilities in and for said district,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Healey, Hodgson, Holcomb, Hope,

Long, Pepper, Pilling, Prettyman, Ralph, Shallcross, Short, Scotten, Vinyard, Warren, White, Wright, Mr. Speaker.—Yeas, 25.

Nays, none.

Absent—Messrs. Gooden, Hardesty, Hearn, Hitchen, Hutchinson, Layton, Monaghan, Moore, Robertson, West.

So the bill was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Hope, the bill,

(H. B. No. 285), entitled

“An Act to increase the salary of the Chancellor and Chief Justice,”

As amended,

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Dayett, Ewing, Flinn, Gooden, Hearn, Healey, Hitchen,

Hodgson, Holcomb, Hope, Layton, Long, Moore, Pepper, Pilling, Prettyman, Robertson, Shallcross, Short, Scotten, Vinyard, Warren, White, Wright, Mr. Speaker.—Yeas, 30.

Nays—Messrs. Hutchinson and Ralph.—Nays, 2.

Absent—Messrs. Hardesty, Monaghan, West.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

Mr. Cain, Clerk of the Senate, being admitted, returned to the House the following duly and correctly enrolled House bills, the same having been signed by the Speaker of the House and resident pro tempore of the Senate:

House Bill No. 133, entitled

“An Act to amend Chapter 765, Volume 19, of the Laws of Delaware, entitled ‘An Act to reincorporate the town of Georgetown,’ curtailing the limits, changing the corporate title, and increasing the appropriation from the Levy Court.”

House Bill No. 146, entitled

“An Act to amend Chapter 465, Volume 20, Laws of Delaware, entitled ‘An Act to amend Chapter 653, Volume 19, of the Laws of Delaware,’ by permitting a certain amount of shells and refuse matter to be taken with oysters.”

House Bill No 147, entitled

“An Act to amend Chapter 87, Volume 21, Laws of Delaware, entitled ‘An Act to further protect oysters in Broadkilm

River and Sound, and in Mispillion River, and in Leipsic River and Simon's Creek,' by changing the license fee to three dollars, exempting Leipsic River and Simon's Creek, and making it unlawful to dredge in the tributaries of Delaware Bay with certain tongs and dredges."

House Bill No. 29, entitled

"An Act appropriating fifty-five hundred dollars to pay the overdue and unpaid accounts of and for the maintenance and instruction of deaf, dumb, blind and idiotic children in institutions outside of the State."

House Bill No. 44, entitled

"An Act to amend Chapter 193, Volume 21, Laws of Delaware, entitled 'An Act providing for the auditing of the books and accounts of certain county officers of New Castle County.'"

House Bill No. 45, entitled

"An Act in relation to the Levy Court of New Castle County."

House Bill No. 52, entitled

"An Act providing for the establishment and maintenance of free public libraries."

House Bill No. 121, entitled

"An Act to amend Chapter 25, Volume 21, of the Laws of Delaware, and to abolish the affidavit required in said act."

House Bill No. 304, entitled

"An Act to amend Chapter 487, of Volume 16, Laws of Delaware, entitled 'An Act to reincorporate the town of Milton,'"

by increasing the appropriation by the Levy Court for repair of roads and streets."

House Bill No. 233, entitled

"An Act to amend Chapter 166, of Volume 1, Laws of Delaware, entitled 'An Act to raise revenue for the State by taxing certain corporations,' being an act relating to annual reports of corporations, and changing the taxable basis of corporations."

On motion of Mr. Hope, the bill,

(H. B. No. 281), entitled

"An Act to amend an act, entitled 'An Act to amend an act, entitled 'An Act to incorporate the Board of Education of the Dover public schools,' ' passed at Dover, February 26, 1877, passed at Dover, March 8, 1883, passed at Dover, March 25, 1885, relative to the sum to be raised by taxation in any one year,"

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

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

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

Yeas—Messrs. Aron, Chandler, Clark, Clendaniel, Ewing, Flinn, Gooden, Hearn, Healey, Hitchen, Hodgson, Holcomb, Hope, Layton, Moore, Pepper, Pilling, Prettyman, Ralph, Robertson, Short, Scotten, Vinyard, West, White, Wright, Mr. Speaker.—Yeas, 27.

Nays, none.

Absent—Messrs. Baynard, Dayett, Hardesty, Hutchinson, Long, Monaghan, Shallcross, Warren.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

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

House Bill No. 23, entitled

“An Act to amend Chapter 67, of Volume 21, Laws of Delaware, by extending the term of first grade certificates of teachers, and providing for life grade certificates in certain cases.”

House Bill No. 54, entitled

“An Act to enable the Governor to appoint an additional Notary Public for Kent County, to reside at or near Masten’s, in Mispillion hundred.”

House Bill No. 6, entitled

“An Act to grant State aid to the Grand Army of the Republic of the Department of Delaware for the purpose of defraying the annual expenses of the several Grand Army posts in the State of Delaware for the expenses incurred by said posts annually in the proper observance of Memorial Day.”

House Bill No. 63, entitled

“An Act authorizing the State Treasurer to pay to Isaac N.

Fooks the sum of six hundred dollars for preparing the annual report of John A. Lingo, late Auditor of Accounts, deceased, for the year 1899, and for superintending the publication thereof."

With amendment.

House Bill No. 100, entitled

"An Act to provide for the payment of certain expenses incurred in the burial of certain indigent soldiers, sailors or marines."

House Bill No. 149, entitled

"An Act to amend an act, entitled 'An Act to reincorporate the town of Milford,' and the several amendatory acts thereto."

House Bill No. 188, entitled

"An Act to amend Chapter 74 of the Revised Code by striking out all of Section 4 of said chapter, as printed and published on Page 594, by providing that colored people shall not produce certificates of a Justice of the Peace."

House Bill No. 210, entitled

"An Act authorizing the Governor to appoint an additional Notary Public for West Dover hundred, to reside at Hartley."

House Bill No. 253, entitled

"An Act to appoint an additional Notary Public for New Castle County."

House Bill No. 269, entitled

“An Act requiring all veterinarians to register and pay an annual license fee of ten dollars to the State therefor.”

House Bill No. 41, entitled

“An Act to appropriate six thousand dollars for the erection and repair of buildings at the State College for Colored Students.”

House Bill No. 252, entitled

“An Act to authorize the Governor to appoint an inspector for the Second Election District of the Seventh Representative District of Kent County, for the General election A. D. 1902.”

House Bill No. 251, entitled

“An Act to authorize the Governor to appoint an inspector for the Third Election District of the Seventh Representative District of Kent County for the general election A. D. 1902.”

House Bill No. 240, entitled

“An Act to divide Representative District No. 7, of Kent County, into two election districts.”

And returned the same to the House.

Mr. Cain, Clerk of the Senate, being admitted, informed the House that the Senate had non-concurred in the following House bills:

House Bill No. 201, entitled

“An Act requiring a prior lien to the owners of threshing machines on grain threshed by them.”

House Bill No. 158, entitled

“An Act to dispense with the kissing of the Bible in the administering of oaths.”

And returned the same to the House.

On motion of Mr. Hope, the bill,

(H. B. No. 282), entitled

“An Act to amend Chapter 67, of Volume 21, Laws of Delaware, entitled ‘An Act concerning the establishment of a general system of free public schools,’ by providing a different method of holding the Delaware Colored Teachers’ Institute, and increasing the appropriation for that purpose,”

Was taken up for consideration, and,

On his further motion, was read a third time, by paragraphs, in order to pass the House.

On the question, “Shall the bill pass the House?”

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

Yeas—Messrs. Aron, Baynard, Chandler, Clark, Clendaniel, Ewing, Flinn, Gooden, Hardesty, Hearn, Healey, Hitchen, Hodgson, Hope, Hutchinson, Layton, Long, Monaghan, Moore, Pilling, Prettyman, Robertson, Shallcross, Short, Scotten, Warren, West, White, Wright, Mr. Speaker.
—Yeas, 30.

Nays, none.

Nays—Messrs. Dayett, Holcomb, Pepper, Ralph, Vinyard.

So the question was decided in the affirmative,

And the bill having received the required constitutional majority,

Was declared

Adopted.

Ordered to the Senate for concurrence.

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

Senate Bill No. 91, entitled

“An Act to reincorporate the Commissioners of Rehoboth.”

And presented the same to the House.

Mr. Cain, Clerk of the Senate, being admitted, presented for the signature of the Speaker of the House the following duly and correctly enrolled Senate bills, the same having been signed by the President pro tempore of the Senate:

Senate Bill No. 68, entitled

“An Act to amend Section 4, of Chapter 36, of the Revised Code, relating to the appointment of Commissioner of Deeds, by providing for the appointing of such Commissioner of Deeds in territories or possessions of the United States and foreign countries.

Senate Bill No. 67, entitled

“An Act to amend Section 10, of Chapter 83, of the Revised Code, relating to acknowledgment of deeds, by making valid acknowledgment before Commissioner of Deeds in possessions of the United States and foreign countries.”

