



L A W S  
OF THE  
STATE  
OF  
DELAWARE,

PASSED

*At a Session of the General Assembly,*

BEGUN AND HOLDEN AT DOVER,

ON MONDAY THE SIXTH, AND ENDED ON THURSDAY  
THE FIFTEENTH DAY OF APRIL,

IN THE YEAR OF OUR LORD,

ONE THOUSAND EIGHT HUNDRED AND THIRTEEN,

AND OF THE INDEPENDENCE OF THE

UNITED STATES OF AMERICA,

THE

THIRTY-SEVENTH.

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PUBLISHED BY AUTHORITY.

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DOVER—AUGUSTUS M. SCHEE—PRINT.

.....

1813.



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# LAWS

OF THE

State of Delaware.

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## CHAPTER I.

*A SUPPLEMENT to the act entitled, "An act to* Vol. 4. chap;  
239. p. 627.  
*incorporate a company for making an artificial  
road from the borough of Wilmington, on the east  
side of Brandywine bridge, to the Pennsylvania  
line, in the route leading to the city of Philadel-  
phia.*

**W**HEREAS in and by the act to which this is Preamble.  
a supplement, General Thomas Robinson,  
John Bellach, James Grubb, John Elliott, Edward  
Tatnall, Adam Williamson, William Hemphill and  
Thomas Smith were appointed commissioners to do  
and perform the several duties therein mentioned  
and set forth; And whereas, the said commission-  
ers did not, in conformity to the act aforesaid, on  
or before the tenth day of March, then next follow-  
ing the passing of the said act, procure a book for  
the purpose of opening the subscription to the stock  
of said company, nor give public notice in the  
newspapers of the time and place, when and where  
the said subscription would be opened for the pur-  
pose of receiving subscriptions to the stock of said  
company :



## LAWS OF THE STATE

CHAP.

I.

1813.

Time of open-  
ing books ex-  
tended to the  
10th of June,

SEC. 1. BE IT THEREFORE ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the same commissioners appointed by the act to which this is a supplement, be and they are hereby authorized to do and perform all and singular the several duties and services enjoined and required by the said act; that is to say, they shall, on or before the tenth day of June next procure one or more books, and open the subscription to the stock of the said company in manner and form, as in and by the said recited act to which this is a supplement, is enjoined and required; and to do, execute and perform all and singular the matters and things touching the duties and services of commissioners, as therein mentioned, set forth and required.

PASSED AT DOVER, }  
April 12, 1813. }

## CHAPTER II.

*An ACT to incorporate a company to make an artificial road or turnpike, from Christiana Bridge in the county of Newcastle in this State, to the Maryland line, in a direction towards Elkton.*

Company and  
purpose.

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That a company be incorporated to make a turnpike road from Christiana-bridge, in the county of Newcastle, to the landing at the confluence of the big and little Elk-creeks, in Cæcil county in the state of Maryland.

Opening of  
books;

SEC. 2. *And be it enacted*, That subscription books be opened on or before the tenth-day of June next, at Christiana-bridge and at Elkton, for a ca-

pital stock for said company, of thirty thousand dollars, in shares of fifty dollars each, under the direction of the following commissioners, or any one of them: to wit, Sylvester Welch, David Niven, William Cooch, John Partridge, James Sewall and William Hollingsworth, at such time as they shall appoint, they giving thirty days previous notice thereof in the Wilmington and Baltimore newspapers: *Provided* that there shall be paid to said commissioners at the time of subscribing, five dollars upon each share which shall be subscribed for,

Commissioners.

Notice of opening books;

\$5 paid on each share paid at subscribing.

SEC. 3. *And be it enacted*, That when two hundred and fifty shares of said stock shall have been subscribed, the commissioners shall give twenty days notice, as aforesaid, of the time and place appointed for the subscribers to meet, to organize said company, and to choose by ballot, a president and eight managers, five of whom shall form a quorum, a treasurer and such other officers as they shall think necessary to conduct the business of said company, until the first Monday in January thereafter, and to make such by-laws as they shall deem necessary; and on the first Monday in January thereafter in each and every year, said company shall meet for the same purpose, at such place as the president and managers shall appoint; and in all elections by the stockholders, each share shall be entitled to one vote: *Provided nevertheless*, that no person or company shall have more than ten votes.

Meeting of subscribers & notice thereof

Organizing of the company;

Annual meeting.

SEC. 4. *And be it enacted*, That the stockholders in said company shall be, and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of the "Elk and Christiana turnpike company," and by the same name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of suing and being sued, answering and being answered; and shall be capable of enlarging the stock by new subscriptions, if the same shall be found necessary.

Stockholders incorporated and how, and powers of corporation.

Payment of  
sums subscri-  
bed.

SEC. 5. *And be it enacted*, That the sums so subscribed shall be paid to the president and managers aforesaid, in the following manner : one fourth thereof, including the sum paid at the time of subscribing, at the end of one month after the election of the managers, and the remainder in such sums and at such times as the president and managers shall appoint, they giving thirty days previous notice of the payments so required.

Route ;

Width of the  
road ;

When entitl'd  
to take tolls.

SEC. 6. *And be it enacted*, That the said company shall open said road from said Christiana-bridge to Elk landing as aforesaid, as nearly straight as the nature of the country will admit, having regard to hills and other obstructions, not more than sixty-six feet wide, twenty feet in width of which shall be bedded with stone, gravel or other hard substance, and erect bridges over the streams crossing the same ; and after the whole extent of said road shall have been opened, and two miles thereof perfected, said company shall be entitled to receive toll.

General pow-  
ers, &c of the  
company ;

(Vol. 4. chap.  
85. p. 241.)

SEC. 7. *And be it enacted*, That said company shall be, and hereby are invested and cloathed with all the privileges, rights and immunities, which were intended to be held and possessed by the turnpike company, incorporated by an act passed by this General Assembly, at its session held in January, one thousand eight hundred and nine, entitled, " An act to incorporate a company for making an artificial road from the town of Newcastle, in Newcastle county, to the line of this State, in the route or direction to French-town, on Elk river, in Cecil county, in the state of Maryland," and to be governed by the same regulations and restrictions as are therein contained, and entitled to the same tolls ; and every clause and provision of the said act relative to the road therein proposed to be made from the town of Newcastle to the line of this State, in the route or direction to French-town aforesaid, shall be in force as relates to the road herein contemplated, so far as the same are applicable,

SEC. 8. *And be it enacted*, That it shall be lawful for any corporation or body politic, in the United States, to become subscribers for stock in the said company, and to make transfers of stock therein, in such manner as said company shall prescribe.

Bodies politic  
may subscribe  
&c.

SEC. 9. *And be it enacted*, That if said company do not proceed to carry on said work within three years after the passing of this act, or shall not within ten years thereafter, complete the said road, it shall be lawful for the Legislature of this State to resume the rights, privileges, liberties and franchises granted by this act to said company.

Legislature  
may resume  
the rights &c.  
granted by  
this act in cer-  
tain cases.

PASSED AT DOVER, }  
April 14, 1813. }

### CHAPTER III.

*An ACT providing for the general defence of the State of Delaware.*

SEC. 1. **BE IT ENACTED** by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the sum of fifteen thousand dollars in addition to the sum remaining in the treasury unexpended of the sum of twenty-five thousand dollars, appropriated by the second section of the act of the General Assembly, entitled, "An act to enable the governor to make a detachment of the militia, and for other purposes," be and the same is hereby appropriated for defraying the expenses (including pay to the officers, non-commissioned officers and privates) which have been incurred, or which shall hereafter be incurred in defending the State of Delaware against the common enemy of the United States.

Appropriation for defence of the State.

SEC. 2. *And be it enacted by the authority aforesaid*, That the state treasurer be authorized to bor-

The state treasurer authorized to borrow from one or more of the banks of this State, at the usual rate of bank discount, the sum of twenty thousand dollars, or any part thereof as exigencies may in the opinion of the governor require.

To sell stock in Philadelphia bank.

SEC. 3. *And be it further enacted*, That the state treasurer be, and he is hereby authorized to sell the stock of this State, in the Philadelphia Bank, for the best price he can obtain.

To pay over to the order of the governor ;

Exception ;

Account to be exhibited.

Faith of the state pledged for payment of loan.

SEC. 4. *And be it further enacted*, That the state treasurer be, and he is hereby directed to pay over the aforesaid sum of twenty thousand dollars, to the governor or his order, from time to time as the said sum or any part thereof may be required ; except so much as is otherwise appropriated by the sixth section of this act ; and that the governor at the next session of the General Assembly, exhibit an account, shewing what sums have been drawn from said treasurer, and the manner and purposes in, and to which the same have been applied.

SEC. 5. *And be it further enacted*, That the faith of this State shall be, and the same is hereby solemnly pledged for the payment of the interest upon the said loan as it shall accrue ; and for the annual reimbursement of one eighth of the principal borrowed, both of which shall be made by the state treasurer, out of any money in the treasury, not otherwise appropriated.

Commissioners to settle and pass accounts.

SEC. 6. *And be it further enacted*, That Andrew Barratt, Edward Dingle, junior, and James R. Black, be and they are hereby appointed commissioners on the part of the State, to liquidate and settle the accounts of all persons having demands against the State for articles which have been furnished, and for services rendered under the orders of the governor, for the defence of the same ; and that the said Andrew Barratt, Edward Dingle, jun. and James R. Black, or any two of them, be and they are hereby authorized and directed to pass

such accounts, and that the said accounts when certified by the said commissioners or any two of them, shall be paid and satisfied by the state treasurer, out of any monies in the state treasury, which shall be raised by the provisions of this act.

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III.

1813.

SEC. 7. *And be it enacted*, That the governor shall cause to be laid before the said commissioners returns in proper columns and form, setting forth the names, officers, days service, pay, rations and forage, with individual and aggregate estimates carried out, and noting the cases where rations and forage are due, and where they have not been received by those entitled to them.

Governor to lay returns before the commissioners.

SEC. 8. *And be it enacted*, That each of the said commissioners while employed in the service assigned them by this act, shall receive three dollars per day, their services to be certified, and drawn out of the treasury by order of the governor under this act; and that in case of the refusal, neglect, or inability to serve of any of the said commissioners, the places of such as are thereby rendered vacant, shall be supplied by an appointment by the governor, until the next session thereafter of the General Assembly.

Allowance to commissioners.

Vacancies how supplied.

SEC. 9. *And be it enacted*, That the state treasurer shall receive in compensation of the services enjoined upon him by this act, one-fourth of one per centum on all the money received by him under this act.

Compensation to the treasurer.

SEC. 10. *And be it enacted*, That the governor be and he is hereby authorized to apply so much of the money as is by this act appropriated, as he shall deem to be necessary, for printing his general orders, to the officers of the militia of the State.

Appropriation for printing general orders.

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## SECRETARY'S OFFICE,

DOVER, APRIL 30, 1813.

I do certify, that in obedience to the directions of an Act of the General Assembly of the State of Delaware, I have collated with and corrected by, the original rolls, this edition of the laws, passed during the last session of the General Assembly.

WILLARD HALL,

*Secretary of the State of Delaware.*

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L A W S  
OF THE  
S T A T E  
OF  
D E L A W A R E,  
PASSED

*At a Session of the General Assembly,*

BEGUN AND HOLDEN AT DOVER,  
ON MONDAY THE TWENTY-FOURTH, AND ENDED ON  
FRIDAY THE TWENTY-EIGHTH DAY OF MAY,

IN THE YEAR OF OUR LORD,  
ONE THOUSAND EIGHT HUNDRED AND THIRTEEN,

AND OF THE INDEPENDENCE OF THE  
UNITED STATES OF AMERICA,

THE  
THIRTY-SEVENTH.

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PUBLISHED BY AUTHORITY.

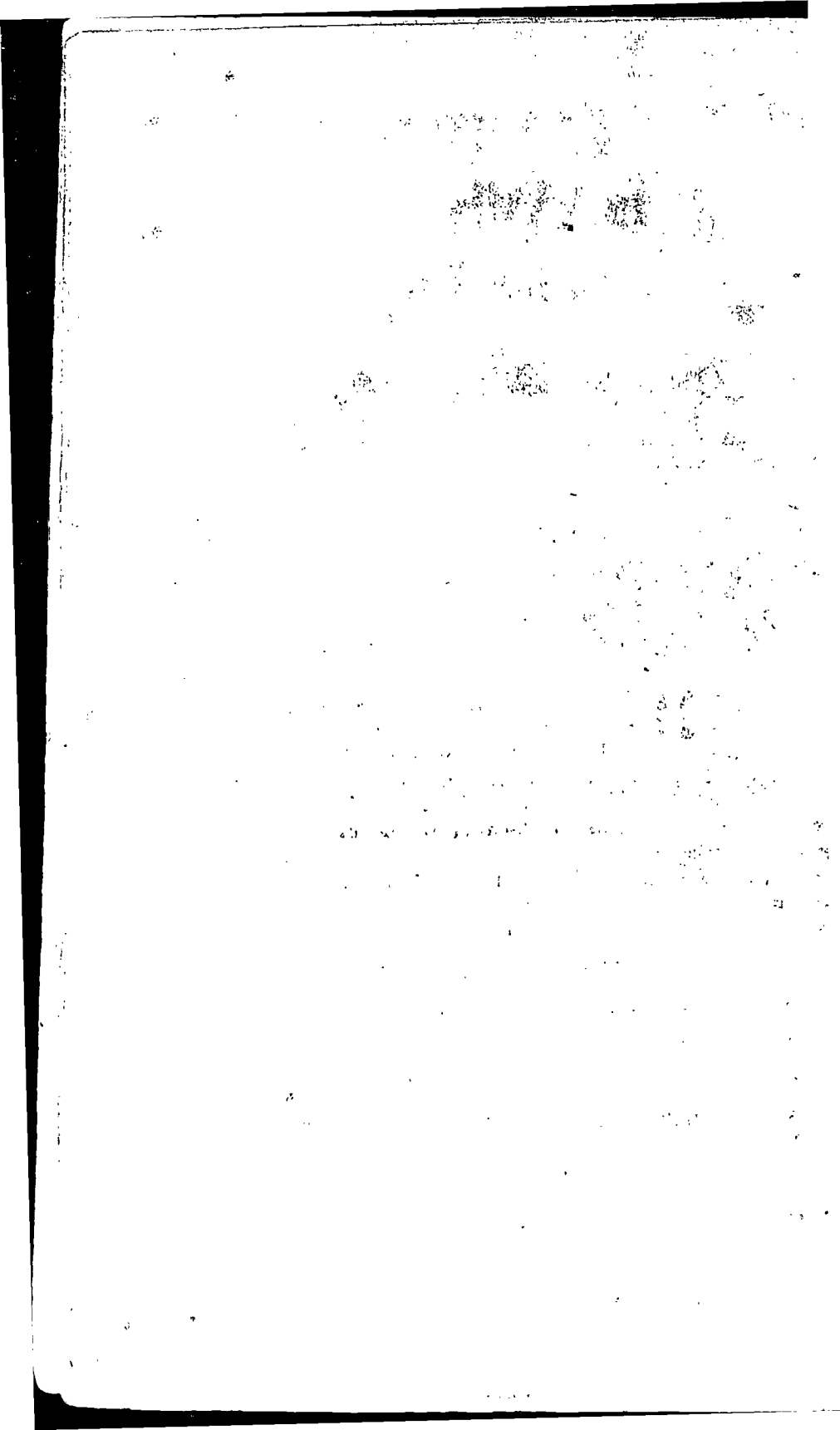
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DOVER—AUGUSTUS M. SCHEE—PRINT.

.....  
1813.





# LAWS

OF THE

State of Delaware.

CHAP.  
IV.

## CHAPTER IV.

1813.

*An ACT ceding to the United States of America the jurisdiction which this State has over the Pea-patch, on certain conditions therein mentioned.*

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives, of the State of Delaware in General Assembly met, That all the right, title and claim which this State has to the jurisdiction and soil of the island in the Delaware, commonly called the Pea-patch, be and the same is hereby ceded to the United States of America, for the purpose of erecting forts, batteries and fortifications, for the protection of the river Delaware and the adjacent country ; upon the condition nevertheless, that the said forts, batteries and fortifications shall be erected and kept up at the expense of the United States, and also that all process, civil and criminal, issuing under the authority of this State may be executed and served within the place, the jurisdiction of which is hereby ceded as aforesaid, in the same manner as if no such cession had been made.*

The right of the State to jurisdiction & the soil of the Pea-patch ceded to the United States ;

Condition—  
forts erected at expense of United States; Process of this State executed in the island ceded.

PASSED,  
May 27, 1813. }

## CHAP.

## V.

1813.

*An ACT to provide for temporarily holding the courts at other places than is now established by law, and for the security of the public papers.*

SEC. I. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That in

In cases of—  
Invasion,

Raging sickness, at Newcastle, Dover or Georgetown,  
Imminent danger of invasion,  
Other urgent necessity ;

Other places for holding courts may be appointed ;  
Manner of appointing such place ;

Notice of place appointed ;

Process returned to ;

case of the invasion of this State by a foreign enemy, or in case a raging sickness shall prevail in the towns of Newcastle, Dover or Georgetown, or in either or any of the said towns, or in case of the imminent danger of the invasion of this State by any foreign enemy, or in case of any other great and urgent necessity, it shall and may be lawful for the Chancellor, the judges of the supreme court or any two of them, the judges of the court of common pleas or any two of them, and the judges of the high court of errors and appeals or any four of them, respectively, from time to time, to appoint some other place in each of the counties of this State respectively, for holding and keeping said courts ; that is to say, the chancellor shall appoint the place for the court of chancery and orphans' court ; the judges of the supreme court or any two of them the place for the supreme court ; the judges of the court of common pleas or any two of them the place for the court of common pleas, and the judges of the high court of errors and appeals or any four of them the place for the high court of errors and appeals. And the chancellor and the judges of the said courts respectively, shall cause due and public notice to be given of such place or places for holding and keeping said courts : And all appeals, writs of error, bills, actions, suits, indictments, answers, pleas, commissions, writs, processes, bail bonds, and all other proceedings, matters and things whatsoever relating to any cause at law or in equity, civil or criminal, depending or returnable to the high court

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of errors and appeals ; to the court of chancery or orphans' court ; to the supreme court ; to the court of common pleas, or to the court of general quarter sessions of the peace and gaol delivery, in any such county, shall be and remain in full force and be returnable to the court to which they respectively belong, at the place or places respectively which shall so as aforesaid be appointed in the said counties respectively, and shall be heard, tried and determined at the place or places so as aforesaid respectively appointed in as full and ample manner as any appeals, writ of error, bill, action, suit, indictment, answer, plea, writ, process, bail bond and other proceeding, matter or thing now can be tried, heard and determined, at the place in each county respectively, now fixed by law for holding the courts of this State : *Provided*, That no such appointment for holding and keeping any of the said courts at any such place or places shall be of any force or effect longer than for the particular term of any such court respectively, for which such appointment shall be made. And all business depending for hearing, trial, argument or judgment at the end of the term or terms held at any such specially appointed place, shall at the close of such term or terms be considered as of course removed to the place in each county respectively, now fixed and established by law for holding and keeping the courts ; but such appointments may be made as aforesaid from time to time, as any of the exigencies aforesaid or any other great and urgent necessity shall happen : And the chancellor and the judges or any two or four of them, as aforesaid, shall determine on the exigency or necessity from time to time requiring the exercise of the provisions of this act.

Trial at such places.

Proviso--such appointment to have effect only for particular term ;

Exigencies in which such appointment to be made, by whom determined.

SEC. 2. *And be it enacted by the authority aforesaid*, That the chancellor and any one of the judges of the county in which the chancellor shall reside, or any two of the judges in either of the other counties of this State shall have power and authority in

Authority in certain cases to cause records, &c to be removed to

places of safety in several counties :

case of the invasion of this State by a foreign enemy, or in case a raging sickness shall prevail in the towns of Newcastle, Dover or Georgetown or in either or any of the said towns, or in case of imminent danger of the invasion of this State by a foreign enemy, or in case of any other great and urgent necessity, to be determined on by the chancellor, or by the chancellor and any one of the judges of the county in which the chancellor shall reside, or by any two of the judges in either of the other counties of this State, to cause the records, papers, record books and documents belonging to the office of register of the court of chancery, of the clerk of the orphans' court, of the clerk of the supreme court, of the prothonotary of the court of common pleas, of the register for the probate of wills, and granting letters of administration, of the clerk of the peace, of the recorder of deeds, and of sheriffs, respectively, in the several counties of the State respectively, to be removed to some place of safety in the each of the said counties respectively ; so that all said records, papers, record books and documents be kept at the same place ; and all orders for the removal of such records, papers, record books and documents shall be given in writing and signed by the chancellor and judges, as aforesaid : And writs and other process may be issued and sued out at such places, but shall be tested at and made returnable to the places now established by law in the several counties for holding the said courts : *Provided*, that the register for the probate of wills and granting letters of administration may transact the business of his office, and make the writs and process to be returned to him, returnable to such place as said records, papers and documents shall be removed to, or to the place as is now established by law, for holding courts in the county to which he belongs, as the public good in his opinion may require. And as soon as the exigency requiring the removal of such records, papers, record books and documents shall cease, the said records, papers, record books and documents shall be brought back to the places

All records, &c. to be kept at the same place ;  
Orders for removal—how given ;

Writs, &c. issued—how tested and returnable ;

Proviso—as to register of probate of wills, &c.

Records, &c. when to be carried back, &c.

now respectively fixed for keeping them by order made in like manner as aforesaid, and signed by the chancellor and judges as aforesaid : And the expense of removal and return of such records, papers, record books and documents, shall be paid by the counties respectively, upon an allowance to be made by the commissioners of the levy-court, on a warrant or order drawn by the chancellor and judges ordering such removal and return as aforesaid.

Order for that  
purpose ;

Expenses of  
removal and  
return of re-  
cords, &c.  
how paid, &c.

SEC. 3. *And be it enacted*, That such records, papers, record books and documents, may be removed from place to place in the respective counties, as exigencies may from time to time require, according to the true intent and meaning of this act, in like manner and by such like written order or orders signed as aforesaid ; and the expense of such removals shall be paid as aforesaid, by the counties respectively as aforesaid, on warrants or orders to be drawn as aforesaid.

Records, &c.  
may be re-  
moved from  
place to place  
as exigencies  
may require  
upon orders,  
&c.

Expense of  
such removal.

PASSED,  
May 28, 1813. }

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**SECRETARY'S OFFICE,**

**DOVER, JUNE 8, 1813.**

I do certify, that in obedience to the directions of an Act of the General Assembly of the State of Delaware, I have collated with, and corrected by, the Original Rolls, this edition of the Laws, passed during the last Session of the General Assembly.

**WILLARD HALL,**

*Secretary of the State of Delaware.*

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**L A W S**  
**OF THE**  
**STATE**  
**OF**  
**DELAWARE,**

**PASSED**

*At a Session of the General Assembly,*

**BEGUN AND HOLDEN AT DOVER,**

*On Tuesday the fourth day of January, and ended on Wednesday  
the sixteenth day of February,*

**IN THE YEAR OF OUR LORD,**

**ONE THOUSAND EIGHT HUNDRED AND FOURTEEN,**

**AND OF THE INDEPENDENCE OF THE**

**UNITED STATES OF AMERICA,**

**THE**

**THIRTY-EIGHTH.**

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**PUBLISHED BY AUTHORITY.**

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**DOVER—AUGUSTUS M. SCHEE—PRINT.**

**1814.**





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# LAWS

OF THE

## State of Delaware.

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### CHAPTER IV.

*An ACT for the relief of Elizabeth Snow, a non-resident insolvent debtor.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 13, 1814. }

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### CHAPTER V.

*An ACT for the relief of Nathan Huff, a non-resident insolvent debtor.*

PRIVATE ACT.

PASSED, }  
January 14, 1814. }

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### CHAPTER VI.

*An ACT authorizing the erection of a gate or gates across the road leading from the head of Cedar creek in Cedar-creek hundred, in the county of Sussex, to the Delaware bay.*

WHEREAS it is represented to this General Assembly, by the petition of divers citizens of Cedar-Preamble.

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VI.

1814.

creek hundred, in the county of Sussex, that the erection of a gate or gates across a road leading from the head of Cedar creek in Cedar-creek hundred in said county, to the Delaware bay, will tend to the benefit and advantage of the citizens of said hundred, and will not materially interfere with the public convenience.

How places  
for gates shall  
be designated;

BE IT THEREFORE ENACTED, *by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That it shall and may be lawful for the justices of the court of quarterly sessions of the peace, when sitting in the county of Sussex, and they are hereby required and directed upon application to them made by any person or persons, to order and direct, the freeholders heretofore appointed by said court, to lay out a road as aforesaid, to specify and set forth, with the return of said road, at what place or places on said road it shall be most convenient to erect a gate or gates across the same; and if said return shall be approved of by said court, it shall and may be lawful for the petitioners for said road or any other person or persons to build and erect a gate or gates across said road at such place or places as shall be designated for that purpose as aforesaid.

Road shall be  
deemed a public  
highway;

And kept in  
repair.

*And be it further enacted by the authority aforesaid,* That when said road is cleared and said gate or gates are erected and built across the same, the said road shall be deemed and taken a public highway of said county, and said road and gate or gates shall be kept in good and sufficient order and repair, by the inhabitants of said Cedar-creek hundred, in the same manner as other public roads in said hundred are now repaired and kept in order.

PASSED,  
January 14, 1814, }  
S

OF DELAWARE.

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CHAPTER VII.

CHAP.  
VII.

1814.

*An ACT authorizing Isaac Cannon to bring a negro  
into this State.*

PRIVATE ACT.

PASSED,  
January 25, 1814. }

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CHAPTER VIII.

*An ACT for the relief of John Buchanan and others.*

**W**HEREAS it has been represented to this General Assembly that John Buchanan, captain of the seventh company of the fourth regiment, that judgment has been given against him, by Thomas Price, esquire, one of the justices of the peace for Kent county, for a fine of thirty dollars, incurred in consequence of his omitting to return an account of the fines imposed upon the officers, non-commissioned officers and privates of his company, according to law ; and it appears to the General Assembly, that the said John Buchanan did return an account of the said fines, by mistake, to Henry Molleston, esquire, State-treasurer, instead of the County-treasurer, and that this return was made in proper time. Preamble.

**THEREFORE BE IT ENACTED,** *by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John Buchanan, Captain of the seventh company in the fourth regiment, be and hereby is released and discharged, of and from, a judgment given by Thomas Price, esquire, at the suit of Philemon Green, County-treasurer for Kent county, against the said John Buchanan, for the amount of the fine accruing by reason of the omission of the said John Buchanan, to transmit or return an account of the fines

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VIII

1814.

imposed upon the officers, non-commissioned officers and privates of his company : And that the said Philemon Green, County-treasurer as aforesaid, do cause it to be entered on the docket of the said judgment that the same is released by virtue of this act.

In what cases  
captains to  
make returns  
and to whom.

SEC. 2. *And be it enacted*, That in all cases in which militia captains have made their returns in due time to the brigadier-general, and have not made them to the County-treasurer as required by the act passed May the twenty-fifth, one thousand eight hundred and twelve, abolishing the office of commissary, and transferring the duties thereof to the County-treasurer, such returns may be made at any time before the first day of October next ; and shall be as good and available as if the same had been made in the time prescribed by law, to free and discharge such captains from all fines and forfeitures.

Vol. 4, p. 582.

Within what  
time.

PASSED AT DOVER, }  
January 25, 1814. }

## CHAPTER IX.

*An ACT to authorize Thomas Marsh Foreman to  
bring slaves into this State from Maryland.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 26, 1814. }

## CHAPTER X.

CHAP.  
X.

*An ACT to repeal an act, entitled; "An act to encourage the establishment of certain manufactories within this State.*

1814.

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the act of the General Assembly, passed at Dover, the twenty-sixth day of January, one thousand eight hundred and eleven, entitled, "An act to encourage the establishment of certain manufactories within this State," be, and the same is, hereby repealed, made null and void.

Chap. cxlv.  
vol. 4, p. 397,  
Repealed.

PASSED AT DOVER, }  
January 27, 1814. }

## CHAPTER XI.

*An ACT to authorize Philip Hardcastle, executor of the testament and last will of Garret Sipple, deceased, to convey and assure to Joseph H. Raymond the lot of land therein mentioned.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 27, 1814. }

## CHAPTER XII.

*An ACT to authorize Rebecca Farson, administratrix of John Farson, deceased, to convey the tract of land therein mentioned to Ann Ford.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 28, 1814. }

CHAP.  
XIII.

## CHAPTER XIII.

1814.

*An ACT to vest the title to a tract of land in the widow and heirs of Philip Gross, deceased.*

PRIVATE ACT.

PASSED AT DOVER, }  
February 1, 1814. }

## CHAPTER XIV.

*An ACT to vacate part of the Kennet road.*

Part of the  
old road vacated.

SEC. 1.

**B**E IT ENACTED, *by the Senate and House of Representatives, of the State of Delaware in General Assembly met, That from and after the passing of this act, such part of the old Kennet road which leaves the Wilmington and Kennet turnpike road, at or near the house of James Hill, and passing by lands of James Tilton, Thomas Braden, James Brindley, and others, and unites with the turnpike road aforesaid, at or near the Buck tavern, be and the same is hereby declared to be vacated.*

PASSED AT DOVER, }  
February 1, 1814. }

## CHAPTER XV.

*An ACT to authorize the owners and possessors of the marsh, cripple and low grounds lying upon the main south-west branch of Duck-creek, in Kent county, in this State, between the mill late of Joseph Nock, deceased, now of his heirs, and Martin's bridge, to bank and drain the same.*

PRIVATE ACT.

PASSED, }  
February 3, 1814. }

## CHAPTER XVI.

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*An ACT to change the name of East-landing to  
Leipsick.*

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PRIVATE ACT.

PASSED AT DOVER, }  
February 4, 1814. }

## CHAPTER XVII.

*An ACT to prevent swine running at large within the  
village of Seaford, in Sussex county.*

SEC. 1. **B**E IT ENACTED, *by the Senate and  
House of Representatives of the* Swine not to  
run at large  
in Seaford.  
*State of Delaware, in General Assembly met, That*  
from and after the first day of May next, no swine,  
hog or hogs shall be permitted or suffered to run  
at large within the village of Seaford.

SEC. 2. *And be it further enacted, That if any*  
swine, hog or hogs shall be found running at large Swine found  
at large may  
be taken up &  
sold,  
within the said village of Seaford, after the time a-  
foresaid, it shall and may be lawful for any free per-  
son or persons to take up and secure such swine,  
hog or hogs, and proceed to sell them, after gi-  
ving at least five days notice by one or more ad-  
vertisements set up in the most public places in  
said village, and may retain one half of the amount  
of any such sale or sales, for his trouble, and pay  
over the other half to the recent owner or owners  
of such swine, hog or hogs: *Provided nevertheless,*  
that the owner or owners of any such swine, hog Or redeemed,  
& upon what  
conditions.  
or hogs shall have them, or any part of them, deli-  
vered to him, her or them again by applying to the  
person in whose care they are, and paying or ten-  
dering in pay to him or them, the following rates  
at any time before they are sold: to wit, for every  
hog or pig under three months old, twenty-five



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cents ; for every hog over three and not exceeding six months, fifty cents ; for every hog over six and not exceeding nine months, seventy-five cents ; for every hog over nine and not exceeding twelve months, one dollar ; and for every hog over twelve months, one dollar and twenty-five cents.

Sales to be  
good and a-  
vailable.

SEC. 3. *And be it enacted*, That if any person or persons shall sell any swine, hog or hogs, under the provisions and restrictions of this act, such sale or sales shall be good and available in law ; and if they, or any of them, shall neglect or refuse to pay over one half of the amount on any such sale or sales as before directed by this act, they shall be as liable to prosecution as for any other debt.

PASSED AT DOVER, }  
February 11, 1814. }

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## CHAPTER XVIII.

Chap. cli. vol. 4, p. 410, &c. *A SUPPLEMENT to the act entitled, "An act to incorporate a company for making an artificial road from the town of Newcastle to Clark's corner."*

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the president and managers of the Newcastle turnpike company, shall have power, and it is hereby declared to be lawful for them, their superintendants, surveyors, engineers, artists, and workmen, to enter upon and occupy all the lands within the limits of thirty feet on each side of the centre of the road, heretofore laid out in the hundred of Newcastle, and known by the name of the Newport road, from the southern abutment of the Newport bridge, to the intersection of the said road with the turnpike road from the town of Newcastle to Clark's

President and  
managers, &c  
may enter and  
occupy 30 feet  
from the cen-  
tre of the road.

corner; and to cause twenty feet thereof in breadth, at least, to be bedded with wood, stone, gravel, or other proper and convenient materials, a sufficient depth to secure a solid foundation for the same; and the said artificial road shall be faced with gravel, sand, or stone pounded, or other small, hard substance, in such manner as to secure a firm and, as nearly as the nature of the country and materials will admit, an even surface, rising toward the middle by a gradual arch; and shall maintain and keep the same in good order and repair; and in the manner as is directed in the act to which this is a supplement, shall inquiry be made, upon complaints, whether the said road, or any part thereof, is not in good order and repair; and inquisition being found, notice thereof to the toll-gatherers of the turnpike or gates, shall be made in the manner directed by the said act.

SEC. 2. *And be it enacted*, That it shall and may be lawful for the said president and managers, their superintendants, surveyors, engineers, artists and workmen, with their tools and instruments, carts, waggons and other carriages, and beasts of draught or burden, to enter upon the lands contiguous to and near to the route of the said road, first giving notice to the owner or possessor thereof, and doing as little damage as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damage that may be done to any improvements thereon, upon a reasonable agreement, if they can agree, or if they cannot agree, then upon an appraisement, to be made upon oath or affirmation, by three disinterested freeholders, or any two of them agreeing, mutually to be chosen, or if the owner or possessor, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any disinterested justice of the peace for Newcastle, who shall appoint, in case of neglect or refusal of any such owner or possessor, upon application being made by the president and managers of said company, and

Breadth of the road, and of what materials to be bedded and faced.

May enter upon lands contiguous, &c.

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cents ; for every hog over three and not exceeding six months, fifty cents ; for every hog over six and not exceeding nine months, seventy-five cents ; for every hog over nine and not exceeding twelve months, one dollar ; and for every hog over twelve months, one dollar and twenty-five cents.

Sales to be  
good and a-  
vailible.

