

STATE OF DELAWARE.

JOURNAL OF THE SENATE

AT A SESSION OF THE

GENERAL ASSEMBLY

CONVENED AND HELD AT DOVER, ON TUESDAY, THE FIRST
DAY OF JANUARY, IN THE YEAR OF OUR LORD, ONE
THOUSAND EIGHT HUNDRED AND NINETY-FIVE, AND
OF THE INDEPENDENCE OF THE UNITED STATES
THE ONE HUNDRED AND NINETEENTH.

LAUREL, DEL.

THE SUSSEX COUNTY PRINT.

1895.

Also that the House had passed and requested the concurrence of the Senate in the following:

“An act to incorporate the Queen Anne’s Railroad.”

Mr. Harrington, on behalf of the Committee on Corporations, to whom had been referred the House bill entitled,

“An act to incorporate the Pennock Company,”

Reported the same back to the Senate favorably.

On motion of Mr. Pyle, the bill just reported was taken up for consideration,

And, on his further motion, was read a third time, by paragraphs, in order to pass the Senate.

On the question, “Shall this bill pass the Senate?”

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

Yeas—Messrs. Alrichs, Fenimore, Hanby, Harrington, Moore, Pierce, Pyle, Records, Mr. Speaker—9.

Nays—None.

So the question was decided in the affirmative, and the bill, having received the required constitutional majority,

Passed the Senate.

Ordered that the House be informed thereof, and the bill returned to that body.

JOINT MEETING.

The hour of 12 o’clock m., having arrived,

The Senators, preceded by the Speaker, and attended by their Clerks and sergeant-at-arms, proceeded to the Hall of the
188.

SAME DAY—3 o'clock, p. m.

Senate reassembled at the expiration of the recess:

On motion of Mr. Harrington, the House bill entitled,
 Was read a first time.

“An act to incorporate ^{of} the Queen Anne's Railroad Company.”

On the further motion of Mr. Harrington, Rule 14 was sus-
 pended as to this bill,

And, further, on his motion, the bill was read a second
 time by its title,

And further, on his motion, was referred to the Committee
 on Corporations.

Mr. Hanby, in pursuance of previous notice, asked, and
 on motion of Mr. Alrichs, obtained leave to introduce a bill
 entitled,

“An act in relation to roads and highways in Brandywine
 hundred,”

Which, on motion of Mr. Hanby, was read.

Mr. Hastings, Clerk of the House, being admitted,
 informed the Senate that the House had nonconcurred in the
 Senate amendment to the House joint resolution entitled,

“Joint resolution in relation the the Delaware State
 Hospital for the insane,”

And requested that a conference committee be appointed
 to consider and adjust the difference,

"An act to open and lay out a public road in Kenton hundred, Kent county,"

Was read a first time.

And, further on his motion, Rule 14, was suspended as to this bill,

And further on his motion, the bill,

Was read a second time by its title,

And, on his further motion, was referred to the Committee on Roads and Vacant Lands.

Mr. Harrington, on behalf of the Committee on Corporations, to whom had been referred the House bill entitled,

"An act to grant the Queen Anne's Railroad Company, certain privileges,"

Reported the same back to the House favorably with amendments.

On motion of Mr. Records, the bill just reported,

Was taken up for consideration,

And further, on his motion, the amendments were read as follows:

"Amend House bill entitled, 'An act to authorize and permit the Queen Anne's Railroad Company to extend its railroad through the State of Delaware, from certain points herein designated, and to confer upon it certain other powers and privileges,'"

As follows:

Strike out from the "fourth" paragraph of the preamble the following words, viz:

“To or near the towns of Bridgeville and Georgetown in Sussex county, Delaware; thence to some point on the Delaware Bay or Atlantic Ocean in the State of Delaware,” and substitute the following for the words so stricken out, viz:

“According to the route hereinafter designed.”

“Further amend House bill as follows:

Strike out section 2, and insert the following in lieu thereof, viz:

“SECTION 2. That the said corporation is hereby authorized and empowered to survey, locate, construct, maintain and operate by steam, electricity, compressed air, or other motive power, a railroad of double or single track, commencing at a point on the line dividing this State from the State of Maryland where the intended line of railroad of the said corporation in the State of Maryland, extended in a south-easterly direction from Denton in Caroline county in said last mentioned State would intersect said dividing line, and extending thence across the State of Delaware in an easterly direction, either by way of Bridgeville and Georgetown, or by way of Greenwood and Elleendale, to Milton, and thence to Lewes or some point within one mile thereof, in the county of Sussex, and State last aforesaid.”