Senate Bill No. 93, entitled

“An Act to authorize the Commissioners of Lewes to levy a special tax for the support of the water works, electric light plant and sewer system of the town of Lewes.”

Senate Bill No. 114, entitled

“An Act authorizing the Governor to appoint a Notary Public for the office of the Ancient Order of United Workman.”

Senate Bill No. 86, entitled

“An Act to reincorporate the town of Lewes.”

Senate Bill No. 35, entitled

“An Act to repeal Chapter 174, of Volume 21, Laws of Delaware, entitled ‘An Act appropriating fifteen hundred dollars annually to the Agricultural Society of the State of Delaware,’ to be used in encouraging and promoting agriculture, horticulture and the domestic arts by the citizens of the State.”

Senate Bill No. 40, entitled

“An Act providing for inspectors to hold elections in the Second and Third Election Districts of the Tenth Representative District of Sussex County.”

Senate Bill No. 39, entitled

“An Act to repeal Chapter 175, of Volume 21, Laws of Delaware, entitled ‘An Act regulating the expenditure by the Agricultural Society of the State of Delaware of moneys appropriated to said society by an act of the present session of the General Assembly, entitled ‘An Act appropriating fifteen hundred dollars annually to the Agricultural Society of the State of Delaware,’ to be used in encouraging and promoting agriculture, horticulture and the domestic arts by the citizens of the State.”

Senate Bill No. 88, entitled

“An Act to incorporate the Milford Trust Company.”

Senate Bill No. 92, entitled

“An Act authorizing a special tax to provide a special fund for the purchase of oyster shells for the county roads of the Second Representative District of Sussex County.”

Senate Bill No. 101, entitled

“An Act authorizing the appointment of a Notary Public for the Diamond State Trust Company, at Dover, Delaware.”

Senate Bill No. 102, entitled

“An Act to authorize the Clayton public schools to borrow money for building purposes.”

JOINT SESSION.

The hour of 12 o'clock M. having arrived, the President pro tempore, members, Clerks and Sergeant-at-Arms, of the Senate, being announced, were admitted.

Mr. President pro tempore directed the Clerks to call the rolls of the respective Houses. All members present.

Mr. Holcomb, of the House, moved the reading of the journals be dispensed with,

Which motion

Prevailed.

The Clerks were directed to call the rolls of the respective Houses, and the members, as their names were called, responded by viva voce vote, as follows:

Mr. Abbott, of the Senate, voted for John Edward Addicks.

Mr. Allee, of the Senate, voted for John Edward Addicks.

Mr. Blakely, of the Senate, voted for John Edward Addicks.

Mr. Brasure, of the Senate, voted for John Edward Addicks.

Mr. Clements, of the Senate, voted for Richard R. Kenney.

Mr. Farlow, of the Senate, voted for Richard R. Kenney.

Mr. Groves, of the Senate, voted for John Edward Addicks.

Mr. Hart, of the Senate, voted for Richard R. Kenney.

Mr. Harrington, of the Senate, voted for Richard R. Kenney.

Mr. Knox, of the Senate, voted for Henry A. duPont.

Mr. Maull, of the Senate, voted for Richard R. Kenney.

Mr. McFarlane, of the Senate, voted for John Edward Addicks.

Mr. McNulty, of the Senate, voted for Richard R. Kenney.

Mr. Pennewill, of the Senate, voted for John Edward Addicks.

Mr. Slaughter, of the Senate, voted for Richard R. Kenney.

Mr. Wright, of the Senate, voted for Richard R. Kenney.

Mr. President pro tem., of the Senate, voted for Henry A. duPont.

Mr. Aron, of the House, voted for John Edward Addicks.

Mr. Baynard, of the House, voted for Henry A. duPont.

Mr. Chandler, of the House, voted for Henry A. duPont.

Mr. Clark, of the House, voted for Henry A. duPont.

Mr. Clendaniel, of the House, voted for John Edward Addicks.

Mr. Dayett, of the House, voted for John Edward Addicks.

Mr. Ewing, of the House, voted for John Edward Addicks.

Mr. Flinn, of the House, voted for Henry A. duPont.

Mr. Gooden, of the House, voted for Richard R. Kenney.

Mr. Hardesty, of the House, voted for Richard R. Kenney.

Mr. Hearn, of the House, voted for Richard R. Kenney.

Mr. Healey, of the House, voted for Richard R. Kenney.

Mr. Hitchen, of the House, voted for Henry A. duPont.

Mr. Hodgson, of the House, voted for Henry A. duPont.

Mr. Holcomb, of the House, voted for Richard R. Kenney.

Mr. Hope, of the House, voted for John Edward Addicks.

Mr. Hutchinson, of the House, voted for Richard R. Kenney.

Mr. Layton, of the House, voted for John Edward Addicks.

Mr. Long, of the House, voted for John Edward Addicks.

Mr. Monaghan, of the House, voted for Richard R. Kenney.

Mr. Moore, of the House, voted for John Edward Addicks.

Mr. Pepper, of the House, voted for Richard R. Kenney.

Mr. Pilling, of the House, voted for Henry A. duPont.

Mr. Prettyman, of the House, voted for John Edward Addicks.

Mr. Ralph, of the House, voted for Richard R. Kenney.

Mr. Robertson, of the House, voted for Henry A. duPont.

Mr. Shallcross, of the House, voted for Richard R. Kenney.

Mr. Short, of the House, voted for John Edward Addicks.

Mr. Scotten, of the House, voted for Richard R. Kenney.

Mr. Vinyard, of the House, voted for Richard R. Kenney.

Mr. Warren, of the House, voted for Richard R. Kenney.

Mr. West, of the House, voted for Richard R. Kenney.

Mr. White, of the House, voted for John Edward Addicks.

Mr. Wright, of the House, voted for Richard R. Kenney.

Mr. Speaker, of the House, voted for John Edward Addicks.

The vote as above ascertained having been announced as follows :

For John Edward Addicks, nineteen votes.

For Richard R. Kenney, twenty-three votes.

For Henry A. duPont, ten votes.

Total, fifty-two votes.

The President pro tem., of the Senate, declared that no person having received a majority of all the votes cast for United States Senator, there was no election to said office.

Mr. Knox, of the Senate, moved that we proceed to ballot for a United States Senator for the short term, ending March 4, 1905,

Which motion

Prevailed.

The Clerks were directed to call the rolls of the respective Houses, and the members, as their names were called, responded by viva voce vote, as follows:

Mr. Abbott, of the Senate, voted for John Edward Addicks.

Mr. Allee, of the Senate, voted for John Edward Addicks.

Mr. Blakely, of the Senate, voted for John Edward Addicks.

Mr. Brasure, of the Senate, voted for John Edward Addicks.

Mr. Clements, of the Senate, voted for Willard Saulsbury.

Mr. Farlow, of the Senate, voted for John G. Gray.

Mr. Groves, of the Senate, voted for Anthony Higgins.

Mr. Hart, of the Senate, voted for Willard Saulsbury.

Mr. Harrington, of the Senate, voted for Willard Saulsbury.

Mr. Knox, of the Senate, voted for Charles F. Richards.

Mr. Maull, of the Senate, voted for Willard Saulsbury.

Mr. McFarlane, of the Senate, voted for Anthony Higgins.

Mr. McNulty, of the Senate, voted for Willard Saulsbury.

Mr. Pennewill, of the Senate, voted for John Edward Addicks.

Mr. Slaughter, of the Senate, voted for Willard Saulsbury.

Mr. Wright, of the Senate, voted for Willard Saulsbury.

Mr. President pro tem., of the Senate, voted for Charles F. Richards.

Mr. Aron, of the House, voted for John Edward Addicks.

Mr. Baynard, of the House, voted for John Edward Addicks.

Mr. Chandler, of the House, voted for Charles F. Richards.

Mr. Clark, of the House, voted for Charles F. Richards.

Mr. Clendaniel, of the House, voted for John Edward Addicks.

Mr. Dayett, of the House, voted for Anthony Higgins.

Mr. Ewing, of the House, voted for John Edward Addicks.

Mr. Flinn, of the House, voted for Charles F. Richards.

Mr. Gooden, of the House, voted for Willard Saulsbury.

Mr. Hardesty, of the House, voted for Willard Saulsbury.

Mr. Hearn, of the House, voted for Willard Saulsbury.

Mr. Healey, of the House, voted for Willard Saulsbury.

Mr. Hitchen, of the House, voted for John Edward Addicks.

Mr. Hodgson, of the House, voted for Charles F. Richards.