SEC. 3. *And be it enacted*, That if any person or persons shall sell any swine, hog or hogs, under the provisions and restrictions of this act, such sale or sales shall be good and available in law ; and if they, or any of them, shall neglect or refuse to pay over one half of the amount on any such sale or sales as before directed by this act, they shall be as liable to prosecution as for any other debt.

PASSED AT DOVER, }  
February 11, 1814. }

## CHAPTER XVIII.

Chap. cli. vol.  
4, p. 410, &c.

A SUPPLEMENT to the act entitled, "*An act to incorporate a company for making an artificial road from the town of Newcastle to Clark's corner.*"

President and  
managers, &c.  
may enter and  
occupy 30 feet  
from the cen-  
tre of the road.

SEC. 1. **B**E IT ENACTED, by the Senate and House of Representatives of the

*State of Delaware, in General Assembly met*, That the president and managers of the Newcastle turn-pike company, shall have power, and it is hereby declared to be lawful for them, their superintendants, surveyors, engineers, artists, and workmen, to enter upon and occupy all the lands within the limits of thirty feet on each side of the centre of the road, heretofore laid out in the hundred of Newcastle, and known by the name of the Newport road, from the southern abutment of the Newport bridge, to the intersection of the said road with the turn-pike road from the town of Newcastle to Clark's

corner; and to cause twenty feet thereof in breadth, at least, to be bedded with wood, stone, gravel, or other proper and convenient materials, a sufficient depth to secure a solid foundation for the same; and the said artificial road shall be faced with gravel, sand, or stone pounded, or other small, hard substance, in such manner as to secure a firm and, as nearly as the nature of the country and materials will admit, an even surface, rising toward the middle by a gradual arch; and shall maintain and keep the same in good order and repair; and in the manner as is directed in the act to which this is a supplement, shall inquiry be made, upon complaints, whether the said road, or any part thereof, is not in good order and repair; and inquisition being found, notice thereof to the toll-gatherers of the turnpike or gates, shall be made in the manner directed by the said act.

Breadth of the road, and of what materials to be bedded and faced.

SEC. 2. *And be it enacted*, That it shall and may be lawful for the said president and managers, their superintendants, surveyors, engineers, artists and workmen, with their tools and instruments, carts, waggons and other carriages, and beasts of draught or burden, to enter upon the lands contiguous to and near to the route of the said road, first giving notice to the owner or possessor thereof, and doing as little damage as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damage that may be done to any improvements thereon, upon a reasonable agreement, if they can agree, or if they cannot agree, then upon an appraisement, to be made upon oath or affirmation, by three disinterested freeholders, or any two of them agreeing, mutually to be chosen, or if the owner or possessor, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any disinterested justice of the peace for Newcastle, who shall appoint, in case of neglect or refusal of any such owner or possessor, upon application being made by the president and managers of said company, and

May enter upon lands contiguous, &c.

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upon tender of the appraised value of the damages, to dig, take and carry away any stone, gravel, sand, earth or other materials there, being most conveniently situate for making and repairing said road.

*SEC. 3. And be it enacted,* That as soon as the Tollgatherers said road shall be so improved and finished it shall and may be lawful for the said company to appoint from time to time, such and so many tollgatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the same tolls and rates per mile as are mentioned in the act to which this is a supplement, and in the same proportion for a fraction of a mile, and to erect and fix one or more gates or turnpikes upon and across the said road, and to stop any person riding, leading or driving any cattle, hogs, sheep, sulky, chair or chaise, phaeton, coach or coachee; cart, waggon, sleigh, sled or other carriage of burden or pleasure from passing through the said gates or turnpike, until they shall respectively have paid the same.

*SEC. 4. And be it enacted,* That as soon as the Governor to appoint freeholders to report whether the road is executed in a workmanlike manner ; president and managers of the Newcastle turnpike company shall have made and completed the said road in the manner directed by this act, the said president and managers shall make application to the governor of this State, who is hereby authorized and required upon such application, to nominate and appoint three judicious disinterested freeholders to view and examine the same, and make report to him, whether the said road is executed in a complete and workmanlike manner, according to the true intent and meaning of this act ; and if their report be in the affirmative, then the said governor shall by license under his hand, permit the company to erect a gate or gates, and to receive the same rate of toll as is allowed by the act to which this is a supplement ; and if any person or persons owning, riding or driving any carriage of burden or pleasure, or owning, riding, leading or driving any

And to permit gates to be erected & tolls to be taken ;

horse or mule, or driving any sheep, hogs or cattle on the said turnpike, and with an intent to evade the payment of the tolls, granted to the Newcastle turnpike company by this act, or the act to which this a supplement, shall pass the gate or gates erected by the said company, without paying the tolls, or shall pass through any private gate or bar, or over any private passage, way or along, or over any other ground or land near to or adjoining any turnpike or gate erected by said company; or if any person or persons shall with the intent aforesaid take off or cause to be taken off any horse or other beast or cattle of draught or burden from any carriage of burden or pleasure or shall practise any other fraudulent means or device to lessen the payment of any such toll, all and every such person or persons so offending, shall for every such offence respectively forfeit and pay to the Newcastle turnpike company, for the use of said company, the sum of fifteen dollars, to be sued for and recovered with costs of suit, as debts under forty shillings are recovered by the laws of this State.

Penalty for evading the payment of tolls.

SEC. 5. *And be it enacted*, That every person or persons who shall prefer an annual contract for the use of the said road shall be entitled for him or herself, and his or her family, to all the benefits of the same, except as to stages for the conveyance of persons for hire, and waggons for the conveyance of goods, wares and merchandize, for the sum of one dollar per mile, to be paid in such manner that a half yearly payment shall always be paid in advance, and if any person or persons shall think the annual contract unreasonable and disproportionate to the number of their family and the use of the said road, the party aggrieved and the president of said company shall each choose one disinterested freeholder, who shall decide what reduction, if any, shall be made from the annual payment before specified; and in case the two persons so chosen cannot agree, they shall choose a third person, and a majority of them shall decide as aforesaid, or in

Annual contract for the use of the road.

If unreasonable, how the stipulated sum may be reduced.

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case the president of said company shall neglect or refuse to appoint a freeholder for the purpose aforesaid, for the space of ten days, then the freeholder chosen by the party aggrieved shall decide what reduction shall be made, which shall be the commutation for the current year.

On what  
terms the au-  
thority to col-  
lect tolls shall  
cease.

SEC. 6. *And be it enacted by the authority aforesaid,* That the powers and authority in this act given to the Newcastle turnpike company, to receive and collect toll on the road mentioned in this act, shall cease and determine in ten years from the time of their commencing to collect toll thereon: *Provided,* that the commissioners of roads in and for Newcastle hundred, with the consent of the levy-court, shall pay to the Newcastle turnpike company the sum of money expended by the said company in making the said road: to wit, one moiety thereof in five years from the time when the said company shall begin to receive toll; and the other moiety in ten years from the commencement of toll; and the commissioners of roads in and for the hundred of Newcastle, for the time being, shall take and hold such stock for the use of the said hundred, in trust, at the several times specified in this act, and the act to which this is a supplement, upon payment of the money expended by the said company; and it shall be lawful for the said commissioners of roads, for the time being, to assess and raise the several sums of money sufficient to pay the said company for the money by them expended on the roads specified in this act, and the act to which this is a supplement, as other road taxes are raised and collected within the said hundred.

Tollgatherers  
to give bond;

SEC. 7. *And be it enacted,* That the respective tollgatherers, appointed by the president and managers of the Newcastle turnpike company, shall before they enter upon the duties of a tollgatherer, give bond to the president and managers of said company, with one or more sufficient sureties, to be approved of by the president and managers, with a

warrant of attorney annexed thereto, to confess judgment, in the sum of one thousand dollars, <sup>Condition</sup> conditioned for the true and faithful performance of the duties reposed in him as tollgatherer of the Newcastle turnpike; and that he will render a true and perfect account verified by his oath of all monies by him received as tollgatherer to the president and managers of the said company, monthly, and every month during his attendance as tollgatherer; and shall and will pay over the monies by him so received, to the treasurer, monthly, which shall come to his hands or possession, and also at the time of payment, furnish the said treasurer with his daily receipt of tolls by him each and every day, and will give good and constant attendance at the said toll gate during the time of his being a tollgatherer to the said company.

SEC. 8. *And be it enacted*, That the treasurer of the Newcastle turnpike company, now in office, <sup>Treasurer to give bond;</sup> and the treasurer hereafter elected or appointed shall give bond with one or more sufficient sureties to the president and managers of the said company, to be approved of by the said president and managers; with a warrant of attorney thereto annexed, to confess judgment in the sum of five thousand dollars, conditioned for the true and faithful performance of the duties reposed in him as treasurer <sup>Condition</sup> of the Newcastle turnpike company, and that he will once or oftener in every six months render his accounts of monies by him, as treasurer of the said company, to the president and managers thereof, and will well and truly settle and account for and concerning all monies that shall or ought to come to his hands as treasurer, by virtue of this act and the act to which this is a supplement; and will pay all orders drawn on him by the president and managers of said company; and pay the ballance that shall appear in his hands to such person or persons as the president and managers shall order and direct, and not otherwise; and that he will pay over at the expiration of his term of office whatever sum of mo-



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ney remains in his hands to his successor in that office; and will deliver over the books of accounts, and papers, and other books and writings belonging to the said company, in his keeping; to his successor whole, entire and undefaced; and that he will do and execute all other things as treasurer to the Newcastle turnpike company, according to the true intent and meaning this act and the act to which this is a supplement; and in case any treasurer hereafter chosen and appointed, or the treasurer now in office of the said company, shall neglect or refuse to give bond and security as is directed in this act, or in case of the death or resignation of a treasurer, the president and managers of said company are hereby authorized and required to appoint a treasurer, who shall give bond and security as aforesaid.

Capital to be  
enlarged;

Books forthat  
purpose to be  
opened;

Public notice  
to be given of  
the time and  
place of open-  
ing books, &c.

SEC. 9. *And be it enacted*, That the president and managers of the Newcastle turnpike company, shall have power and they are hereby authorized to enlarge the capital of the said company, to carry into effect the intention of this act, and it shall be the duty of the said president and managers to open books for receiving subscriptions to the additional capital stock of the said company, and in each of those books shall be entered as follows: to wit, "We whose names are hereunto subscribed do promise to pay to the president, managers and company, of the Newcastle turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and at such times as shall be determined on by the president and managers of the Newcastle turnpike company." Before the said president and managers shall open the said books for the additional capital stock of the said company, they shall give public notice thereof at least twenty days of the time and place where such books will be opened; and the said president and managers shall permit all persons of lawful age, and bodies politic and corporate, who shall subscribe in said

books in their own name or the name of any other person who shall duly authorize the same, for any number of shares in the additional capital stock of the said company; and the said books shall be kept open by the president and managers of the said company, until the whole number of shares shall be subscribed, which shall be deemed by the said president and managers necessary to complete the work: *Provided*, that no person or persons or

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Subscribers to pay \$ 18 on each share before subscribing.

dollars on each and every share to be subscribed.

SEC. 10. *And be it enacted*, That the provision of the sixth section of the act to which this is a supplement, shall and is hereby extended to the additional stockholders created by this act, and they shall be liable to like penalties in default of payment, as those in that act mentioned, and shall be as incapable of voting at any election or general or special meeting of the stockholders, until they shall have fully paid the respective sums on their shares of stock according to order of the president and managers of the said company; the stockholder or stockholders who shall have paid according to the times required by the president and managers of said company, shall at all elections for a president, managers and treasurer be entitled to vote at all meetings of the stockholders, as fully as those who were subscribers in the original stock of the said company.

Provision of the 6th sec. of chap cli, 4th. vol p. 413. extended to additional stockholders;

Upon what terms they may vote.

SEC. 11. *And be it enacted*, That if any person or persons shall cut, damage, or destroy any of the gates or improvements made, or to be made by the Newcastle turnpike company, he she or they so offending, and being thereof convicted before any justice of the peace of Newcastle county, upon the oath or affirmation of one or more credible witness or wit-

Penalty for damage done to the gates or improvements

§30 over the damage done, nesses, shall forfeit and pay, over the damage, done the sum of thirty dollars, to be recovered under the hand and seal of the justice before whom such conviction was had, to and for the use of the Newcastle turnpike company.

Provision of 22d sect. of chap. cli. vol. 4, p. 422, ex. ended. SEC. 12. *And be it enacted*, That the provision of the twenty second section of the act to which this is a supplement, shall and is hereby extended to the road mentioned in this act as if enacted in this law.

Index board. SEC. 13. *And be it enacted*, That the said company shall cause to be erected in at least three different places upon said road, as soon as completed, a post with an index board, whereon shall be painted in white letters, the rate of toll allowed by law, as well as a direction to all travellers, to keep to the right, as is directed by the twenty second section of the act to which this is a supplement.

Repeal. SEC. 14. *And be it enacted*, That such parts of the act to which this is a supplement as are altered or amended by this act, be and the same are hereby repealed.

PASSED,  
February 12, 1814. }

## CHAPTER XIX.

*An ACT to enable Zebdiel J. P. Fountain to bring into this State a Negro slave, and retain her as such.*

PRIVATE ACT.

PASSED AT DOVER, }  
14 February.

## CHAPTER XX.

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*An ACT to authorize and empower Maria Townsend, of Sussex county State of Delaware, to bring in- to this State from the State of Maryland, a negro woman and child, and retain and hold them as slaves.*

PRIVATE ACT.

PASSED AT DOVER, }  
14, February. }

## CHAPTER XXI.

*An ACT making provision for the support of govern- ment for the year one thousand eight hundred and fourteen, and for other purposes.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the sum of twelve thousand five hundred dollars shall be raised and paid into the treasury of this State, with- <sup>\$12,000 to be raised;</sup> in the time and in the manner directed by an act of the General Assembly, entitled, "An act making provision for the support of government for the year of our Lord one thousand eight hundred and ten, and for the more effectual ordering, assessing, levying and collecting all such taxes as may be granted by the General Assembly," and shall be assessed and levied in the several counties of this State in the following proportions: that is to say, for the county of Newcastle, the sum of four thousand seven hundred and sixty one dollars and nine- <sup>Sum appor- tioned.</sup> ty cents; for the county of Kent, the sum of four thousand one hundred and sixty-six dollars and sixty-seven cents; and for the county of Sussex, the sum of three thousand five hundred and seventy-one dollars and forty-three cents.

Vol. 4, p. 328,  
chap. cxxii.

Appropriation for the payment of salaries ;

The General Assembly, &c.

Printing the laws and journals,

And sums due the citizens.

SEC. 2. *And be it enacted*, That the aforesaid sums of money shall be appropriated and applied to and in the following manner : that is to say, so much thereof as may be necessary, shall be applied to the payment of the salaries due and to become due to the governor, chancellor, judges of the supreme court and court of common pleas, attorney general, secretary, and auditor of accounts, up to the first day of January, which will be in the year of our Lord, one thousand eight hundred and fifteen ; and so much thereof as may be necessary shall be applied to the payment of the daily allowances of the members of the General Assembly, their clerks, and other expenses ; and for printing the laws passed at this session of the General Assembly, and the votes and proceedings of the two branches thereof ; and the residue (if any there be) shall be applied to the payment of any sums of money due to the citizens of this State, for which provision shall be made by law.

PASSED,  
February 14, 1814. }

## CHAPTER XXII.

Vol. 3, chap. xxiii, p. 62. *A SUPPLEMENT to the act, entitled, "An act to prevent swine running at large in the village of Laurel in the county of Sussex."*

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That from and after the passing of this act, if any hog or hogs shall be found or suffered to run at large within the limits or bounds of the act to which this is a supplement, it shall and may be lawful for any person or persons residing in the said village to take up and secure all and every of such swine found at large as aforesaid, and shall give notice

Swine found at large may be taken up & sold ;

of the time and place where such hog or hogs is or are secured by setting up one or more advertisements in the most public places of said village, or giving personal notice to the owner or owners of any such hog or hogs in his custody ; and if any such owner or owners of any swine as aforesaid shall refuse or neglect to take away any hog or hogs as aforesaid, and pay him, her or them in whose custody they are, the rates hereinafter mentioned within five days after such notice is given, he, she or they shall forfeit any such hog or hogs, and they or any of them shall be the right and property of the person or persons who secured them.

Notice to be given ;  
Upon what terms to be redeemed.

SEC. 2. *And be it enacted*, That any person or persons who shall take up and secure any hog or hogs agreeably to this act, or to the act to which this is a supplement, shall have and receive from the owner or owners three dollars for every such hog by them or either of them secured and kept as aforesaid.

Reward for taking and securing, &c.

SEC. 3. *And be it enacted by the authority aforesaid*, That it shall and may be lawful for any person or persons residing in the village of Laurel, to shoot or kill any swine or hogs running at large as aforesaid : *Provided*, he or they give notice thereof in three hours after such hog or hogs are shot or killed, to the owner or owners thereof, or leave notice at his or her dwelling, if it be known, and not otherwise : *Provided also*, that no person or persons shall be subject to any fine or fines under the law that was passed on the fourth day of February one thousand eight hundred and twelve, entitled, "An act to prevent the discharging of fire-arms within the towns and villages, and other public places, within this State, and for other purposes," for shooting any such hog or swine in the village of Laurel, as aforesaid.

Swine may be shot.  
Notice to be given.  
Chap. excv. Vol. 4, p. 522.

SEC. 4. *And be it enacted*, That nothing contained in this act shall be construed to extend to the persons with-

This act not to extend to persons with-

out certain limits. *hog or hogs of any person or persons living without the limits or bounds of the act to which this is a supplement.*

Repeal, vol 3, p. 62. SEC. 5. *And be it enacted,* That so much of the act to which this is a supplement, as is hereby altered and supplied, be and the same is hereby made null and void, and each and every other part is hereby confirmed and made a part of this act.

PASSED,  
February 14, 1814. }

### CHAPTER XXIII.

*An ACT authorizing the Court of General Quarter Sessions of the Peace and Gaol Delivery, of the State of Delaware to appoint trustees to take charge of, and secure, the rents of the lands and marsh commonly called Cape Henlopen, for the use of the county of Sussex.*

Freeholders to be appointed to take charge of and rent out the Cape Henlopenland and marsh. SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That from and after the passing of this act, it shall and may be lawful for the court of general quarter sessions of the peace and gaol delivery, at their next session and at their spring session, every third year thereafter in the county of Sussex aforesaid, to appoint three good and substantial freeholders of said county, one of whom only shall reside in Lewes and Rehoboth hundred, to take possession of, and rent to the highest and best bidder, in lots, the aforesaid lands and marsh for any time not exceeding three years; and the money arising therefrom to be paid over to the county treasurer for the use of the county of Sussex only.

Rents to be paid to the county treasurer.

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SEC. 2. *And be it enacted*, That the said trustees <sup>Trustees to</sup> shall have power to appoint one of their body to be <sup>appoint a</sup> treasurer of said board, who shall, by virtue of said appointment, receive all and every sum or sums of <sup>His duty.</sup> money, that may be due or arising from the rent of said lands or marsh, or sale of spars or other timber sold to the master or masters, owner or owners of any vessel or vessels that may or shall hereafter be cast away, stranded, or otherwise injured, on <sup>In what cases</sup> or near the said cape, in which case only the said <sup>timber, spars</sup> trustees shall have a right or power to sell <sup>and fire-wood</sup> timber, <sup>may be sold.</sup> spars or fire-wood from or on the said cape.

SEC. 3. *And be it further enacted by the authority aforesaid*, That the said trustees shall keep a true <sup>Trustees to</sup> and correct account of all the monies by them received for spars, timber or rent of said marsh and cape, in a book or books provided by the treasurer of said board for that purpose, and each and every year <sup>and settle an-</sup> thereafter settle said accounts with the levy-court <sup>nually with</sup> commissioners for the county of Sussex, and in the <sup>the levy-court.</sup> space of ten days thereafter, pay over to the county treasurer, such sum or sums of money as may by <sup>Balance found</sup> them be found due to said county for rent of marsh, <sup>due to be paid</sup> sale of timber or fines recovered, after reserving <sup>over.</sup> therefrom such allowance as shall be made by the levy court to said trustees for their services. <sup>Allowances</sup> <sup>for serving.</sup>

SEC. 4. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, it shall and may be lawful for the said trustees, <sup>Other powers</sup> or a majority of them, if any person or persons shall <sup>of the trustees</sup> cut any fire-wood, timber, masts or spars, or turn <sup>Persons cut-</sup> on any cattle, horses or hogs on the said lands or <sup>ting on the</sup> marsh on the said cape, without having first con- <sup>cape liable to</sup> tracted with the said trustees, or a majority of them, such person or persons so offending shall be liable to have a suit brought against them by the trustees, or a majority of them, before any justice <sup>and before</sup> of the peace in and for said county, for any sum <sup>whom, and</sup> not exceeding thirty-two dollars, in like manner as <sup>for what sum.</sup>



CHAP.  
XVIII.other debts of trespass are recoverable, any law,  
usage or custom to the contrary notwithstanding.

1814.

PASSED AT DOVER, }  
February 15, 1814. }

## CHAPTER XXIV.

*An ACT to increase the fees of the coroners.*

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives, of the State of Delaware in General Assembly met,* That from and after the first day of May next, the coroners in the several counties of this State shall be allowed the following fees, instead of those heretofore allowed : to wit, for viewing the body of any person slain or murdered, to be paid out of the goods and chattels, lands and tenements of the murderer or slayer, if he hath any, but if he hath no goods and chattels, lands and tenements, then to be paid by the county, with mileage from the court-house to where the body is found, two dollars; for summoning and qualifying the jury and returning inquisition; for summoning and qualifying a witness; Taking a deposition; Recognizance For summoning sheriff, &c. in like cases.

SEC. 2. *And be it enacted,* That so much of the act as makes allowance for the coroners as is specified in the fee bill, passed on the fifteenth day of

June, one thousand seven hundred and ninety-three, <sup>Vol. 2 p. 1118</sup>  
 as is hereby altered or supplied, be and the same is <sup>sec. 24, chap.</sup>  
 repealed. <sup>xxxvii.</sup>

PASSED AT DOVER, }  
 February 15, 1814. }

## CHAPTER XV.

*An ACT to provide for the payment of certain instalments to become due on the stock held by this State in the Farmers' Bank of the State of Delaware.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That* the State-treasurer shall on the first Wednesday in the month of April next, and on the first Wednesday in the month of July next, pay out of any money in the treasury not otherwise appropriated, such sum of money as may be necessary to discharge the instalments then becoming due on the shares held by the State, in the stock of the Farmers' Bank of the State of Delaware. <sup>Treasurer to pay, &c.</sup>

SEC. 2. *And be it enacted, That the trustee of the fund for establishing schools, shall in like manner, at the days aforesaid pay out of any money belonging to the said fund such sums as may be necessary to discharge the instalments then becoming due on the shares held by the said trustee in the stock of the said bank.* <sup>Trustee of the school fund to pay on stock held by the State-treasurer.</sup>

SEC. 3. *And be it enacted, That the said trustee at the days aforesaid, shall transfer to the State-treasurer for the use of the State at the then market price, so many shares of the stock of the said bank as with the money belonging to the said fund at those times, will be sufficient to discharge the instalments* <sup>Trustee to transfer to the State-treasurer shares of stock, &c.</sup>

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XXV.

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then due on the stock, then held by him in the said bank ; and the said State-treasurer is hereby authorized and required to receive the said transfer and to pay the money therefor to the said trustee.

Money to be  
borrowed for  
payment of  
instalments :

Faith of the  
State pledged,  
&c.

SEC. 4. *And be it enacted*, That the State-treasurer be and he is hereby authorized to borrow from one or more of the banks in this State, at the usual rate of bank discount, the sum of fifteen thousand dollars, or such part of that sum as may be necessary to pay the said instalments ; and that the faith of the State is hereby pledged for the payment of the interest of the said loan as it shall accrue ; and for the annual reimbursement of one-eighth of the principal sum borrowed.

PASSED AT DOVER, }  
February 15, 1814. }

## CHAPTER XXVI.

Chap. clii, vol  
4, p. 422.

A SUPPLEMENT to an act entitled, "*An act for regulating the general elections of this State.*"

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives, of the State of Delaware in General Assembly met*, That the electors of Brandywine hundred being the first district in Newcastle county, shall hold their general elections and special elections at the inn now known by the name of the Practical Farmer, and occupied by Samuel Sharpless, in the said hundred ; and that the electors in Christiana hundred being the second district of the said county, shall hold their general elections and special elections at the inn now occupied by Zenas Wells, in the town of Newport, in the said hundred ; and that the said elections shall be carried on and conducted by the same officers, in the same manner and form, and under the same regulations, and under and subject to the

Elections of  
the first dis-  
trict in New-  
castle county  
where to be  
held ;

Of the second  
district where  
to be held ;

Under what  
regulations &  
by what offi-  
cers to be con-  
ducted, &c.

same penalties, forfeitures, modes of recovery, and according to all and every the provisions as are directed, prescribed, imposed and enacted in the act to which this is a supplement, except so far as the said act shall be hereby altered, supplied or repealed.

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SEC. 2. *And be it enacted,* That if any inspector or freeholder called to assist such inspector in judging of any general or special election, shall at any general or special election, wilfully or knowingly take or receive the vote of any alien, not then naturalized according to law, or of any other person not entitled to vote at such general or special election, or assent or agree that the vote of any alien or other person not entitled to vote as aforesaid, shall be taken or received at such general or special election, every such inspector and freeholder shall respectively forfeit for such offence five hundred dollars, to such person or persons as will sue for the same, to be recovered with costs, in any court of record in this State, by action of debt, bill, plaint or information, or by a special action on the case commenced, or sued separately and not jointly against such inspector and freeholder or freeholders, or against such inspector or freeholder or freeholders. And on the trial of any such action no other proof shall be received or evidence given, of the naturalization of such alien, than a certificate under the seal of the court wherein such alien shall have been naturalized; previous to such general or special election.

Penalty for taking the votes of aliens not naturalized, or of others not entitled to vote;

Also for assenting or agreeing that such vote shall be taken or received;

How recovered and applied;

What proof of naturalization on the trial shall be received.

SEC. 3. *And be it enacted,* That every such inspector, or freeholder, or alien, or other person not entitled to vote at any general or special election as aforesaid; who shall hereafter be prosecuted or sued for any forfeiture given by this act, shall be obliged to give good and sufficient bail and security to the officer executing the capias against him, to appear in the court out of which such capias shall issue, at the day and return of such writ, to answer such suit or prosecution; and shall like-

Persons sued to give bail for their appearance,

And at the time of appearance give bail in court. wise, at the time of such appearance give sufficient bail or security in the said court, to answer and pay the forfeiture or forfeitures incurred for such offence or offences, in case he shall be convicted thereof, or to yield his body to prison.

*If an impartial trial cannot be had the venue may be changed* SEC. 4. *And be it enacted*, That whenever any suit shall be commenced or prosecuted for any forfeiture as aforesaid, it shall be lawful for the court in which such suit or cause is to be tried, in case the said court shall determine that an impartial trial thereof cannot be had in the county in which such suit shall be commenced, to change the venue, and to cause such suit or cause to be tried in any next adjoining county, by a jury of such next adjoining county.

*To the next adjoining county.*

*No person who hath been an alien since Jan 29, 1795, to vote unless the certificate of his naturalization be produced,* SEC. 5. *And be it enacted*, That no person who is or hath been an alien since the twenty-ninth day of January, in the year of our Lord one thousand seven hundred and ninety-five, shall be entitled to vote at any such general or special election, unless such person shall produce and exhibit to the said inspector and freeholders a certificate of his naturalization, under the seal of the court wherein he shall have been naturalized, previously to such general or special election : And no other proof or evidence of his naturalization shall be received or admitted at any such election, than such certificate of naturalization.

*For the original, see vol 4, p. 427, sec ix.* SEC. 6. *And be it enacted*, That every such inspector and freeholder, in addition to the oath or affirmation to be taken or made by them respectively, according to the provision of the act to which this is a supplement, shall at the place and time of taking such oath or affirmation as aforesaid, take the following oath, or if he be conscientiously scrupulous of taking an oath, shall solemnly, sincerely, and truly declare and affirm as follows : "*And I do solemnly swear, on the Holy Evangelists of Almighty God, (or solemnly, sincerely and truly declare and affirm or*

qualify, in any other due form of law) *that I will not wilfully or knowingly take or receive the vote of any alien, or assent or agree that the vote of any alien shall be taken or received at this general election (or special election, as the case may be) and that I will not admit or receive any proof or evidence of the naturalization of any alien other than a certificate of his naturalization, under the seal of the court in which he shall have been naturalized, previous to this general election, (or special election, as the case may be).*" And in case any such inspector or freeholder shall afterwards wilfully or knowingly take or receive the vote of any alien, or assent, or agree that the vote of any alien shall be taken or received at any general election (or special election, as the case may be) every such inspector or freeholder shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment in the court of general quarter sessions of the peace and goal delivery, for the county where the offence shall be committed, shall incur the same pains, penalties, forfeitures and disabilities as persons convicted of wilful perjury, do incur by the laws of this State.

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Wilfully or knowingly taking the vote of aliens, or assenting or agreeing that such vote shall be taken to be guilty of perjury;

Penalty there-

SEC. 7. *And be it enacted,* That the clerk of the peace for each county shall write, at full length, and in due form, upon the alphabetical lists of the names of the white free male citizens, of the age of twenty-one years and upwards, residing and assessed in the several election districts, directed to be made out by him, by the seventh section of the act to which this is a supplement, the oaths or affirmations, as the case may be, required by the ninth section of the said act, and by this act, to be taken by the said inspectors and freeholders; and the said oaths or affirmations shall be signed by the said inspectors and freeholders respectively, with their proper names, and certified by the said inspector and freeholders, who shall administer the same, and when taken and made with their proper names as aforesaid, and the same so signed and certified, shall be received in any court of record

Clerks of the peace to write the form of the oath or affirmation on the alphabetical list;

Shall be signed and certified by the inspectors and freeholders,

And received in this State as sufficient evidence of the taking of such oaths or making of such affirmations : And the chief justice of the court of common pleas is hereby required to furnish to the clerk of the peace in each county, on or before the first day of June annually, in writing, in words at full length, the form in which such oaths and affirmations are to be written upon the said alphabetical lists, together with the form of the certificate to be made by the inspector and freeholders who shall administer the same ; and the same shall be written by the said clerks upon the said alphabetical lists, and taken, made, subscribed and certified by said inspectors and freeholders as aforesaid : And the inspectors of the several districts in each county shall deliver to the clerk of the peace of his county, on the Thursday next succeeding the day of election, the said alphabetical lists, together with the oaths or affirmations, as the case may be, written thereon by the clerk of the peace, and taken, made, subscribed and certified as aforesaid, undefaced and uninjured.

Chief justice of the C. P. to furnish to the clerks of the peace annually, the form of the oaths and affirmations, and the form of the certificate.

Affirmation or oath to be administered to persons offering to vote ; Refusing to take the same shall not be permitted to vote.

SEC. 8. *And be it enacted*, That it shall be lawful for the said inspectors or freeholders, or any two of them, and they are hereby required, either on their own suspicion, or upon the allegation or request of any elector entitled to vote at any such general or special election, to tender and administer to any one who shall present himself to give his vote or ballot at any such election, the following oath or affirmation, if such person be conscientiously scrupulous of taking an oath : that is to say, "*you do solemnly swear, on the Holy Evangelists of Almighty God (or solemnly, sincerely and truly declare and affirm, as the case may be) that you have not voted on this day and that you will not vote on this day at any other district or place of election in this county or in this State ;*" and in case any such person shall refuse to take the said oath or affirmation when so tendered to him, he shall not be permitted to vote at such election.

SEC. 9. *And be it enacted*, That the said inspectors and freeholders at every general or special election, shall make, or cause to be made by the clerks, or by one of them, an additional poll-list, on which the name of every elector, as the same is pronounced by the inspector or one of the freeholders, on the receipt of every ballot or ticket, shall be entered in words written at full length; and the said lists shall be carefully preserved and delivered by the inspectors of the several districts in each county, to the clerk of the peace of his county on the Thursday next succeeding the day of election, undefaced and uninjured. And in case any such inspector or freeholders shall omit or neglect to make, or cause to be made, such additional poll-list, as aforesaid, or shall keep the same falsely, by entering the name of any person before his vote shall be received as aforesaid, or by omitting to enter the name of any person as aforesaid, as the same shall be pronounced by the inspector or one of the freeholders, on the receipt of the ballot or ticket of such elector, or if any such inspector shall refuse, neglect or omit to preserve and deliver such list to the clerk of the peace of his county on the Thursday next succeeding the day of election, undefaced and uninjured, every such inspector and freeholder shall respectively forfeit for every such offence, five hundred dollars to such person or persons as will sue for the same, to be recovered with costs, in any court of record in this State, by action of debt, bill, plaint or information, or by a special action on the case, commenced or sued, separately, and not jointly, against such inspector and freeholder or freeholders, or against such inspector or freeholder or freeholders.

Additional poll-list to be made and delivered on the Thursday next succeeding the election, to the clerk of the peace.

Penalty for neglecting to make said list.

For keeping the same falsely.

For not delivering it to the clerk of the peace.

How recovered & applied.

SEC. 10. *And be it enacted*, That if any alien not entitled to vote at any such general or special election, shall vote or offer to vote at any such general or special election, at any district or place of election in which such person is not entitled to vote, every such alien not entitled to vote as aforesaid, shall forfeit for every such offence one hundred

Penalty on aliens voting or offering to vote not being entitled.



dollars to such person or persons as will sue for the same, to be recovered with costs in any court of record in this State by action of debt, bill, plaint or information, or by a special action on the case.

How recovered & applied. No other proof of naturalization to be received on trial than the certificate. And on the trial of any such action against an alien, no other proof shall be received, or evidence given, of the naturalization of such alien, than a certificate under the seal of the court wherein such alien shall have been naturalized, previous to such general or special election.

Elections of inspectors and assessors to be held at the places of the general elections. SEC. 11. *And be it further enacted,* That all elections of inspectors and assessors in each hundred of the several counties of this State, shall be held at the same places as the general and special elections are directed to be held by this act and the act to which this is a supplement.

Compensation to the clerks. SEC. 12. *And be it further enacted,* That each and every clerk appointed by any inspector under this act, or the act to which this is a supplement, shall have and receive one dollar per day for each and every day he or they are so employed by any inspector or inspectors as aforesaid.