Further amend House bill as follows:

Strike out section 7, and insert the following in lieu thereof, viz:

“SECTION 7. That the said corporation is hereby authorized and empowered, with the consent of a majority in amount of all its stockholders expressed by appropriate resolution adopted at any regular or special meeting thereof, to issue from time to time its bonds or other evidences of indebtedness for such sum as may be necessary for the construction, maintenance, and operation of its railroad, not exceeding however in the aggregate the sum of fifteen thousand dollars per mile and to mortgage the said railroad, with all the rights, privileges and franchises of the said corporation and all its

property real and personal within this State, to secure the payment, principal and interest of such bonds or other evidences of indebtedness. And said corporation is likewise authorized and empowered to issue upon proper subscription and payment therefor in such instalments and at such times as its board of directors shall determine, certificates of capital stock, which shall consist of ten thousand shares of fifty dollars each, which shall be in addition to the number of shares authorized to be issued by the laws of the State of Maryland. But it shall not be lawful for this said corporation to lease its railroad property and franchises within this State, nor to merge or consolidate the same with that of any other corporation without the express authority of the Legislature of this State first had and obtained."

Further amend House bill as follows:

Strike out section 8, and insert the following in lieu thereof, viz:

"SECTION 8. That it shall be the duty of said corporation, if in the location of its said railroad within this State it be necessary to cross any navigable stream, to construct, maintain and keep in repair a suitable drawbridge across the same, and provide at all times for proper attendance thereat, so that the navigation thereof shall not be obstructed. And it shall also be the duty of the said company to construct and keep in repair good and sufficient approaches to and passages across said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said roads shall not be impeded, and likewise, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage for the use of said farm."

Further amend House bill as follows:

Add at the end of section 9, of the bill the following words, viz:

"Provided, however, that if the line of road of any other railroad company shall be crossed by the railroad authorized by

this act at grade, it shall be as hereby made the duty of said Queen Anne's Railroad Company, at its own expense to erect a suitable signal station, and keep a competent watchman on duty at every such crossing. And the trains of the company owning or operating the railroad so crossed at grade, shall have precedence and priority of movement over the trains of the said Queen Anne's Railroad Company. And provided further that if the said crossings shall be either under or over grade, they shall be so constructed at the expense of the said last named railroad company, as not to interfere with the free and safe passage of trains under or over the same by the company or companies operating the railroad so crossed."

Further amend House bill as follows:

Strike out section 11, and insert the following in lieu thereof, viz:

"SECTION 11. That the rights, powers, privileges and franchises conferred and granted by this act, are so conferred and granted expressly upon condition that the work of construction of its railroad herein authorized within this State shall be actually and bona fide commenced, and at least the sum of \$20,000 in cash, be expended therein within fifteen months. And further that said railroad, shall be completed and put in operation within three years from and after the passage of this act, or on failure to observe and comply with any one of said conditions, this act, together with all rights, powers, privileges and franchises conferred thereby, and also the said corporation thereby created, shall cease, terminate, and become wholly inoperative, null and void. And the Legislature expressly reserves the right and power at all times, to regulate and control the rates and charges for transportation of persons and property on and over the line of railroad which may be constructed under authority of this act, and likewise reserve the right and power of revocation of this act for any non-use, misuse, or abuse of the corporate power, privileges and franchises which it confers."

Further amend House bill as follows:

Strike out section 12. And substitute therefor the following:

SECTION 12. There shall be a Board of Directors for the government of the corporation hereby created of twelve, exclusive of the President, one-third of whom shall be residents of the State of Delaware.”

And, on the further motion of Mr. Records, the amendments

Were

Adopted.

On motion of Mr. Harrington, the bill, as amended,

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

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

Yeas—Messrs. Fenimore, Hanby, Harrington, Moore, Pierce, Pyle, Records, Mr. Speaker—8.

Nays—None.

So the question was decided in the affirmative, and the bill, having received the required constitutional majority,

Passed the Senate.

Ordered that the House be informed thereof and the bill returned to that body.

On motion the Senate adjourned.