- Mr. Holcomb, of the House, voted for Willard Saulsbury.
- Mr. Hope, of the House, voted for John Edward Addicks.
- Mr. Hutchinson, of the House, voted for Willard Saulsbury.
- Mr. Layton, of the House, voted for John Edward Addicks.
- Mr. Long, of the House, voted for John Edward Addicks.
- Mr. Monaghan, of the House, voted for Willard Saulsbury.
- Mr. Moore, of the House, voted for John Edward Addicks.
- Mr. Pepper, of the House, voted for Willard Saulsbury.
- Mr. Pilling, of the House, voted for Charles F. Richards.
- Mr. Prettyman, of the House, voted for John Edward Addicks.
- Mr. Ralph, of the House, voted for Willard Saulsbury.
- Mr. Robertson, of the House, voted for John Edward Addicks.
- Mr. Shallcross, of the House, voted for Willard Saulsbury.
- Mr. Short, of the House, voted for John Edward Addicks.
- Mr. Scotten, of the House, voted for Willard Saulsbury.
- Mr. Vinyard, of the House, voted for Willard Saulsbury.
- Mr. Warren, of the House, voted for Willard Saulsbury.
- Mr. West, of the House, voted for Willard Saulsbury.
- Mr. White, of the House, voted for John Edward Addicks.

Mr. Wright, of the House, voted for Willard Saulsbury.

Mr. Speaker, of the House, voted for John Edward Addicks.

The vote as above ascertained having been announced as follows:

For John Edward Addicks, nineteen votes.

For Willard Saulsbury, twenty-two votes.

For John G. Gray, one vote.

For Anthony Higgins, three votes.

For Charles F. Richards, seven votes.

Total, fifty-two votes.

The President pro tem., of the Senate, declared that no person having received a majority of all the votes cast for United States Senator, there was no election to said office.

On motion of Mr. McNulty, of the Senate, the two Houses separated, and the members of the Senate returned to their chamber.

Mr. Hardesty moved that the House take a recess until 1.30, o'clock,

Which motion

Prevailed.

Dover, Del., Same Day, March 6, 1901—2 o'clock P. M.

House met at expiration of recess.

Mr. Holcomb, on behalf of the majority of the Committee on Investigation of the Bribery Charges preferred by Representative Walter M. Hearn against Representative Robert R. Layton, presented the following testimony and report on same:

INVESTIGATION

OF AN ALLEGED ATTEMPT AT BRIBERY IN THE
LEGISLATURE OF DELAWARE, SESSION OF 1901.
RECORD OF TESTIMONY TAKEN BY A COMMIT-
TEE OF THE HOUSE OF REPRESENTATIVES.

[FROM STENOGRAPHIC NOTES.]

Pursuant to a resolution passed by the House of Representatives of the State of Delaware, on February 22, 1901, the Speaker of the House appointed Representatives Holcomb, Moore and Baynard a committee to investigate charges of attempted bribery as published in "The Evening Journal" of Wilmington, in its issue of February 20th.

On February 22, 1901, at 2.15 o'clock P. M., the committee met in the State Treasurer's office; when Mr. Holcomb was elected Chairman and Mr. Baynard was chosen Secretary.

Messrs. Henry Ridgley, Alex. M. Daly and John B. Hutton represented the author of the charges, Mr. Walter M. Hearn.

Messrs. Walter H. Hayes, P. Q. Churchman and Joseph H. Cahall represented the Committee.

Mr. Ridgley asked for a postponement of the hearing until Wednesday, February 27th, to give time for the preparation of formal charges.

After discussion it was ordered, upon the suggestion of Mr. Hearn, that the time for the hearing be fixed at 10 o'clock A. M., on Tuesday, February 26th; to which time the Committee adjourned.

House of Representatives, State of Delaware,

Dover, February 26, 1901.

The Committee met at 10 o'clock A. M., Chairman Holcomb presiding.

The following members were present: Dr. Thomas C. Moore, Theodore F. Clark, J. T. Shallcross, Samuel H. Baynard and Chauncey P. Holcomb, Chairman.

Secretary Baynard read, for general information, a resolution of the House of Representatives, recently adopted, as follows:

"Be it resolved by the House of Representatives in General Assembly met, that the Committee of three appointed for the purpose of investigating certain alleged charges of bribery be increased to five members by adding the names of Messrs. Clark and Shallcross; and that the Committee be given power to summon witnesses; be it further

"Resolved, That the meetings of the Committee shall be public."

The Chairman announced that a stenographer, who had been employed by the Committee was present. Whereupon the stenographer was sworn to make a true report of the proceedings.

Dr. Moore: Mr. Chairman, I move that the Sergeant-at-

Arms of the House be empowered to summon any witnesses whose presence may be deemed necessary in this matter.

Mr. Clark seconded the motion.

The motion was carried without objection.

The Chairman: Gentlemen, what is your pleasure about the proceedings?

Mr. Clark: Mr. Chairman, it seems to me that the proper course would be to call here the member who made the charges and have him sworn.

The Chairman: The Chair thinks that that is the proper course.

Mr. Hayes: Mr. Chairman, Mr. Cahall and I appear here for Mr. Layton. We could not appear for anybody before this because there had been no charge.

(Note. The appearance of counsel is here noted as follows:)

Messrs. Daly and Hutton for Mr. Hearn.

Messrs. Hayes and Cahall for Mr. Layton.

TESTIMONY.

Walter M. Hearn, being called, came forward and was sworn.

The Chairman (addressing Mr. Hearn) said: On last Friday when the Committee met to discuss the procedure in this case, you requested to have until Tuesday morning to make a statement. You are now under oath and at liberty to make your statement. It is the wish of the Committee that you proceed.

Mr. Hearn: On Monday afternoon, February 18th, I went up the road to attend the ball, and I was approached, in the car, by a gentleman who said, "Do you know, we are going to elect Addicks some day?" I says, "I suppose so." He says, "Twenty-six will elect Thursday." He says, "There's fifteen hundred or two thousand in it for you if you and another member will stay away." He says, "If you don't believe it I can call in a third party." I says, "You take your fifteen hundred or two thousand and your third party and go to hell, you can't approach me on any such subject."

EXAMINATION BY MR. DALY.

Q. Who was the man?

A. Mr. Layton—Rees Layton.

Q. A member of this House?

A. A member of this House.

Q. Was there at any other time any conversation with you in relation to Senatorial matters? Just tell the Committee what you have to tell about that, if there was any other.

A. Yes. On Tuesday afternoon the Democrats held a caucus over in the parlor. And I was sitting at the supper table that night, and the same gentleman says to me, "Say, which one of your caucus nominees stands the better show?" I says, "Indeed if I know." "Well," he says, ain't the Democrats trying to get together to make a deal?" I says, "I don't know that either." "Well," he says, "there's five or eight hundred dollars in it for you to never vote for two Regular Republicans."

Q. That was all there was of that conversation, was it?

A. That was all there was of that conversation.

Q. What did you do then?

A. I didn't make any answer.

Q. What was your first step toward making this matter public?

A. What was my "first step"?

Q. Yes. What did you do.

A. I made it known to Mr. Mattford Short.

Q. What did he advise you to do?

A. He advised me to tell it in the caucus.

Q. Did you tell it in the caucus?

A. I did.

Q. What did the caucus advise you to do?

A. To keep it as a secret.

Q. Did you give it to the newspaper reporters?

A. I have not. There have been a number come to me, and I told them it was true, but I had no statement to make.

Mr. Daly: Mr. Chairman, I state to the Committee that we give them this testimony to show the whole transaction.

The Chairman: Any member of the Committee who desires to interrogate Mr. Hearn may now do so. (After a pause during which no questions were suggested the Chairman added:)

The Chair presumes that it would be in regular order to proceed with the examination of any witnesses whom Mr. Daly may call or to turn this witness over to the counsel for further examination.

Mr. Daly: Mr. Chairman, we have no witnesses here now for examination. Those witnesses whom we asked you to summon are to be called in the event that we need to call them afterwards to meet any statement that may be made on the other side. We cannot put them on the stand now.

The Chairman: It occurred to the Chair that Mr. Layton or anybody whose presence is shown by the testimony of Mr. Hearn to be necessary might be called at this time.

Mr. Hayes: Mr. Chairman, I want to exercise the privilege of asking the witness on the stand a few questions.

The Chairman: You have that privilege.

CROSS-EXAMINATION OF MR. HEARN.

By Mr. Hayes:

Q. Will you please detail over again that first statement you made, stating when it happened, where it happened and in whose presence?

A. It was between Farnhurst and Wilmington, if I am not mistaken; it was right near the boundary of the city.

Q. On the express train?

A. On the train leaving here at 5.12.

Q. Who was sitting with you?

A. Mr. Layton.

Q. Who was sitting ahead of you?

A. I don't think there was any one sitting ahead of us.

Q. Was anybody sitting behind you?

A. I don't know.

Q. Was anybody sitting beside you?

A. Yes, there were people sitting beside us.

Q. Do you know who they were?

A. I do not.

Q. In which car of the train was it?

A. The smoker.

Q. Now, what did Mr. Layton say to you?

A. He says, "Did you know we're going to elect Addicks some day?" I says, I suppose you will." He says, "Twenty-six will elect Thursday," and he says, "There's fifteen hundred or two thousand in it for you and some other member in it to stay away."