Penalty for neglect, vol. 4, p. 437. SEC. 13. *And be it further enacted,* That this act shall be read by the inspector in each district in the several counties of this State, in the same manner and under the penalty as the act to which this is a supplement is directed by the twenty-fourth section thereof.

Repeal of sec. 1, 2 & 3 of chap. iv. vol. 3, p. 12. SEC. 14. *And be it enacted,* That the first, second and third sections of an act entitled, "An act to prevent aliens from voting at elections in this State, and for other purposes," passed the twenty-third of January, one thousand seven hundred and ninety-eight, shall be and are hereby repealed.

Repeat. SEC. 15. *And be it enacted,* That so much of the act entitled, "An act for regulating the general elections of this State," as directed the electors of

## OF DELAWARE.

the hundred of Brandywine to hold their general elections at the inn then known by the sign of the Blue Ball, on the Concord road, then occupied by George Miller, and so much of the said act as directed the electors of the hundred of Christiana to hold their general elections at the house then occupied by Mary Hendrickson, shall be and are hereby repealed, made null and void; and that nothing herein contained shall be deemed or construed to repeal any other clause or article in said act except what is hereby expressly repealed.

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1814.

This act not  
to be deemed  
to repeal any  
other clause  
of chap. clii.

PASSED AT DOVER, }  
February 15, 1814. }

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## CHAPTER XXVII.

*An ACT to authorize Richard Lawrence to remove his negro man Joshua, from this State to the State of Maryland.*

PRIVATE ACT.

PASSED, }  
February 15, 1814. }

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## CHAPTER XXVIII.

*An ACT to authorize the Orphans' Court of Kent county to appoint a trustee or guardian for Sarah Blackshare, an infant, residing in the State of Pennsylvania.*

PRIVATE ACT.

PASSED AT DOVER, }  
February 16, 1814. }

CHAP.  
XXIX.

## CHAPTER XXIX.

1814.

*An ACT for the payment of certain claims and for other purposes.*

Appropriation to

SEC. 1. **BE IT ENACTED**, by the Senate and House of Representatives of the*State of Delaware, in General Assembly met, That*

Jesse Green, adjutant-general; and directed to pay to Jesse Green, adjutant-general, one hundred and fifty dollars for services; to Thomas Fisher, brigadier-general; pay to general Thomas Fisher, the sum of eighty-four dollars and sixty-four cents, for services; to Armwell Long, lieutenant-colonel; pay to Armwell Long, lieutenant-colonel, fifty-seven dollars and ninety cents; to pay to Mitchell Kershaw, lieutenant-colonel; Kershaw, lieutenant-colonel, thirty-eight dollars and sixty cents; to pay to Benton Harris, major; Major Aydelott; pay to Zadoc Aydelott, major, the sum of twenty-one dollars and forty-four cents; Major Cullen; pay to Charles M. Cullen, major, the sum of twenty-eight dollars and forty-seven cents; to pay to William Elligood, major, the sum of twenty-one dollars and forty-four cents; to pay to captain Philip Short the sum of twelve dollars and eighty-seven cents; to pay to Jonathan Cullen, quarter-master, the sum of nine dollars and thirty-three cents; to pay to Jacob Helm, adjutant, the sum of nine dollars and thirty-three cents; to pay to Beniali Watson, adjutant, the sum of four dollars and thirty-three cents, for like services performed by them when the brigade of Sussex county was called into service; to pay to John Paynter, seven dollars for storage and carting of powder; to pay to Clement Layton, the sum of eighteen dollars and sixty cents for provisions and forage furnished the militia at Little-creek, in Kent county; to pay to William Dupray the sum of thirty dollars for raising a cannon which fell through the wastegates in George Black's mill-dam on its way to Lewestown; to pay to Willard Hall, esquire, late

secretary of state the following sums : to wit, six <sup>W. Hall, esq.  
late secretary ;</sup> dollars for copying the act of Assembly, entitled, "An act incorporating the Wilmington and Great-valley turnpike company," the sum of ten dollars for transmitting to Sussex and Newcastle counties the laws of several sessions of the Legislature, the sum of thirteen dollars and fifty cents for binding eighteen of the fourth volume of the laws of this State, and the sum of one hundred dollars for making an index to the fourth volume of the laws of this State ; to pay to William Burton, esquire, <sup>Wm. Burton,  
sheriff ;</sup> high sheriff of Sussex county, the sum of sixty-four dollars and sixty-four cents for bringing Henry Brereton from the jail of Princess Ann, Maryland, to the jail of Sussex county ; to pay to Augustus M. Schee, <sup>A. M. Schee ;</sup> the sum of four dollars for printing four quires of blank militia commissions ; to pay to Maskline Clark, late armourer, <sup>M. Clark, ar-  
mourer ;</sup> the sum of thirty-eight dollars for preparing the arsenal, and for his trouble in taking care of the arms and accoutrements belonging to this State ; to pay to Doctor James M'Callmont <sup>Dr. M'Call-  
mont ;</sup> the sum of thirty dollars for the use of a lot of ground at the town of Newcastle, on which batteries were erected for the defence of said place ; to pay to James Wilson, <sup>Jas. Wilson ;</sup> printer, the following sums : to wit, seven dollars for advertising Henry Brereton, a fugitive from justice, the sum of sixteen dollars for printing ten quires of blank marriage licenses and ten quires of bonds, and the sum of three dollars for inserting the governor's proclamation of the election of representatives in Congress : That Joseph Haslett, esquire, <sup>J. Haslett, esq.,  
late governor ;</sup> late governor, be allowed to retain out of the sum of one thousand dollars, by him drawn from the State-treasurer, pursuant to the fourth section of an act of the General Assembly, entitled, "An act providing for the general defence of the State of Delaware," <sup>Vol 5, p 7,  
chap. iii, sec. 4</sup> passed at a session of the General Assembly in April last, as stated in his account exhibited to the General Assembly at the present session, the following sums : to wit, the sum of four hundred and ninety-seven dollars and seventy-sev-

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1814.

To refund  
\$209 68 :Vol. 4, chap.  
xxv, p. 52, sec.  
2 :James Snow,  
escheator of  
Newcastle C.Vol. 3, p. 379,  
chap. clxxiii,  
sec. 4  
\$68 71, to be  
paid to the  
State-treasur-  
er.

en cents, being the amount of sundry expenses stated in said account, and also the further sum of fifty dollars and fifty-five cents for discount by him paid the Commercial Bank of Delaware, as stated in said account, and also the further sum of thirty dollars for postage on the laws forwarded from other States to this State, and also the further sum of two hundred and twelve dollars by him paid for the apprehension of Henry Brereton; the said several sums amounting to seven hundred and ninety dollars and thirty-two cents, and leaving in the hands of the said Joseph Haslett, esquire, of the said one thousand dollars, so by him drawn from the State-treasurer, a ballance of two hundred and nine dollars and sixty-eight cents to be by him refunded to the State-treasurer : That under the second section of the act of the General Assembly, entitled, " A supplement to the act, entitled, ' An act for the appointment of escheators, and to declare and regulate escheats,' passed, February the first, one thousand eight hundred and six, there be allowed to James Snow, escheator of Newcastle county, the sum of one hundred and sixty dollars and fifty-nine cents. for costs of inquisition by him held, and that he retain this sum out of the sum of two hundred and twenty-nine dollars and thirty cents, rents by him received arising from lands by him leased under the fourth section of the original act, passed January the twenty-third, one thousand eight hundred and five leaving in his hands a balance of sixty-eight dollars and seventy-one cents to be paid to the State-treasurer.

PASSED,  
February 16, 1814. }

## CHAPTER XXX.

CHAP.

XXX.

## RESOLUTION.

1814.

**R**ESOLVED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the governor be and he is hereby authorized to appoint in each county a commissary of military stores, whose duty it shall be to obey and carry into execution all orders and regulations of the commander in chief of the militia of the State, issued for the safe keeping, cleaning and transportation of the public arms and accoutrements, and all other property of the State belonging to the military department of the State; that the said commissary before entering upon the duty enjoined on him, shall give bond in the name of the State of Delaware, with two sureties, to be approved of by the governor, and in the penal sum of five thousand dollars, conditioned for the true and faithful performance of the duty of his office.

Commissary of military stores in each county to be appointed.

Their duty.

To give bond with 2 sureties

*Resolved by the authority aforesaid,* That the said commissary shall keep an account of all expenditures in executing the duties of his office, and present the same to the General Assembly at their next session; which shall be settled and allowed, together with such other sum as, in the opinion of the General Assembly, may be deemed a compensation for his services.

Compensation for expenditures,

And services.

DOVER,  
February 16, 1814. }

## CHAPTER XXXI.

## RESOLUTION.

**W**HEREAS, since the Declaration of War, considerable sums of money have been ex-

CHAP.  
XXXI

1814.

pended by this State, in defending it against the common enemy of the United States ; and whereas, this State, in every attempt at such defence, has, as far as limited resources would admit, had in view as well the general honour and safety of the Union, as their own individual security, and deeming it but just and proper that money thus expended, should be refunded by the General Government, and assessed in equal proportions upon all the confederate states and territories. Therefore—

Governor to  
forward to the  
Sec'y at war  
an account of  
monies expen-  
ded by the  
State, &c.

RESOLVED UNANIMOUSLY, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the governor be and he is hereby requested to forward to the Secretary at War of the United States, an account of all monies which have been expended by this State against the common enemy of the United States; with a request that the same may be laid before Congress.

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SECRETARY'S OFFICE,

GEORGE-TOWN, MARCH 23, 1814.

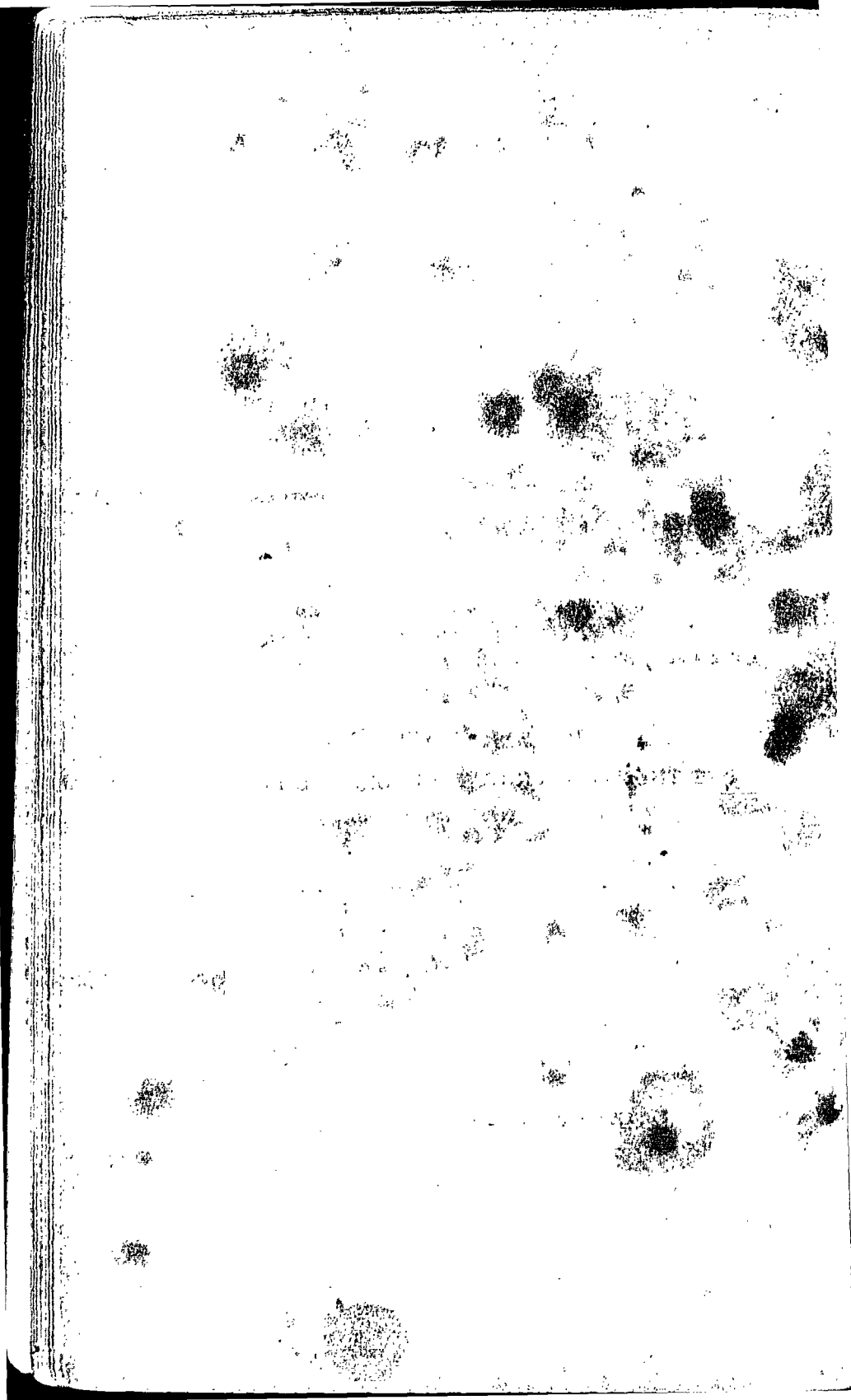
*I do certify, that in obedience to the directions of an Act of the General Assembly of the State of Delaware, I have collated with, and corrected by, the Original Rolls, this edition of the Laws, passed during the last session of the General Assembly.*

PETER ROBINSON,

*Secretary of the  
State of Delaware.*

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L A W S  
OF THE  
STATE  
OF  
DELAWARE,  
PASSED

*At a Session of the General Assembly,*

BEGUN AND HOLDEN AT DOVER,

*On Tuesday the third day of January, and ended on Friday  
the tenth day of February,*

IN THE YEAR OF OUR LORD,

ONE THOUSAND EIGHT HUNDRED AND FIFTEEN,

AND OF THE INDEPENDENCE OF THE

UNITED STATES OF AMERICA,

THE  
THIRTY-NINTH.

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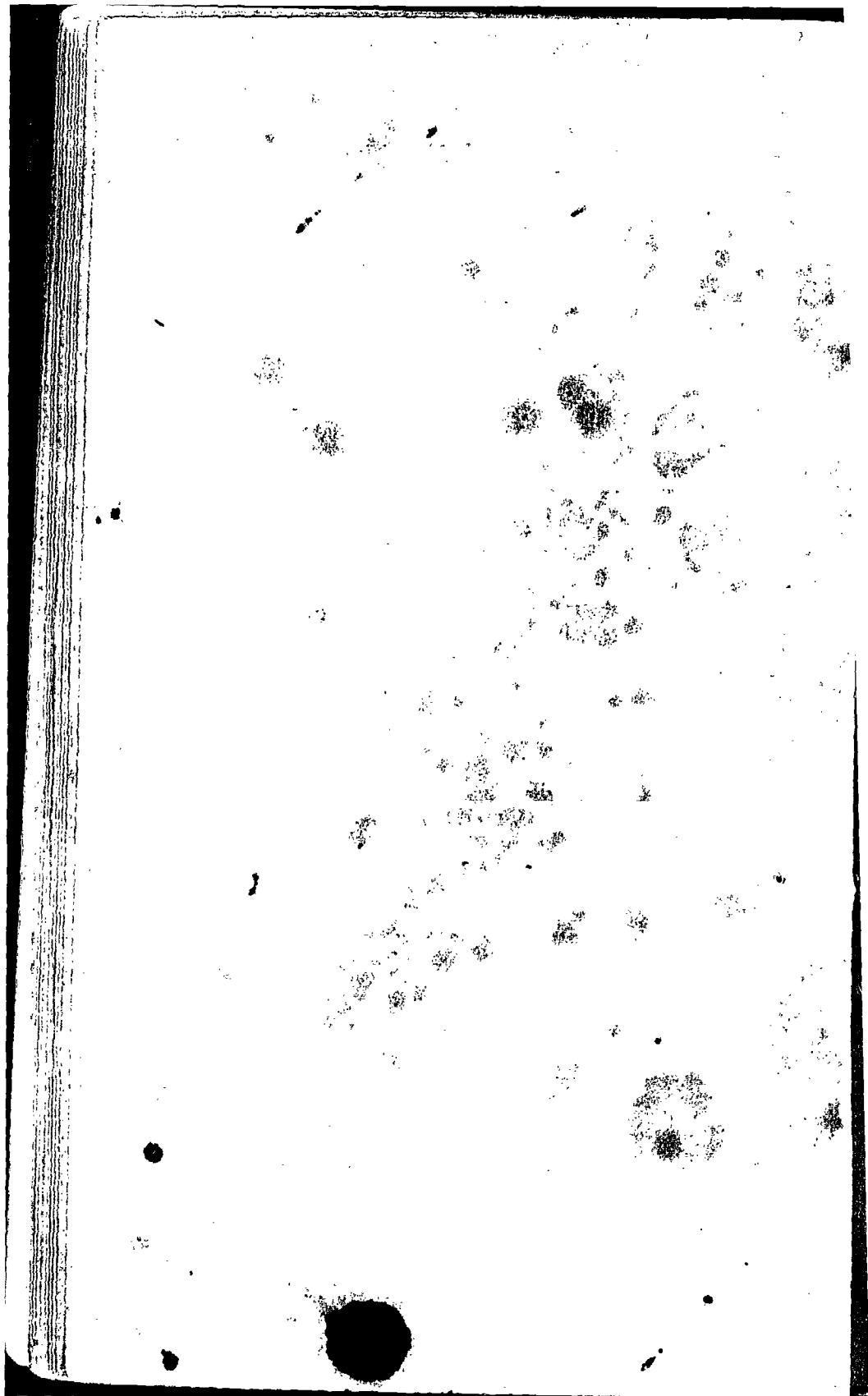
PUBLISHED BY AUTHORITY.

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DOVER—AUGUSTUS M. SCHEE—PRINT.

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1815.



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# LAWS

## OF THE

### State of Delaware.

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#### CHAPTER XXXII.

#### RESOLUTION.

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XXXII.

1815.

**R**ESOLVED *by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the Chancellor of the State, in the digest of the acts of the General Assembly, which he is preparing, be and he is hereby required to add or annex, by way of notes, a report or summary of any cases decided in the courts of law or equity in this State, giving a construction to any of said acts of the General Assembly.

A report of cases to be added to the digest of the laws.

ADOPTED AT DOVER, }  
12 January, 1815. }

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#### CHAPTER XXXIII.

*An ACT to vest certain lands in the hundred of Pencader in Newcastle county, in Arthur Beatty, notwithstanding his being an alien at the time of purchasing the same.*

PRIVATE ACT.

PASSED AT DOVER, }  
14 January, 1815. }

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XXXIV.

1815.

## CHAPTER XXXIV.

*An ACT authorizing the trustees of the poor of Kent county to convey certain premises therein mentioned.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 16, 1815. }

## CHAPTER XXXV.

*An ACT to enable Nysa Boggs, a feme-covert, to sell and convey her right to a messuage and lot of ground in the village of Milford.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 17th 1815. }

## CHAPTER XXXVI.

Chap. cciv. *A SUPPLEMENT to an act, entitled, "An act to authorize the Levy-court of Kent county to remove Lunatic and insane persons from the public gaol of Kent county to the poor-house.*

SEC. 1. **B**E IT ENACTED, by the Senate and House of Representatives of the

State of Delaware, in General Assembly met, That the act to which this is a supplement, be and the same is hereby extended to, and declared to be in full force and operation in the counties of Newcastle and Sussex respectively; and the commissioners of the Levy-court and court of appeals, the constables, trustees, and overseers, or keepers of the poor, in the said counties respectively, are hereby invested with

The act to which this is a supplement extended to Newcastle & Sussex.

the same powers and authorities, and are required and directed to execute the same in relation to all such lunatic and insane persons as now are or hereafter shall be confined in the goals of the said counties of Newcastle and Sussex respectively, that are given by the said act to which this is a supplement to the same officers in the county of Kent in relation to lunatic and insane persons confined in the gaol of the said county.

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XXXVII.

1815.

SEC. 2. *And be it enacted*, That when it shall appear to the trustees of the poor in the counties of Newcastle, Kent or Sussex, that any lunatic or insane persons, maintained and supported agreeably to this act, or the act to which this is a supplement, have or possess any real or personal estate, it shall and may be lawful for them, and they are hereby authorized and required, to take all lawful ways and means to recover a reasonable compensation for the support and maintenance of such lunatic and insane person.

Trustees of  
the poor re-  
quired to re-  
cover com-  
pensation for  
maintenance  
of insane per-  
sons, &c.

PASSED AT DOVER, }  
January 17, 1815. }

## CHAPTER XXXVII.

*An ACT to authorize Jenifer S. Taylor to remove his negro man Robert, alias Bob, from this State to the state of Maryland.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 17, 1815. }

CHAP.  
XXXIV.

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1815.

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PRIVATE ACT.

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*same is hereby extended to, and declared to be in*

*full force and operation in the counties of Newcastle*

*and Sussex respectively ; and the commissioners of*

*the Levy-court and court of appeals, the constables,*

*trustees, and overseers, or keepers of the poor, in the*

*said counties respectively, are hereby invested with*

The act to  
which this is  
a supplement  
extended to  
Newcastle &  
Sussex.

the same powers and authorities, and are required and directed to execute the same in relation to all such lunatic and insane persons as now are or hereafter shall be confined in the goals of the said counties of Newcastle and Sussex respectively, that are given by the said act to which this is a supplement to the same officers in the county of Kent in relation to lunatic and insane persons confined in the gaol of the said county.

CHAP.  
XXXVII.

1815.

SEC. 2. *And be it enacted*, That when it shall appear to the trustees of the poor in the counties of Newcastle, Kent or Sussex, that any lunatic or insane persons, maintained and supported agreeably to this act, or the act to which this is a supplement, have or possess any real or personal estate, it shall and may be lawful for them, and they are hereby authorized and required, to take all lawful ways and means to recover a reasonable compensation for the support and maintenance of such lunatic and insane person.

Trustees of  
the poor re-  
quired to re-  
cover com-  
pensation for  
maintenance  
of insane per-  
sons, &c.

PASSED AT DOVER, }  
January 17, 1815. }

## CHAPTER XXXVII.

*An ACT to authorize Jenifer S. Taylor to remove his negro man Robert, alias Bob, from this State to the state of Maryland.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 17, 1815. }



## LAWS OF THE STATE

## CHAPTER XXXVIII.

Chap. lxxiii. *A SUPPLEMENT to the act, entitled, "An act to enable the persons therein named to raise a sum not exceeding two thousand dollars, by lottery, for the purpose of finishing the Roman Catholic church of St. Peter's in the town of Newcastle."*

Preamble.

**W**HEREAS it has been represented to this General Assembly by a number of the holders of lottery tickets in the Roman Catholic church of St. Peter's, in the town of Newcastle, that the act passed on the third day of February, in the year of our Lord one thousand eight hundred and eight, entitled, "An act to enable the persons therein named to raise a sum not exceeding two thousand dollars by lottery, for the purpose of finishing the Roman Catholic church of St. Peter's in the town of Newcastle," hath prescribed no definite time, within which the said lottery shall be drawn and completed; and that the drawing thereof hath been greatly delayed to the injury of the purchasers of tickets in the said lottery; For remedy whereof—

Managers to proceed to draw, &c. **SEC. 1. BE IT ENACTED** *by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the managers of the said lottery, appointed in and by the said recited act, or the survivors or survivor of them, be and they are hereby authorized and required to proceed to the drawing and completion of the said lottery within four months from the date of the passing of this act, and upon neglect or refusal so to do, shall within two months thereafter return or restore to the purchasers, owners or possessors of tickets in said lottery, or to their legal representatives, the sum or sums of money which may have been paid for such ticket or tickets.

Or money to be returned.

SEC. 2. *And be it enacted*, That in case the said managers of the said lottery or the survivors or survivor of them shall not within six months after their neglect or failure to draw the said lottery as aforesaid, <sup>Remedy to persons holding tickets, if the lottery be not drawn, &c.</sup> pay or cause to be paid to the holders, owners or possessors of such lottery ticket or tickets, the sum or sums of money which may have been paid to the said managers or either of them, or to their agent or agents, or to any person or person on his or their behalf, then it shall and may be lawful for the holders, owners or possessors of such lottery ticket or tickets, to recover the same from the said managers or the survivors or survivor of them, or the legal representatives of such survivors or survivor, with lawful interest and costs, in such manner as debts of equal amount are recoverable by the laws of this State, or such holder, owner or possessor of lottery ticket or tickets may institute a suit or suits upon the bonds executed by the said managers for the faithful discharge of the trust reposed in them respectively, and proceed to execution thereon for the sum or sums of money so as aforesaid paid for such lottery ticket or tickets.

PASSED AT DOVER, }  
January 18, 1815. }

## CHAPTER XXXIX.

*An ACT to vacate so much of the old road leading from the town of Newcastle in this State to French Town, in the state of Maryland, as is between the village of Glasgow, in the hundred of Pencader, and the Maryland line.*

**W**HEREAS it appears to this General Assembly <sup>Preamble.</sup> that in consequence of an artificial road having been made and completed from the town of Newcastle, in this State, to French-town, in the state

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1815.

of Maryland, that part of the old road, formerly used as a public highway between the aforesaid places, which lies between the village of Glasgow in the hundred of Pencader and the line of the state of Maryland intersecting the said road on the farm of Oliver R. Howell, has become useless and unnecessary to be kept open as a public highway.

Part of public  
road vacated.

BE IT THEREFORE ENACTED *by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the said old road lying and being between the aforesaid points, to wit, the village of Glasgow, in this State, and the line of the state of Maryland, and heretofore used as a public road between Newcastle and French-town, be and the same is hereby vacated.

PASSED AT DOVER, }  
20 January, 1815. }

## CHAPTER XL.

*An ACT to authorize and empower Doctor James Derickson, of Sussex county, to bring into this State from Caroline county, in the state of Maryland, a certain negro man, and hold him as a slave.*

PRIVATE ACT.

PASSED AT DOVER, }  
January 26, 1815. }

## CHAPTER XLI.

*An ACT to prevent nuisances from being committed upon the public roads, or upon any street, lane, or alley in any borough, town, or village within this State.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That <sup>Penalty for leaving dead animals upon certain public places.</sup> from and after the passing of this act, if any person or persons shall place or permit or suffer any person in his, her or their employ to place, or having so placed, shall for the space of six hours thereafter leave, any dead or dying horse, hog, sheep, mule, cow or other cattle, or animal whatsoever, which may amount to a nuisance, upon or within one hundred yards of any public highway or turnpike road established by law within this State, or upon any street, lane or alley in any borough, town or village within this State; the person or persons so offending, and for every such offence, upon proof thereof being made before any justice of the peace within the county within which the said offence may have been committed, on the oath or affirmation of one or more reputable witnesses, shall forfeit and pay any sum not exceeding five dollars, to be recovered <sup>To be recovered as debts under 40 shillings are recoverable.</sup> with costs of suit, in the same manner as debts under forty shillings are by the laws of this State recoverable; the one half to be paid over to the trustees of the poor of the county in which such nuisance shall have been committed, to be by them applied <sup>Applied.</sup> for the use of the poor of such county, and the other moiety to the person who shall prosecute for and recover the same.

PASSED AT DOVER, }  
26 January, 1815. }

## CHAPTER XLII.

*An ACT to vacate and alter part of a road therein mentioned.*

**W**HEREAS it has been represented to this General Assembly, that part of the road running <sup>Preamble:</sup> from the Maryland line across Gum Island by Ma-

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1815.

for Anderson's to Milford, which lies between the upper and lower mills of David Riggs may be vacated and altered with much advantage to the public and to the said David Riggs :

BE IT THEREFORE ENACTED *by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That so much of said road as lies between the upper and lower mills of the said David Riggs, shall be and is hereby declared to be vacated, and it shall and may be lawful for the said David Riggs, his heirs and assigns to enclose and shut up the said road, when and as soon as the said David Riggs shall cause to be laid out, cleared and rendered passable a road of forty feet wide, which shall be in as good order as the road so vacated, beginning at or near the said upper mill, and running thence north sixty-nine degrees east, one hundred and four perches; thence north fifty-six degrees east one hundred and sixty-four perches, and thence north seventy-four and a third degrees east ninety-two perches, to or near the said lower mill, where it will again touch the present road,

Road vacated,  
when, &c.

PASSED AT DOVER, }  
January 27, 1815. }

### CHAPTER XLIII.

*An ACT to incorporate the trustees of the Union school in Newcastle hundred.*

SEC. 1. BE IT ENACTED, *by the Senate and House of Representatives, of the State of Delaware in General Assembly met*, That Trustees in- Samuel Moore, Bennett Downs, Jacob Bellville, incorporated; Samuel Nivin and Alexander Femister shall be, and they are hereby constituted a body politic and corporate, by the name and style of, "The trustees of Union school," and by that name shall have

Style

perpetual succession, and may sue and be sued, plead and be impleaded, in any court of law or equity in this State.

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XLIII.

1813.

SEC. 2. *And be it enacted by the authority aforesaid*, That the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold any lands, tenements, rents, goods or chattels which shall be given, conveyed or devised to them, for the use of said school, and to sell, rent or dispose of the same in such manner as to them shall seem most beneficial to the said school; and may have and use a common seal with such device or devices as the said corporation shall think proper, with the power of altering or changing the same as may be thought proper.

May purchase  
and hold pro-  
perty :

And dispose  
of the same

SEC. 3. *And be it enacted by the authority aforesaid*, That the said trustees or any three of them shall have power to meet from time to time, and shall and may make and establish all such by-laws, rules and ordinances, not contrary to the laws and constitution of this State, as they shall judge necessary and proper for the good government of the said school; and to appoint a president, secretary, tutor or tutors and treasurer; the treasurer shall receive all monies accruing to the said school and properly delivered to his care, and pay or deliver the same to the order of the majority of the trustees of said school, which order or orders shall be signed by the president of the board of trustees of the said school and attested by their secretary; the said treasurer, before he enters upon the duties of his office shall give bond and good security to the trustees of the Union School, and their successors in office, in the sum of one thousand dollars, conditioned for the faithful discharge of the trust reposed in him, and that he will, when required by a majority of the trustees of said school, render a true and just account of all monies, goods and chattels received by him on account of and for the use

Trustees may  
establish by  
laws, &c.

And appoint  
officers :

Trustees to  
give bond, &c.

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1815.

of the said school, and for the delivery over of all monies in his hands, together with all the books and papers to his successor in office : the said trustees shall allow him a reasonable compensation for his services.

**SEC. 4.** *And be it enacted by the authority aforesaid,*  
*That an election shall be held at the Union School*  
*room on the first Tuesday of May, in the year one*  
*thousand eight hundred and sixteen, and annually*  
*on the first Tuesday of May ; at which time and*  
*place each person who shall send a child or children*  
*to the said school for six months previous to the*  
*election, or shall have paid twenty dollars to the*  
*establishment of said school or to the enlarge-*  
*ment of the funds thereof, shall be and are hereby*  
*authorized to choose by ballot trustees for said*  
*school : No person or persons shall be chosen a*  
*trustee or trustees for said school, unless they shall*  
*have the same qualifications as those who are entit-*  
*led to vote at such election : And in case of any*  
*vacancy in the board of trustees of said school, the*  
*secretary of said board shall give public notice by*  
*putting up three or more advertisements, at least*  
*ten days before the day of meeting, to supply such*  
*vacancy or vacancies, as the case may be, at which*  
*time the persons qualified as aforesaid may meet and*  
*supply such vacancy or vacancies.*

PASSED AT DOVER, }  
 January 28, 1815. }

## CHAPTER XLIV.

Vol. p. 247. *An ADDITIONAL SUPPLEMENT to the an en-*  
*titled, " An act for the appointing a corder or*  
*measurer of fire wood in each of the towns and*  
*villages within this State."*

**SEC. 1.** **B**E IT ENACTED *by the Senate and*  
*House of Representatives of the State*  
*of Delaware, in General Assembly met, That if any*

person within the village of Camden, when there is any wood corder or measurer appointed and sworn, shall buy any fire wood which is not measured or to be measured by the wood corder of the village, the person purchasing the same shall forfeit and pay for every parcel of wood so bought, the sum of one dollar and fifty cents, to be recovered before any justice of the peace of the county by any person or persons who will sue for the same, in such manner as debts under forty shillings are recoverable; which forfeiture, when recovered as aforesaid, shall be paid over to the trustees of the poor, for the use of the poor of the said county.

Penalty on persons in Camden buying fire wood not measured.

How recovered,

and applied.

SEC. 2. *And be it enacted*, That if any measurer or corder of wood within the village of Camden, shall neglect or refuse upon application of any person to attend in person or by deputy forthwith, for the purpose of measuring wood, unless he can give some good and sufficient reason for such neglect or refusal, shall forfeit and pay for every such offence, the sum of one dollar and fifty cents, to be recovered as before mentioned; which fine when so recovered shall be paid to the trustees of the poor, for the use of the poor of the said county.

Penalty on wood corder refusing.

SEC. 3. *And be it enacted*, That no person or persons whatsoever, without deputation from the cord-er, shall cord or measure any fire wood hereafter to be sold, or brought for sale into the aforesaid village of Camden, upon pain of forfeiting the sum of one dollar and fifty cents for each cord of wood by him or them corded or measured, and in proportion for any lesser quantity, to be recovered together with costs of distress and sale of the offenders' goods and chattels, by warrant under the hand and seal of any justice of the peace of the same county, and paid, the one half thereof to the corder, for the time being, the other half to the informer.

Penalty on persons cord- ing without authority;

How recovered, and applied

SEC. 4. *And be it enacted*, That there shall be paid by the buyer of all fire wood which shall be



Compensati- brought for sale into the aforesaid village of Camden  
 on to corder unto the corder thereof or his deputy, for each cord  
 to be paid by of wood by him so corded and measured, the sum  
 the buyer; of twelve and a half cents, and so in proportion for  
 Half to be de- any greater or less quantity; one half whereof shall,  
 ducted out of by the person selling the same, be repaid to the  
 the price of buyer or deducted out of the price thereof: And  
 the wood; upon non-payment thereof, the same may be re-  
 How recover- covered by the said corder or his deputy and the  
 ed. buyer respectively, in like manner as other debts  
 under forty shillings.

Repeal. *SEC. 5. And be it enacted*, That so much of the act  
 to which this is a supplement, as is hereby contra-  
 dicted, altered or amended, shall be and the same  
 is hereby declared to be null and void.