THURSDAY, February 28th, 1895—11 o'clock, a. m.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—Members present—Messrs. Alrichs, Fenimore, Hanby, Moore, Pierce, Pyle, Records, Mr. Speaker.

Journal read and approved.

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

“An act to incorporate the Farmers’ Store Company, of Laurel, Delaware.”

Mr. Hastings, the Clerk of the House, being admitted, informed the Senate that the House had concurred, with an amendment, in the House bill entitled,

“An act to incorporate the Queen Anne’s Railroad.”

And returned the same to the Senate.

He also informed the Senate that the House had passed and requested the concurrence of the Senate, in the following House bills entitled,

“An act to lay out a new road in St. Georges hundred, New Castle county;”

“An act for the protection of birds of this State.”

He also informed the Senate that the House had passed

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

“An act to incorporate the Queen Anne’s Railroad Company.”

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

“An act in relation to members of House and Senate holding office during their terms of office.”

JOINT MEETING.

The hour of 12 o’clock m. having arrived,

The Senate, preceded by the Speaker *pro tempore* and attended by the Clerks and sergeant-at-arms, proceeded to the Hall of the House of Representatives for the purpose of voting for a United States Senator, in obedience to the act of Congress entitled,

“An act to regulate the times and manner of holding the elections for Senators in Congress, passed July 25th, 1866.”

The Speaker *pro tempore* of the Senate, directed the Clerks to call the rolls of the respective houses and the members, as their respective names were called, responded by *viva voce* vote as follows, viz:

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

Mr. Fenimore, of the Senate, voted for James L. Wolcott.

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

Mr. Harrington, of the Senate, absent.

Mr. Moore, of the Senate, voted for George V. Massey.

Mr. Pierce, of the Senate, voted for George V. Massey.

Mr. Fenimore on behalf of the Committee on Enrolled Bills, reported as duly and correctly enrolled and ready for the signature of the Speaker, the following House bill entitled,

“An act to incorporate the Queen Anne’s Railroad Company.”

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

“An act to enable George A. Millington to survey and locate certain vacant salt marsh land in Little Creek hundred, Kent county, and complete title thereto.”

Mr. Records, on behalf of the Committee on Revised Statutes, to whom had been referred the Senate bill entitled,

“An act to amend an act entitled, ‘An act to incorporate the Delaware Industrial School for Girls,’”

Reported the same back to the House without recommendation.

On motion of Mr. Pierce, the bill just reported,

Was taken up for consideration,

And, on his further motion, was read a third time, by paragraphs, in order to pass the Senate.

On the question, “Shall this bill pass the Senate?”

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

Yeas—Messrs. Alrichs, Hanby, Pyle—3.

Nays—Messrs. Fenimore, Harrington, Moore, Pierce, Records, Mr. Speaker—6.

It was decided in the negative, and the bill having failed to receive the required majority

Was

Lost.

“An act to amend chapter 123, Volume 19, Laws of Delaware;”

“An act to amend the charter of the Queen Anne’s Railroad Company and to confer upon it certain powers and privileges;”

“An act to further amend an act entitled, ‘An act in relation to the Levy Court of New Castle County, chapter 26, Volume 19, Laws of Delaware;’”

“An act for the relief of Sallie A. Butler.”

He also informed the Senate that the House had passed the following Senate bill, entitled,

“An act to change the name of Harry Minner to Harry Willis Voshell, and to make him by adoption a son and heir-at-law of Eugene Voshell and Anna Voshell,”

And returned the same to the Senate.

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

“A further supplement to the act to establish the Wilmington and Brandywine Cemetery,”

He also returned to the House the following duly and correctly enrolled Senate bills, the same having been signed by the Speakers of both houses:

“An act to incorporate the Sussex Mutual Insurance Company,”

“An act appointing a commission to consider the question of municipal government so far as it relates to the city of Wilmington, defining the duties and power of said commission, and providing for the compensation and expenses thereof;”

“An act to amend the charter of the Queen Anne’s Railroad Company and to confer upon it certain powers and privileges,”

Was read a first time.

On the further motion of Mr. Harrington, Rule 14 was suspended as to this bill,

And, further on his motion, the bill

Was read a second time, by its title,

And, on his further motion was referred to the Committee on Corporations.

On motion the Senate adjourned.

WEDNESDAY, May 1st, 1895—11 o’clock, a. m.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—Members present—Messrs. Alrichs, Fenimore, Hanby, Harrington, Moore, Pierce, Pyle, Mr. Speaker *pro tem*.