Q. He said, "There's fifteen hundred or two thousand in it for you and some other member to stay away?"

A. Yes, and "If you don't believe that, I will call in a third party."

Q. Now, that was the first statement?

A. That was the first statement.

Q. Was that all of the first statement?

A. Yes, that was all of it.

Q. Mr. Hearn, do you know Mr. Prettyman, a member of this House?

A. Why, I think I ought to know him.

Q. You walked over from the Capitol Hotel, with him, on last Friday, to the State House, didn't you?

A. Yes. (After a pause the witness added) I said "Yes" because I supposed I did, for I am often coming over with some one.

Q. Did you not at that time, in a conversation with him, say there was no member of this House who had offered you any money or words to that effect?

Q. Well, if I did I did it with the intention of trying to blind this fellow——

Q. (Interposing). I am not asking you that. I am asking you whether or not you did it.

A. I may have made that statement.

Q. You may have made that statement. Do you remember taking breakfast with Mr. Layton, at the Bayard House, on the morning after this statement was published in the newspapers?

A. Wednesday morning?

Q. Wednesday or Thursday morning. One of those mornings.

A. I don't remember. We often had breakfast together.

Q. Did Mr. Layton say to you at that time, "Walter, you have made a dunce of yourself, a fool of yourself," or words to that effect?

A. I haven't heard anything of it before.

Q. And you replied to him, "I believe I have," or words to that effect?

A. No, sir.

Q. You didn't say that?

A. No.

Q. This was in the presence of Mr. Ford. Did Mr. Ford then say to Mr. Layton, then and there in your presence, "Mr. Layton, I believe you did this," or words to that effect?

A. I think he did make such a remark.

Q. And did you then speak up and say, "Mr. Layton had nothing to do with it," or "had too much sense for that," or words to that effect?

A. I said, I think, "You know Mr. Layton would'nt be guilty of anything of this kind."

Q. You know Mr. Kuhns who boards at the Bayard House?

A. Yes.

Q. Did you state to him, since the time of this publication, that there was no member of this House who had approached you or offered you money, or words to that effect?

A. Not that I remember of.

Q. Will you say that you did or did not?

Mr. Daly: Where is it supposed it was said.

Mr. Hayes: At the Bayard House.

The Witness: I won't say, because I don't remember making any statement to him.

Q. Then you might have made that statement to him, might you not?

Mr. Daly: What was the statement?

Mr. Hayes: That no member of this House had offered him money.

The Witness: I don't remember what statement I made.

Mr. Hayes: Will you say that you did not make the statement to Mr. Kuhns?

Mr. Daly: He says he don't remember.

Mr. Hayes: Now, Mr. Daly, don't prompt him. (To the witness:.) Do you say you did or did not?

A. I told you I wouldn't say because I didn't remember.

Q. Do you know Miss Carrie Ford?

A. Yes.

Q. Did you have a conversation with her concerning this alleged bribery, since the publication of that card in the paper.

A. I saw Miss Ford, one morning last week, in the hall, as I came out of the dining-room.

Q. At the Bayard House?

A. At the Bayard House.

Q. That was since the publication of this card?

A. Yes.

Q. Did you say to her, then and there, that there was no

member of this House who had anything to do with it, or words to that effect?

A. She says, "Mr. Hearn, some accuse Mr. Layton." "Why," I says, "you know Mr. Layton wouldn't be guilty of anything of that kind."

Q. Now, is that all you have had to say to her?

A. I have made a full statement. That is all I have had to say.

Mr. Hayes: I think that that is all I have to ask.

By Mr. Daly.

Q. Mr. Hearn, you have admitted to Mr. Hayes that on two or three occasions you did say that Mr. Layton would not be guilty of a thing like this, or words to that effect?

A. Yes.

Q. Will you just explain to the Committee why you said that? What was your motive in saying that to different parties, in reply to the questions that were asked you?

A. In the first place, we both live in the same county and not very far apart, and I thought perhaps it would cause hard feelings in our families.

Q. Then the reason was that you were friendly to Mr. Layton? Is that what I am to understand?

A. Yes.

Q. What was your answer to my question as to your motive in answering those people in that way? Why was it you made those statements?

A. As I say, Mr. Layton has a good many friends down

there, and so have I; and I thought at first it would be best not to bring out his name, and I tried to conceal it as long as I could. That is the full statement.

Thomas B. Giles, being called and duly sworn, was examined as follows:

By Mr. Daly.

Q. Will you please tell the Committee anything you know in relation to this bribery matter?

A. I don't know anything in regard to the bribery matter. I only know this, that immediately after the election, I am confident, Walter Hearn was selected out as one of the victims.

Mr. Hayes objects to this statement.

Mr. Baynard: We want to hear only legitimate evidence, only about what has happened since this charge was made.

Mr. Daly: Mr. Chairman and gentlemen, now I have no desire to urge this testimony, you understand it; but Mr. Hearn requested that Mr. Giles be called to show that it was generally understood in the neighborhood in which Mr. Hearn lived that Mr. Hearn was to be one of the men that were to be handled here during this session.

(Boisterous and decisive laughter among the spectators.)

Mr. Daly: Mr. Hearn requested him to be called. I say I don't urge that testimony. It is for the Committee to say whether they will receive it.

The Chairman: Order must be preserved during the sessions of the Committee. The Chair wants it to be understood

that if, while he is presiding over this Committee, there are any more demonstrations like that which has just occurred, the gentlemen indulging in them, whether member of either House, would be removed from this room if the Chair can summon power enough to remove them; and the Chair does not care from which side the outburst comes. The attorneys will now proceed, and the Committee will listen to remarks that are submitted in the proper way, but not to jeers and gibes of witnesses.

Mr. Hayes: Mr. Chairman, I know that the Committee is not bound by any regular legal rules of evidence, but it seems to me the evidence to be adduced here should have a bearing upon the general subject under consideration and not be foreign to it.

Mr. Baynard: Mr. Daly, will you kindly let us know whether it is your intention to prove that the general character and reputation of Mr. Hearn were such as to suggest that he would be picked out as a man likely to do this work?

Mr. Daly: No, it is not; that is not my object. As I have said, Mr. Giles is called before this Committee at Mr. Hearn's request. Mr. Giles knows that he was told by members of the Union Republican party that Mr. Hearn was one of the men who would be bought during this session of the Legislature. Now, then, I claim that this is a relevant matter, that it goes to show that at the beginning this transaction was one that was intended. I think it is perfectly proper for this Committee to hear Mr. Giles' testimony to the effect that Mr. Hearn was one of the men who were to be bought.

Mr. Baynard: The point of my inquiry was whether you propose to open the way for members of the Union Republican party to prove that Mr. Hearn's character was such that he could be worked with. You have a perfect right to do that, but it would open out this inquiry so that we could not make a report before the meeting of the next Legislature.

Mr. Hayes: The Committee recognizes that we will be at liberty to prove, if we can, that Mr. Hearn himself made propositions at that time before this Legislature ever met.

The Chairman. I am only one of five, but, as far as I am concerned, I would say that neither Mr. Daly's proposition nor that of Mr. Hayes is revelant to the case. Of course, I, for one, want to get to the bottom of this matter, and, if the Committee wants to hear him, Mr. Giles will proceed.

Mr. Clark: Mr. Chairman, I think that, unless objection is made, he has a right to continue.

Dr. Moore: I think we should ascertain whether the accusation which has been made by Mr. Hearn has any foundation. I cannot see that the testimony of Mr. Giles is pertinent to that inquiry, as to whether Mr. Layton bribed Mr. Hearn; and if we admit that secondary evidence we must allow the other side also to present secondary evidence, thus delaying a report on this matter.

The Chairman suggested it would economize time if the witness was allowed to proceed at once.

(The witness resumed his testimony as follows:)

Some few days after the election, I won't name the day, I was at Bridgeville. Do you want me to give the names of parties?

The Chairman: Give the names and proceed.

The Witness. On the platform Harry Vivian and I were talking, and I remarked to him, "Well, we have one consolation in this Legislature, none of our Sussex County men can be bought." He burst out in a sarcastic kind of a laugh and said, "How about that man in Nanticoke?" He didn't say he could buy him, but it looked a good deal like as if he thought so.

By Mr. Daly.

Q. Who is Mr. Vivian?

A. A Gentleman who lives in Bridgeville, a first rate man and a very warm friend of mine, a man whom I respect, and I regret very much to have to reveal his name. But he had a right to his opinion the same as I had to mine.

Q. Is he a kepublican?

A. A Republican and a gentleman.

Q. A Union Republican, is he?

A. Well, I have always supposed he was—one of that kind of fellows who want to win. That's all I have to say.

CROSS-EXAMINATION.