PASSED AT DOVER, }  
 30 January, 1815. }

## CHAPTER XLV.

*An ACT to incorporate a company for making an arti-  
 ficial turnpike road from the borough of Wil-  
 mington to the village of Christiana, in Newcastle  
 county.*

*SEC. 1. BE IT ENACTED, by the Senate and*  
*House of Representatives of the*  
*State of Delaware, in General Assembly met, That*  
*James Ross, George R. Massey, James Stroud,*  
*John M'Callmount, William Warner and James*  
*Price be, and they are hereby appointed commis-*  
*sioners to do and perform the things hereinafter*  
*mentioned; that is to say, they shall on or before*  
*the first Monday of May next, procure one or more*  
*books, and in each of them enter as follows: "We*  
*whose names are hereunto subscribed do promise*  
*to pay to the president, managers and company of*

Commission-  
 ers appointed.

Shall open  
 subscription  
 books;

the Wilmington and Christiana turnpike road the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company," and shall thereupon give notice in one or more of the public papers printed in Wilmington, and other reasonable and sufficient public notice for one calendar month at least, of the time and place, when and where the said books shall be opened to receive subscriptions for the stock of the said company : At which time and place some two of the said commissioners shall attend, and shall permit and suffer all persons of lawful age who shall offer to subscribe in the said books in their own names or in the names of any other persons, who shall duly authorize the same, for any number of shares in the said stock ; and the said books shall be kept open for the purpose aforesaid, by some one or more of the said commissioners, until four hundred shares shall be subscribed therein ; *Provided*, That every person offering to subscribe in the said books in his own name or any other name shall previously pay to the attending commissioner or commissioners, the sum of ten dollars for every share to be subscribed, out of which shall be paid the expenses attending the taking the subscriptions and other incidental charges, and the remainder be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

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XLV.

1815.

And give notice for receiving subscriptions.

Proviso.

SEC. 2. *And be it enacted*, That when ten persons or more shall have subscribed fifty shares of the said stock, they shall be created into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Wilmington and Christiana turnpike road," and by the same name the said subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and

Subscribers incorporated;

Style, privileges &amp; powers.

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1815.

shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying in fee-simple or any lesser estate, all such lands, tenements, hereditaments and estate real and personal as shall be necessary for them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Notice of the  
time & place  
of choosing  
officers.

SEC. 3. *And be it enacted*, That the commissioners aforesaid, as soon as conveniently may be after the said number of shares shall be subscribed, shall give notice in one or more of the public papers printed in this State of the time and place by them to be appointed, not less than fifteen days from the time of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and choose by a majority of the votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president and nine managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company for one year and until other such officers shall be chosen :

President and  
managers may  
make by-laws  
&c.

And the said president and managers or a majority of them, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this State, as shall be necessary for the well ordering the affairs of the said company : *Provided always*, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to ; and that each person shall be entitled to one vote for every share by him held under the said number : *Provided nevertheless*,

Votes limited.

That all future annual elections of the said corporation shall be held with such notice and in manner and form aforesaid, at such places as the managers aforesaid shall direct and appoint. Annual elections.

SEC. 4. *And be it enacted*, That the said company shall meet on the first Monday in the month of May, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing officers as aforesaid, for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as may be prescribed by their by-laws; at which said annual and special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act. Meeting of the company.

SEC. 5. *And be it enacted*, That the president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate signed by the president and countersigned by the treasurer and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, he paying to the treasurer, in part of the sum due thereon, the sum of ten dollars for each share, which certificate shall be transferable at his pleasure in person or by attorney, in the presence of the president or treasurer, subject however to all payments due or to grow due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the said corporation, and for every certificate by him held shall be entitled to one share of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof. Certificates of shares, &c. Transferable.

President and  
managers  
shall meet, &c.

Appoint sur-  
veyors, &c.

Draw orders,  
&c.

Further pow-  
ers.

SEC. 6. *And be it enacted*, That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, at which meeting six members shall form a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book ; and a quorum being met, they shall have full power and authority to agree with and appoint all such surveyors, superintendents, artists and officers as they shall judge necessary to carry on the intended works, and to fix their salaries or wages ; to ascertain the times, manner and proportions, when and in which the stockholders shall pay the money due on their respective shares, in order to carry on the work ; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed, and for the labour done and materials provided in the prosecution of the work, which orders shall be entered or registered in their book of minutes, and shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their secretary : and generally to do all such other acts, matters and things, as by the by-laws, rules, orders and regulations of the company as shall be committed to them.

Shares how  
forfeited ;

SEC. 7. *And be it enacted*, That if any stockholder, whether original subscriber or assignee, after thirty days notice in one or more of the public papers printed in this State, and other reasonable and sufficient notice of the time and place appointed for the payment of any portion or instalment of the said capital stock, in order to carry on the said work, shall neglect or refuse to pay such proportion, at the place appointed, for the space of sixty days after the time appointed for the payment thereof ; every such stockholder shall in addition to the instalment so called for, pay at the rate of five per centum per annum per month, for every delay of such payment ; and if the same and the said

additional penalty shall remain unpaid for such space of time; that the accumulated penalty shall become equal to the sums before paid in part, and on account of such share, the same may be forfeited by and to the said company, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor; or in default of payment by any such stockholder, of any such instalment as aforesaid, the said president and managers may at their election, cause suit to be brought in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *Provided always*, That the recovery in any suit shall in no case exceed the amount of such instalment or instalments as may be due on such share, together with such accumulated penalty at the rate aforesaid, as shall equal the sums before paid on the same shares: *And provided also*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of the said company, unless the whole sum due and payable as aforesaid, on the share or shares by him held at the time of such election or general or special meetings of the said company shall have been fully paid and discharged as aforesaid.

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May be sold

Instalment &  
penalty may  
be sued for.

Provided.

Further  
provisor

SEC. 8. *And be it enacted*, That it shall and may be lawful for the said president and managers, their superintendants, surveyors, engineers, artists and chainbearers to enter into and upon all and every the lands, tenements and enclosures in, through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground the most proper for the purpose, and the quarries and beds of stone and gravel and other materials in the vicinity, that will be necessary in the making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route or track for the same road as, in the best of their judgment and skill will combine shortness of distance with the most practicable ground from the

Lands, tenements and enclosures may be entered, &c.

Route.

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1815.

borough of Wilmington aforesaid, through the villages of Newport and Staunton, to the village of Christiana aforesaid.

**SEC. 9.** *And be it enacted,* That it shall and may be lawful to and for the said president and managers, and with their superintendants, engineers, artists, workmen and labourers with their tools and instruments, carts, waggons, wains and other carriages and beasts of draught or burthen to enter upon the lands in, over, contiguous to, and near to which the route and tract of the said intended road shall pass, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, upon a reasonable agreement, if they can agree, or if they cannot agree, then upon an appraisement to be made upon oath or affirmation by three disinterested freeholders, any two of them agreeing, mutually to be chosen, or if the owners, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any justice of the peace in and for Newcastle county, not interested therein, and upon tender of the appraised value, to cut down, dig, take and carry away any timber, stone, gravel, sand, earth or other materials there, being most conveniently situated for making or repairing said road.

Lands contiguous to the route may be entered.

Amends to be made for damages & how ascertained.

Timber, stone or gravel.

**SEC. 10.** *And be it enacted,* That the said president, managers and company shall have power to erect permanent bridges over all creeks as well as over all the waters crossed by the said route or track, whereon the same shall be found necessary; and shall cause a road to be laid out not exceeding one hundred feet in width, from the borough of Wilmington aforesaid, by the aforesaid route, and shall cause twenty feet thereof in breadth at least, to be made an artificial road, which shall be bedded with stone, gravel, clay or other proper and convenient

Permanent bridges may be erected.

Width of the road and of what materials.

materials well compacted together a sufficient depth to secure a solid foundation for the same : And the said artificial road shall be faced with clay, gravel, or stone pounded or other small hard substance in such manner as to secure a firm, and as nearly as the nature of the country and the materials will admit, an even surface, rising towards the middle by a gradual arch, and shall forever hereafter maintain and keep the same in perfect order and repair : *Provided*, That no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or from any place of public worship, or funerals on days appointed for that purpose.

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SEC. 11. *And be it enacted*, That as soon as two miles of the said road shall be perfected, the said company shall be entitled to take and receive toll for the same according to the rates hereinafter mentioned and affixed ; and upon application to the chief justice of the supreme court or court of common pleas, he shall nominate and appoint three skilful and judicious persons to view and examine the same, and to report to him whether the road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act ; and if their report be in the affirmative, then the chief justice shall by license under his hand permit the gates to be erected, and the tolls to be collected ; and in like manner when two other miles of the said road shall be finished, three persons shall be appointed to examine and report, and if in the affirmative, a similar license shall be granted for the purpose aforesaid.

When completed, chief justice to appoint viewers

and may license gates to be erected and tolls to be collected.

SEC. 12: *And be it enacted*, That the said company having perfected the said road or such part thereof from time to time as aforesaid, and the same being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all

Toll gatherers



Their powers  
and duties,

Rates of toll.

and every person and persons using the said road, the rates and tolls hereinafter mentioned, and to stop any person riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulkey, chair or chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burthen or pleasure from passing through the said gates or turnpikes, until they shall have respectively paid the same: that is to say, for every space of one mile in length of the said road, the following sums of money, and so in proportion for any greater or less distance, or for any greater or less number of hogs, sheep or cattle, to wit, for every score of hogs or sheep, one and a half cents; for every score of cattle, three cents; for every horse or mule laden or unladen with his rider, one cent; for every sulkey, chair or chaise with one horse and two wheels, one cent and a half, and with two horses, two cents; for every chair, coach, phaeton, chaise, stage-waggon, coachee or other waggon with two horses and four wheels, three cents; for either of the carriages last mentioned with four horses, five cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and of horses drawing the same; for every cart or waggon or other carriage of burthen, the wheels of which do not exceed in breadth four inches, one cent for each ox or horse drawing the same; for every cart or waggon, the wheels of which shall exceed four inches in breadth and shall not exceed seven inches, three-fourths of a cent for every ox or horse drawing the same; for every cart or waggon, the wheels of which shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, one half cent for each ox or horse drawing the same; for every cart or waggon, the wheels of which shall be more than ten inches in breadth, or being ten inches, shall roll more than fifteen inches, one fourth of a cent for each horse or ox drawing the same.

SEC. 13. *And be it enacted,* That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of fifteen days, and information thereof shall be given to any justice of the peace of the county, such justice shall issue a precept directed to any constable, commanding him to summon three judicious freeholders to meet, at a certain time in the said precept to be mentioned, at the place in the said road which is complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justice shall at such time and place, by the oath or affirmation of the said freeholders, enquire whether the said road is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisitors not to be in such order and repair as is herein required, he shall so certify, and send one copy of the said inquisition to the keepers of the turnpikes or gates, between which such defective places shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid or collected until the said defective part or parts shall be put in good and perfect order and repair as aforesaid.

Road out of  
repair how as-  
certained;

If so found  
tolls to cease,

SEC. 14. *And be it enacted,* That the president and managers of the said company shall keep fair and just accounts of all the monies, which shall be received by them from the said commissioners, and from the subscribers for the stock of the said company, or on account of their several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of the profit on the shares, which may be forfeited as aforesaid, and also of all monies by them to be expended in the prosecution of the work; and shall once at least in every year submit such accounts to a general meeting of the stockholders, until said road shall be completed

Accounts to  
be kept,

and submitted  
to stockhold-  
ers.

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Number of  
shares may be  
increased.

and until all costs, charges and expenses of effecting the same shall be fully paid and discharged; and the aggregate amount of such expenses shall be liquidated and ascertained, and if, upon such liquidation, or when the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president,\* managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies received for such shares, in like manner and under the like penalties, as are hereinbefore provided for the original subscriptions or as shall be provided by their by-laws.

Accounts to  
be kept of all  
monies received by the  
toll-gathers.

Toll-gates limited.

Dividends of  
the profits.

SEC. 15. *And be it enacted*, That the said president, managers and company shall also keep a just and true account of all and every the monies to be received by their several and respective collectors of tolls at the several gates or turnpikes on the said road, which shall not exceed one for every three miles after the said road is completed, from the beginning to the end thereof, or such part thereof as shall be completed from time to time as aforesaid; and after the said road shall be completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges and a reasonable fund for repairs, and for the progressive improvement and accomplishment of the said work, being first deducted and reserved, among the subscribers to the stock of the said company; and shall on the first Monday in the months of March and September every year, publish the half yearly dividends to be made of the clear profits among the stockholders, and of the time and place when

and where the same will be paid, and shall cause the same to be paid accordingly.

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SEC. 16. *And be it enacted*, That if at the end of two years after the said road shall be completed, it shall appear from the average profits thereof, for the said two years, that the said clear income and profits thereof will not bear a dividend of nine per centum per annum on the whole capital stock of the said company so expended, that it shall and may be lawful to and for the said president, managers and company to increase the tolls herein allowed in equal proportions, upon each and every allowance thereof, ~~except as to commutations~~, so as to raise the dividends up to nine per centum per annum.

When tolls may be increased.

*Amended*  
3136 349 12

SEC. 17. *And be it enacted*, That the said company shall cause posts to be erected at the intersection of every road falling into and leading out of the said turnpike road with boards and index hands, pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the town or place to which said road leads, and the distance thereof in measured or computed miles: And shall also cause mile stones to be placed on the side of said road to designate the distances to and from the principal places thereon; and shall also cause to be affixed on the gates to be erected, for the information of travellers and others using the said road, a board containing a list of the rates of tolls, which from time to time may be demanded, painted in legible characters, which together with the index hands shall be kept in repair thereafter.

Direction posts to be set up.

Mile stones &

List of rates

SEC. 18. *And be it enacted*, That if any person or persons shall wilfully break, deface, pull up or prosecute any mile-stone which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed there-

Penalty for pulling down or injuring mile stone or direction post &c.

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on, or shall wilfully break, pull down, deface, destroy or injure any direction post, which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index hand affixed thereto in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon; or destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any painted rates of the tolls, which shall be affixed in pursuance of the directions of this act, at any such turnpike or gate, he or they so offending in the premises, shall and each of them shall for every such offence, severally and respectively forfeit and pay to the said president, managers and company a sum not exceeding twenty dollars, to be sued for and recovered with costs of suit, before any justice of the peace in manner aforesaid.

How recovered.

Travellers to keep on the right hand.

SEC. 19. *And be it enacted*, That all waggoners, carters and drivers of carriages of all kinds, whether of burthen or pleasure using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any waggoner, carter or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding twenty dollars to any person, who shall by reason thereof be obstructed in his passage, and will sue for the same, before any justice of the peace, to be recovered with costs in like manner as aforesaid.

Penalty for offending against this provision.

How recovered.

Penalty for extortion.

SEC. 20. *And be it enacted*, That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty

dollars for every such offence, one half to the commissioners of the roads in the hundred in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same, to be recovered before any justice of the peace of the county where such offence shall have been committed.

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How recovered & applied.

SEC. 21. *And be it enacted*, That if in the case of any suit or prosecution, which shall be commenced under the directions of this act, for any penalty under the same whether by or against the said company their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the court of common pleas of the county (if such prosecution be instituted before the court of the general sessions of the peace) such sum, not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a retribution for the vexation of such suit or prosecution.

Redress for vexatious prosecutions under this act.

SEC. 22. *And be it enacted*, That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within three months next after the fact committed; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance of and by the authority of this act.

Limitation of actions for penalties.

This act and the special matter given in evidence under the general issue.

SEC. 23. *And be it enacted*, That if the said company shall not proceed to carry on the said work within two years from and after the passage of this act, or shall not within ten years thereafter complete the said road, according to the true intent and meaning of this act, then in either of those cases

The legislature may resume the rights granted if the work be not begun in two years or completed in ten years.

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it shall and may be lawful for the legislature of this state to resume all and singular the rights, liberties, privileges and franchises by this act granted to the said company.

Remedy to  
the owner of  
land who suf-  
fers damages,  
&c.

SEC. 24. *And be it enacted*, That if the said road shall be laid out and founded upon and over any land whereby the owner thereof shall suffer damage, the person or persons sustaining such damage may make application to the supreme court of Newcastle county, and thereupon the court shall appoint six fit and disinterested persons to view and adjudge the amount of the damages so done, which, if approved of by the court, shall be paid by the company: *Provided always*, That it shall be the duty of the reviewers in assessing the damages to take into consideration the advantages derived from said road passing through the land of the complainant.

Proviso.

Company not  
to obstruct o-  
ther compa-  
nies from join-  
ing this road,  
&c.

SEC. 25. *And be it enacted*, That it shall not be lawful for the said company to put, cause or suffer to be put any let, hindrance or obstruction whatever, with intent to obstruct or prevent any other incorporated company, for a similar purpose from forming a junction with the aforesaid Wilmington and Christiana turnpike road, or in any manner whatever, to prevent the passing and repassing to and from the same, nor to prevent any such incorporated company hereafter to be established by law, in case the company hereby incorporated shall neglect to do so, to repair and improve that part of the turnpike road, which may be opposite to the place where any such future turnpike road may join the same.

Penalty on  
persons evad-  
ing payment  
of tolls, &c.

SEC. 26. *And be it enacted*, That if any person or persons owning, riding on, or driving any carriage of burthen or pleasure as aforesaid, or owning, riding, leading or driving any horse or mule, or driving any hogs, sheep or cattle as aforesaid, shall, with intent to defraud the said company, or

to evade the payment of any of the duties or tolls as aforesaid, pass therewith through any private gate or bar, or along or over any private passage or way, or along or over any other ground or land adjoining or near to any turnpike or gate, which shall be erected in pursuance to this act; or if any person or persons shall, with the intent aforesaid, take off or cause to be taken off, any horse or other beast of draught or burthen from any carriage of burthen or pleasure, or shall practise any other fraudulent means or device with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons so offending shall for every such offence respectively, forfeit and pay to the Wilmington and Christiana turnpike company, the sum of fifteen dollars, to be sued for, and recovered with costs of suit before any justice of the peace, in like manner and subject to the same rules and regulations as debts of equal amount are or may be recoverable.

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How applied  
and sued for.

SEC. 27. *And be it enacted*, That every person or persons who shall prefer an annual contract for the use of the said road, shall be entitled for himself and his family to all the benefits of the same, except as to stages for the conveyance of persons for hire, and waggons for the conveyance of goods, wares and merchandise, for the sum of one dollar per mile, to be paid in such manner that a quarterly payment shall always be in advance; and if any person or persons who wish to make such contract, and shall think the said annual contract unreasonable and disproportionate to the number of their family and their use of the said road, the party so aggrieved and the president of the said company intended to be incorporated by this act, shall each choose one disinterested freeholder, who shall decide what reduction, if any, shall be made from the annual payment herein before specified, and in case the two persons so chosen cannot agree, they shall choose a third person, and then the three persons or a majority of them shall decide as aforesaid; or in case the said president shall neglect or refuse

Commutation  
of rates, &c.

Sec. 27

*for hire and waggons for the conveyance of goods, wares and merchandise*  
See Chap. 513  
p. 349 b. 12



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to choose a freeholder for the purpose aforesaid for the space of ten days, then the freeholder chosen by the party aggrieved as aforesaid, shall decide what reduction ought to be made, which shall be the commutation for the current year.

Treasurer to  
give bond.

Condition.

SEC. 28. *And be it enacted*, That the treasurer of the Wilmington and Christiana turnpike company, shall give bond with one or more sufficient sureties to the president and managers of the said company, to be approved of by the said president and managers, with a warrant of attorney thereto annexed to confess judgment in the sum of ten thousand dollars, conditioned for the true and faithful performance of the duties reposed in him, as treasurer of the Wilmington and Christiana turnpike company, and that he will once or oftener in every six months, render an account of all monies by him received as treasurer of the said company, to the president and managers thereof, and will well and truly settle and account for and concerning all monies, that shall have come to his hands as treasurer of the company aforesaid, by virtue of this act ; and will pay all orders drawn on him by the president and managers of the said company, and that at the expiration of his office as treasurer, shall pay over the balance, that shall be in his hands to his successor in office, and will deliver over all books and accounts belonging to the said company, in his keeping to his successor, whole, entire and undefaced : And in case any person chosen treasurer of said company, shall neglect or refuse to give bond and security, or in case of death or resignation of a treasurer, the president and managers of said company are hereby authorized and required to appoint a treasurer, who shall give bond and security.

When & what  
accounts shall  
be laid before  
the assembly.

SEC. 29. *And be it enacted*, That the said president and managers shall, at the end of every third year from the date of the incorporation, until two years next after the whole road shall be completed, lay before the General Assembly of this State, an

abstract of their accounts, shewing the whole amount of their capital expended in the prosecution of the said work, and of the income and profits arising from the said tolls, for and during the said respective periods, together with an abstract account of the costs and charges of keeping the said road in repair and all other contingent costs and charges, to the end, that the clear annual income and profits thereof may be ascertained and known; and at the end of every ten years after the said road shall be completed, they shall render to the General Assembly a like abstract of their accounts for the three preceding years.

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PASSED AT DOVER, }  
January 30, 1815. }

## CHAPTER XLVI. \*

*An ACT to incorporate the trustees of the Brandywine academy, in the village of Brandywine, in New-castle county.*

SEC. 1. **B**E IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Isaac Jones, James Pryce, James Smith, Alexander Draper, William Smith, Charles Tatem, and Thomas Lea, be and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of the Brandywine Academy," and by that name shall have perpetual succession, and a common seal; may sue and be sued, plead and be impleaded in any court of law within this State.

Trustees incorporated.

Style.

SEC. 2. *And be it enacted,* That the said trustees and their successors to be appointed as is hereinafter directed, by the name and style aforesaid, shall be able and capable in law to purchase, receive, and hold any lands, tenements, rents, goods or chattels

May hold property and dispose of the same.

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which shall be given, conveyed or devised to them for the use of the said school, and to sell, rent, or dispose of the same in such manner as to them shall seem most beneficial to the said school.

May establish  
by-laws, &c.

SEC. 3. *And be it enacted*, That the said trustees or any four of them agreeing, shall have power from time to time to make and establish such by-laws, rules, and ordinances, not contrary to the constitution and the laws of this State, and the same to abolish, alter, or amend during their continuance in office as they shall judge necessary or proper for the

Appoint of  
ficers.

good government of the said academy, and to appoint a president, secretary, tutor, or tutors and a treasurer the last of whom shall receive all monies accruing to the said academy, and property delivered to his care ; and pay or deliver the same to the order of the said trustees for the time being ; and

Treasurer to  
give bond.

shall before he enters upon the duties of his appointment, give bond and security in such sum as the said trustees shall direct, payable to them or their successors in office, conditioned for the faithful discharge of the trust reposed in him, and that he will, when required by the trustees of the academy for the time being, render a true and just account of all monies, goods and chattels received by him on account and for the use of the said academy, and shall receive such salary as the said board of trustees shall think right and proper.

Condition.

Continuance  
of trustees in  
office, and e-  
lection of suc-  
cessors therein

SEC. 4. *And be it enacted*, That the trustees herein before named, shall continue in office for the period of one year from and after the first Saturday in April next, and no longer unless re-elected ; and their successors shall be kept up and continued by annual elections held each and every year thereafter : And elections at any intermediate period or periods of any future year shall be directed by the trustees or a majority of them, to be held to supply vacancies that may occasionally arise or be produced either by death, resignation or removal from the vicinity of the school : *Provided*, That the first elec-

Proviso.

tion for trustees shall be holden at the school house on the first Saturday of April in the year of our Lord one thousand eight hundred and sixteen, and on the said first Saturday of April in each and every year thereafter, and all intermediate elections shall be holden at the same place : *Provided also*, That the trustees elected shall continue in office, should the said election not happen to be made on the day aforesaid, in any year, until such election shall take place.

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Further  
proviso.

SEC. 5. *And be it enacted*, That all free white inhabitants of the village of Brandywine or its vicinity, who shall send a child or children to the said academy, or who shall be contributors to the amount of one hundred dollars in total, or to the amount of five dollars annually, to the establishment of the institution, or to the enlargement of the funds thereof by gift or otherwise, shall have power and are hereby authorized to assemble together annually, on the aforesaid first Saturday in April, at the said school-house, and there elect seven persons as trustees of the said academy for the ensuing year ; and the secretary of the board of trustees for the time being, is hereby required to give at least ten days public notice, by advertisements put up in the vicinity of the school-house, of the time and place of every annual or intermediate election.

Qualification  
of electors.

PASSED AT DOVER, }  
31 January, 1815. }

## CHAPTER XLVII.

*An ACT for the relief of Philip Nutter, a non-resident insolvent debtor, confined in the public gaol at George-town.*

PRIVATE ACT.

PASSED AT DOVER, }  
February 1, 1815. }

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## CHAPER XLVIII.

Chap. ccli. vol  
2, p. 1041.

*An ADDITIONAL SUPPLEMENT to the act,  
entitled, "An act for the more easy and speedy  
recovery of small debts."*

May appeal  
from justices  
judgments in  
actions vi et  
armis.

Recognizance  
and security  
to be taken.

SEC. 1. **B**E IT ENACTED, *by the Senate and  
House of Representatives, of the  
State of Delaware in General Assembly met,* That  
from and after the passing of this act, if any per-  
son or persons shall conceive him, her, or them-  
selves aggrieved by any judgment of a justice of  
the peace, whether rendered on the report of re-  
ferees or otherwise, in an action of trespass *vi et  
armis* for injuries done to real or personal property,  
it shall and may be lawful for such persons, or  
persons, at any time within the space of fifteen days  
next following the rendering of such judgment (but  
not after) to appeal therefrom to the next court of  
common pleas, to be holden for the county in which  
such judgment shall be rendered ; he, she, or they  
first entering into a recognizance, with at least one  
sufficient surety, in double the value of the debt or  
damages sued for, and sufficient to answer all costs,  
to prosecute the said appeal with effect, and to abide  
the order of the said court : and upon any appeal  
made from any such judgment, the justice who  
rendered the same shall send a transcript thereof  
under his hand and seal, to the prothonotary of the  
county in which such appeal is taken, on or before  
the first day of the term next following such appeal;  
and such proceedings shall be had on such appeal,  
as is directed by the act to which this is an addi-  
tional supplement.

PASSED AT DOVER, }  
3 February, 1815. }

## CHAPTER XLIX.

## RESOLUTIONS.

**R**ESOLVED *by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Cæsar A. Rodney, Jesse Green and Cornelius P. Comegys, esquires, be and they are hereby appointed a committee to convey the thanks of this General Assembly to Thomas Mac Donough, esquire, accompanied by an expression of the high esteem in which they hold the bravery and skill displayed by himself, his officers and crews in the capture of the British fleet on lake Champlain ;—A fleet much superior in force to that commanded by him : And that the said committee be directed to express the pride and pleasure felt by this General Assembly in recognizing commodore MacDonough as a native citizen of the state of Delaware.

Committee appointed to convey the thanks of the General Assembly to commodore MacDonough

*Resolved,* That the said committee present to commodore Mac Donough an elegant sword and a service of plate as a testimonial of the high esteem in which his services are held by this General Assembly.

Sword and plate to be presented to him.

*Resolved,* That the said committee request the favour of commodore Mac Donough to sit for his portrait to be taken by some eminent artist, for the purpose of adorning the chamber of the House of Representatives of his native state.

Portrait to be requested, c.

*Resolved,* That the said committee request the favour of captain Jacob Jones to sit for his portrait to be taken by some eminent artist, for the purpose of adorning the chamber of the senate of his native state.

Portrait of capt. Jones to be requested.

*Resolved,* That the sum of eight hundred dollars \$800 be and the same is hereby appropriated for the purchase of the same.

\$800 appropriated.

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poses aforesaid, to be paid on the draft of the said committee, out of any monies in the treasury of this state, not otherwise appropriated.

*Resolved*, That the said committee report their proceedings to the next General Assembly.

ADOPTED AT DOVER, }  
4 February, 1815. }

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### CHAPTER L.

*An ACT to incorporate a company to bank out Drawyer's creek in Newcastle county.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That Louis M'Lane, William Vandegrift, Peter Burgess and John Peterson, be now and hereafter shall be one body politic and corporate, in deed and in law, to all intents and purposes, and be known as such by the name and style of, "the Drwyer's creek marsh company," and shall be able and capable to do and execute all and singular such matters and things as bodies politic or corporate may or can do, and to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of law and equity, and otherwise howsoever; and to have and use a common seal, and to break and alter the same, and to establish another with such device or devices thereon, as they shall or may deem proper.

Company in-  
corporated, &c.

Style.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the said corporation, and they are hereby authorized and empowered to bank out Drawyer's creek in Newcastle county, at the causeway and bridge now erected over the same, on the main road leading from Philadelphia through this

May bank out  
Drawyer's  
creek.

State : And the said corporation is hereby authorized and empowered to make, erect, put up or place upon the said causeway and over the said creek, a bank of such materials as may by the said company be deemed best, of such height, width and dimensions, and in such manner as shall be sufficient to exclude and shut out the tide water of the said creek, and prevent the same from flowing above the said causeway and bridge ; and shall and may fix in such part of the said bank as they shall think proper, one or more sluice-gates with a bridge over the same to vent the back water of the said creek : *Provided, nevertheless,* That it shall be the duty of the said company to make a good and sufficient road of the width of twenty feet, well faced or covered with sand or gravel, for the passage of travellers and carriages of burthen or pleasure, and the said road together with the sluices, gates, and bridges erected thereon, at all times hereafter to keep and preserve in good and sufficient order and repair.

CHAP.  
L.

1815.

Sluice-gates  
and a bridge  
to be put up.

Proviso.

Width of the  
road.

SEC. 3. *Be it further enacted,* That any three of the said company after five days notice to the others, may and shall meet at such time and place as shall be designated in such notice, and appoint a treasurer of the said company, who shall serve for such time, and exercise such powers as may be prescribed by the by-laws of the said company ; and at such meeting it shall be lawful for the members present to make such regulations and adopt such measures as shall to them appear proper for making and erecting said bank and sluice-gates, which proceedings being entered upon the books of the said company by the treasurer thereof, shall oblige all the members of the said company to contribute his or their share, pursuant to the regulations of the said company.

Treasurer to  
be appointed  
by the compa-  
ny and their  
other powers  
designated.

SEC. 4. *And be it further enacted,* That the share which each member of the said company shall be bound to contribute for putting up and supporting

Contribution  
and expenses,  
how regulated



CHAP.  
L.

1813.

How recover-  
ed.

the said bank and sluice-gates and bridges; and in aid of all other expenses of the said company, shall be ascertained and regulated by the said corporation, according to the quantity of marsh owned by them respectively, which being entered on the books of the said corporation, shall be conclusive evidence of the amount, and subject the owners respectively to the payment thereof; and upon the neglect or refusal of the members to pay and contribute their shares so ascertained as aforesaid, it shall be lawful for the said company to sue for the same before any justice of the peace in the county in the same manner as for debts under twelve pounds without any stay of execution; or it shall be lawful for the said company to expose the marsh or as much thereof as shall be necessary, of the owner or owners so neglecting or refusing, to public sale, first giving fifteen days notice of such sale by advertisements posted up at the most public place at the Trap and at Cantwell's Bridge, and it is hereby declared that such sale shall be sufficient to vest the same title in the purchaser, which the person possessing had at the time of such sale.

New members  
may be admit-  
ted and obli-  
ged to contrib-  
ute.

SEC. 5. *Be it further enacted*, That it shall and may be lawful for the said company to admit as new members of the said corporation, all such persons, if any there be, who may be owners of marsh on the said creek, and above the said bank; and it shall and may be lawful for the said company to oblige all owners of marsh on the said creek and above the said causeway, to contribute their share in the erecting and putting up of the said bank and sluice-gates and bridges, although they may not be members of the said corporation: *Provided* such owners make any further or other use of their said marsh after the said bank is put up than they did before.

Main drain or  
canal, where  
to be made.

SEC. 6. *Be it enacted*, That it shall and may be lawful for the said company to cut and make a main drain or canal through the said marsh above the

said bank, either where the creek now runs or elsewhere, at the expense of the said corporation : and to make all and any such regulations as may be deemed proper, effectually to vent the back water of the said creek.

CHAP.  
L.

1815.

SEC. 7. *Be it further enacted*, That it shall be the duty of the owners of the said marshes above the said bank, to divide and bound their said marsh by cutting a drain through the same, of such width and depth as may be prescribed by the by-laws of the said corporation, which said drains shall be so cut and kept in repair at the mutual expense of the owners upon each side thereof in such manner, and subject to such regulations as may be prescribed by the said corporation.

Marshes to be divided by drains to be cut and kept in repair.

SEC. 8. *And be it further enacted*, That all the owners of marsh above the said bank, who may be members of the said company, shall be obliged to contribute their share in aid of the expenses incurred by the said company, whether they may improve their said marsh or not.

Owners bound to contribute whether their marsh improved or not.

SEC. 9. *Be it further enacted*, That it shall and may be lawful for the said corporation, at any meeting thereof, to make, ordain and establish such rules, regulations and by-laws as may be necessary for the government of the said corporation and its officers, and for the full and effectual accomplishment of the purposes of its establishment ; and to amend, alter or change the same as may be requisite and proper : *Provided* that nothing herein contained shall be construed to authorize the said corporation to exercise any power repugnant to the constitution or laws of this state.

Corporation may establish by-laws, &c.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the said company to take earth, and gravel for the purpose of making the said bank, off of the public road or highway, at or near either end of the said causeway, free of expense,

Where earth and gravel may be taken.

CHAP.  
L.

1815.

either by cutting down and levelling the hill on the main road at the north end of the said causeway, or from the bank at the south end thereof, where the county has been accustomed to take gravel to repair the said causeway.

PASSED AT DOVER, }  
February 7, 1815. }

## CHAPTER LI.

*An ACT making provision for the support of government for the year one thousand eight hundred and fifteen, and for other purposes.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the

\$15,000 to be raised.

Vol. 4. chap. 122, p. 328.

The proportions of the several counties.

sum of fifteen thousand dollars shall be raised and paid into the treasury of this State, within the time and in the manner directed by an act of the General Assembly, entitled "An act making provision for the support of government, for the year of our Lord one thousand eight hundred and ten, and for the more effectual ordering, assessing, levying and collecting all such taxes as may be granted by the General Assembly," and shall be assessed and levied in the several counties of this State in the following proportions: that is to say, for the county of Newcastle, the sum of nine thousand two hundred and sixty-six dollars and forty-seven cents; for the county of Kent, the sum of two thousand, eight hundred and ninety-seven dollars and seventy-three cents; and for the county of Sussex, the sum of two thousand, eight hundred and thirty-five dollars and eighty cents.