Journal read and approved.

Mr. Hastings, Clerk of the House, being admitted, informed the Senate that the House had passed and requested

Mr. Harrington, on behalf of the Committee on Corporations, to whom had been referred the House bill entitled,

"An act to amend the charter of the Queen Anne Railroad Company and to confer upon it certain powers and privileges,"

Reported the same back to the Senate unfavorably.

On motion of Mr. Moore, the bill just reported

Was taken up for consideration,

And, on his further motion, was read a third time by paragraphs, in order to pass the Senate.

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

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

Yeas—Mr. Speaker *pro tem.*—1.

Nays—Messrs. Fenimore, Hanby, Harrington, Moore, Pierce, Pyle—6.

So the question was decided in the negative, and the bill having failed to receive the required constitutional majority,

Was *Lost.*

Ordered that the House be informed thereof, and the bill returned to that body.

Mr. Harrington, on behalf of the Committee on Corporations to whom had been referred the House bill entitled,

"An act to incorporate the Provident Loan and Trust Fund,"

Reported the same back to the Senate favorably.

On motion of Mr. Pyle, the bill just reported.

BILLS—INCORPORATIONS.

rence 185, read first time 188, reported favorably 273, read third time, passed, ordered returned 273, presented enrolled 306, reported enrolled 410.

Phillips-Thompson Company, Act to incorporate the, presented for concurrence, read first time 217, read second time and referred 234, reported favorably 240, read third time, passed, ordered returned 240, presented enrolled 314, reported enrolled 336.

Phoenix Fire Company, Act to renew charter of the, presented for concurrence 103, read first time 103, read second time and referred 109, reported favorably 116, read third time, passed, ordered returned 117, presented enrolled 187, reported enrolled 195.

Pilgrim Castle, No. 7, Knights of the Golden Eagle, Act to incorporate, presented for concurrence, 754, read first time 767, rule suspended, read second time and referred 765, reported favorably 772, read third time, passed, ordered returned 772-3, presented enrolled 837, reported enrolled 850.

Pocomoke Tribe, No. 29, Act to incorporate I. O. R. M. presented for concurrence 294, read first time 307, read second time and referred 311, reported favorably 328, read third time, passed, ordered returned 328-29, presented enrolled 424, reported enrolled 436.

Provident Loan and Trust Fund, Act to incorporate the, read first time 547, rule suspended, read second time and referred 948, reported favorably 980, read third time, passed, ordered returned 981, presented enrolled 1081.

Queen Anne's Railroad Company, Act to amend the charter of, presented for concurrence 945, read first time 960, read second time and referred 960, reported favorably 980, read third time lost, ordered returned 980.

Queen Anne's Railroad, Act to incorporate the, presented for

BILLS—INCORPORATIONS.

concurrence 273, read first time 276, rule suspended, read second time and referred 276, reported favorably with amendments 347, amendments read 347-51, adopted 351, bill read third time, passed, ordered returned 351, returned concurred in 361, presented enrolled 381, reported enrolled 397.

Railway Companies, Act for the relief of, presented for concurrence 1019.

Rehoboth Beach Association. Act to amend act to incorporate the, presented for concurrence 860, read first time 866, rule suspended, read second time 866, reported favorably with an amendment 908, read third time, passed, ordered returned 909, presented enrolled 962, reported enrolled 974.

Rehoboth Beach Association. Act to incorporate the, presented for concurrence 850, read first time 854, rule suspended, read second time and referred 854, reported favorably 919, read third time, passed, ordered returned 919, reported enrolled 1079, presented enrolled 1085.

Shawnee Tribe; No. 27, Act to incorporate, I. O. R. M., presented for concurrence 733, presented enrolled 860, reported enrolled 865.

Silverbrook Cemetery Company, Act to incorporate the, read first time 1075, rule suspended, read second time and referred 1076, reported favorably 1178, read third time, passed, ordered returned 1178, presented enrolled 1182.

South Wilmington Real-Estate Company, Act to incorporate the, notice 585, introduced and read 596, read second time and referred 639, reported favorably 653-4, read third time, passed, ordered for concurrence 654, returned concurred in 755, reported enrolled 852, returned signed by both Speakers 889.

St. Augustine Marsh Company, Act to amend supplement to a