By Mr. Hayes.

Q. Let me ask you this. Was not Mr. Vivian an earnest and strong supporter of Mr. Cornelius Swayne for Representative, at the last election in that neighborhood?

A. I cannot answer that question. I don't live in that neighborhood.

Q. Have you any knowledge that he is a Union Republican or ever was?

A. I don't know. He was like some of you fellows—he wanted to win.

Q. I ask you whether you know if he was a Union Republican?

A. No, I don't.

By Mr. Baynard.

Q. I understood you to say also that Mr. Vivian was a gentleman?

A. He is.

Q. An intelligent man?

A. Yes, sir.

Q. Do you think from the remark he made, being an honest and intelligent man, that he had some reason to think that Mr. Hearn's character was such that Mr. Hearn could be worked politicaly?

A. I supposed this, that he thought Mr. Hearn was young, inexperienced and not used to the ways of the world like older men, like you and I; and that he might be used in that way.

Q. Do you suppose for a moment that, as an honest and intelligent man, he would insinuate such a thing as to any one unless he thought there was reasons for it?

A. I didn't suppose that Harry Vivian would make that offer himself.

Mr. Baynard: I only wanted to know as to the extent of your knowledge.

Dr. Moore: You said, "The gentleman from Nanticoke." Did you refer to Mr. Hearn?

A. Yes, sir. He is from Nanticoke hundred.

Robert Rees Layton, being called and duly sworn, was examined as follows:

By Mr. Hayes.

Q. Mr. Layton, did you hear the testimony that Walter M. Hearn gave here a few moments ago?

A. Yes, sir.

Q. In that testimony he detailed an alleged conversation with you, on the train, between New Castle and Wilmington, on the afternoon of February 18th, which was Monday of last week. What have you to say in reference to that conversation?

A. I say it is a lie.

Q. Did you have any such conversation with Mr. Hearn?

A. No, sir; not a word of it.

Q. Did you ever offer Mr. Hearn any money or any other thing of value in consideration of his absenting himself from any session of the House?

A. No, sir.

Q. Or of his doing anything else?

A. No, sir.

Q. Did you have any conversation with Mr. Hearn at the breakfast table, at the Bayard House, after the publication in the newspaper of this charge of alleged bribery?

A. I think it was the next morning.

Q. Who was present?

A. Well, just at this time I think Mrs. Ford was.

Q. What Mrs. Ford?

A. Harry Ford's wife, and Mr. Hearn. And I thought his daughter was, but I am not sure.

Q. Will you detail now what that conversation was?

A. I says, "Walt, it seems to me you have gotten in a mess," or something similar to that; and he says, "Yes." Mrs. Ford spoke up and said, "Mr. Layton, I believe it is you" or "probably it is you." Mr. Hearn says, "It is not; he would not be guilty of anything like that," or something similar to that.

Q. Did you have any conversation with him since that, with reference to this matter?

A. The Senatorial situation?

Q. Not the Senatorial situation, but about this money business, the offering of money, since the conversation at the Bayard House?

A. I don't think I have said anything else to him; no, sir.

CROSS-EXAMINATION.

By Mr. Daly.

Q. You deny absolutely the statement that Mr. Hearn made?

A. I do; yes, sir.

Q. Did you or not go up on the train, with Mr. Hearn, on that afternoon, as he related?

A. I was on the train; yes, sir.

Q. Did you or not sit with him for part of the way?

A. Yes, sir.

Q. You talked with him all the while, going up, while you were sitting with him?

A. Well, I had some conversation with him ; yes, sir.

Q. And you deny absolutely that this conversation occurred?

A. I certainly do ; yes, sir.

Q. And on no occasion did you offer him a bribe?

A. I never have.

Q. Nor did you say that you could get money?

A. No, sir ; I never have.

Q. Do you remember any of the conversation that did take place between you and Mr. Hearn, going up on the train?

A. Well, I said to Mr. Hearn, that I wanted to see him. A party from New Castle was sitting opposite to me, and he said to me "How old is that fellow?" I said, "Well, I judge he is about twenty-four years old." "Well," he said, "He acts like a fool." I sat down there and commenced talking about it, which I don't think Mr. Hearn will deny. I don't know what else I said, but I know I never said anything about the Senatorial question or offering him anything.

Q. What led that gentleman to make that statement?

A. Because, he said, he thought Mr. Hearn was drunk ; and I think I can prove it by the Democratic members of this House who were on that train.

Q. Do you know whether or not he had been drinking?

A. I wouldn't swear to it myself, I didn't smell his breath, but I thought he acted like a drunken man.

Q. Did he act drunk when you were talking to him?

A. He acted drunk from he first got on the train until he got off.

Q. When you were talking to him he acted drunk?

A. Well, I thought so.

Q. What did he say, that led you to think he was drunk, or what did he do?

A. Well, he was running all up and down the car, as I think the members here will testify; and he was talking about different things, which led me to think he was drunk. I didn't think a sober man would do it.

Q. What did he talk to you about?

A. I don't exactly remember about that.

Q. You don't remember anything that he said, that caused you to think he was drunk or a fool?

A. I didn't pay any attention to it. There was a party there from New Castle—I don't know his name, he was talking about the water works and one thing and another, and he stopped right there and said, "Who is that fellow" or "How old is he," or something similar to that. I told him I thought he was about twenty-four years old, and he told me himself, "I think he acts like a fool."

Q. Now, have you ever in your life seen Mr. Hearn drunk?

A. Well, I saw him, that day, what I considered drunk.

Q. On any other occasion? Did you see him drunk?

A. I don't know that I have particularly:

Q. And you didn't see him drink anything?

A. No, sir.

Q. And you don't remember anything that he said?

A. Not particularly; no sir; I don't think I do.

Q. But because he was walking up and down the car several times it led you to think he was drunk?

A. Yes, sir.

Q. Then you don't remember any part of the conversation, while going up on that train, do you?

A. I cannot recall any of it; no, sir.

By Dr. Moore.

Q. Where were you and Mr. Hearn going when you happened to be on the train at the same time?

A. I was going up to the ball.

Q. Do you know where he was going?

A. I couldn't swear. I think probably he was going there.

Q. Did you go to the ball?

A. I went; yes, sir.

Q. Did you see him at the ball?

A. Well, I hardly remember whether I did or not; I was not paying any attention; I was dancing. I was not down stairs very much and I don't think he was dancing. I don't remember whether I saw him or not.

Q. Did you come back on the train that night?

A. I did; yes, sir.

Q. Did Mr. Hearn come back on the train that night?

A. Yes.

Q. Did you have the same opinion of him, upon his return home, as you had when he went up the road?

A. No, sir, I did not.

Q. I asked, was your opinion the same?

A. I thought he was in better condition when he came down than he was when he went up.

By Mr. Daly.

Q. Do you know this Democratic member who, you say, knew he was drunk when he was going up on the train?

A. I said that I thought that I could prove it; I don't know. Mr. Scotten was on there. I think Mr. Scotten was on the train. (After a denial by the gentleman referred to, the witness added:) I may be mistaken. I know there were quite a number Democratic members on there, who got off the train as we did. I cannot now recall their names.

By Mr. Hayes.

Q. It has been testified here that Mr. Harry Vivian is a Republican. What do you say about that?

A. I think he is a Regular Republican.

Q. He supported Mr. Swayne last campaign?

A. Yes, I think he did.

Q. He was an active supporter of Mr. Swayne?

A. Yes, sir; I think he was.

Q. Where was the train that night, when you were sitting with Mr. Hearn? Was it before or after you left New Castle?

A. I think Mr. Hearn's statement is correct in that respect. It was about Farnhurst, I should judge.

Harry Prettyman, being called and duly sworn, was examined as follows:

By Mr. Hayes.

Q. You know Mr. Hearn and Mr. Layton?

A. Yes, sir.

Q. Did you have any conversation with Mr. Hearn, on last Friday, coming from the Capitol Hotel to the State House, in reference to the charge of bribery?

A. Yes, sir.

Q. Will you just state now what that conversation was?

A. When coming over from the Capitol—

Q. You mean by that the Capitol Hotel?

A. The Capitol Hotel—I asked him why he didn't tell. He said he didn't want to because it would hurt the Union Republican party. I told him there had been some rumors connecting me with that, and he said, no, it was not me and no member of the House. I asked where it was done, and he said it was done here in the State House. I believe that was all the conversation we had in regard to it.

By Mr. Daly.

Q. Are you exactly sure about that conversation; that it was said it occurred in the State House here?

A. I am.

Q. When was the conversation?

A. Last Friday.

Q. Was not the conversation really this, or words to this effect: You said, "Some people think that I did it," and Mr. Hearn replied that you knew you didn't do it; and you wanted to know who it was, and Mr. Hearn wouldn't tell you?

A. Yes, I asked him who it was, and he wouldn't tell me; but he said it was no member of the House.

Q. He gave his reasons for not telling, that he was afraid of hurting the Union Republican party?

A. Yes, sir.

By Mr. Hayes.