Appropriated

SEC. 2. *And be it further enacted,* That the aforesaid sums of money shall be appropriated and applied to and in the following manner: that is to

say, so much thereof as may be necessary shall be applied to the payment of the salaries due and to become due to the governor, chancellor, judges of the supreme court and court of common pleas, attorney-general, secretary of state and auditor of accounts, up to the first day of January, which will be in the year of our Lord one thousand eight hundred and sixteen ; and so much thereof as shall be necessary shall be applied to the payment of the daily allowances of the members of the General Assembly, their clerks and other expenses ; and for the printing of the laws passed at this session of the General Assembly and the votes and proceedings of the two branches thereof ; and the residue (if any there be) shall be applied to the payment of any sums of money due to the citizens of this state, for which provision shall be made by law.

CHAP.  
LI.

1815.

PASSED AT DOVER, }  
February 7, 1815. }

## CHAPTER LII.

### RESOLUTION.

**W**HEREAS it appears by a report made to the General Assembly, on the twenty-fourth day of January, one thousand eight hundred and twelve, by John Fisher, esquire, the then secretary of state, that there then were sundry balances due to this State, standing on the books of the secretary of state, from sundry persons for marriage licenses, tavern licenses, &c. and it being probable that there may be other balances accrued since that date ; therefore in order that all balances now standing, due on the said books may be collected :

**RESOLVED**, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the secretary of state be, and he

Secretary re- is hereby directed and required, that in case all the  
quired to in- balances now standing due on the said books (where  
stitute suits &c there is a probability of recovery) shall not be paid  
within four months from the passing of this resolu-  
tion, he shall have suits instituted against all those  
And report. who may be so indebted; and that he report to the  
next General Assembly, his proceedings thereon,  
stating the monies received; the suits brought and  
in what state the business generally shall then stand.

ADOPTED AT DOVER, }  
9 February, 1815. }

## CHAPTER LIII.

### RESOLUTIONS.

**W**HEREAS it appears from "A statement of the debts due to and from the State of Delaware, December first, one thousand eight hundred and fourteen, contained in the report of the finances of the State of Delaware, for the year one thousand eight hundred and fourteen, submitted by the auditor of accounts to this General Assembly, that there is a number of debts of long standing, due to the State from individuals, and it being right and just that the several sums due as aforesaid shall be brought into the treasury: therefore,

**RESOLVED**, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the State-treasurer be and he is hereby required and directed, in all cases wherein any of the above debts shall not be paid or settled to his satisfaction within six months from the passing of this resolution, and wherein there is any probability of recovery, to have suits instituted against the individuals so indebted, and that he report to the next General Assembly, his proceedings thereon, shewing the sums of money by him received, the suits brought, and in what state the suits so instituted shall then be.

State-treasurer required to institute suits, &c.

And report.

*Resolved*, That the clerk of the Senate furnish the State treasurer with a copy of this resolution immediately after the adoption of the same.

CHAP.  
LIII

1815.

ADOPTED AT DOVER, }

9 February, 1815. }

## CHAPTER LIV.

*An ACT concerning executions issued by justices of the peace in and for the counties of Newcastle and Kent.*

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That every execution issued by a justice of the peace in and for either of the counties of Newcastle and Kent in this State, shall according to the tenor thereof, be returnable to the justice issuing the same on some certain day of the week and month in the body thereof to be set forth at length: and the return day shall not be more than thirty days, nor less than fifteen days from the issuing of such execution.

Executions issued by justices of peace to be made returnable on a certain day.

SEC. 2. *And be it further enacted*, That every constable within the counties aforesaid, to whom an execution issued by a justice of the peace shall be delivered, shall return the same when and where the same, according to the tenor thereof, shall be returnable, with a certificate thereon, under his hand, of all his proceedings by virtue thereof and of his costs and charges by the several items thereof; and if such execution shall not have been levied on goods and chattels, the constable shall in such certificate so certify and set forth, the reasons why the same shall not have been so levied; and if such execution shall have been levied on goods and chattels which shall have been sold before the

Constable to return the same with his certificate thereon, and what it shall contain.

CHAP.  
LIV.

1815.

One other ex-  
ecution, in  
what cases to  
be issued,

And return  
thereof and  
what it shall  
contain.

Proviso.

Constable not  
complying,  
shall be liable,  
&c.

return thereof, the constable shall in such certificate so certify and set forth the amount of such sales ; and if such goods and chattels so levied upon, shall not have been sold before the return of the execution, the constable in such certificate shall set forth the amount of the value of such goods and chattels levied upon, and shall annex to the execution an inventory or appraisement of the said goods and chattels ; and if the goods and chattels so levied upon shall not have been sold at the time of the return of the execution, then the justice may and he is hereby authorized and required, at the request of the plaintiff, to issue one other execution in the nature of a *venditiona exponas*, commanding any constable to make sale of said goods and chattels according to law ; which said execution shall, according to the tenor thereof be returnable as is provided in the first section of this act ; and the constable to whom the same shall be delivered shall return the same when and where the same shall be returnable with a certificate of his proceedings thereon, and the items of his costs under his hand : *Provided nevertheless*, That the issuing of an execution for the sale of any goods and chattels shall not exempt any constable from any liability or responsibility which he may have incurred in consequence of any defect of return, or of his certificate of or upon the original execution, or of any inventory and appraisement annexed thereto.

SEC. 3. *And be it further enacted*, That if any constable to whom an execution shall issue, or be delivered, shall not return the same when and where the same shall be returnable, or shall not thereon certify his proceedings and costs, according to the provisions of this act, or shall not annex thereto an inventory and appraisement in cases in which the same ought to be thereto annexed, or shall not in all things comply with the provisions of this act, he shall be liable for the debt or damages and costs in such execution, in the same manner as if he had returned the said execution and thereon certified

that he had levied and received the full amount of the debt or damages, interest and costs therein.

CHAP.  
LII.

1815;

SEC. 4. *And be it further enacted,* That if any constable shall by virtue of an execution, commit the defendant or defendants therein to the common jail, he shall leave with the jailer a certified copy of such execution, which copy shall be deemed a sufficient warrant for the detention of the said defendant or defendants in jail as the original would have been.

Certified copies of executions to be delivered to the jailer.

SEC. 5. *And be it further enacted,* That if any constable shall not pay to the creditor or creditors in any execution, any sum or sums of money which he may have levied or received in or towards satisfaction of the debt or damages in such execution, and the interest thereof, upon demand thereof by such creditor or creditors, or his or her agent or attorney, lawfully authorized to receive the same; such constable shall be liable to pay to such creditor or creditors, together with the sum or sums so by him received or levied, at the rate of twenty *per centum per annum*, upon such sum or sums to be computed from and after such demand: and the amount of such sum or sums together with such rate *per centum* thereon shall be recoverable, in the same manner as the original amount was recoverable.

Constable not paying over money on demand, shall be liable to pay 20 per cent. per annum thereon.

How to be recovered.

SEC. 6. *And be it further enacted,* That all justices of the peace in and for either of the aforesaid counties of this State, shall keep a docket of every execution by them issued, and therein shall set down the names of the parties, the debt or damages and costs in such execution, the time from which interest is computed, the name of the constable to whom such execution shall be delivered, and the return day thereof, and the certificate of the constable of his proceedings thereon and the time of the actual return; and shall moreover file all executions to him returned, and shall endorse thereon the day when the same shall be returned; which docket

Justice to keep execution docket and make entries, &c.



To be a public record. shall be a public record; and a copy of the entries therein under his hand and seal shall be delivered on demand of any person, on payment of the fees of copying, under the penalties imposed in similar cases by the twenty-sixth section of an act of the General Assembly of this State, entitled, "An act to regulate certain proceedings in the court of chancery, in the orphans' court, and in the register's court, and to compel justices of the peace to furnish copies of their records," passed the first day of February, one thousand eight hundred and six.

Fees to justices. SEC. 7. *And be it further enacted*, That the fees to the justices of the peace for receiving, filing and entering the return of every execution, shall be twelve and a half cents, and no more.

This act when to take effect. SEC. 8. *And be it further enacted*, That this act shall commence in operation, and be in full force and effect from and after the first day of May next.

PASSED AT DOVER, }  
9 February, 1815. }

## CHAPTER LV.

*An ACT to increase the daily allowance of commissioners of the levy-court and court of appeals; to abolish the office of tax-commissioner, and for other purposes.*

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives, of the State of Delaware in General Assembly met*, That there be allowed to the commissioners of the levy-court and court of appeals, and the assessors that may attend said courts in the respective counties, in lieu of the present daily allowance, the sum of one dollar and eighty cents, and that in lieu of the

Allowance to the commissioners of the levy-court and assessors.

Vol. 4. chap. xxiii, sec. 5.

mileage heretofore granted, they shall each have the sum of six cents per mile from the places of their abode to the court-house of their respective counties, for every day of their attendance, any law to the contrary notwithstanding.

CHAP.  
LV.

1815.

SEC. 2. *And be it enacted*, That so much of an act, entitled, "An act for the better regulation of roads in the county of Sussex," passed upon the ninth day of February, one thousand seven hundred and ninety-six, as authorizes the levy-court and court of appeals to appoint commissioners of roads in the several hundreds of the county of Sussex, and makes them compensation for their services, be and the same is hereby repealed, made null and void.

Commission-  
ers of roads  
abolished.

SEC. 3. *And be it enacted*, That the office of commissioners of tax be abolished, and that all and every duty enjoined upon and directed to be performed by the tax commissioners in the several counties of this State, by the several provisions of an act entitled, "An act for the valuation of real and personal property within this State," passed on the ninth day of January, one thousand seven hundred and ninety-six, and the several supplements thereto, be and the same are hereby devolved and enjoined upon the members of the levy-court and court of appeals in the respective counties of this State, who are hereby authorized and required to execute and perform the several duties and every part thereof, and for that purpose are hereby directed to meet in their respective counties on the same days annually, which before the passing of this act were prescribed for the meeting of the said tax commissioners: *Provided nevertheless*, That the said commissioners of the levy-court and court of appeals in the several counties shall and they are hereby authorized and required to hear and remedy the complaints of all and every person or persons who may be unequally or overrated, according to the directions of an act of the General Assembly,

Tax commis-  
sioners abo-  
lished.

The act "pas-  
sed, February  
9, 1796,"  
Vol. 2, chapt.  
xcviii, p 1262.  
Duties enjoined  
on mem-  
bers of the  
levy-court.

Levy-court to  
hear and re-  
medy com-  
plaints.

CHAP. L. entitled, "An act for raising county rates and levies."

1815.

Repeal.

SEC. 4. *And be it enacted*, That so much of the aforesaid act, entitled, "An act for the valuation of real and personal property within this State," as is by this act altered, amended or supplied, be and the same is hereby repealed.

PASSED AT DOVER, }  
9 February, 1815. }

## CHAPTER LVI.

*An ACT to authorize Joseph Maul, John S. Conwell and William W. Conwell to erect a mill dam across Broadkirk creek at or near the place called Fergus' bridge, and for the condemnation of certain lands for the use of a mill.*

PRIVATE ACT.

PASSED AT DOVER, }  
February 9, 1815. }

## CHAPTER LVII.

*An ACT to authorize Samuel Wright to bring negroes into this State for certain purposes.*

PRIVATE ACT.

PASSED AT DOVER, }  
February 9, 1815. }

## CHAPTER LVIII.

CHAP.  
LI.

A SUPPLEMENT to the act entitled, "*An act to authorize Thomas Marsh Foreman to bring slaves into this State from Maryland.*"

1815.

PRIVATE ACT.

PASSED AT DOVER, }  
10 February, 1815. }

## CHAPTER LIX.

*An ACT for printing the resolutions of the General Assembly.*

**B**E IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all resolutions of the present and any future General Assembly, in the nature of public laws, shall be enrolled and be signed by the speakers of the two houses; and the secretary of state shall cause the same to be printed with the acts of the General Assembly.

Resolutions in  
the nature of  
public laws to  
be printed.

PASSED AT DOVER, }  
10 February 1815. }

## CHAPTER LX.

*An ACT to appropriate a sum of money to purchase ammunition and rations for the use of the militia of this State.*

H

\$3 000 appropriated to purchase powder, lead and flints

SEC. 1.

**BE IT ENACTED** *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the sum of three thousand dollars be and the same is hereby appropriated for the purchasing of powder, lead and flints for this State.

Governor authorized to draw, &c.

SEC. 2. *And be it enacted,* That the governor be and he is hereby authorized and required whenever he shall deem it expedient to draw out of the treasury, the aforesaid sum of three thousand dollars, out of any money in the treasury not otherwise appropriated, and expend the same in suitable proportions of powder, lead and flints, for the use of this State; and shall deposit one third part thereof in each of the counties of this State, with the military commissary of such county, subject to the order of the brigadier generals of the respective brigades for the use of the militia of this State.

Governor authorized to contract for rations, &c.

SEC. 3. *And be it enacted,* That the governor of this State be and he is hereby authorized and required to contract with some person or persons who shall give good and sufficient surety for the faithful performance of his or their contract, for any number of rations not exceeding fifty thousand, for the use of the militia of this State, when ordered into actual service by the proper authority of this State.

Of what such rations shall consist.

SEC. 4. *And be it enacted,* That the said rations shall consist of the same articles in quantity and quality which are prescribed by the laws of the United States, and by the rules and regulations established for the army of the United States.

Governor authorized to draw for the payment of rations.

SEC. 5. *And be it enacted,* That the governor be and he is hereby authorized to draw on the State-treasurer for any sum or sums not exceeding ten thousand dollars, to be paid out of any money not

otherwise appropriated, to pay for any rations which may have been furnished to the militia of this State when ordered into actual service as aforesaid,

CHAP.  
LX.  
1815.

PASSED AT DOVER, }  
February 10, 1815. }

## CHAPTER LXI.

*An ACT to authorise the governor to appoint an additional number of justices of the peace in the several counties of this State.*

SEC. 1. **B**E IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, Two-thirds of the members of each house consenting to and approving thereof, that the number of justices of the peace shall be increased so that there shall be, not more in commission at the same time in the county of Newcastle, than seventeen; and in the county of Kent, eighteen; and in the county of Sussex, nineteen.

Governor authorized to appoint additional number of justices.

PASSED AT DOVER, }  
February 10, 1815. }

## CHAPTER LXII.

*An ACT to secure the personal liberty and preserve the property of the citizens of this State.*

SEC. 1. **B**E IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That from and after the passing of this act, the notes or bills of any bank incorporated by any law of this State, shall be receiveable in payment of all taxes

Bank notes to be received in payment of taxes,

CHAP.  
LXII.

1815.

imposed by the General Assembly of this State, for the sum or sums in the said notes or bill expressed to be payable on demand ; and the secretary of state, the State-treasurer, the county-treasurer and the collectors of the several hundreds of the counties of this State respectively, and all other officers, entitled by law to receive taxes, are hereby authorized and required to receive the said notes or bills in payment of the same.

On executions hereafter to be issued ;

Property not to be sold or debtor imprisoned if they offer payment in bank notes,

SEC. 2. *And be it enacted,* That in no execution hereafter to be issued against the goods or chattels, lands or tenements of any person or persons or body corporate or politic within this State, or against the body or bodies of any person or persons within this State, shall, his, her or their goods or chattels, lands or tenements be sold or exposed to sale, nor shall his, her or their body or bodies be imprisoned ; *Provided* he, she or they, or such body corporate or politic shall offer to pay to the plaintiff or plaintiffs in such execution or executions, or to the attorney or attornies of any such plaintiff or plaintiffs residing out of this State, the whole sum of money due for the principal, interest and costs on the same, in such notes or bills as are herein before mentioned, or partly in such notes or bills, and partly in lawful money of this State.

Payment may be made in bank notes &c. for property sold on execution.

SEC. 3. *And be it enacted,* That in all cases of the sale of goods or chattels, lands or tenements of any person or persons, or body corporate or politic, by any sheriff, coroner or constable, by virtue of any writ or writs of execution heretofore issued, or hereafter to issue, every such sheriff, coroner or constable shall receive in payment for such goods or chattels, lands or tenements, such notes or bills as are herein before mentioned, or lawful money of this State, or part in such notes or bills as aforesaid and part in such lawful money as aforesaid, and it shall be lawful for such sheriff, coroner or constable to pay every such plaintiff or plaintiffs, and all judgment creditors according to priority, agreeably

Officer may make payment in such notes, &c.

to the existing laws of this State, in such notes or bills as aforesaid or part in such notes or bills, and part in lawful money of this State; and in case any such plaintiff or plaintiffs or judgment creditor shall refuse to accept from such sheriff, coroner or constable, such notes or bills received by him as aforesaid in discharge of so much of his, her or their debt or debts, it shall then be lawful for such sheriff, coroner or constable to deposit such notes or bills in any bank incorporated by any law of this State, in the county where such execution shall be issued or such judgment shall be a lien, to the credit of such plaintiff or plaintiffs; or such judgment creditor, according to priority as aforesaid, and a certificate from the cashier of such bank returned to the court or justice of the peace by whom such execution or executions shall have been issued, or where such judgment shall be entered or recovered by such sheriff, coroner or constable and entered on the record of such court or justice of the peace, and filed in such court, or with such justice of the peace, shall be a sufficient discharge to such sheriff, coroner or constable, and shall also be for such amount as the sheriff, coroner or constable shall have deposited as aforesaid.

On refusal to accept such notes, a deposit thereof in bank and a certificate fr. the cashier entered and filed shall be a discharge.

SEC. 4. *And be it enacted,* That on no execution issued against the goods or chattels, lands or tenements of any person or persons, or body corporate or politic within this State, shall his, her or their goods or chattels, lands or tenements, be sold or exposed to sale; and on no execution issued against the body or bodies of any person or persons within this State, shall he, she or they be imprisoned: *Provided,* he, she or they shall offer to pay to the plaintiff or plaintiffs in such execution or executions, the whole sum of money due for the principal, interest and cost on the same in such notes or bills as are herein before mentioned, or partly in such notes or bills and partly in lawful money of this State.

On executions issued, property not to be sold or debtors imprisoned if they offer payment in bank notes, &c.



Goods dis-  
trained for  
rent, not to be  
sold if tenant  
offers pay-  
ment in such  
notes, &c.

unless insist-  
ed that a grea-  
ter sum is due  
than offered,  
&c.

Proviso.

Further  
proviso.

Limitation of  
this act.

SEC. 5. *And be it enacted*, That in case any person shall proceed by distress to recover from any tenant or other person liable to such distress, any rent reserved to be paid in money or sum of money due from such tenant or other person, it shall be lawful for such tenant or other person in every such case to offer such notes or bills as are herein before mentioned, to the amount of such rent reserved, to be paid in money or sum so due to the person on whose behalf such distress is made, or to the officer or person making such distress on his behalf; and in case such offer shall be accepted, or in case such offer shall be made and refused, the goods taken in such distress shall be forthwith returned to the party distrained upon, unless the party distraining and refusing to accept such offer, shall insist that a greater sum is due, than the sum so offered, and in such case the parties shall proceed as usual in such cases; but if it shall appear that no more is due than the sum so offered, then the party who offered such sum shall be entitled to the costs of all subsequent proceedings: *Provided always*, That the person to whom such rent or sum of money is due, shall have and be entitled to all such other remedies for the recovery thereof exclusive of distress, as such person was entitled to at the time of making such distress, if such person shall not think proper to accept such offer so made as aforesaid: *Provided also*, That nothing herein contained shall affect the right of any tenant or other person as aforesaid having such right, to replevy the goods taken in distress, in case, without making any such offer as aforesaid, he shall so think fit.

SEC. 6. *And be it enacted*, That this act shall continue and be in force to the end of the next session of the next General Assembly, and no longer.

PASSED AT DOVER, }  
February 10, 1815. }

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## SECRETARY'S OFFICE,

GEORGE-TOWN, MARCH 27, 1815.

I do certify, that in obedience to the directions of an act of the General Assembly of the State of Delaware, I have collated with, and corrected by, the original rolls, this edition of the Laws, passed at the last session of the General Assembly.

**PETER ROBINSON,**

*Secretary of the State of Delaware.*

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L A W S  
OF THE  
STATE  
OF  
DELAWARE,

PASSED

*At a Session of the General Assembly,*

BEGUN AND HOLDEN AT DOVER,

*On Tuesday the second day of January, and ended on Friday  
the sixteenth day of February,*

IN THE YEAR OF OUR LORD,

ONE THOUSAND EIGHT HUNDRED AND SIXTEEN,

AND OF THE INDEPENDENCE OF THE

*UNITED STATES OF AMERICA,*

THE  
FORTIETH.

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PUBLISHED BY AUTHORITY.

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1816.



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# LAWS

## OF THE

### State of Delaware.

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#### CHAPTER LXIII.

CHAP.  
LXIII.

*An ACT to incorporate the trustees of the Union  
Academy of Camden.*

1816.

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Samuel Edmonson, Nathaniel Coombe, Henry Molleston, James Fisher, Joseph G. Rowland, Samuel Mifflin, Thomas Latchem, Thomas Coursey, and Cornelius Battell, be and they are hereby constituted a body politic and corporate, by the name of "The trustees of the Union Academy of Camden", and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any court of law or equity. Trustees incor-  
porated,

SEC. 2. *And be it enacted,* That the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive, and hold any lands, tenements, rents, goods, or chattels which shall be given, conveyed, or devised to them for the use of the said academy, and to sell, rent, or dispose of the same in such manner as to them shall seem most beneficial to the said institution. Their powers,  
&c.

SEC. 3. *And be it enacted,* That the said trustees or any five of them shall have power, from time to time, To make and  
establish by-  
laws, &c.

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To choose of-  
ficers.The treasurer  
to give bond  
and condition  
thereof.

time, to make and establish such by-laws, rules and ordinances, not contrary to the laws and constitution of this State, as they shall judge necessary and proper for the good government of the said institution, and to appoint a president, secretary, tutor or tutors, and treasurer; the last of whom shall receive all monies accruing to the said institution, and property delivered to his care, and pay or deliver the same to the order of the said trustees; the said treasurer before he enters upon the duties of his office shall give bond and security in such sum as the said trustees shall direct, payable to them and their successors, conditioned for the faithful discharge of the trust reposed in him, and that he will when required by the said trustees, render a true and just account of all monies, goods and chattels received by him on account of and for the use of the said institution.

Trustees to  
receive sub-  
scriptions.

SEC. 4. *And be it enacted*, That the said trustees and their successors shall have power to take and receive subscriptions for the use and benefit of the said institution or school, and in case any person shall fail to comply with his or her subscription to enforce the payment thereof.

Election of  
trustees annu-  
ally and by  
whom.

SEC. 5. *And be it enacted*, That an election shall be held on the first Monday in January, in the year eighteen hundred and seventeen, and annually on the first Monday of January; at which time and place those persons who shall have subscribed to the articles of association, and signed the constitution of said institution, shall be and are hereby authorized to choose by ballot, nine trustees for the said institution or school; no person or persons shall be chosen a trustee or trustees for the said institution or school, unless they shall have the same qualifications, as those who are entitled to vote at such elections; and in case of any vacancy in the board of trustees during the year they may be elected for, the remaining trustees shall have the power, and they are hereby authorized and empowered to fill such

Vacancies.

vacancy, and in case it should so happen, that the said trustees should not be chosen as aforesaid, on the day aforesaid, then and in such case, the trustees then in office shall continue in office until their place shall be supplied by a new election.

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LXIII.  
1816.

PASSED AT DOVER, }  
13 January, 1816. }

CHAPTER LXIV.

*An ACT to repeal an act entitled, "An act to prevent swine running at large within the village of Seaford, in Sussex county."*

**B**E IT ENACTED, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the act entitled, "An act to prevent swine running at large within the village of Seaford, in Sussex county", passed on the eleventh day of February, in the year of our Lord one thousand eight hundred and fourteen, be and the same is hereby repealed.

Repeal of  
chap. xvii, see  
vol. 27.

PASSED AT DOVER, }  
22 January 1816. }

CHAPTER LXV.

*An ACT to continue in force an act entitled, "An act to secure the personal liberty and preserve the property of the citizens of this State."*

**B**E IT ENACTED, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the act entitled, "An act to secure the personal liberty and preserve the pro-

See chap. lxi,  
5th vol. 109.



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1816.

perty of the citizens of this State", passed at Dover the tenth day of February, in the year of our Lord one thousand eight hundred and fifteen, be and the same is hereby continued in full force and effect, for and during one year from and after the end of the present session of the General Assembly and no longer.

PASSED AT DOVER, }  
23 Jan. 1816. }

## CHAPTER LXVI.

*An ACT to vacate so much of the old road leading from the town of Dover, through Saint Sones' neck, to the landing on Little-creek, called Patten's Dyke, as is between the intersection of the new road lately laid out from Dover to said landing, and the road leading by Joshua Nickerson's to the Methodist meeting house.*

Preamble.

**W**HEREAS it appears to this General Assembly that in consequence of a new road having been laid out and completed from Dover to the landing on Little-creek, called Patten's Dyke, that part of the old road, formerly used as a public highway between the intersection of the said new road and the road leading by Joshua Nickerson's to the Methodist meeting house has become useless and unnecessary to be kept open as a public highway;

Road vacated

**BE IT THEREFORE ENACTED**, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the said old road lying and being between the aforesaid points, to wit, the intersection of the new road, laid out from Dover through Saint Jones' neck to Patten's

Dyke, and the road leading by Joshua Nickerson's to the Methodist meeting house, and heretofore used as a public road, be and the same is hereby vacated.

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LXVI.

1816.

PASSED AT DOVER, }  
January 23d, 1816. }

## CHAPTER LXVII.

*A SUPPLEMENT to the act entitled, "An act respecting arms belonging to the State of Delaware."*

See chap cxxli  
4 vol.

SEC. 1. **B**E, IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the commissary of military stores, within the respective counties, shall cause the arms and accoutrements belonging to the State within the respective counties to be stored in the following places, to wit, the arms and accoutrements within the county of Newcastle, in the court house in the town of Newcastle; the arms and accoutrements within the county of Kent, in the State house at Dover; the arms and accoutrements within the county of Sussex, in the court house at George-town.

Arms to be stored,

In what places.

SEC. 2. *And be it enacted,* That the commissary of military stores within the respective counties of this State, shall cause the arms to be carefully repaired and cleaned, and afterwards to be placed in boxes; and the expense of repairing, cleaning and storing the arms and accoutrements shall be paid by this State.

Commissary to cause them to be repaired cleaned and placed in boxes.

SEC. 3. *And be it enacted,* That the powder belonging to this State shall, by order of the Governor of the State, be sold, and the monies arising therefrom shall be paid over into the hands of the State treasurer for the use of the State.

Powder to be sold, &c.

Governor to  
draw orders,  
&c.

SEC. 4. *And be it enacted*, That the Governor be and he is hereby authorized and empowered to draw upon the State treasurer for such sum or sums of money as may be necessary to carrying this act into effect, which shall be paid out of any money in the treasury not otherwise appropriated; an account whereof he shall exhibit to the General Assembly at their session in January next.

PASSED AT DOVER, }  
23 January, 1816. }

### CHAPTER LXVIII.

*An ACT to increase the fees for licenses to hawkers, pedlars, petty chapmen and venders of tin and japanned wares.*

The fees of  
hawkers and  
venders of tin  
&c. regulated.

SEC. 1. **BE IT ENACTED** *by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That from and after the first day of May next, the fees to be paid for licenses to hawkers, pedlars, petty chapmen and venders of tin and japanned wares, shall be as follows: to wit, a license to a hawker, or pedlar, or petty chapman, travelling on foot, six dollars; a license to a hawker, pedlar, or petty chapman, or vender of tin or japanned wares, travelling with one or more horse or horses, mule or mules, ten dollars: a license to such person travelling with a cart or waggon, twenty-five dollars.

See chapter  
lxxxvii, vol 4.

SEC. 2. *And be it further enacted*, That so much of the laws of this State as are hereby altered or amended, be and the same are hereby repealed, made null and void.

PASSED AT DOVER, }  
23 January 1816. }

## CHAPTER LXIX.

CHAP.  
LXIX.

1816.

A SUPPLEMENT to an act entitled "*An act to enable aliens, in certain cases, to purchase and hold lands or other real estate within this State.*"

See chapter  
clxxii, vol 4.

**W**HEREAS the act of assembly passed January Preamble, the twenty-second, in the year of our Lord one thousand eight hundred and eleven, entitled "*An act to enable aliens, in certain cases, to purchase and hold lands or other real estate within this State,*" has been found from experience to be too limited in its provisions to afford reasonable protection to the property of said aliens—

SEC 1. THEREFORE BE IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That any alien or aliens who may be the subject or subjects, citizen or citizens of any foreign state or power, at peace with the United States, shall, upon becoming a citizen or citizens of the said States, or upon declaring his, her or their intention to become a citizen or citizens, agreeably to the laws thereof, hold, transfer, devise, or otherwise dispose of, and the heir or heirs of such person shall inherit any lands, tenements or hereditaments, which he, she or they may have purchased or shall hereafter purchase, although an alien or aliens at the time of such purchase, in the same manner and to the same extent that any citizen may or can do by the laws of this State; *Provided always,* that all and every purchase or purchases of such alien or aliens made previous to the passing of this act, or that shall hereafter be made, shall be subject to all incumbrances and contracts made by him, her or them, which would have operated on and affected the said real estate or property, had the said alien or

Aliens becoming citizens, on declaring their intention to become such shall hold, transfer and devise, &c.

Proviso.

CHAP.  
LXIX.  
1816.

aliens been the legal owner or owners of the said estate at the time of creating the same incumbrance or making the same contract, his, her or their ali-  
enage to the contrary notwithstanding.

PASSED AT DOVER, }  
31 January 1816. }

## CHAPTER LXX.

*An ACT to secure the punctual payment of public monies, and for other purposes.*

SEC. 1. **B**E IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That from and after the passing of this act, if any sheriff within this State shall refuse or neglect to pay over to the State-treasurer for the time being, personally, or to deposit to his credit in the Farmers' Bank of the State of Delaware, all the fines and forfeitures by the said sheriff collectible, within the space of sixty days from the time of notice to the said sheriff of the imposition of such fines and forfeitures, every sheriff so refusing or neglecting as aforesaid, shall, in addition to the sum and sums of money which shall have come to his hand, or which it shall have been his duty to collect or receive as aforesaid, pay at the rate of twenty per cent, per annum therefor, to be computed from the end of the said sixty days, until the same shall be paid and discharged; and it shall be the duty of the court imposing the fines and forfeitures aforesaid, to transmit or cause to be transmitted to the State treasurer a list of all such fines and forfeitures, within thirty days thereafter: *Provided nevertheless*, that the provisions in this section contained, shall not apply in any case where fines and forfeitures have been already imposed.

Sheriff neglecting to pay over fines & forfeitures, &c. shall pay 20 per cent. per annum.

From what time to be computed.

Proviso.

SEC. 2. *And be it further enacted,* That if any sheriff within this State shall, after the passing of this act, neglect or refuse to pay to the several suitors and parties interested therein, their lawful agents, factors or assigns, or to the several officers, all and every sum or sums of money to them respectively belonging, which shall come to his hands, or which it shall be his duty to collect and receive, at the time when the same is properly payable, he shall, from and after the time when the same is payable as aforesaid, be chargeable with, and pay to the said several suitors and parties interested therein, their lawful agents, factors and assigns, and to the several officers aforesaid, in addition to the sum and sums of money which shall come to his hands, or which it shall be his duty to collect and receive as aforesaid, at the rate of twenty per centum per annum thereon, to be computed from the time when the same is properly payable as aforesaid, until the same shall be paid and discharged.

Sheriff neglecting to pay to suitors &c. shall pay in addition 20 per cent. per annum.  
From what time to be computed.

SEC. 3. *And be it further enacted,* That if any person who heretofore has exercised or now does exercise the office of sheriff within this State, shall neglect or refuse, for the space of three months after the passing of this act, to pay or cause to be paid to the several suitors and parties interested therein, their lawful agents, factors or assigns, or to the several officers, all and every sum and sums of money to them respectively belonging, which heretofore have come to his hands, or which heretofore it has been his duty to collect and receive; then and in such case, the person aforesaid so neglecting or refusing as aforesaid, shall be chargeable with and shall pay to the said several suitors and parties interested therein, their lawful agents, factors and assigns, and to the several officers aforesaid, in addition to the sum and sums of money to them respectively belonging as aforesaid, at the rate of twenty per centum per annum, to be computed from the time when the same was

Sheriff neglecting to pay to suitors sums which heretofore ought to have come to his hands, &c.  
From what time to be computed.

Money to be properly payable, until the same shall be paid and brought into court by the discharged; *Provided always*, that where two or more persons shall claim any money so collected, sheriff where claim of or to be collected by any sheriff within this State, where the party resides or by any person who heretofore has exercised, or out of his bailiwick, & has now does exercise the office of sheriff within this State; or where the person to whom the money is no lawful attorney. payable, resides out of the bailiwick of such officer, and has no lawful attorney within the same, then it shall be lawful for the said sheriff to bring the money into the court from which the process issued under which the money was collected, there to remain subject to the order of the court; and such payment into court shall excuse the said sheriff from the operation of the provisions contained in the third and fourth sections of this act.

PASSED AT DOVER, }  
31 January 1816. }

## CHAPTER LXXI.

*An ACT authorizing a special election in the hundred of White-clay-creek, in New-castle county, to supply a vacancy in the board of road commissioners for said hundred.*

Preamble.

**W**HEREAS a petition has been presented from sundry inhabitants of the hundred of White-clay-creek in the county of New-castle, stating that James Glasgow was elected a road commissioner for said hundred, on the fifteenth day of September, in the year of our Lord one thousand eight hundred and fifteen, and that in the general election in October following, he was elected a levy-court commissioner, which rendered him inelegible as a road commissioner, that the remaining two road commissioners then in office, either through neglect or a misconstruction of the law, did not appoint a successor, and praying for a special act

for the purpose of appointing one to fill the vacancy.

CHAP.  
LXXI.

1816.

SEC. 1. BE IT THEREFORE ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the collector of the hundred of White-clay-creek shall on the first Tuesday of March next, at the usual place of holding elections in said hundred, hold an election in the manner and form prescribed by law for one road commissioner for the hundred of White-clay-creek, whose term shall expire on the fifteenth day of September, eighteen hundred and eighteen, and that the said collector shall give legal notice in said hundred of the time and place of holding such election.

Special election to be held and at what time & place.

PASSED AT DOVER, }  
31 January, 1816. }

## CHAPTER LXXII.

An ACT supplementary to an act entitled, "*An act to incorporate a company to make an artificial road or turnpike from Christiana Bridge in the county of New-castle, in this state, to the Maryland line in a direction towards Elkton.*"

See chap. 24, vol. 5.

SEC. 1. **B**E IT ENACTED, *by The Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the act entitled, "*An additional supplement to an act entitled, 'An act to incorporate a company for making an artificial road from the town of New-castle, in New-castle county, to the line of this State, in the route or direction towards French-town, on Elk river in Cæcil county, in the State of Maryland,' and all and every section, clause and provision therein contained, are hereby declared and enacted to extend to and be incorporated with the act entitled, 'An act*

Provisions of chap. lxxxv, vol 4, extended, &c.



CHAP.  
LXXII.

1816.

Proviso.

Further pro-  
viso.

to incorporate a company to make an artificial road or turnpike from Christiana Bridge, in the county of New-castle, in this State, to the Maryland line, in a direction towards Elkton," changing or varying what in the said sections, clauses and provisions contained in the said first mentioned law, ought to be changed or varied, in order to render the same applicable and suitable as part of the same last mentioned act: *Provided*, that waggons, carts and other carriages of burthen, for the conveyance of goods, wares and merchandize, including wood and other timber, intended in any way for sale, shall be and are hereby declared and enacted, to be excepted, out of the commutation provisions contained in section five of the said first mentioned supplementary act; *Provided further*, that the owners of such waggons, carts and other carriages of burthen, conveying cord wood for sale, shall be entitled to a discount of twenty-five per centum from the rate of tolls allowed by law, the said company having agreed thereto.

Tolls which  
may be received  
at Cooch's  
bridge.

Provided the  
company shall  
keep a sufficient  
bridge in  
good repair.

SEC. 2. *And be it further enacted*, That the president, managers and company of the Christiana and Elkton turnpike shall have power and are hereby authorized to demand and receive for passing the bridge erected by the said company over the Christiana creek and called and known by the name of Cooch's bridge, from Middle-town towards the village of New-Ark, or from New-Ark in a direction towards Middle-town, one third of the rate of toll allowed for five miles of said turnpike road, by their act of incorporation: *Provided always*, that the Elk and Christiana turnpide company shall at all times keep and maintain a good and sufficient bridge over the Christiana creek at the place aforesaid; and in case the said bridge shall not be kept in good order and repair, the same provisions as relate to the repair of the said turnpike, shall be and are hereby extended to the said bridge.

PASSED AT DOVER, }  
1 February, 1816. }

## CHAPTER LXXIII.

CHAP.  
LXXIII.

1816.

A SUPPLEMENT to an act entitled, "*An act to incorporate a company for making an artificial road from or near the borough of Wilmington, in the county of New-castle, on the east side of the Brandywine creek, in the route through West Chester, to the turnpike roads in the Great Valley in the State of Pennsylvania.*"

See chapter  
cxxxix, vol 4.

**W**HEREAS it is represented that the stockholders incorporated by virtue of the act aforesaid, have for a long time paid the amount of their subscriptions, and that no dividends have been paid on account of the tolls, that on the contrary, they have pledged the whole of their stock and income to obtain money to meet their engagements; *And whereas* an opinion prevails that the limitation of their average dividend to a less per centage per annum than in similar acts made and provided, has been the reason why they have been unable to sell their stock, and that an increase of per centage per annum would enable them to remove the present burthens. *And whereas* a number of inhabitants and farmers of Brandywine hundred, residing on or near the turnpike aforesaid, are owners of meadow lands, situated below the turnpike toll-gate, and cannot at present haul their hay or drive their cattle to and from the said lands without paying toll at every time, to their great inconvenience and detriment, and contrary to the principle adopted in other turnpike acts, than any person can and ought to pass and repass free from one part of his farm to another.

SEC. 1. BE IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the president, managers and company of the Wilmington and Great Valley

turnpike road shall be authorized and are hereby authorized to increase their average dividends to nine per cent. per annum, if at any time the proceeds of the tolls at the present rates and according to the provisions of the act incorporating said company shall enable them to make and declare such dividends.

**Dividends may be increased to nine per cent.**

**Owners and possessors may commute by the year, &c.**

**Rate.**

**Persons dissatisfied; freeholders to be chosen to decide.**

SEC. 2. *And be it further enacted,* That from and after the passing this act it shall be lawful for any person or persons living in Brandywine hundred and being owner or possessor of meadows, marshes or arable land, in the vicinity of the said Wilmington and Great Valley turnpike, to commute, by the year, for the passage of their waggons, teams, carts, cattle, horses, sheep and hogs going to or coming from said lands, at the rate of one dollar per mile, to be paid in such manner that a quarterly payment shall be made in advance; and if any person who has occasion to use the said road shall deem such sum unreasonable and disproportionate to his use of the said road, the party so deeming himself aggrieved and the president of the said company shall each choose one disinterested freeholder, who shall decide what reduction, if any, shall be made, from the annual payment aforesaid, and in case the two persons so chosen cannot agree, they shall choose a third person, and then the three persons or a majority of them shall decide as aforesaid; or in case the said president shall refuse or neglect to choose a freeholder for the purpose aforesaid, for the space of ten days, then the freeholder chosen by the party aggrieved as aforesaid, shall decide what reduction ought to be made, which shall be the commutation for the current year.

PASSED AT DOVER, }  
1 Feb. 1816. }

## CHAPTER LXXIV.

CHAP.  
LXXIV.

*An ACT to repeal military fines for non-attendance  
on days of parade, and for other purposes.*

1816.

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That from and after the passing of this act, no officer, non-commissioned officer or private shall be subject to any fines or forfeiture, by reason of his non-attendance or being absent, at any time after the passing of this act, on company, battalion or regimental days of meeting, or on the days for the training of the officers, required by any militia laws of this State.

Officers and  
privates not  
to be fined for  
non-atten-  
dance, &c.

SEC. 2. *And be it further enacted,* That so much of the seventeenth and twentieth sections of the act entitled "An act to establish an uniform militia throughout this State, as requires the captains or commanding officers of companies or troops to make return of fines imposed, or to make report in case no fines are imposed in their companies or troops, to the military commissary and brigadier general, under the penalty of thirty dollars, and so much of the twenty-ninth section of the same act as directs the adjutant-general to furnish the militia officers with blank forms, and so much thereof as allows the adjutant-general one hundred dollars per year for his services, be and the same are hereby repealed.

Repeal.

PASSED AT DOVER, }  
2 February, 1816. }

CHAP.  
LXXV.

## CHAPTER LXXV.

1816.

*An ACT to prevent hogs or swine running at large within the limits therein mentioned, in Duck-creek hundred, in Kent county.*

Inhabitant or  
persons resi-  
ing in certain  
limits not to  
suffer hogs to  
run at large.

Limits descri-  
bed.

SEC. 1. **BE IT ENACTED**, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That from and after the first day of May, next ensuing the passing of this act, no inhabitant or inhabitants or other person or persons whatsoever, residing within the bounds and limits herein after described, or within one mile of the said limits, shall suffer or permit any of his, her or their hogs or swine to run at large within the limits or bounds following: that is to say, beginning at Israel Peterson's mill-dam, on the State-road leading from Smyrna to Dover, and from thence running with said State-road to the road leading into Duck-creek neck, thence running with the said road through lands of William Denny, Edward Joy and James Raymond, to a corner of James Raymond's and Edward Carney's lands, to a road leading into Dutch neck, and then with said road passing between the lands of the said James Raymond and Edward Carney, and through land of Edward Shain and others, continuing on a few rods below the house and lot on the west side of the road, lately sold by Robert Thompson to Timothy Cummins, now in the tenure of Thomas Cavender; thence from said road to a corner of land between James Morris and Abraham Allee, and from thence with the line of the said James Morris's land, which adjoins the aforesaid Abraham Allee's, the heirs of John Allee and Edward Joy, to a road leading from Severson's meeting-house, so called, to Long Point; thence with said road by Thomas Hawkins, senior's gate to the line of the land of Mordecai Morris on said road; thence leaving said road and running with

the line of the said Mordecai Morris's land adjoining lands of John Norton's heirs, until it intersects the line between Jacob Stout and Mordecai Morris's land; thence with the line of the said Jacob Stout's land, with the several courses thereof; to the creek called Duck-creek; thence up said creek with the several courses thereof, to the mouth of a small creek, otherwise called Pairman's branch, leading up to Israel Peterson's mill; thence up the last mentioned creek or branch, with the several courses thereof, to the place of beginning. And if any person or persons shall permit or suffer any of his, her or their hogs or swine to run at large within the bounds and limits aforesaid, after the said first day of May next, the owner or owners of all such hogs or swine, shall forfeit the same to the trustees of the poor of Kent county, who shall apply the same to and for the use of the poor of Kent county.

CHAP.  
LXXV.

1816.

Forfeiture.

For the use of  
the poor of  
Kent county.

SEC. 2. *And be it enacted*, That in case any hog, hogs or swine are found trespassing within any enclosure within the limits contained in the preceding section, the person or persons on whom such hog, hogs or swine may be found trespassing, may shoot them, or cause the same to be shot, or may dispose of them as is herein after provided for, in case they are found running at large within the bounds or limits aforesaid.

Hogs may be  
shot, &c.

SEC. 3. *And be it enacted*, That it shall and may be lawful for the justices of the court of general quarter sessions of the peace, and they are hereby authorized, directed and required at the May term annually, to appoint one discreet and suitable person resident within the limits and bounds aforesaid, as a receiver, for the purpose of keeping and detaining all such and every hog, hogs or swine so permitted and suffered to run at large as aforesaid within the aforesaid limits.

A receiver to  
be appointed.

Penalty for  
refusing or  
neglecting &c.

SEC. 4. *And be it enacted,* That if any person whatsoever, who shall be appointed to serve as receiver in manner aforesaid, or as is hereinafter provided, shall refuse to accept of said appointment, or neglect the duties hereinafter prescribed, every such person so refusing or neglecting, shall forfeit and pay the sum of twenty dollars, to be recovered as debts under twelve pounds are by the laws of this State recoverable, together with costs thereon, by any person or persons who shall or may prosecute for the same, one moiety thereof to and for the use of the person or persons prosecuting, and the other moiety to and for the use of the poor of Kent county: *Provided,* that if any person or persons so appointed receiver shall refuse to serve, die or be rendered incapable of acting, then and in every such case, it shall and may be lawful for the justice of the peace who shall reside within the nearest distance of the district or limits aforesaid, and he is hereby authorized, directed and required to appoint in writing under his hand and seal, some other fit and suitable person or persons from time to time, until such vacancy shall be supplied; which said person or persons so appointed, is hereby empowered and required to act in the premises as fully as the person so having refused, died or having been rendered incapable, until the next court of general quarter sessions of the peace in and for Kent county.

How recover-  
able and ap-  
plied.

Vacancies  
how to be  
filled.

Hogs to be  
driven to the  
receiver, and

SEC. 5. *And be it enacted,* That it shall and may be lawful for any person or persons whatsoever to seize, drive or carry alive all and every such hog, hogs or swine so permitted to run at large as aforesaid, to the receiver, who is hereby authorized, empowered and required to receive and detain the same, and proceed to have them appraised by two freeholders within the limits aforesaid, on their oaths or affirmations, to be administered by some judge or justice of the peace without fee or reward, and to sell the same at public vendue, first giving five days public notice within the said district, to and

Appraised, &

Sold for the  
use of the poor

for the use of the poor of Kent county, to be paid to the treasurer thereof, first giving a reasonable compensation to the person or persons driving or conveying such hog, hogs or swine to the receiver, and retaining what may be reasonable for his own trouble and other necessary expenses arising, to be adjudged of by the freeholders who may appraise such hog, hogs or swine, the said receiver always accounting with the nearest trustee of the poor of Kent county, which said trustee is hereby authorized and required to enquire into and settle the same from time to time with the receiver, to keep fair accounts of the proceedings and money arising therefrom.

Compensation to the person driving &c.

With whom the receiver shall account.

SEC. 6. *Provided nevertheless*, That if any owner of any hog, hogs or swine, shall at any time before the sale thereof pay the sum of fifty cents for every hog or swine not exceeding fifty pounds weight, and for every other hog or swine, the sum of one dollar, so driven or carried to the receiver aforesaid, together with such expenses to the person or persons, also to the receiver to whom the same shall have been carried as aforesaid, for the keeping thereof, to be adjudged of by the freeholders having appraised the same, then and in every such case such hog, hogs or swine shall be restored to the owner or owners thereof, on his, her or their application for the same.

The hogs to be restored on application & payment of expenses, &c.

SEC. 7. *And be it enacted*, That Thomas Rothwell be and he is hereby appointed a receiver, for the purpose mentioned in the third section of this act, and to continue to act in that capacity until the next term of the court of general sessions of the peace in and for Kent county, next ensuing the passing of this act.

Thomas Rothwell appointed a receiver, until, &c.

SEC. 8. *And be it enacted*, That if any suit or action shall be commenced, brought or prosecuted against any person or persons whatsoever, for any act or thing by him, her or them done in pursuance

Defendants may plead the general issue and give this act in evidence.



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of this act, it shall and may be lawful to and for the defendant in such suit or action to plead the general issue, and on the trial to give this act in evidence, whereof all justices of the several courts of law and all justices of the peace, are hereby strictly required and enjoined to take notice and govern themselves accordingly.

Persons not residing within the limits or who do not usually permit their hogs to run at large shall be entitled, &c.

SEC. 9. *And be it enacted*, That if any person or persons who do not reside within the said limits, or any person or persons who do not usually suffer or permit any of their hogs or swine to run at large within the above described limits, shall be entitled to the delivery of all and every of their hogs or swine from the said receiver, upon the payment of reasonable costs and damages, to be adjudged of by three freeholders, to be mutually chosen by the said receiver and owner of the said hogs or swine.

PASSED AT DOVER }  
3 February, 1816. }

## CHAPTER LXXVIII.

*An ACT to authorize and empower the owner or possessor of any swamp or low ground to ditch and drain the same, and for rendering more easy and convenient the mode of obtaining permission therefor.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the justices of the court of common pleas, at their sessions in the several counties of this State, so often and whenever any person or persons, being the owner and possessor of any swamp or low ground, in the county in which the said court shall be sitting, shall apply to the said court for an order to

Freeholders to be appointed to view.

ditch and drain the same; that it shall and may be lawful, and the justices aforesaid are hereby authorized and required, to make an order and to appoint three good and substantial freeholders of the county and neighborhood in which such swamp or low ground intended to be drained shall lie, to go upon and view such swamp or low ground, for the draining of which application is made.

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SEC. 2. *Be it enacted*, That the freeholders appointed as aforesaid, before they shall go upon and view any lands intended to be ditched or drained, shall be sworn or affirmed, before some judge or justice of the peace of the county, faithfully and impartially to the best of their skill and judgment, to perform the several duties enjoined on them by this act; and the said freeholders shall then go upon and view the swamp or low ground, mentioned in such order, and if they deem it fit and necessary, shall with the assistance of a surveyor, appointed by them and sworn or affirmed in manner aforesaid, proceed to lay out a ditch or drain, of such breadth, depth, length, course or courses, distance or distances as will be sufficient to clear any swamp or low ground of water, that by such order is intended to be drained.

They shall be sworn or affirmed, &c.

Their powers and duties.

SEC. 3. *Be it enacted*, That the freeholders appointed in manner aforesaid, after having viewed and laid out any ditch or drain, shall make a report in writing, under their hands, with a plot fairly made and thereto annexed, containing a description of the several courses and distances, together with the width and depth thereof, and also the names of the person or persons on or through whose land the same is laid out, and make return thereof to the court of common pleas, at their next sitting in the county where such order shall have been made or granted.

Shall make report, with a plot annexed.

SEC. 4. *Be it enacted*, That if in the cutting and clearing out any ditch or drain, to be laid out as

They shall assess damages to persons injured.

By whom to be paid.

Persons deriving benefit shall be taxed or assessed in proportion thereto.

To whom to be paid.

How applied.

Surplus if any to be repaid, &c.

aforesaid, it shall appear to the freeholders appointed to lay out the same, that any person or persons, through or upon whose land the same shall have been laid out is thereby injured, they shall assess such damages to the person or persons so injured, as to them shall seem just and reasonable, to be paid to such person or persons by the petitioner or petitioners for the laying out such ditch or drain, and that every report directed to be made in manner aforesaid, shall contain the name or names of each and every person to whom any damages shall have been adjudged, with the amount so adjudged or assessed, to each and every such person or persons.

SEC. 5. *Be it enacted*, That if any person or persons through or upon whose land any ditch or drain shall be cut, cleared out and completed, shall derive therefrom or receive any benefit thereby, that the freeholders to be appointed in manner aforesaid, shall adjudge thereof, and shall assess by way of tax or taxes, on such person or persons respectively, by them respectively to be paid to the person or persons cutting, clearing out and completing every ditch or drain laid out in manner aforesaid, a fair and reasonable sum, proportioned to the benefit or advantage they may thereby respectively receive, or to the person or persons, their heirs, executors or administrators, who shall cut, clear out and complete, or cause to be cut, cleared out and completed, any such ditch or drain, which said money assessed or taxed as aforesaid, shall be exclusively appropriated by the person or persons receiving the same, to defraying the expenses incurred in laying out, cutting and completing every such ditch or drain, for which such money shall have been taxed or assessed: And after defraying the expenses incurred for laying out, cutting, clearing out and completing any ditch or drain, in pursuance of this act, any surplus of the money taxed for the same, shall remain on hand and unexpended; the person or persons in whose hands the same shall be, shall im-

mediately after a final settlement of the expenses attending the cutting any such ditch or drain, pay over without delay to the person or persons taxed with the expenses of the same, their heirs, executors or administrators, their fair and just proportion of such surplus, to be regulated and paid to them respectively, in such proportion as they shall have been taxed for such expenses.

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SEC. 6. *Be it enacted*, That before any return made by any freeholders appointed to lay out any ditch or drain, agreeably to the provisions of this act, shall be confirmed by the justices aforesaid, the petitioner or petitioners, or some one or more of the person or persons; their heirs or assigns, who is or are by the said return, made chargeable with the expenses or any part thereof, shall make it appear to the satisfaction of the said justices, that the damages assessed by the freeholders to the person or persons named in such return has been paid or tendered to be paid to such person or persons, their heirs, executors or administrators respectively, either in specie or current bank notes of this State.

Damages assessed shall be paid, &c. before confirmation.

SEC. 7. *Be it enacted*, That every ditch or drain that shall be cut, cleared out and completed in pursuance of this act, shall always remain open for the benefit and advantage of the petitioner and such other person or persons, their heirs and assigns, as the freeholders in their report shall return as being benefited thereby, and chargeable with the expenses of the same: And every ditch and drain cut and completed as aforesaid, shall be kept open, cleaned and repaired as aforesaid, shall be kept open, cleaned and repaired at the expense of the petitioner or petitioners, and such other person or persons, their heirs or assigns as by the return thereof is made chargeable with the original expense of the same, in such proportion as the original expense thereof shall have been respectively assessed.

Ditch or drain shall remain open, &c.

How kept open & repaired.

Any person assessed or taxed and chargeable with expenses may pay the whole and recover from the others their aliquot part thereof.

In what manner recoverable.

Proviso.

*Sec. 8. Be it enacted,* That if any of the persons who shall apply to the justices aforesaid, for any order to lay out, clear, cut and complete any ditch or drain in pursuance of the provisions of this act, or any person or persons, their heirs or assigns, who by the return of the freeholders is or are made chargeable with any of the expenses of cutting the same, shall neglect or refuse to pay any sum or sums of money that shall have been assessed or taxed upon them by the freeholders to be applied to the cutting, clearing and completing of any such ditch or drain, or shall neglect or refuse to pay their part or fair proportion of the expenses necessary for repairing, clearing and keeping open the same, to be taxed upon each of the persons, their heirs or assigns, in the same proportion as the original expenses thereof may have been assessed by the freeholders, that it shall and may be lawful for any one of the persons, their heirs, executors or administrators, who shall have been made chargeable by the return of any freeholders, made on any order granted as aforesaid, having first paid the amount of all expenses that shall have accrued for the purposes and in manner aforesaid, to recover from the person or persons, their heirs, executors, administrators or assigns, so neglecting or refusing to pay as above directed, their fair or equal proportions of all such sum or sums of money which they ought by any return made as aforesaid, to have paid, before any one justice of the peace in the county, as debts under twelve pounds are by the laws of this State made recoverable: *Provided nevertheless,* that if the fair and just proportion of any person or persons neglecting or refusing to pay as above directed, shall exceed the sum of thirty-two dollars, that then it shall and may be lawful for each and every person, their heirs and assigns, to recover the same in such manner as debts due on account, above twelve pounds, are by the laws of this State made recoverable.

SEC. 9. *Be it enacted*, That if any person or persons whatsoever, shall stop up any ditch or drain that shall be cut in pursuance of the provisions of this act, every such person or persons so offending and being thereof convicted, before any one justice of the peace of the county wherein such ditch or drain shall have been cut, upon the oath or affirmation of one or more credible witnesses, he, she or they so offending shall forfeit and pay for every such offence a sum not less than two dollars, nor more than twenty dollars, to be recovered by the petitioner or petitioners, their heirs, executors, administrators or assigns, to be applied to the cutting, cleaning, repairing or keeping the said ditch or drain in good order and repair, to be recovered as debts under twelve pounds are by the laws of this State made recoverable.

Penalty for  
stopping up  
any ditch or  
drain, &c.

By whom to  
be recovered.

Applied.

SEC. 10. *Be it enacted*, That if any person or persons, through or upon whose land any ditch or drain shall be laid out, conceives him, her or themselves to have sustained more or greater injury thereby, than the damages therefor assessed, on application by him, her or them, made to the justices who granted the order for laying out the same, the said justices may, at their discretion, order a review thereof, and appoint other disinterested freeholders to go upon and view the swamp or low ground, and if necessary lay out the site of a ditch or drain, and do every matter and thing herein before directed to be done by freeholders, and the same to report to the said justices in manner and form herein before directed.

The justices  
may order a  
review if, &c.

SEC. 11. *Be it enacted*, That every freeholder appointed by this act shall have and receive for each and every day he shall attend in viewing any swamp or low ground, and in laying out any ditch or drain, in pursuance of the provisions of this act, one dollar; and the clerk of the court aforesaid, for every order made and certified under the seal of his office as aforesaid, one dollar; and for reading

Fees to the  
freeholders &  
clerk.

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the report, endorsing the confirmation of the court thereon, and filing the same of record, fifty cents, and no more; to be paid to the said freeholders and clerk by the person or persons, their heirs, executors or administrators, applying for such order.

Vacancies to  
be supplied

SEC. 12. *Be it enacted*, That if any freeholder appointed as aforesaid to view any swamp or low ground, and to lay out any ditch or drain, in pursuance of the provisions of this act, shall die, refuse or neglect to serve, or remove out of the county, or be otherwise rendered incapable of acting, it shall and may be lawful for the nearest justice of the peace in the county where such lands lie, on application to him made for that purpose, to appoint one or more suitable person or persons being a freeholder or freeholders of the hundred, to fill such vacancy, and certify the same under his hand to the court to which the order wherein such vacancy shall have been made, in manner aforesaid, is by this act made returnable. And the said order, with the report thereon, shall by the said court be received and acted upon in the same manner as if all the freeholders had been appointed by the court aforesaid, and as if no vacancy had ever been made or happened in the appointment of the freeholders named in such order.

To be certified  
to the court

The order and  
report to be  
acted on by  
said court as  
if no vacancy  
had happened.

Work not begun  
within two years or  
not completed  
in 7 years  
shall not proceed  
unless &c.

SEC. 13. *And be it enacted*, That whenever an order of court shall be obtained by any person or persons for ditching and draining any low lands, agreeably to the provisions of this act, the authority and powers granted by the said order shall cease and determine unless the labouring work shall have been commenced within two years from the date of the confirmation of said order; and in every case where the work shall have been begun within two years as aforesaid, and the same shall not be completed within seven years thereafter, it shall not be lawful for any person or persons to proceed further in the prosecution of said work unless they

shall first obtain an order of court, in the same manner as is herein directed to be obtained in the case of the original application.

SEC. 14. *Be it enacted*, That nothing herein contained shall be deemed, taken or construed to extend to, or in any manner whatever affect any person or persons who have heretofore obtained any special law for ditching or draining any low ground, swamp or eripple within this state, nor to affect, alter or change any provision that is made in any special law for that purpose. Nothing here- in to be ex- tended to spe- cial acts for ditching, or affect any pro- vision for that purpose.

PASSED AT DOVER, }  
5 February, 1816. }

## CHAPTER LXXVII.

*An ACT to prevent swine from running at large within the village of Kenton and limits therein described.*

SEC. 1. **B**E IT ENACTED, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That swine not to from and after the first day of April next, no swine, run at large hog or hogs shall be permitted or suffered to run within certain limits. large within the village of Kenton, or within half a mile from the intersection of the two roads cross- ing each other in the centre of said village.

SEC. 2. *And be it further enacted*, That if any swine, hog or hogs, belonging to any person or per- May be taken up & sold. sons inhabitants of said village or residing in the limits herein before mentioned, shall be found running at large within the said village or limits before described, at any time after the said first day of April next, it shall and may be lawful for any free white person or persons, being of lawful age, to take up and secure such swine, hog or hogs, and proceed to sell the same, after giving at least five



days notice, by one or more advertisements, set up in the most public place or places in said village, and may retain one-half the amount of any such sale or sales for his trouble, and pay over the other half to the late owner or owners of any such swine, hog or hogs; *Provided nevertheless*, that the owner or owners of any such swine, hog or hogs shall have them or any of them delivered him, her or them again by applying to the person in whose care they are, and paying or tendering to him, her or them the following rates at any time before they are sold; to wit, for every hog or pig, not exceeding twenty pounds weight, twenty-five cents; for every hog or pig not exceeding fifty pounds weight, fifty cents; and for every hog, pig or swine not exceeding one hundred pounds weight, seventy-five cents, and for every other hog or swine, one dollar.

*How applied.* May be re-deemed before sold, on payment of &c.

*Proviso.*

*SEC. S. And be it enacted,* That if any person or persons whatsoever shall sell any swine, hog or hogs under the provisions of this act, such sale or sales shall be good and available in law; and if any such person or persons on demand being made, shall neglect or refuse to pay over one half of the amount of any such sale or sales as before directed by this act, the person or persons so applying, first making it appear that such swine, hog or hogs were at the time of taking up, the property of such persons applying for the same, they shall be liable to be prosecuted for the same as for any other debt: *Provided*, that if any swine, hog or hogs belonging to any person or persons residing without the limits aforesaid, shall at any period after the passing of this act, be found running at large within the aforesaid limits, and be taken up, then and in all such cases they shall be returned to the owner or owners thereof, for which the person so taking up and restoring, shall be entitled to receive from the owner or owners thereof, twelve and a half cents for every hog or swine so taken up and restored as aforesaid.

*Sales to be available in law.*

*Half the amount of sales may be recovered as any other debt.*

*Swine belonging to any person residing out of the limits &c. to be restored, &c.*

PASSED AT DOVER, }  
6 February 1816. }

## CHAPTER LXXIX.

A SUPPLEMENT to an act entitled, "*An act to incorporate a company for making an artificial road from or near the New-castle turnpike road, in New-castle hundred, in the county of New-castle, to the line of the State of Maryland, on the route through the villages of Christiana Bridge and Newark.*"

Chapter  
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vol.

**W**HEREAS in and by the act to which this is a supplement the New-castle and White-clay-creek hundred turnpike company, intended to be created by the act to which this is a supplement, are confined to the location of the King's road leading from the intersection of the Wilmington bridge company road at Clark's corner to Christiana bridge, and thence through the village of Christiana-bridge, and with the State road through the village of Newark to the line of the State of Maryland, near the house of Thomas Philips.

Preamble.

SEC. 1. BE IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the said recited act to which this is a supplement, and every part thereof shall be and the same is hereby revived and declared to be in full force and virtue to all intents and purposes, except so far as the same is altered by this act, and that the time for opening the books for receiving subscriptions for the shares of the capital stock of the said turnpike company, shall be extended to the first Tuesday of July next; and the commissioners appointed by the same original act, or a majority of them, shall do and perform the several duties enjoined upon them in that behalf, on or before the said first Tuesday of July next.

Original act  
revived, ex-  
cept so far as  
is altered.

Time for re-  
ceiving sub-  
scriptions ex-  
tended.

SEC. 2. *And be it further enacted,* That in case the president and managers intended to be created by

President and managers may locate a different route &c.

the act to which this is a supplement, shall in their opinion deem it more to the advantage of the public and the said company to locate a different site for the said turnpike road, it shall and may be lawful for the president and managers of said company to take with them their superintendants, surveyors, engineers, artists and chain-bearers, and enter into and upon any other lands, tenements and enclosures in, through and over which the said turnpike road may be intended to pass; and examine the grounds and beds of stone and gravel and other materials in the vicinity, that will be necessary in making and constructing the said road; to survey and lay out the track and route of said road, on any ground over which any public road has heretofore been laid out or used, from the place mentioned in the act to which this is a supplement; to the line of the State of Maryland, through the villages of Christiana and Newark, which road shall be located not more than seventy nor less than sixty feet in width, and the said company shall not pay any damage for any ground heretofore laid out, used or occupied as a public road: *Provided*, that the said company shall not be at liberty to turnpike that part of said road which runs through the town of Newark, without the consent of a majority of the freeholders within the limits of said town, in writing first had and obtained: *And provided also*, that no person residing within the limits of said town of Newark, or within a mile of the same, shall ever be compelled to pay any toll for the use of that part of said road which runs through the said town.

Width.

Proviso.

Index hands and boards to be set up.

SEC. 3. *And be it further enacted*, That the said company shall cause posts to be erected at the intersection of any road falling into and leading out of the said turnpike road, with boards and index hands, pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters, the name of the town or place to which such road leads, and the distance thereof in measured or computed miles, and shall also cause mile-

Mile-stones.

stones to be placed on the side of said road, to designate the distances to and from the principal places thereon; and shall also cause to be affixed on the gates to be erected for the information of travellers and others using said road, a board containing a list of the rates of toll, which from time to time may be lawfully demanded, painted in legible characters.

List of tolls  
to be affixed.

SEC. 4. *And be it further enacted,* That instead of the penalty of thirty dollars imposed by the seventeenth section of the said original act, any person prosecuted and convicted of any offence under that section, shall forfeit and pay to the said company any sum not less than two dollars, nor more than thirty dollars.

Penalty for  
offences under  
17th sect. of  
original act.

SEC. 5. *And be it enacted,* That if the company intended to be created by the act to which this is a supplement, shall not within three years from the first day of April next, complete two miles of the said turnpike road, or shall not within ten years complete the said road, according to the true intent and meaning of the said act, it shall then be lawful for the General Assembly of this State to resume all and singular the rights, liberties, privileges and franchises by the said act and this supplement granted.

Road not  
completed &c.  
the General  
Assembly  
shall resume  
the rights  
granted by this act

SEC. 6. *And be it enacted,* That such parts of the act to which this is a supplement as are hereby altered or supplied are hereby repealed and made null and void.

Repeal.

PASSED AT DOVER, }  
6 February 1816. }

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## CHAPTER LXXX.

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*An ACT to enable the persons therein named to raise a sum not exceeding five thousand dollars, by a lottery for the purpose of improving the navigation of Mispillion creek in this State.*

The sum to  
be raised and  
applied.

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That it shall and may be lawful for the persons hereinafter appointed managers, to institute, carry on, and draw a lottery, for raising a sum not exceeding five thousand dollars, clear of all expenses; and the said sum when so raised, shall be applied to the clearing out the shoals and obstructions in Mispillion creek aforesaid, and to render the same navigable for vessels drawing six feet water, to commence with the said work at or near a place called the Fork Landing, and clearing said creek of all shoals or mud-flats, at and from the aforesaid Fork Landing up said creek to Milford; and if the aforesaid sum of five thousand dollars, shall be sufficient, to continue said improvement up to the mill now owned and occupied by James Clayton and others.

Managers appointed.

SEC. 2. *And be it enacted,* That Samuel Lockwood, Jacob Biddle, Samuel Neal, James B. Ralston, Walker Sipple, Henry Hudson and Louder Layton, or the survivors of them, shall be and are hereby appointed managers of the said lottery, who shall respectively, before they enter upon the duties required by this act, give bond in the name of the State, in the sum of ten thousand dollars, conditioned for the faithful discharge of the trust reposed in them respectively by this act; which bonds shall be lodged in the office of the Secretary of this State, who shall thereupon give six weeks notice in some public newspaper within this State, that such bonds were executed and lodged in his office, in pur-

Shall give  
bond to be  
lodged in the  
secretary's of-  
fice, notice,  
&c.

quance of the directions of this act, and are hereby declared to be in trust for, and may be sued by all and any of the persons aggrieved by the managers of the said lottery in conducting and carrying on the same.

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SEC. 3. *Be it enacted,* That the said managers shall, on or before the first Tuesday of September next, if at that time a sufficient number of tickets shall have been sold, and if not as soon after as conveniently may be proceed to the drawing and finishing the said lottery; and the fortunate adventurers shall be paid the prizes drawn against their numbers, on demand, at any time within six months after the drawing of said lottery; but if not demanded within that time, the said prizes shall remain in the hands of the said managers, to be applied to and for the uses and purposes aforesaid.

Managers to proceed to the drawing said lottery and payment of prizes

if demanded, and if not, to be forfeited.

SEC. 4. *Be it enacted,* That the said managers or the survivors of them, shall superintend and direct the expenditure of the said sum of five thousand dollars, or so much thereof as they may judge necessary for digging out and clearing away the shoals and mud-flats in said creek, at and from the place aforesaid unto the mill aforesaid; and after the said work is done and completed, or the money expended, the said managers or the survivors of them shall exhibit their accounts of the same to a committee to be appointed by the inhabitants of the town of Milford, at a town-meeting to be held for that purpose, after ten days public notice thereof having been given, by posting up at least three advertisements in the most public places of the said town by the said managers or the survivors of them; and the said committee shall also report a statement thereof to the Levy-court of Kent county at their next session thereafter.

Managers to superintend the expenditure, &c.

And account with a committee chosen by a town meeting,

Report to the levy-court

SEC. 5. *Be it enacted,* That the said managers shall have for their trouble in the discharge of the

Compensation to the managers. duties assigned them by this act, the sum of five per centum on the whole sum which shall be raised by the said lottery and expended as aforesaid.