Q. He did say that it was no member of the House?

A. Yes, he said it was no member of the House.

Justice R. Kuhns, being called and duly sworn, was examined as follows:

By Mr. Hayes.

Q. Where do you reside?

A. In Dover, Delaware.

Q. Whereabouts?

A. At the Bayard House.

Q. How long have you resided there?

A. I have resided there since last September. I will have resided in Dover four years in August.

Q. Do you know Walter M. Hearn?

A. Yes, sir.

Q. Do you know Robert Rees Layton?

A. Yes, sir.

Q. Have you had any conversation with Walter M. Hearn since the publication of this report of alleged bribery in the newspapers?

A. No conversation directly.

Q. What was it?

A. I just asked him, one day at the table "Who was it," and he looked at me and didn't give me any answer, and I mentioned a certain name.

Q. What was the name?

A. I didn't mention the full name. I said the initial—was it the first name.

Q. What was the first name?

A. R—Rees. I said, "Was it Rees?" and he looked at me again, kind of that way, (illustrating), and didn't give me any answer, not a word one way or the other.

Q. Was there any other conversation on the subject?

A. After that, one time, I understood him to say it was a non-member of the House.

Q. In other words, it was not a member of the House?

A. Yes, sir. That is what I understood.

Q. Where did that conversation take place and when was it?

A. That was in what they call "the third House," over at the Capitol Hotel (merriment).

Q. The Democratic headquarters?

A. Yes. All of us were there; all that were in the room at the time understood him to say that it was a non-member of the House. That's all I know about that.

The Committee, at this point, adjourned until this evening, at seven o'clock.

House of Representatives, State of Delaware,

Dover, Del., February 26th, 1901.

EVENING SESSION.

The Committee reassembled at seven o'clock P. M., and held a session of more than two hours in length, at which all witnesses in attendance were examined and the taking of testimony concluded.

All of the members of the Committee were present, Chairman Holcomb presiding.

Mr. Baynard opened the session with a request that Mr. Harry W. Vivian be called as the first witness to enable him to leave by the next train. He said that Mr. Vivian had been brought into the matter through the testimony of Mr. Giles and, being in town, was asked to come before the Committee and place himself on record in regard to the matter in connection with which testimony was given about him.

Harry W. Vivian was then called and, upon being duly sworn, was examined as follows:

By Mr. Baynard.

Q. In his testimony, this morning, Mr. Thomas G. Giles made a statement, which appears on Page 15 of the stenographic record as follows (reading):

“Some few days after the election—I won’t name the day—I was at Bridgeville. Do you want me to give the names of parties?”

The Chairman replied to give the names and proceed.

The Witness proceeded: On the platform Henry Vivian and I were talking, and I remarked to him, “Well, we have one consolation in this Legislature, none of our Sussex County men can be bought.” He burst out in a sarcastic kind of a laugh and he said, “How about that man in Nanticoke?” He didn’t say he could buy him, but it looked a good deal like as if he thought so.”

Do you remember anything about that incident?

A. I possibly made use of that expression.

Q: The “man from Nanticoke is Mr. Hearn?

A. Well, I have no doubt that he is the man to whom I alluded, if I made the statement.

Q. If you made that statement what could have caused you to make it?

A. Common rumor. It was not from any personal knowledge that I had but only common rumor. In fact, I didn't know the man at the time.

Q. You have been a resident of that neighborhood a good while?

A. Yes, sir.

Q. You know pretty well the happenings in the neighborhood?

A. Yes, sir.

Q. You say it was common rumor that caused you to make that insinuation?

A. Yes, sir. To substantiate that I will make a statement, if I am permitted.

Q. Certainly. We would like to have all the information we can get.

A. Mr. Giles divulged something that should have been kept private, that was considered a private conversation that I had with him. I said to Mr. Giles this afternoon, "Mr. Giles, don't you know that it was common rumor that, if there was a weak man, that man Hearn was the one?" He said, "Yes;" and he said, "We went to him and tried to stiffen him up; hearing so many of these rumors we went to him and tried to stiffen him." I don't know what he meant by "stiffening him up;" you can draw your own conclusions.

By Dr. Moore.

Q. He did make that remark to you?

A. He did this afternoon. And if he had not divulged what I considered a private conversation I would not retaliate, but I drew that out of him. He will not deny it, I think. They knew it was the common rumor.

The Chairman: What was your last remark? I did not catch it.

A. It was the common rumor. Mr. Giles went to Mr. Hearn, to kind of stiffen him up, after hearing these rumors—"to stiffen him up," was the expression he used. I don't know what he meant.

By Mr. Baynard.

Q. I would like to ask a question in regard to what appears in Mr. Giles' testimony, on Page 16 of the stenographic record. By the way, Mr. Giles testified to Mr. Vivian's honesty and intelligence. This was the question and answer. (Reading:) "Do you think from the remark he made, he being an honest and intelligent man, that he had some reason to think that Mr. Hearn's character was such that Mr. Hearn could be worked politically?"

The answer was: "I supposed this, that he thought Mr. Hearn was young, inexperienced and not used to the ways of the world like older men, like you and I; and that he might be used in that way."

Was it your intention, not knowing him, to attempt to work this man in that way?

A. Oh, no. I never tried to work a man in my life.

Mr. Baynard: This representative places you in a compromising position and one which, if true, might entitle you to a long term in jail; and I thought it was only right and proper to bring you here that you might be heard in your own defence.

By Mr. Hutton.

Q. What did you say was common rumor with reference to Mr. Hearn?

A. That the gentleman from Nanticoke was the weak man; if they had any weak man.

Q. What did you mean by "common rumor?"

A. Well, generally spoken of; that it was in the mouths of a good many people.

Q. Who did you hear say it?

A. I don't know that I could mention any particular people, or if I could I don't know that I would.

Q. Could you mention any one person?

A. I don't know that I could.

Q. As to this common rumor, will you define again what this common rumor was?

A. I thought I defined it.

Q. Just once again, if you please.

A. That it was in the mouths of people generally.

Q. Do you remember the class of people in whose mouths it was generally?

A. I don't know that it was any special class.

Q. This common rumor was to the effect that Mr. Hearn here was the weak man among the Democrats—is that correct? Was that common rumor or what was it?

A. Yes, sir.

Q. You say that that statement was common rumor?

A. Yes, sir.

Q. And by "common rumor" you mean that it was in the mouths of the people?

A. Yes.

Q. You say that that was common rumor and that you don't know one man who said it?

A. No, I don't know that I could mention one man.

Q. Did you ever hear one man say it?

A. If you want plenty of testimony in that respect I will get it for you among Democrats and Republicans.

Q. I am just asking for your testimony.

A. Mr. Giles, who testified this morning, will testify to the same thing.

Q. You testify that it was common rumor that he was a weak man. Did you hear one man say it?

A. I heard several people say it or I wouldn't have made use of the expression with reference to Mr. Giles. As far as the man is personally concerned I never saw him.

Q. Do you remember whether you ever heard any Democrat say that?

A. I cannot say that I did.

Q. Did you ever hear any Regular Republican say that?

A. Well, I don't know whether they were Regulars or Unionists or Democrats; that I couldn't say.

Q. Have you in your mind now the name of one man who did say it?

A. I told you, a while ago, I couldn't mention the name.

Q. You don't remember any one who did say it?

A. No, sir; not specially.

By Mr. Baynard.

Q. You say that, this afternoon, in talking to Mr. Giles, he admitted that Mr. Hearn was one of the weak men, and said he had helped to brace him up?

A. He admitted that it was the common rumor. And Mr. Giles, if he were here to-night to testify, would testify the same. It was from that fear that they went to him and tried to stiffen him up.

Q. And that was simply in accordance with the common rumor that you had been used to hearing?

A. Exactly; yes, sir.

Charles L. Moore, being called and duly sworn, testified as follows:

By Mr. Hutton.

Q. Where do you live?

A. At Georgetown.

Q. What is your occupation?

- A. Attorney-at-law.
- Q. Have you any official position in Georgetown to-day?
- A. I am the Alderman of that town.
- Q. Where were you on Monday—yesterday?
- A. I came to Dover.
- Q. On that trip to Dover did you have occasion to see Walter M. Hearn?
- A. I did.
- Q. Is he a member of this House?
- A. He is.
- Q. Did you have a conversation with him?
- A. I did.
- Q. Will you please state the conversation?
- A. When the train left Harrington I went in the car in which Mr. Hearn was seated—I think he was sitting with Senator Wright—I spoke to them, “Good morning,” and stopped and began a casual conversation with them. In the meantime some one called Senator Wright; he got up and left, and I sat down by the side of Mr. Hearn. We began to talk. I asked him the question if he had told anybody who it was that attempted to bribe him—speaking of this question of bribery and the investigation that was to follow. He said he had told his counsel and one or two others, (I won’t say positively whether he said “one or two”), and I made the remark then, “It wouldn’t be a nice thing for me to ask you who it is.” He said, “No, under the circumstances.” I then made the remark that I didn’t think Rees Layton would do a thing of that kind, that I thought he was a different kind of a

man; and he made no reply. I made the remark to him, "Walter, I am a pretty good guesser as to who it was." He said, "No, it wasn't Rees; you can guess two or three times more." That was the extent of the conversation.