PASSED AT DOVER, }  
6 February, 1816. }

## CHAPTER LXXXI.

John Fisher, esq. appointed to make a digest of the laws, and a summary of decided cases. **R**ESOLVED, *by the Senate and House of Representatives of the State of Delaware*, That John Fisher, esquire, be appointed, and he is hereby authorized, in consideration of Nicholas Ridgely, esquire's having declined that duty, to prepare a digest and index of the acts of Assembly of this State, discarding therefrom all laws which have been repealed, expired by limitation, or which have become obsolete; and adding thereto by way of notes, a report or summary of any cases decided in the courts of law or equity in this State, giving a construction to any of the said acts of the General Assembly, and such papers, remarks and observations as he may deem pertinent; and that the said John Fisher, esquire, as soon as he shall have prepared such revised code, lay the same before the Legislature at their next session thereafter.

ADOPTED AT DOVER, }  
6 February, 1816. }

## CHAPTER LXXXII.

*An ACT to amend the intestate laws of this State.*

If real estate will not divide amongst all the heirs the same may be divided into two or more parts. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That when the freeholders appointed by any orphans' court in this State, to go upon and divide the real estate of an intestate,

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shall be of opinion that the same cannot be divided amongst all the children or other heirs or assigns of any child, children, or other heirs of the intestate, without prejudicing and spoiling the whole, but shall be of opinion that the same may be divided into two or more parts, advantageously to the parties interested\* therein, then and in such case the said freeholders or any three of them agreeing, shall part and divide the same real estate of the intestate, the widows' thirds always excepted, into as many portions or allotments as they may deem most advantageous to the persons interested† in the estate, and shall also value and appraise each portion and allotment, and shall make return of such division and appraisment or valuation, to the orphans' court, from which the order issued, and if such return of partition and valuation be approved and confirmed by the said court, then it shall be lawful for the said court to adjudge and order one of the said portions or allotments to the eldest son, or other person having the right of acceptance, according to the directions of the intestate laws of this State, in cases where the whole of an intestate's land is valued, and the other portions or allotments severally and respectively to such other child, children, or other persons respectively, who shall be successively intitled to accept the same, according to the intestate laws of this State, allowing to each the priority of choice according to the priority of the right of acceptance; and if such other child or children, or other persons respectively, shall not accept the aforesaid other portions or allotments, then and in such case the said other portions or allotments may also be allotted and assigned to the eldest son or other person aforesaid, being willing to accept the same, upon the persons to whom any part of the intestates real estate shall be so adjudged and ordered, paying or securing to be paid to the other children of the deceased, their representatives or assignees, their equal and

Widows  
thirds except-  
ed.Allotments to  
be valued;And if appro-  
ved, one por-  
tion to be ad-  
judged to the  
eldest son, or  
person hav-  
ing right of  
acceptance &  
the others ac-  
cording to pri-  
ority of right;And if they  
will not ac-  
cept, then the  
other portions  
may be as-  
signed to the  
eldest son, &c.

\* "Intrusted," in the original.

† "Intestate", in the original.



Persons ac- proportionable parts or shares of the appraised value  
 cepting to pay of that part of the said estate so adjudged to him  
 or secure pay- ment as is re- or her as aforesaid, according to the order and de-  
 quired by chap cree of the said court, in the same manner as is  
 cxix, vol. 1, p. required by the acts of the General Assembly in that  
 291, sec. 8. behalf, where one of the children of an intestate  
 takes the whole estate under an order of the orphans' court.

Freeholders appointed to divide, may value, if the same will not divide without, &c. SEC. 2. *And be it further enacted,* That when the freeholders to be appointed by the orphans' court to divide the real estate of an intestate, after being duly qualified, and in viewing the same, or any three of them shall be of opinion that the same will not bear any division without prejudicing and spoiling the whole, the same freeholders shall forthwith proceed to appraise and value the said estate, and they, or any three of them agreeing, shall make return of their proceedings to the orphans' court from which the order issued, certifying that the intestates real estate will not bear any division, and setting forth the same, at which they have valued and appraised the same; and if the said return be approved by the court, then the said court shall proceed to order and adjudge the same to such person as may be entitled to accept the same, according to the provision of the acts of Assembly in that behalf.

Fees to the freeholders.

SEC. 3. *And be it enacted,* That each freeholder appointed by the orphans' court to divide or value lands under the intestate laws of this State, or to view and make an estimate of the annual value, &c. of minors lands, in lieu of the fees now allowed by law, shall have one dollar per diem.

PASSED AT DOVER, }  
 9 Feby. 1816. }

## CHAPTER LXXXIII.

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An ACT concerning free negroes, free mulattoes, servants and slaves.

1816.

SEC. 1. **BE IT ENACTED, by the Senate and House of Representatives of the State of Delaware, in General Assembly met,** That in case any free negro or free mulatto shall be convicted of felony after the passing of this act, he, she or they shall not be sold to any person or persons living out of this State, unless the court before whom the conviction shall take place, shall so order and direct.

Free negroes or free mulattoes convicted of felony, shall not be sold out of the state unless the court shall so order.

SEC. 2. *And be it enacted by the authority aforesaid,* That if any person or persons, his, her or their agent or factor shall after the passing of this act, export or knowingly sell to any person living out of this State, or sell with intent to export, or carry out for sale from this State, any free negro or free mulatto convicted of felony, during the term of his, her or their servitude, without a license first had and obtained from the justices of the supreme court or justices of the court of general quarter sessions of the peace and gaol delivery, or any two of them, he, she or they shall forfeit and pay for every negro or mulatto so exported or knowingly sold to any person or persons living out of this State, or with intent to export, or carried out for sale, the sum of five hundred dollars, with the full costs of prosecution, to be recovered by indictment in any court of general quarter sessions of the peace and gaol delivery in this State.

Penalty for selling out of the state without license.

To be recovered by indictment.

SEC. 3. *And be it enacted by the authority aforesaid,* That if any person or persons shall after the passing of this act, apprehend or take up any runaway servant or slave, he or they shall forthwith carry him or her before the next justice of the peace of the county where such servant or slave shall be

Run-aways to be taken before justices of peace for examination &c

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so taken up or apprehended, and if on examination by said justice of said servant or slave, the said justice shall find sufficient cause for his or her detention, he is hereby authorized and directed to commit to the public gaol of the county in which said justice may reside, by regular commitment directed to the sheriff of said county, the said servant or slave so taken up and carried before him.

To be advertised,

SEC. 4. *And be it enacted by the authority aforesaid,*

That the said sheriff shall forthwith upon the reception by him of the commitment directed to him by the justice of the peace, in conformity to the third section of this act, cause such servant or slave to be advertised in some public newspaper of the borough of Wilmington, for the space of six weeks next after such servant's or slave's commitment; and if the master or owner of such servant so imprisoned as aforesaid, shall omit or neglect to release

And if not released by the master, shall be discharged.

such servant or slave from prison within the time of six weeks next after the commitment to prison of

such servant or slave, then and in such case, the sheriff is hereby directed to discharge such servant or slave from his custody, nor shall such servant or

And exempted from costs.

slave be liable to any of the costs and charges of his apprehension, commitment or prison fees.

And not to be delivered without the authority of a justice of peace,

SEC. 5. *And be it further enacted,* That the sheriff

or gaoler shall not deliver to any person or persons whomsoever any such slave or servant without the authority of a justice of the peace residing in the town in which the gaol in which the said servant or slave shall be confined, is situate; or if there be none such, or none present in such town, then of the nearest justice of the peace of the county, given in

To be in writing under hand & seal, after reasonable proof, &c.

writing under the hand and seal of such justice, nor in such case, except in the hours between the rising and setting of the sun; and such justice of the peace shall, before he grants such authority, require reasonable proof that the person or persons applying for such slave or servant, is or are, *bona fide* entitled to such slave or servant, or the agent or agents, at-

torney or attornies of the person or persons who shall be proved before the said justice to be *bona fide* entitled to such servant or slave; and the said justice, as proof that any person or persons applying to him as agent or agents, attorney or attornies, are such, shall require a document in writing, under the hand and seal or hands and seals of the principal or principals, duly constituting such agent or agents, attorney or attornies; and shall also require reasonable proofs that such principal or principals are *bona fide* entitled to such slave or servant; and if any sheriff or gaoler shall, without such authority, deliver any servant or slave confined as aforesaid, to any person or persons whomsoever, such sheriff or gaoler shall for such offence forfeit and pay the sum of five hundred dollars, to be recovered by indictment in the court of general quarter sessions of the peace and gaol delivery.

Proof of agents' being such, to be in writing &c.

SEC. 6. *And be it enacted by the authority aforesaid,* That nothing herein contained shall be taken or construed to prevent the prosecution and punishment of such larcenies as may have been committed previous to the passing of this act, in such manner as if this act had not been passed.

This act now to prevent the punishment of larcenies committed before &c.

SEC. 7. *Be it enacted,* That no person or persons whatsoever shall knowingly employ, conceal or entertain another's servant or slave at his, her or their house or houses, plantation or plantations, without the master's or owner's consent, except in distress of weather, sickness, or other extraordinary occasions or accident, under the penalty of fifty dollars for every twenty-four hours he or she shall entertain any such servant or slave as aforesaid; so in proportion for any less time.

No person to employ or conceal another's servant or slave.

Penalty.

SEC. 8. *And be it further enacted by the authority aforesaid,* That the sixth and seventh sections of the act entitled, "An act for the better regulation of

Repeal of 6th & 7th sec. of chap lxxvii a, 1 vol. 210.

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servants and slaves within this Government," be  
and the same are hereby repealed.

*SEC. 9. Provided always, and be it further enacted,*  
That nothing in this act contained shall be construed in any manner to affect any person or persons travelling with his, her or their servant or slave, or who shall move out of this State with his or her family, or who shall send or carry his or her servant or slave out of this state, on his or her lawful business or service: *and provided also,* that nothing in this act contained shall be taken or construed to affect any sheriff, gaoler, or other person acting under the authority of a judge or justice of the peace pursuant to an act of Congress entitled, "An act respecting fugitives from justice, and persons escaping from the service of their masters."

This act not  
to affect cer-  
tain persons.

PASSED AT DOVER. }  
9 February, 1816. }

## CHAPTER LXXXIV.

### RESOLUTION.

Preamble.

**W**HEREAS, by a resolution of the General Assembly passed at their session in February, one thousand eight hundred and fourteen, the governor was requested to forward to the Secretary at War of the United States, an account of all monies which had been expended by this State against the then common enemy of the United States, with a request that the same should be laid before Congress; and whereas his excellency Daniel Rodney, esquire, governor, did in his message to the General Assembly at their session in January last, inform the Legislature, that the auditor, on the eighteenth day of March, one thousand eight hundred and fourteen, furnished him with an account of our expenditures in military operations during the year one thousand eight hundred and thirteen, amounting to

thirty thousand six hundred and nineteen dollars and seventy-nine cents, and that he had transmitted the same to the Secretary at War, with a request that the President would provide for the reimbursement of that sum to the State, or that the accounts should be laid before Congress; and whereas this State steadily pursuing military operations against the common enemy of the United States, has expended considerable sums of money in addition to the sum mentioned in the Governor's message, and it is just that all monies thus expended for the common defence should be refunded by the general government, and not suffered to operate as a burthen upon an individual State which in all things promptly contributes its full proportion of taxes towards the support of the National Government as well in war as in peace:

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THEREFORE RESOLVED UNANIMOUSLY *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Governor be and he is hereby requested to forward to the Secretary at war of the United States a further and additional account of all monies which have been expended by this State for defence against the common enemy of the United States, during the late war, with a request that the same may be laid before congress.

ADOPTED AT DOVER, }  
February 10th, 1816. }

## CHAPTER LXXXV.

*An ACT respecting the partition of lands and tenements among joint tenants and tenants in common.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That when two or more persons now hold or hereafter shall

Estates of joint tenants, how partitioned. hold as joint tenants or tenants in common any lands or tenements within this State, any one or more of them being of lawful age, or the guardian or guardians of any being under age, may prefer a petition to the chancellor of this State in vacation or in term time, stating the facts, describing the lands and tenements so held, and praying partition thereof among the several persons entitled to the same, according to their several and respective rights: and thereupon the chancellor shall order a summons to be issued by the register of the court of chancery of the county where the premises lie, directed to the other person or persons concerned, who may not have joined in such petition, returnable on some day in the next term of said court, requiring the said person or persons to appear before the chancellor and shew cause if any they have, why partition of the premises should not be made according to the prayer of the petition; and upon the return of such summons, if the parties summoned shall fail to appear, or appearing, shall not shew to the satisfaction of the chancellor, sufficient cause against making partition of the premises, the chancellor shall enter upon the record of the court a decree that partition be made of the premises among the parties interested, stating the share or portion to be allotted to them respectively; and shall thereupon issue a commission directed to five freeholders to be appointed commissioners by the chancellor, authorizing and requiring them, being first duly sworn or affirmed before some judge or justice of the peace, faithfully and impartially to perform the duty required of them by such commission, and make a just and fair partition among the parties according to the best of their skill and judgment; to go upon the premises and make a just and fair partition thereof between or amongst the parties, in the proportions in the said commission mentioned; and to make return of such partition with a survey of the premises, (where lands are divided) to be made by some skilful surveyor appointed by the commissioners and to be first duly qualified as

Chancellor to order a summons to issue, & to whom directed.

Parties failing to appear, &c. the chancellor to decree that partition be made.

And to issue a commission to freeholders to make partition.

Return of survey and partition to be made.

aforesaid; which said commissioners shall make return of said commission, with the partition by them made, certified under their hands and seals, to the chancellor according to the command of the said writ; and if such partition be approved by the chancellor, he shall thereupon enter a final decree that the said partition shall remain firm and stable forever; and such proceedings and decree shall be good and effectual in law, and binding and conclusive among the parties, and all claiming by, through or under them or any of them.

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If approved a decree to be entered that the partition shall be firm & stable forever.

SEC. 6. *And be it further enacted,* That if all the said joint tenants or tenants in common being of lawful age, or the guardians of those being under lawful age, shall all unite in preferring a petition to the chancellor for partition as aforesaid, then and in such case the chancellor shall, upon receiving such petition, and without issuing any summons, enter a decree that partition be made, designating the share or part to which each of them is entitled, and order a commission for making partition among the parties, in the same manner as is herein before mentioned, which commission shall be proceeded in, executed and returned, and final decree be entered thereon, in the same manner as is herein before directed, and shall be good and effectual in law, and binding and conclusive upon the parties thereto, and all others claiming by, through or under them or any of them; and a copy of any proceedings and partition made pursuant to this act, certified under the hand of the register and seal of such court, shall be admitted and received as competent evidence, touching such partition in any court of law or equity; and the costs of every partition made under this act shall be taxed and allowed by the chancellor, and be paid by each party according to his or her interest in the premises, in such manner as the chancellor shall order.

If all the joint tenants or tenants in common shall join in the petition, a decree shall be made that partition be made.

Commission to issue, &c.

Final decree to be made.

A copy of the proceedings to be evidence, &c.

Costs to be taxed, and in what manner paid.

PASSED AT DOVER, }  
February 12 1816. }



## CHAPTER LXXXVI.

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1816.

*An ACT for the appointment of an auditor of accounts.*

SEC. 1. **BE IT ENACTED**, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That Joseph B. Harris, be and he hereby is appointed "The Auditor of Accounts" for the term of three years, from Tuesday the second day of the present month of January, and from thence to the end of the session of the General Assembly, which may be holden at the time of the expiration of the said term of three years, or should the General Assembly not be then in session, then and in that case to the end of the session of the General Assembly holden next after the expiration of the said term of three years.

Joseph B.  
Harris ap-  
pointed "the  
Auditor of ac-  
counts."

SEC. 2. *And be it enacted*, That if said auditor of accounts shall die, or be otherwise incapacitated for discharging the duties of the said office in the recess of the General Assembly, or if at any time during any such recess, the said office should be vacant, it shall and may be lawful for the governor for the time being to appoint some other fit person, "the auditor of accounts", who shall continue in office until the end of the next session of the General Assembly after such appointment, and no longer, unless he be re-appointed by the General Assembly.

Vacancies to  
be supplied by  
the governor.

Continuance  
in office.

SEC. 3. *And be it enacted*, That "the auditor of accounts" hereby appointed, and every auditor of accounts hereafter appointed in pursuance of this act, is hereby empowered and directed to exercise all the powers and authority, and to perform all the duties which are vested in and required of the auditor of accounts by the laws of this State.

Same powers  
and authority  
continued, see  
2 vol. p. 869,  
3 vol. p. 15,  
74; 4 vol. p. 328  
139, 141, 328  
and 581.

SEC. 4. *And be it enacted*, That the auditor of accounts hereby appointed or to be appointed in

pursuance of this act, shall receive the same salary and compensation as is now fixed by an act entitled "An act to increase the salary of the auditor of accounts," passed the twenty-fourth day of January, one thousand seven hundred and ninety-seven; and by "An act for extending the powers of the auditor of accounts to the settlement of the county road and poor taxes, &c. within this State," passed the twenty-third day of January, one thousand seven hundred and ninety-eight, to be paid quarterly, at the treasury of this State, to commence from the date hereof.

Salary.

2 vol. p. 1349,  
chap. cxxxi.3 vol. p. 19,  
chap. 5, sec. 8.

PASSED AT DOVER, }  
12 Feb. 1816. }

## CHAPTER LXXXVII.

## RESOLUTION.

**W**HEREAS it is enacted by the fourth section Preamble.  
of the act entitled "An act to create a fund sufficient to establish schools in this State," that See 2 vol p. 1296, chap. cv  
whenever the money in the treasury, arising from marriage and tavern licenses, gifts and bequests, shall amount to a sum equal to the purchase of a share in either the banks of Delaware, the United States, of Pennsylvania, and of North America, the said trustee shall be, and is hereby authorized, empowered and required to purchase on the best terms, to be procured in the name of the Trustee of the Fund for establishing Schools in the State of Delaware, a share in one of the said banks, to demand and receive the dividend on every such share as often as it becomes due, and to apply the same with the other money in the treasury belonging to this fund, to the purchasing another share in one of the said banks as often as the same may be adequate thereto. *And whereas* it appears to this General Assembly by a report from Samuel Paynter, the present trustee of the fund aforesaid, that there

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is in his hands at this time as such, the sum of four thousand seven hundred and fifty-three dollars and seventy-two cents unappropriated, whereby the increase of the said fund is suffering loss.

Trustee of the  
school fund to  
apply from  
time to time  
monies in his  
hands to the  
purchase of  
stock.

**THEREFORE RESOLVED,** *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the trustee of the said school fund shall immediately hereafter, proceed to lay out the monies not applied, by purchasing so much stock in the Farmers' Bank of the State of Delaware, or any other incorporated bank of this State, as will amount to the aforesaid sum now in hand for the use of the said school fund, and shall from time to time as any monies belonging to said fund, shall come into his hands sufficient to purchase one or more shares, in the aforesaid Farmers' Bank or any other incorporated bank, vest the same money in the purchase of such bank stock.

ADOPTED AT DOVER, }  
Febr'y 13, 1816. }

## CHAPTER LXXXVIII.

### RESOLUTION.

Preamble

See 4 vol p.  
521, chapter  
exciii.

**W**HEREAS by an act of Assembly, passed, eighteen hundred and twelve, entitled, "An act for the interchange of laws", the governor was authorized and required to transmit to the executive of each state of the United States, three copies of the laws that have been heretofore enacted; and also three copies of all laws which should thereafter be enacted annually, and request a like interchange from them: *And whereas* it appears from a communication made to the General Assembly in the month of January, eighteen hundred and thirteen, by his excellency Joseph Haslet, the then governor of this State, that he was prevented from carrying the provisions of the aforesaid act into complete

effect, according to its true intent and meaning in consequence of their not being a sufficient number of the third and fourth volumes of the laws printed and bound: *And whereas* there has, subsequent to that time, been none of the said third or fourth volumes printed or bound by any order for public service: *And whereas* it is deemed important that the provisions of the aforesaid act entitled "An act for the interchange of laws," should be carried into effect, and continue in operation—

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1816.

**THEREFORE RESOLVED, by the Senate and House of Representatives,** That the secretary of State be and he is hereby authorized and required to have re-printed and bound, three hundred copies of the third, and three hundred copies of the fourth volume of the acts of Assembly of this State, and that he immediately thereafter cause to be delivered to the Governor, so many copies thereof as will enable him to comply with the provisions of the act entitled, "An act for the interchange of laws," passed in January, eighteen hundred and twelve; and that he cause to be delivered to the Senate, nine copies, to the House of Representatives, twenty-one copies of each volume, and the remaining copies in equal proportions, as nearly as may be, shall be deposited with the prothonotaries of the respective counties of this State, who shall give notice thereof and dispose of the same to the citizens of this State at such price as the Secretary of State for the time being, shall direct; and the said prothonotaries respectively shall pay over the monies arising from the sale thereof every three months to the State-treasurer for the time being, and every prothonotary making default in payment according to this act, shall forfeit and pay for every such neglect, ten per centum on all monies so by him detained as aforesaid.

Secretary of State to have reprinted 3rd & 4th vols of the acts of Assembly.

Distribution & sale thereof

By the prothonotaries who shall pay over the monies in three months.

Penalty for neglect.

*Resolved further,* That the Secretary of State do make or cause to be made, an index to the laws

Index to be made to laws passed since 1813. }  
 passed since the second day of February, in the year of our Lord one thousand eight hundred and thirteen, and cause the same to be printed and published with the laws passed this session.

Index to be made to laws passed at every future session. }  
*Resolved further*, That the Secretary of State do make or cause to be made, an index to the laws passed at every future session of the Legislature of this State, and cause the same to be printed and published with the laws passed at every future session.

ADOPTED AT DOVER, }  
 14 February, 1816. }

## CHAPTER LXXXIX.

See chap. cxvi. }  
 vol. 3, p. 249. }  
*A SUPPLEMENT to the act entitled, "An act for erecting and keeping in good repair a draw-bridge over Little-creek."*

Preamble

**W**HEREAS it appears to this General Assembly that the space directed by the act aforesaid to be left between the abutments of the aforesaid bridge and over the channel of the said creek, for the accommodation of persons having occasion to pass through the said bridge with boats and vessels, and which has been left according to such direction, is in consequence of the landing above said bridge having become more public and frequented than it was when said act was passed, insufficient for such accommodation; and the public good forbidding the obstruction of navigable waters; Therefore—

Space between the abutments to be increased,

**SEC. 1. BE IT ENACTED**, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the space between the abutments of the said bridge and over the channel of the said creek, for the accommodation of such persons as may have occasion to pass through the

said bridge with boats and vessels shall be increased to the width of twenty-eight feet in the clear; and that it shall and may be lawful for the levy-court of Kent county, and they are hereby required and enjoined, that the said bridge shall be altered so that there shall be left between the abutments of said bridge and over the channel of said creek, the clear space of twenty-eight feet at the least, over which shall be constructed a good and sufficient draw, of the proper length, with proper machinery and accommodations for raising or removing the same for the purpose of permitting vessels to pass and repass through the said bridge: *Provided*, that if the said bridge cannot be widened to twenty-eight feet as aforesaid, for the sum of one hundred dollars by the contract of some person or persons who will undertake the same, then and in such case the levy-court shall not be obliged to cause said bridge to be so widened.

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Provided it  
can be done  
for \$100

SEC. 2. *And be it further enacted*, That it shall be the duty of any person or persons appointed by the levy-court, or of the overseer or overseers of the roads, causeways and bridges within whose limits the said bridge shall be, and he or they are hereby enjoined and required to cause the said bridge to be altered, and a draw to be constructed according to the foregoing provisions.

Duty of per-  
sons appoint-  
ed for that  
purpose.

PASSED AT DOVER, }  
14 February 1816. }

## CHAPTER XC.

### *An ACT against forgery.*

SEC. 1. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That if any person or persons from and after the passing of this act, shall fraudulently and falsely make, forge

Forgery of  
any record or  
copy thereof,  
&c.

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1816.

or counterfeit, or willingly aid or assist, or cause or procure to be fraudulently and falsely made, forged or counterfeited, or shall fraudulently and falsely alter, deface, embezzle or destroy, or willingly aid, or assist, or cause, or procure to be fraudulently and falsely altered, defaced, embezzled or destroyed, any record of any court of justice within this State, or the record or copy of any deed or other instrument of writing entered as of record in either of the offices for recording of deeds in this State, or the record of any last will and testament, or copy thereof, entered as of record in either of the offices of the register for the probate of wills and granting letters of administration in this State, or any record of the orphans' court or the court of chancery of this State, or other matter of public record in this State, then every such person or persons being thereof lawfully convicted according to the due course of the law, shall be fined in a sum of money not less than five hundred dollars, and not exceeding two thousand dollars, and shall moreover be imprisoned and kept in solitary confinement for a space of time not less than one year and not exceeding three years.

Punishment.

Forgery, &c.  
of any deed  
or other in-  
strument of  
writing to the  
prejudice of  
the right of  
any person, &c

SEC. 2. *And be it further enacted*, That if any person or persons from and after the passing of this act, shall fraudulently and falsely make, forge or counterfeit, or willingly aid or assist or cause, or procure to be fraudulently and falsely made, forged or counterfeited, or shall fraudulently and falsely alter, deface, embezzle or destroy, or willingly aid or assist, or cause or procure to be fraudulently and falsely altered, defaced, embezzled or destroyed, any deed for the conveyance or transfer of any lands or tenements, or any interest in or concerning the same, or for the assignment or transfer of any goods or chattels, rights or credits, or any last will and testament, or any bond, obligation, bill obligatory, letter of attorney, bill of exchange, promissory note, or note or notes of any incorporated bank, or any check or order on any such bank, or any or-

der for the payment of money or any acceptance of any bill or bills of exchange, or any receipt or release or acquittance, or any assignments or endorsements of or upon any bond, obligation, bill obligatory, bill of exchange or promissory note, or shall fraudulently and falsely counterfeit the hand and seal, or the hand or seal of any person or persons whatsoever, or the seal of any body corporate or politic, or shall fraudulently and falsely make, forge or counterfeit, or willingly aid or assist, or cause or procure to be fraudulently and falsely made, forged or counterfeited, or shall fraudulently and falsely alter, deface, embezzle or destroy, or willingly aid or assist, or cause or procure to be fraudulently and falsely altered, defaced, embezzled or destroyed any other writing whatsoever, to the prejudice or with intent to the prejudice of the right of any person or persons or body politic or corporate; and shall utter, publish, offer or use as true, any of the said matters, things or instruments above specified, knowing the same to have been fraudulently and falsely made, forged, counterfeited, defaced or altered as aforesaid, then every such person or persons being thereof lawfully convicted, according to the due course of law, shall for every such offence be fined in a sum of money not less than five hundred dollars, and not exceeding two thousand dollars, and shall moreover be imprisoned and kept in solitary confinement for a space of time not less than one year, and not exceeding three years.

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1816.

And publish-  
ing as true,  
&c.The punish-  
men.

SEC. 3. *And be it further enacted*, That all acts or parts of acts that are inconsistent with, or contrary to the provisions contained in this act, be and the same are hereby repealed, except as to cases which may have occurred under them prior to the passing of this act.

Repeal.  
Vol. 1, Del.  
laws, p. 121,  
vol 2, p. 773,  
1238; vol. 4,  
p. 102, 524,  
530, 533, 546,  
558.

PASSED AT DOVER, }  
15 February, 1816. }



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XCI.

1816.

## CHAPTER XCI.

*An ACT for the payment of certain claims.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the treasurer of this State be and he is hereby directed to pay Cornelius P. Comegys, adjutant-general, the sum of thirty-five dollars and eighty-four cents, being the amount of monies paid by him for printing sundry forms, and postage on letters addressed to him in his official capacity; and to pay to his excellency Daniel Rodney, esquire, the governor of this State, forty-six dollars and thirty-eight cents, postage on the interchange of the laws and resolutions between this State and other States.

To pay C. P.  
Comegys, A.  
Gen. §35 84

The governor  
§46 38

PASSED AT DOVER, }  
16 February 1816. }

## CHAPTER XCII.

*An ACT making provision for the support of Government for the year one thousand eight hundred and sixteen.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the sum of fifteen thousand dollars shall be raised and paid into the treasury of this State, within the time, and in the manner directed by an act of the General Assembly, entitled "An act making provision for the support of government for the year of our Lord one thousand eight hundred and ten, and for the more effectual ordering assessing, levying and collecting all such taxes as may be granted by the General Assembly," which said sum of

§15,000 to be  
raised.

4 vol. chap.  
cxxii, p. 323.

fifteen thousand dollars shall be assessed and levied on the whole amount of the aggregate valuation of the real and personal property of this State, now making, under and by virtue of the authority of the existing laws of this State; and it shall be the duty of the auditor of accounts, and he is hereby authorized and required to ascertain upon the aforesaid amount of the aggregate valuation of the real and personal property aforesaid, the sum per centum necessary to raise, clear of all charges of collecting, the taxes hereby granted and laid.

Shall be assessed on the whole amount of the valuation of property.

SEC. 2. *And whereas*, it appears that there is now due from the county of Newcastle the sum of nine thousand two hundred and sixty-six dollars and forty-seven cents, being the proportion of the said county of Newcastle, of the sum of fifteen thousand dollars directed to be raised and paid into the treasury of this State, by the act of Assembly, entitled "An act making provision for the support of Government for the year one thousand eight hundred and fifteen, and for other purposes," passed on the seventh day of February one thousand eight hundred and fifteen; *Therefore be it further enacted by the authority aforesaid*, That there shall be assessed, levied and raised in the said county of Newcastle, within the time, and in the manner directed by the first section of this act, and in addition to the proper proportion of the said county of Newcastle of the aforesaid sum of fifteen thousand dollars, directed to be raised and paid into the treasury of this State, by the aforesaid first section of this act, the aforesaid further sum of nine thousand two hundred and sixty-six dollars and forty-seven cents, clear of commissions and delinquencies; the said last mentioned sum of nine thousand two hundred and sixty-six dollars and forty-seven cents being as aforesaid the unpaid quota of the said county of Newcastle of the aforesaid State-tax of fifteen thousand dollars, directed to be raised and paid into the treasury of this State by the aforesaid act of Assembly, entitled, "An act making provision for

Preamble.

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Additional sum to be raised in Newcastle county, for her deficiency of 1815.

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the support of government for the year one thousand eight hundred and fifteen, and for other purposes.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the aforesaid sums of money shall be appropriated and applied to and in the following manner; that is to say; so much thereof as may be necessary, shall be applied to the payment of salaries due and to become due to the governor, chancellor, judges of the supreme court and court of common pleas, attorney-general, secretary of State and auditor of accounts up to the first day of January, which will be in the year of our Lord one thousand eight hundred and seventeen; and so much thereof as shall be necessary, shall be applied to the payment of the daily allowances of the members of the General Assembly, their clerks and other expenses, and for the printing of the laws passed at this session of the General Assembly and the votes and proceedings of the two branches thereof; and the residue if any there be, shall be applied to the payment of any sums of money due to the citizens of this State, for which provision shall be made by law.

If the sums to be raised are unequally apportioned the same shall be regulated according to the general assessment;

SEC. 4. *And be it further enacted by the authority aforesaid,* That if after any general assessment or valuation of the real and personal property within this State, to be made in pursuance of the provisions of an act of the General Assembly of this State, entitled "An act for the valuation of the real and personal property of this State," passed during the present session of the legislature, it shall appear that the several sums allotted and assigned to be paid by the respective counties into the treasury of this State, according to the provisions of an act passed the seventh day of February, one thousand eight hundred and fifteen, have been unequally assessed, levied and apportioned to and upon the counties respectively, that all and every such unequal apportionment made in manner aforesaid, shall be re-

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gulated, adjusted and settled, agreeably to the valuation and assessment made by the commissioners appointed for the purpose of making a general assessment of real and personal property throughout this State; and if, upon such regulation, adjustment and settlement, it shall appear that either of the counties of this State has paid into the treasury of this State more or less than a fair and just proportion of the State-tax for the year one thousand eight hundred and fifteen, the same shall be repaid to the county or counties overpaying, and charged, assessed, levied and paid by every such county as shall have been under-rated or paid less than its due proportion.

And if either county has paid more or less than a fair proportion, shall be repaid or charged as the case may require.

PASSED AT DOVER, }  
16 February 1816. }

## CHAPTER XCIII.

*An ACT authorizing and directing a general assessment of the real and personal property of this State.*

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That all the real and personal property within this State liable to assessment and valuation according to the provisions of the act of Assembly, entitled "An act for the valuation of real and personal property within this State," passed on the ninth day of February, one thousand seven hundred and ninety-six, and the several supplements thereto, shall be assessed and valued by William Cooch, of Newcastle county, esquire, Andrew Barratt, of Kent county, esquire, and William Wolfe, of Sussex county, esquire, or by a majority of them acting together.

All real and personal property liable to assessment to be valued.  
2 vol. p.1247.

On what principles valuation made;

Limitation of personal tax, exclusive of property tax.

Powers and authorities of commissioners

Commissioners to be qualified.

Form of oath or affirmation

SEC. 2. *And be it enacted*, That the said William Cooch, Andrew Barratt and William Wolfe, commissioners, appointed for the purpose aforesaid, or a majority of them, shall make the assessment and valuation aforesaid on the principles and according to the provisions of the aforesaid act of Assembly of the ninth of February, one thousand seven hundred and ninety-six, and the several supplements thereto, so far as the same are not varied or departed from by any of the provisions of this act; *Provided nevertheless*, That every freeman above the age of twenty-one years, whether he has or has not property assessed to him, shall be rated a personal tax for a capital not less than one hundred dollars, nor exceeding five thousand dollars, at the discretion of the said commissioners.

SEC. 3. *And be it enacted*, That the said commissioners, or a majority of them, are hereby invested with all the rights, powers and authorities at present held and vested in the assessors of the several hundreds of this State by law; and they, or a majority of them, are hereby moreover invested with, and have delegated to them, all powers and authorities necessary for the making and completing the assessment and valuation aforesaid, and shall have free access to all public books, records and papers within this State; and shall have full power to send for, compel the attendance of witnesses, and to obtain from any of the public officers of this State copies of all such books, papers and records as they may deem necessary and useful.