Q. That was the extent of the conversation relating to this particular subject matter?

A. It was.

Q. That was on yesterday morning?

A. On yesterday morning.

By the Chairman.

Q. Do you say that he told you it was Rees Layton?

A. He said it was not.

Q. Well, you asked him whether it was?

A. No, I didn't say that. I said I didn't think Rees Layton would do a thing of that kind, I thought he was a different man, or words to that effect.

Q. He hadn't said it was Rees Layton when you had made that remark?

A. No.

By Mr. Hutton.

Q. Why did you make use of the name of Rees Layton, in that conversation, without his having mentioned it?

A. Because I had heard it whispered that Mr. Layton would be the man who would be accused.

Q. And your purpose was to see whether or not Mr. Hearn

would deny that he proposed to make a charge against Mr. Layton?

A. Yes. It has been a matter of speculation among a good many people as to who would be the man, and I was no more curious, as I think, than other people.

By Mr. Shallcross.

Q. Who told you that Rees Layton was to be the accused man?

A. No man told me that Rees Layton or anybody else was to be the man. There has been a great deal of speculation as to who would be the man.

Q. Then when you put that proposition to him you hadn't heard it said who the man was?

A. No, sir; I hadn't heard him say nor anybody else say directly that they knew of their own knowledge as to who would be accused.

Q. I say you heard the talk and were speculating as to who the party was?

A. Yes, I heard other members of the House mentioned as likely to be accused.

Robert Rees Layton, recalled at the instance of Mr. Hayes.

Mr. Hayes: Mr. Chairman, owing to some confusion this morning I did not catch Mr. Layton's direct testimony, and that is the reason I recall him.

(To the witness) I refer to Page 4 of the stenographic record of testimony. In his testimony this morning, Mr. Hearn said, among other things, that on Tuesday after-

noon (meaning the day after the alleged conversation on the car), "the Democrats held a caucus over in the parlor. And I was sitting at the supper table, that night, and the same gentleman" (meaning you, Mr. Layton), "says to me, 'Say, which one of your caucus nominees stands the better show.' I said, 'Indeed if I know.'" (That is, Mr. Hearn said that). He then said, "Well, he" (meaning you), "says, ain't the Democrats trying to get together to make a deal?" I said, "I don't know that either." (That is, Mr. Hearn said that). "Well," he said, (That is, that you, Mr. Layton said), "there's five or eight hundred dollars in it for you to never vote for two Regular Republicans."

Q. What have you to say in reference to that conversation?

A. I never said it.

Q. Did you have any such conversation with him?

A. No, sir.

Q. Mr. Hearn further testifies that was the conversation. You say you never had it?

A. I never did.

(No cross-examination).

Robert Blakely, being called and duly sworn, testifies as follows:

By Mr. Hayes.

Q. Where do you reside?

A. In Henry Clay, Delaware.

Q. I will ask you whether you are a member of the New Castle County Democratic Committee?

A. No, sir; I am not.

Q. Well, you were recently?

A. No, sir.

Q. You are a member of the Democratic party?

A. Yes, sir.

Q. Were you in Seaford on the 17th day of September last?

A. Yes, sir.

Q. Do you know Walter M. Hearn?

A. I know Mr. Hearn who is here. I don't know that his name is Walter M.

Q. Did you see Mr. Hearn in Seaford that day?

A. I did, sir.

Q. Where?

A. At the Hotel Pennington?

Q. Did you have any conversation with Mr. Hearn on that occasion?

A. Yes, sir.

Q. Will you please detail that conversation as you remember it?

A. Mr. Hearn wanted to know if I was a Senator. I told him no, that I was not; I said, "I am on the other side of the

fence from the Senator." So we talked there a little bit, and Mr. Hearn said he wasn't coming here for his health.

Q. Coming where?

A. To the Legislature. That he was coming here to do business. I told Mr. Hearn then, "Now, you look out what you do, you are a young man, this is your first political office, and you are going to ruin yourself for life politically if you are not careful." That is about the sum of our conversation.

CROSS-EXAMINATION.

By Mr. Daly.

Q. How long had you known Mr. Hearn?

A. I met him that day.

Q. That was the first time you had ever met him?

A. The first time that I ever met him personally.

Simeon F. Pennewill, being called and duly sworn, testified as follows:

Examination by Mr. Hayes.

Q. You are a member of the State Senate from Sussex County?

A. I am.

Q. Will you state whether you were at the cakewalk on last Tuesday night aweek?

A. I was.

Q. Did you see there Mr. Hearn, a member of the House?

A. I did.

Q. Did you have any conversation with him?

A. Yes.

Q. Will you state that conversation?

A. Mr. Hearn was sitting next to me, and he said, "If I had been in as good condition last night as I am to-night I would have had a good time in Wilmington." I said, "What do you mean by that? Why didn't you have a good time?" He said, "I got full before I got there and didn't get into condition to have enjoyment.

Q. That was the night after that when he said it?

A. It was last Tuesday night.

Q. This night one week ago?

A. This night one week ago.

Q. "By Mr. Hearn," you mean Mr. Hearn, a member of the House?

A. I mean Mr. Hearn, a member of the House.

Mr. Hayes states that he has completed the list of his witnesses so far as they are present.

Messrs. Hutton and Daley here resumed the calling of witnesses for Mr. Hearn.

Edwin R. Cochran, Jr., being called and duly sworn, testified as follows:

By Mr. Hutton.

Q. Where do you live?

A. I live in Wilmington, Delaware.

Q. Are you acquainted with Mr. Hearn?

A. I am.

Q. Were you on the 5.12 train going north, on Monday last, on which Mr. Hearn was also a passenger?

A. Not on Monday last. I was on Monday week.

Q. On Monday, the 18th inst?

A. I was. I boarded the train here at Dover.

Q. Did you see Mr. Hearn on that train?

A. I did. I was in conversation with him as far as Clayton.

Q. Do you know whether Mr. Hearn was drunk or sober on that occasion?

A. He apparently seemed to be perfectly sober.

Q. Did you have an opportunity of judging of his condition?

A. I think so. He was sitting directly opposite to me, on a double seat, to the left hand side, in the smoking car.

Q. Were you conversing with him?

A. I was, both my father and myself.

Q. Would you have noticed it if he had been drinking?

A. I think so. I didn't notice anything unusual in his appearance or in his actions.

Q. You did not at that time?

A. Not at the time. I got off the train at Clayton.

Q. You had ample opportunity to judge of his condition?

Q. Yes, sir.

By Mr. Hayes.

Q. Was there any intoxicating liquor on board of that train?

A. I didn't see any. I was talking with my father.

Q. If there was any you didn't know of it?

A. I didn't know of it.

Thomas M. Monaghan, being called and duly sworn, testified as follows:

Examination by Mr. Hutton.

Q. Are you acquainted with Mr. Hearn?

A. Yes, sir.

Q. Were you on a train, the 5.12 train north-bound, on Monday, the 18th inst., on which Mr. Hearn was also a passenger?

A. I was.

Q. Did you see Mr. Hearn on that occasion?

A. I did.

Q. Did you have an opportunity to judge of his condition, whether he was drunk or sober?

A. I think so. He occupied a seat about four ahead of the one in which I sat.

Q. What was your opinion as to his condition?

A. I think he was sober.

Q. Did you have any conversation with him?

A. I don't think that I did.

Q. But you observed him?

A. Yes, sir.

Q. And in your opinion he was sober?

A. I think so; yes, sir.

Q. Did he give any indication of being under the influence of liquor?

A. Not at all, by any act that I saw or noticed.

By Mr. Shallcross.

Q. How far did you ride in that train?

A. From Dover to Wilmington; and I think I was afterwards in conversation with him on the pavement, that is, at the station, at Wilmington; but I wouldn't say positively to that effect.

Q. But you went all the way through from Dover to Wilmington, with him, in the same car?

A. Yes, sir.

CROSS-EXAMINATION.

By Mr. Hayes.

Q. Did you see any intoxicating liquor on that train?

A. I did not.

Q. Or anybody drinking any?

A. I did not.

John E. Healey, being called and duly sworn, testified as follows:

By Mr. Hutton.

Q. Where do you live?

A. At Wilmington, Delaware.

Q. Do you hold any official position there?

A. Yes, sir; that of member of the Legislature and also as member of City Council of Wilmington.

Q. Are you acquainted with Mr. Hearn?

A. Yes, sir.

Q. Did you see him on Monday, the 18th inst?

A. I think I did.

Q. Where was it?

A. At Dover depot here. He and I had a conversation, if I remember right, while we were walking up and down the platform.

Q. What time was that?

A. I cannot tell you the exact time. It was while we were waiting for the 3.36 train, I should judge.

Q. The 3.36 or the 5.12?

A. Well, now I disremember which it was really.

Q. Did you afterwards go on that train?

A. I did, sir.

Q. Did Mr. Hearn?

A. He did. I saw him on the train afterwards.

Q. Do you remember whether you saw him near Wilmington?

A. Well, it was on the way up.

Q. You saw him at different times during the passage from Dover to Wilmington?

A. Yes, sir.

Q. Did you observe his conduct on that trip?

A. I think so. He and I walked up and down the platform while we were waiting for the train.

Q. Did you see anything in his conduct or hear anything

in his conversation which would have lead you to believe he was intoxicated?

A. Not a particle.

Q. If he had been intoxicated on that occasion you think you would have noticed it?

A. I judge I would have noticed it at the depot, for as I say, he and I walked up and down the platform.

Q. If he had been running about the car and conducting himself in a boisterous and disorderly manner——

Mr. Hayes: There is no testimony that his conduct was disorderly.

Mr. Hutton: I think the testimony is that he was running about the car, making a good deal of noise, making a fool of himself, etc. (To the witness):

Q. Did you see any conduct of that kind?

A. No, sir. I was in the same car with him and did not see it.

Q. You did not notice any conduct of that kind?

A. No, sir.

CROSS-EXAMINATION.

By Mr. Hayes.

Q. What was he doing on that car, on the way to Wilmington?

A. He was sitting down.

Q. He wasn't out of the seat at all?

A. I disremember. I never saw him out of his seat to my knowledge.

Q. You would not say he was not out of his seat?

A. Well, I could not say that he was.

Q. Did you see any intoxicating liquor on that train?

A. I did not. I don't drink whiskey.

Q. No, you would not. I mean, did you see anybody else drink whiskey?

A. No, sir; I did not.

Garrett J. Hart, being called and duly sworn, testified as follows:

By Mr. Hutton.

Q. General, are you acquainted with Mr. Hearn?

A. I am.

Q. Did you see him on the evening of Monday, the 18th inst?

A. I did.

Q. Where was that?

A. I saw him on the train, between Dover and Wilmington. That was the train leaving here at 5.12.

Q. Did you have any conversation with him at that time?

A. I did.

Q. Do you remember anything of the nature of the conversation you had with him?

A. I don't know that the conversation was directed to me exactly. Somewhere between the canal and Wilmington, I was sitting in the third car removed from the smoker, Mr. Hearn came through. I was sitting, talking with Andrew Gray and Mr. Gray had never met Mr. Hearn, and I introduced Mr. Hearn. We stood there probably five minutes or longer in conversation. It was the only conversation I had with him.

Q. Did you have an opportunity to judge of his condition at that time?

A. I did.

Q. Was he in an intoxicated condition?

A. No more than he is at this moment, in my judgment.

Q. If he had been intoxicated at that time do you think you would have known it?

A. I think so.

Q. There was nothing then in his conversation that would lead you to think he was in anywise intoxicated?

A. I think not.

CROSS-EXAMINATION,

By Mr. Hayes.

Q. You were in what part of the train?

A. In the third car removed from the smoker.

Q. The testimony in this case is that Mr. Hearn went up in the smoker. You didn't ride in the smoker, going up?

A. I did not.

Q. General, how long do you suppose that conversation between you and Mr. Hearn lasted?

A. I should say fully five minutes, probably ten.

Q. What became of Mr. Hearn then?

A. He passed back into some car ahead, I don't know what car.

Q. You were not in the smoker at all?

A. Not at all.

Hon. David T. Marvel, being called and duly sworn, testified as follows:

By Mr. Daly.

Q. Judge, do you know Mr. Hearn?

A. Yes, I know Mr. Hearn.

Q. Did you or not see Mr. Hearn after his arrival in Wilmington on Monday, the 18th inst?

A. I did.

Q. Did you have an opportunity to judge of his condition, as to sobriety, at that time or as to what condition he was in?

A. Yes, I think so. I was coming from the dining-room and I saw some gentlemen in the cafe; I went in to speak to them; and after sitting down and talking to them a few min-

utes I saw Mr. Hearn come in ; and we all sat down, and they had their supper. I stayed about fifteen or twenty minutes with them.

The Chairman: Where was this?

A. At the Clayton House.

By Mr. Daly.

Q. In what condition was Mr. Hearn then?

A. He was sober, so far as I observed.

Q. If he had been drunk you would have known it at that time?

A. I think that I would. I did not consider him a drunken man.

CROSS-EXAMINATION.

By Mr. Hayes.

Q. Judge, were you observing him with reference to sobriety or the reverse or anything of that kind?

A. Well, I was observing him as a man who had seen something of the world and as public men would watch public men on an occasion like that.

Q. Why were you doing that?

A. These gentlemen were in there, and on an occasion like that, they were having a little something to drink, as gentlemen will have on such occasions. Those other gentlemen had been there before he came.

Q. Was there anything extraordinary about the occasion

that would require you to observe whether or not Mr. Hearn was sober or not sober?

A. Well, I think that any man, who has observed another under those circumstances, will, when his attention is called to it, be able, from the circumstances and the condition of that man, the way he talked and acted, be able to say whether that man was drunk or sober.

Q. Your attention was called to Mr. Hearn that night?

A. Not otherwise than in observing him as a man sitting there in conversation. Now that my attention has been called to it with that view I can say that I did not consider him a drunken man.

Q. I will ask you whether or not at that time you formed any opinion as to his sobriety or insobriety?

A. At that time?

Q. At that time.

A. Mr. Hayes, as you ask me to give you an answer to that, I must say that I did. As long as you have asked me as to that, I must give the facts.

Q. I suppose the Committee want the facts.

A. And I do this without casting reflection upon any member, because I think that when a gentleman goes out to dinner and he desires to take a glass of wine, he may do it. These gentlemen were sitting down just as I came in; they asked me to join them; and I said I had been to dinner and asked them to excuse me, but I would take a cigar and a cocktail. A couple of cocktails were brought in, and we drank them; and the third was being brought in just as Walter came in; and by the time he had his hat and overcoat on another was brought in. ——— said, "I don't care for it, Judge,

won't you help me out?" He put it down. I thought to myself, if we keep up this pace he will have the better of the others because he is starting in sober. Now you have asked me for the facts, and I have given them to you. I don't say that any of the gentlemen were drinking to excess.

Q. Then your opinion is based on the fact that he didn't drink the second cocktail?

A. And his manner and everything?

Q. Did you form that opinion at that time?

A. I did. I thought of his condition then.

By Mr. Daly.

Q. About what time was that?

A. I think that was about half-past seven.

Mattford Short, being called and duly sworn, testified as follows:

By Mr. Daly.

Q. Mr. Hearn, in his testimony this morning, said that the first step that he took in this matter was to make it known to Mr. Mattford Short. When did he make it known to you?

A. Last Tuesday.

Q. About what time?

A. About noon or a little before noon; before I had my dinner, at least, some time before; I cannot tell you just the hour.

Q. Did he reveal to you the name of the man who, he claimed, had offered this bribe to him on that occasion?

A. He did so.

Q. Whose name was it that he stated at that time?

A. "Rees Layton" were the words that he used.

Q. He also stated that you advised him to tell it to the caucus?

A. That is right; yes, sir.

Q. And that he told it to the caucus. Did you give him any particular advise about keeping it secret or not at that time?

A. He advised me so when he told me not to reveal it.

Q. Did he give his reasons?

A. A friendly relation between him and Mr. Layton, and their families, they not living very far apart; and that he would like to retain the friendship, that it would break the friendship if this would get out.

Q. That was his reason for keeping it secret?

A. That was the reason he told me not to tell it.

Q. Did you advise Mr. Hearn to keep it quiet or not?

A. I advised him to report it to our conference that we intended to have—to the caucus, in other words.

CROSS-EXAMINATION.

By Mr. Hayes.

Q. Where did this happen?

A. In Hotel Room 33.

Q. What is Room 33?

A. A bedroom.

Q. Your bedroom or his?

A. Mine. It connects with 34. That is where I sleep, in 34.

Q. Was anybody else present?

A. When he revealed the name?—

A. No, sir.

Q. What time of day was it?

A. I cannot just tell you. It was about noon; at least, I had not had dinner; I just cannot tell what the hour was.

Q. Do you mean it was before the dinner at the hotel or before you had dinner?

A. Before I had dinner.

Q. It was not before the dinner hour necessarily?

A. No, I don't think it was.

Q. Where did you meet Mr. Hearn?

A. In my room.

Q. Did he come into your room or did you send down for him?

A. Yes, sir; he came up into the room, as he frequently did.