SEC. 4. *And be it enacted*, That the said commissioners, before they enter upon the duties assigned them by this act, shall severally take an oath or affirmation before some judge of this State, that they will diligently, faithfully and impartially to the best of their skill and judgment, execute the duties assigned them by this act, and that they will spare no person for favour affection or partiality, or grieve any one for hatred or ill-will, but

that they will do equal right and justice according to the best of their knowledge in every case in which they act as commissioners aforesaid.

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SEC. 5. *And be it enacted*, That if any vacancy, or vacancies should happen in consequence of the death, refusal or inability to serve of any or either of the commissioners aforesaid, then and in such case the governor shall immediately thereafter appoint for the proper county, a good and discreet freeholder or freeholders, to supply such vacancy or vacancies, and the person or persons thus appointed shall have the same powers and authorities, and proceed in the same manner as if he or they were particularly named in this act. And whenever any vacancy shall happen in the said board of commissioners, the same shall be supplied by the governor in manner aforesaid, and every commissioner thus appointed by the governor shall have the same powers as if he had been named in this act as such.

Vacancies,  
how supplied,  
& same powers  
to persons  
filling such vacancies.

SEC. 6. *And be it enacted*, That the commissioners shall begin in New-castle county, having completed it in that county shall next proceed to the county of Kent, which having completed they shall then assess and value the county of Sussex.

Shall begin in  
New-castle.

SEC. 7. *And be it enacted*, That as soon as the board of assessors shall have finished and completed their assessments in New-castle county, they shall proceed to make out or cause to be made out lists in alphabetical order, of all the taxables in each hundred, together with the amount of the assessment of each person distinctly stated in a book to be had for that purpose, and shall have the same hung up at the places where the hundred elections for the several hundreds are respectively directed to be held by law; and that the same proceedings shall be had as aforesaid, in each of the

Alphabetical  
lists of all, tax-  
ables in each  
hundred, with  
the amount of  
assessment to  
be hung up.

counties of this State, as the same may be severally assessed according to the provisions of this act.

Board of ap-  
peals.

SEC. 8. *And be it enacted*, That Caleb Kirk, for the county of New-castle, John Raymond for the county of Kent, and Nathan Vickars for the county of Sussex, be and they are hereby appointed and constituted a board of appeals, whose duty it shall be to meet for the county of New-castle, at the court house in the said county, at any time which shall not be less than twenty days after the list of taxables and amount of assessments shall have been hung up and exhibited in the several hundreds as aforesaid, due public notice of which meeting shall by the said board of appeals be given; when and where so met, they or a majority of them so met, shall continue for a period not less than ten days, and during that time shall hear and determine upon all and every appeal made by any person or persons who may consider him, her or themselves aggrieved by any assessment, which shall have been made in pursuance of this act, and shall have power generally to arrange the several valuations and assessments so that no person or persons may be unequally assessed or overrated in the assessment of his, her or their real or personal property, within said county; and shall in like manner for the counties of Kent and Sussex meet and continue at the court-houses of said counties respectively, for the same time and purposes aforesaid; and shall in like manner give notice of such meetings, and shall in like manner hear, determine and arrange as herein before prescribed and directed.

When to  
meet in New-  
castle.

Notice there-  
of to be given.

Their powers  
and duties.

Shall meet in  
Kent & Sussex.

Board of ap-  
peals to be  
sworn or af-  
firmed &c &c.

Shall have  
power to ap-  
point clerks &  
obtain infor-  
mation.

SEC. 9. *And be it enacted*, That each member of the aforesaid board of appeals respectively, shall before entering upon the duties assigned them by this act, take the same oath, to be administered in like manner as is directed to be taken and administered to the assessors herein before appointed; and the said board of appeals shall have the same power to appoint clerks, obtain information touching the va-

due of real and personal property within the respective counties of this State; and shall be entitled to the same per diem allowance as is hereinafter allowed to the assessors appointed as aforesaid; and any vacancies happening in the board of appeals shall be filled up and supplied as is directed by the fifth section of this act for supplying vacancies in the board of Assessors.

Their compensation.

Vacancies.

SEC. 10. *And be it enacted*, That the board of assessors herein before appointed shall, as soon as they shall have finished and completed the valuation and assessment of each of the counties of this State respectively, in addition to the copy of their assessments and valuation hung up and exhibited in the hundreds respectively, as before directed, make out, or cause to be made out, one other fair copy of their said assessments and valuations, and deliver the same to the board of appeals before the sitting of the board, in each county respectively, retaining the original lists in their own possession.

Copy of assessment to be delivered to the board of appeals.

SEC. 11. *And be it enacted*, That when and as soon as the aforesaid board of assessors, and the said board of appeals, shall have finished and completed their valuation and equalization of the real and personal property within the several counties of this State, they shall assemble together in the town of Dover, and as a joint board when so assembled, or a majority of them when assembled, shall proceed to compare their respective proceedings, had in pursuance of this act; and may, or a majority of them together agreeing, make such alterations in their assessments, valuations and equalizations as they, or a majority of them, may, upon a full and fair examination, deem right and proper; and a fair copy of such valuation, when so as aforesaid adjusted, equalized, settled and determined, shall be laid before the General Assembly at their next session thereafter.

Joint meeting of assessors & board of appeals.

Their powers & duties.



**Commissioners to employ clerks.** SEC. 12. *And be it enacted,* That the commissioners aforesaid, or a majority of them, shall have full power and authority to employ a clerk or clerks not exceeding three, for the purpose of assisting in the business aforesaid.

**Compensation to commissioners.** SEC. 13. *And be it enacted,* That each of the commissioners aforesaid, appointed, or that may be appointed by virtue of this act, shall receive for every day he may be employed in the duties assigned him by this act, the sum of four dollars, and the clerks appointed in pursuance of this act shall be allowed each, for every day's service, the sum of three dollars.

PASSED AT DOVER, }  
February 1816. }

## CHAPTER XCIV.

*An ACT for the payment of certain claims, and for other purposes.*

SEC. 1. **BE IT ENACTED,** *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the treasurer of this State be and he is hereby authorized and directed to pay to Moses Bradford the sum of thirty-two dollars, for printing done by order of the secretary of State in the year eighteen hundred and fourteen; to James Wilson the sum of nineteen dollars and fifty cents, for inserting the Governor's proclamation of the elections of Thomas Cooper and Thomas Clayton, esquires, Representatives to Congress, in eighteen hundred and fourteen, and for printing general orders of the Governor; to Augustus M. Schee, the sum of thirty-three dollars, for printing done by order of the Secretary of State, in eighteen hundred and fourteen.

**State treasurer to pay—**  
**Moses Bradford,**  
**Jas. Wilson,**  
**Augustus M. Schee.**

SEC. 2. *And be it further enacted,* That John Mitchell, John Crow and John Handy be and they are hereby appointed commissioners on the part of the State, to liquidate and settle the accounts of all persons having demands against the State for articles which have been furnished, for expenses incurred, and for services rendered under the orders of the Governor, or otherwise for the defence of the same; and that the said John Mitchell, John Crow and John Handy be and they are hereby authorized and directed to pass such accounts; and that the said accounts, when certified by the said commissioners, or any two of them, shall be paid and satisfied by the State treasurer, out of any monies in the State treasury not otherwise appropriated.

SEC. 3. *And be it further enacted,* That the said commissioners shall meet at the towns of Newcastle, Dover and Georgetown respectively, or such other places, and at such times, as they shall or may appoint: *Provided always,* and they are hereby directed to give two weeks notice of the time and place of their respective meetings, in one or more of the public newspapers printed in this State.

SEC. 4. *And be it further enacted,* That the Governor, or other proper officer, shall cause to be laid before the commissioners, in proper columns and form, setting forth the names, officers, days' service, pay, rations and forage, with individual and aggregate estimates carried out, and noting the cases where rations and forage are due, and where they have not been received by those entitled to them.

SEC. 5. *And be it enacted,* That each of the said commissioners while employed in the service assigned them by this act, shall receive four dollars per day, their services to be certified and drawn out of the treasury by order of the Governor, under this act; and that in case of the refusal, neglect or ina-

Commissioners to liquidate accounts for expenses in defence of the State.

When and where to meet

Notice thereof

Governor &c. to furnish returns to commissioners.

What they shall contain.

Compensation to commissioners.

How paid.

Vacancies to be supplied by the governor, shall be supplied by an appointment by the governor, until the next session thereafter of the General Assembly.

## CHAPTER XCV.

*An ACT respecting devises of lands, joint estates and dower.*

SEC. 1. **B**E IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That No estate in joint-tenancy to be so held, unless so expressed in the grant or devise of such estates to executors and trustees, no estate in joint tenancy, in lands, tenements or hereditaments shall be held or claimed by or under any grant, devise or conveyance whatsoever hereafter to be made to any persons, other than to executors or trustees, unless the premises therein mentioned shall be expressly granted, devised or conveyed to such persons to be held as joint tenants and not as tenants in common, any law, usage or custom to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That the widow of any man who shall die after the passing of this act, and who during their marriage was seized of an estate of inheritance in any lands or tenements within this State shall have the third part of all the lands and tenements whereof her said husband was seized as aforesaid, at any time during the marriage; to hold to her as tenant in dower for and during the term of her natural life, free and discharged from all and every the alienations, covenants, debts, liens and incumbrances made, entered into, contracted or created by the said husband, after the intermarriage, unless she shall have relinquished her right of dower therein by her own voluntary act, according to the existing laws of this State: *Provided always* that nothing herein contained shall be construed, or taken to

The widow of any man dying after the passing of this act, to be entitled to dower in, &c.

Discharged from all alienations, &c. created after the marriage.

Not to affect any lien existing before his act.

effect or destroy any lien or incumbrance existing before the passing of this act; and in all cases where a widow may be entitled to dower, the same may be assigned and laid off to her by the orphans' court of the county where the land lies, upon her petition to the said court by the like proceedings and in the same manner as is by law provided in the case of intestate estates, and the cost and charges thereof shall be ordered by the court to be paid by the parties respectively concerned, according to their interests in the said lands, whereof dower shall be so assigned or laid off.

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Dower may be assigned by orphans' court.

Costs and charges to be paid by the parties.

SEC. 3. *And be it further enacted*, That if any testator, after the passing of this act, shall devise to his wife any portion of his real estate, such devise shall be deemed and taken to be in lieu and bar of her dower out of the estate of her deceased husband, in like manner as if the same were so expressed, unless such testator shall by his last will and testament declare otherwise, any law, usage or custom to the contrary notwithstanding: *Provided always nevertheless*, that nothing in this section contained shall deprive the widow of her choice, either to dower or the estate so devised, which choice shall be made by the widow before the orphans' court of the county where the testator's will is recorded, upon her voluntary appearance in the said court, or upon a citation to be issued from the said court, directed to the widow upon the request of any devisee or other person interested in the testator's estate, requiring her to appear at a certain day before said court, and make her election; and if she shall appear and make her election, the same shall be recorded in the court, and shall entitle\* her to claim accordingly; but if after having thirty days notice by such citation, she shall fail to appear and make her election, the same shall be entered on re-

Devises of real estate to the widow to be in bar of dower

Unless testator shall declare otherwise.

Widow to have choice of estate devised or dower;

when, where or in what manner made or to be obtained.

\*"Entitled", in the original.

Failing to appear or to make her election. cord in said court, and in such case the devise to her in the will of her deceased husband shall be and stand in lieu and bar of her dower in the real estate of the testator.

## CHAPTER XCVI.

*An ACT to incorporate a company for making a turnpike road from the village of Stanton to the village of New-ark, ending at the limits thereof, near Holtzbecker's gate, and from the western extremity of the village of New-ark, beginning near Pritchard's tavern, to the Maryland line, in a direction to Rock-Run on the Susquehanna.*

Commissioners appointed,

### SEC. I.

To open books for subscriptions;

And give notice when & where to receive subscriptions;

**B**E IT ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Andrew Gray, Andrew Reynolds, James Collins, Francis O'Daniel, Hugh Gemmill, Henry Whitely, John Herdman, James Price and John M'Calmont be and they are hereby appointed commissioners for the purposes hereinafter mentioned; that is to say, they shall, on or before the tenth day of April next, procure one or more book or books, and therein enter as follows: "We, whose names are hereunto subscribed do promise to pay to the president, managers and company of the Stanton and New-ark turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of the said company, in pursuance of this act"; and shall thereupon give notice in one or more of the public papers printed in the borough of Wilmington, or other reasonable and sufficient public notice, for one calendar month at least, of the time and place when and where the said book or books shall be opened to receive sub-

scriptions for the stock of the said company; at which time and place some three of the said commissioners shall attend, and shall permit and suffer all persons of lawful age who shall offer to subscribe in the said book or books in their own name or the names of other persons who shall duly authorize the same, for any number of shares in the said stock, and the said book or books shall be kept open for the purpose aforesaid, at least six hours in every juridicial day, for the space of ten days, or until eight hundred and fifty shares shall be subscribed, and if at the expiration of the said ten days the whole number of shares shall not be subscribed, the said commissioners respectively may adjourn from time to time, and transfer the said book or books from place to place, until the whole number of shares shall be subscribed, of which adjournments and transfers the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed as aforesaid shall amount to eight hundred and fifty, the said book or books shall be closed: *Provided always*, that every person offering to subscribe in the said books, in his own name or any other name, shall previously pay the attending commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as herinafter mentioned.

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How long the  
books to be  
kept open;Commission-  
ers may ad-  
journ.

Proviso.

Five dollars  
to be paid on  
each share;Expenses of  
taking sub-  
scriptions, &c.

SEC. 2. *And be it further enacted*, That when and as soon as the whole number of shares shall be, or may be subscribed in manner aforesaid, the subscribers and their heirs and assigns shall be, and they are hereby declared to be incorporated by the name, style and title of "The president, managers and company of the Stanton and New-ark turnpike road," and by the said name, the said subscri-

Style.

Powers and  
privileges.

bers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns; and of selling, transferring and conveying in fee-simple, or for any lesser estate, any and all such lands, tenements, hereditaments and estate real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and making, devising and using a common seal, and of doing all and every other matter and thing, which a corporation or body politic may lawfully do.

Notice to be  
given of time  
and place of  
choosing officers,

And organize  
the corporation;

To make by-  
laws;

SEC. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid as soon as conveniently may be, after the whole number of shares shall be subscribed as aforesaid, shall give notice in the newspapers printed in Wilmington or other reasonable and sufficient public notice of a time and place by them to be appointed, not less than twenty days from the publication of the first notice at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority, by ballot of votes of the said subscribers present or by proxy duly authorized, seven managers, who shall at their first meeting, choose one of their number as president, and shall choose one of their own number or any other of the subscribers as treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other such officers shall be chosen, and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this State, as shall be necessary for the well ordering the affairs of the said company: *Provided*

*always*, that no person shall have more than ten <sup>Votes limited;</sup> votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the same number: *Provided nevertheless,* <sup>Future elec-</sup> that all future annual elections of said corporation <sup>tions.</sup> shall be held with such notice and in manner and form aforesaid, at such places as the managers aforesaid shall direct and appoint.

SEC. 4. *And be it enacted by the authority aforesaid,* <sup>Annual meet-</sup> That the said company shall meet on the first day <sup>ings of the</sup> of June in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing officers as aforesaid, for the ensuing year in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which <sup>Special meet-</sup> annual or special meetings they shall have full power <sup>ings.</sup> and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act for the purposes aforesaid.

SEC. 5. *And be it further enacted by the authority a-* <sup>Certificates of</sup> *foresaid,* That the president and managers first to be <sup>shares:</sup> chosen as aforesaid, shall procure certificates to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereupon, the sum of five dollars for each share, which <sup>Transferrable</sup> certificate shall be transferrable at his pleasure, in person or by attorney, in the presence of the president or treasurer; subject however, to all payments due and to grow due thereon; and the assignee holding any certificate, having first caused the



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assignment to be entered in a book of the company to be kept for the purpose, shall be a member of said corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

Meetings of  
president and  
managers.

SEC. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; at which meetings four

Quorum—

To keep mi-  
nutes of pro-  
ceedings, and  
appoint sur-  
veyors.

members shall form a quorum, who in the absence of the president, shall choose a chairman, and shall preserve and keep minutes of all their transactions, fairly entered in a book, and a quorum being met they shall have full power and authority to agree with and appoint all such surveyors, superintendents, artists and officers as they shall judge necessary, to carry on the intended works, and to fix their salaries or wages, to ascertain the times, manner and proportions when and in which the stockhold-

Further pow-  
ers.

ers shall pay the money due on their respective shares, in order to carry on the works; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed and for the labour done and materials provided, in the prosecution of the work, which orders shall be registered or entered on their book of minutes and shall be signed by the president, or in his absence, by a majority of a quorum and countersigned by their secretary, and generally to do all such other acts, matters and things as by the by-laws, rules, orders and regulations of the company, shall be committed to them.

Shares, for  
what cause  
forfeited,

SEC. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether originally a subscriber or an assignee, after thirty days' notice in such newspaper or newspapers as may be printed in this State, or in any other manner which may be deemed reasonable or sufficient, of the time

and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, shall neglect to pay such proportion at the place appointed for the payment thereof, for the space of sixty days after the time appointed, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per centum for each and every kalendar month, for every such delay of payment; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of said share, the same may be forfeited by and to the said company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor; or in default of payment by any stockholder of any such instalment as aforesaid, the said president, managers and company may at their election cause suit to be brought in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided always*, that the recovery in any suit shall in no case exceed the amount of such instalment or instalments as may be due on such share, together with such accumulated penalty at the rate aforesaid, as shall equal the sums before paid on the same share: *And provided also*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, unless the whole sum due and payable as aforesaid, on the share or shares by him held at the time of such election, or general or special meetings of the said company, shall have been fully paid and discharged as aforesaid.

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And may be  
sold by the  
company;Suits may be  
brought for  
instalments.

Proviso.

Further pro-  
viso.

SEC. 8. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said president and managers, their superintendants, surveyors, engineers, artists and chain-bearers to enter into and upon all and every the

May enter on  
and examine  
land, over  
which road  
may pass.

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assignment to be entered in a book of the company to be kept for the purpose, shall be a member of said corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

Meetings of  
president and  
managers.

SEC. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers

Quorum—

To keep mi-  
nutes of pro-  
ceedings, and  
appoint sur-  
veyors.

shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; at which meetings four members shall form a quorum, who in the absence of the president, shall choose a chairman, and shall preserve and keep minutes of all their transactions, fairly entered in a book, and a quorum being met they shall have full power and authority to agree with and appoint all such surveyors, superintendants, artists and officers as they shall judge necessary, to carry on the intended works, and to fix their salaries or wages, to ascertain the times, manner and proportions when and in which the stockholders shall pay the money due on their respective shares, in order to carry on the works; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed and for the labour done and materials provided, in the prosecution of the work, which orders shall be registered or entered on their book of minutes and shall be signed by the president, or in his absence, by a majority of a quorum and countersigned by their secretary, and generally to do all such other acts, matters and things as by the by-laws, rules, orders and regulations of the company, shall be committed to them.

Further pow-  
ers.

Shares, for  
what cause  
forfeited,

SEC. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether originally a subscriber or an assignee, after thirty days' notice in such newspaper or newspapers as may be printed in this State, or in any other manner which may be deemed reasonable or sufficient, of the time

and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, shall neglect to pay such proportion at the place appointed for the payment thereof, for the space of sixty days after the time appointed, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per centum for each and every kalendar month, for every such delay of payment; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of said share, the same may be forfeited by and to the said company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor; or in default of payment by any stockholder of any such instalment as aforesaid, the said president, managers and company may at their election cause suit to be brought in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided always*, that the recovery in any suit shall in no case exceed the amount of such instalment or instalments as may be due on such share, together with such accumulated penalty at the rate aforesaid, as shall equal the sums before paid on the same share: *And provided also*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, unless the whole sum due and payable as aforesaid, on the share or shares by him held at the time of such election, or general or special meetings of the said company, shall have been fully paid and discharged as aforesaid.

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And may be  
sold by the  
company;

Suits may be  
brought for  
instalments.

Proviso.

Further proviso.

SEC. 8. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said president and managers, their superintendants, surveyors, engineers, artists and chain-bearers to enter into and upon all and every the

May enter on  
and examine  
land, over  
which road  
may pass.

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And fix the  
route.

lands, tenements and inclosures in, through and over which the said turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose, and the quarries and the beds of stone and gravel, and other materials in the vicinity that may be necessary in the making and constructing said road, and to survey, lay down, ascertain, mark and fix such route or tract for the same road as in the best of their judgment and skill will be most practicable and convenient from the said village of Stanton to the said village of New-ark.

May enter ad-  
jacent land;

First giving  
notice.

To make a-  
mends for da-  
mages & how  
ascertained.

May take and  
carry away  
stone, &c.

SEC. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said president and managers, by and with their superintendants, engineers, artists, workmen and labourers, with their tools and instruments, carts, waggons, wains and other carriages, and beasts of draught or burthen, to enter upon the lands in, over, contiguous to and near, to which the route and tract of said intended road shall pass, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the inclosures thereof, and making amends for any damages that may be done thereon, upon a reasonable agreement, if they can agree, or if they cannot agree, then upon an appraisement to be made upon oath or affirmation by three disinterested freeholders, any two of them agreeing, mutually to be chosen, or if the owners upon due notice shall neglect or refuse to join in the choice, then to be appointed by any justice of the peace of the county of Newcastle, not interested therein, and upon tender of the appraised value, to cut down, dig, take and carry away any stone, gravel and earth, or other materials there being conveniently situated for making or repairing the said road.

SEC. 10. *And be it further enacted by the authority aforesaid,* That the said president, managers and

company shall have power to erect permanent bridges over all the waters crossed by the said route, whereon the same shall be found necessary, and shall cause a road to be laid out not exceeding seventy feet in width, from the aforesaid village of Stanton to the village of Newark aforesaid, ending at the limits thereof, near Holtzbecker's gate, and from the western extremity of the village of Newark, beginning near Pritchard's tavern, to the Maryland line in a direction to Rock Run, on the Susquehanna, and cause twenty feet thereof in breadth, at least, to be made an artificial road which shall be bedded with wood, stone, gravel or other proper and convenient materials well compacted together, a sufficient depth to secure a solid foundation for the same; and the said artificial road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the nature of the country and the materials will admit, an even surface, rising towards the middle by a gradual arch, and shall forever hereafter maintain and keep the same in perfect order and repair: *Provided*, that no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to or from any place of public worship, or funeral, on days for that purpose.

May erect permanent bridges,

Width and extent of the road.

Of what materials made.

Proviso.

SEC. 11. *And be it further enacted by the authority aforesaid*, That as soon as the said president, managers and company shall have perfected the said road contemplated by this act, any distance not less than two miles, and so from time to time any distance not less than two miles, progressively, they shall give notice thereof to the governor of this State, who shall thereupon forthwith nominate and appoint three disinterested, skilful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act; and if their

Licenses to erect toll-gates when & how obtained.

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report shall be in the affirmative, then the governor shall by license under his hand and the great seal of the state, permit and suffer the said president, managers and company to erect and fix such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle and carriages.

Toll-gather-  
ers, when and  
by whom ap-  
pointed.

Limits with-  
in which tolls  
may be taken  
and rates  
thereof.

SEC. 12. *And be it further enacted by the authority aforesaid,* That the said company having perfected the said road, or such part thereof from time to time as aforesaid, it shall be lawful for them to appoint such and so many toll-gatherers as they may deem proper, to collect from every the persons using the said road the following tolls: that is to say, for every space of five miles in length of the said road the following sums of money, and so in proportion, and at the same rate, for any greater or less distance of the same road, or for any greater or less number of hogs, sheep or cattle, to wit: for every score of sheep, four cents; for every score of hogs, six cents; for every horse or mule, laden or unladen, with his rider or leader, three cents; for every score of cattle, twelve cents; for every sulkey, chair or chaise with two wheels and one horse, six cents, and with two horses, nine cents; for every chair, coach, phaeton, chaise, stage-waggon, coachee or light waggon, with two horses and four wheels, twelve cents; for either of the last mentioned carriages with four horses, twenty cents; and for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels, and horses drawing the same; for every sleigh or sled, two cents for each horse drawing the same: for every cart or waggon, or other carriage of burden, the wheels of which do not, in breadth, exceed four inches, four cents for each horse drawing the same; for every cart or waggon, the wheels of which shall exceed, in breadth, four inches and shall not exceed seven

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inches, three cents for every horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for every horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than ten inches, and not more than twelve inches, or being of the breadth of ten inches, shall roll more than fifteen inches, one and a half cents for every horse drawing the same; and for every such carriage, the breadth of the wheels of which shall exceed twelve inches, one cent for each horse drawing the same; and when any such carriage shall be drawn by oxen or mules, in whole or in part, two oxen or two mules shall be estimated as equal to one horse, in charging the tolls aforesaid, and toll charged accordingly; and it shall be lawful for any toll-gatherer or toll-gatherers appointed as aforesaid, to stop any person or persons riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, from passing through the gates or turnpikes of said road until such person or persons shall have respectively paid the tolls demandable at such gates or turnpikes respectively.

SEC. 13. *And be it further enacted by the authority aforesaid,* That if any person or persons, owning, riding on or driving any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving any horse or mule, or driving any hogs, sheep or cattle as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties as aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground, or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act; or if any person or persons

Penalty for  
evading the  
payment of  
toll.



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shall, with the intent aforesaid, take off or cause to be taken off any horse or other beast or cattle of draught or burden, from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person and persons offending in manner aforesaid, shall, for every such offence, respectively forfeit and pay to the president, managers and company of the Stanton and Newark turnpike road a sum not exceeding five dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

How to be as-  
certain'd whe-  
ther road be  
in repair.

SEC. 14. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of fifteen days, and information thereof shall be given to any justice of the peace of Newcastle county aforesaid, such justice shall issue a precept directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in said precept to be mentioned, at the place in the said road which is complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justice shall, at such time and place, by the oath or affirmation of the said freeholders, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself, and a majority of the said freeholders; and if the said road shall be found by the said inquisition not to be in such good order and repair as herein is required, he shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective places or place shall or may be, and from thenceforth the tolls hereby granted to be collected, at such turnpikes or gates;

for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if any of the keepers of the gates aforesaid shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller during the time the roads shall continue out of repair, such keepers shall forfeit and pay to the person who will prosecute for the same the sum of five dollars, to be recovered before any justice of the peace, as debts of equal amount are or may be by law recoverable: and if the said road shall not be repaired before the next term of the court of general quarter sessions of the peace and gaol delivery for Newcastle county aforesaid, the said justice who shall take the inquisition shall certify and send a copy thereof to the said court, which shall thereupon issue process to bring before said court the person or persons having care and superintendence of such defective part of said road; and such person or persons shall be liable to be indebted for permitting such road to remain defective and out of repair, and upon conviction, to be fined according to the discretion of said court in any sum not less than twenty nor more than one hundred dollars, to be paid to the commissioners of the roads of the hundred in which the offence was committed, to be applied in repairing the roads under their care.

SEC. 15. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall keep fair and just accounts of all monies which shall be received by them from said commissioners, and from the subscribers for the stock of the said company, on account of their several subscriptions, and all penalties for the delay in payment thereof, and of the amount of the profits on the shares that may be forfeited as aforesaid, and also of all monies by them to be expended in the prosecution of the said work; and shall once

And tolls to  
cease if not in  
repair.

Accounts to  
be kept,

And submit- at least in every year, submit such accounts to a  
 ed to stock- general meeting of the stockholders, until the said  
 holders. road shall be completed and until all the costs, charg-  
 es and expenses of effecting the same shall be fully  
 paid and discharged; and the aggregate amount of  
 such expenses shall be liquidated and ascertained,  
 and if upon such liquidation, or whenever the  
 whole capital stock of the said company shall be  
 nearly expended, it shall be found that the said ca-  
 pital stock will not be sufficient to complete the  
 said road, according to the true intent and mean-  
 ing of this act, it shall and may be lawful for the  
 president, managers and company, at a stated or  
 special meeting, to be convened according to the  
 provisions of this act, or their own by-laws, to in-  
 crease the number of shares to such extent, as shall  
 be deemed sufficient to accomplish the work; and  
 to demand and receive the monies paid for such  
 shares, in like manner and under the like penalties  
 as are herein provided, for the original subscrip-  
 tions or shall be provided by their by-laws.

Number of  
 shares may be  
 increased.

Accounts of SEC. 16. *And be it enacted*, That the said presi-  
 receipts of dent, managers and company, shall also keep a just  
 toll-gatherers and true account of all and every the monies to be  
 to be kept&c. received by the several and respective collectors of  
 tolls at the several gates or turnpikes on the said roads,  
 which shall not exceed one for every two miles af-  
 ter the road is completed, from the beginning to the  
 end thereof, or such part thereof as shall from time  
 to time be completed as aforesaid; and after the  
 road shall be completed, or so much thereof as it  
 may from time to time be deemed expedient, to  
 finish, shall make and declare a dividend of the in-  
 come or clear profits thereof, all contingent costs  
 and charges, and a reasonable fund for repairs, and  
 for the progressive improvement and accomplish-  
 ment of the said work being first deducted and re-  
 served, among all the subscribers to the stock of  
 the said company; and shall, on the first Monday  
 in January and July in every year, publish the half  
 yearly dividends to be made of the clear profits a-

Dividends.

mong the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly.

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SEC. 17. *And be it further enacted by the authority* Abstracts of  
*aforesaid,* That the president and managers of the accounts to be  
 said company, shall at the end of every third year laid before  
 from the date of the incorporation, until two years General As-  
 after the said road shall be completed; lay before the sembly.  
 General Assembly of this State, abstracts of the afore-  
 said accounts, to the end that the clear annual in-  
 come and profits of the said company may be ascer-  
 tained, and if at the end of two years from the com-  
 pleting of the said road, it shall appear that the  
 clear average profits for said two years will not af-  
 ford a dividend of six per cent. per annum upon  
 the whole capital stock expended, it shall be lawful  
 for the said president, managers and company to When tolls  
 increase the tolls aforesaid, by equal rates and pro- may be in-  
 portions, according to the aforesaid allowance there- creased.  
 of, so as to raise the said dividend to six per cent. per  
 annum, and at the end of ten years after the com-  
 pleting of said road, a like abstract of the accounts  
 for the preceding years shall be laid before the Ge-  
 neral Assembly, and if it shall by any such ab-  
 stract appear, that the clear profits of said compa-  
 ny have exceeded on an average nine per cent per an- To what ex  
 num upon the capital stock, then and in such case, tent;  
 all the overplus over and above an average dividend  
 of nine per cent per annum shall from thenceforth be  
 employed to reduce the said capital stock, until the  
 whole shall be extinguished, at which time the right Overplus how  
 of the company to take tolls and all their interests in to be employ-  
 said road and liabilities under this act shall cease.  
 And if the commissioners of roads of Mill-creek and  
 White-clay-creek hundreds shall within three years  
 from the passing of this act, pay to the president,  
 managers and company all monies advanced under  
 this act, with lawful interest, then the said road shall  
 become the property of the public, and this act and  
 every clause herein contained shall become void.

Guide posts  
when to be e-  
rected.

SEC. 18. *And be it further enacted by the authority aforesaid*, That the said company shall cause guide posts to be erected at the intersection of all public roads falling into the said turnpike, shewing the town or public place to which each of such roads leads, and the distances thereto, and also mile stones designating the distances thereon; and also at each gate a painted list of tolls; and if any person or persons shall destroy, injure or deface such mile stones or any or either of them; or either of said guide posts, or lists of tolls, he she or they so offending shall for every such offence forfeit and pay to the said president, managers and company any sum not exceeding twenty dollars, to be sued for and recovered with costs of suit, before any justice of the peace in and for New-castle county, in like manner as debts of that amount are recoverable.

Mile stones &  
lists of tolls.

Travellers to  
keep on right  
hand.

SEC. 19. *And be it further enacted by the authority aforesaid*, That all waggoners, carters and drivers of carriages of pleasure or burden using said road \* shall keep on the right hand side thereof, except when overtaking a carriage of slower draught, and any person or persons offending against this provision shall forfeit and pay to any person aggrieved thereby, a sum not exceeding five dollars, to be recovered with costs before a justice of the peace of the county aforesaid, as debts of that amount are recoverable.

Penalty for  
extorting  
more toll than  
granted.

SEC. 20. *And be it further enacted by the authority aforesaid*, That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than this act authorizes, such toll-gatherer shall forfeit and pay for every such offence, twenty dollars, to be recovered before any justice of the peace in and for New-castle county aforesaid, and to be applied one half to the commissioners of the roads for Mill-creek and White-clay-creek hundreds aforesaid, and the other half to the use of the person suing for the same,

\* "And", in the original.

SEC. 21. *And be it further enacted by the authority aforesaid;* That if any suit shall be commenced or prosecution instituted in any court of this State or before any justice of the peace under this act, or by virtue or in pursuance of any of the provisions thereof, and such suit or prosecution shall not be sustained, or no judgment against the defendant or defendants therein rendered, then the person or persons sued or prosecuted in every such case shall recover before the court or justice before which or whom such suit or prosecution shall have been commenced or instituted, judgment for such sum not exceeding the penalty for which such suit or prosecution was commenced or instituted as shall be deemed a reasonable retribution for the vexation of such suit or prosecution, together with costs: and that every suit or action for any penalty or penalties under this act shall be commenced within three months next after the fact committed and penalty or penalties incurred and not after; and every defendant in any suit or action under this act may under the general issue give this act in evidence.

Redress for  
vexatious suits

Limitations  
of actions for  
penalties.

SEC. 22. *And be it further enacted by the authority aforesaid,* That if the said road shall be laid out and founded over and upon any land, whereby the owner or owners of such land shall claim damages, it shall be lawful for the said president, managers and company to make amends for the damages which the said owner or owners shall sustain, upon a reasonable agreement, if they can agree, or if they cannot agree, the person or persons claiming such damage may make application to the supreme court of this State, for New-castle county, or any judge thereof in vacation, and thereupon the said court or judge shall appoint six discreet and disinterested freeholders to view and adjudge the amount of damages so done, which if the return of said freeholders shall be approved by the court shall be paid by the said president, managers and company; but if such return shall not be approved, the said

Damages to  
owners of  
land, over  
which road  
may pass how  
to be ascer-  
tained;

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~~~~~  
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No damages  
when road is  
founded upon  
former road.

court shall thereupon appoint six other discreet and disinterested freeholders in their place, and so on until a return shall be approved by the court: *Provided*, that when the said road passes over and is founded upon any former confirmed road, no damages shall be allowed, and that in all cases in estimating damages under this section, the advantages which the person or persons claiming damage will derive from the road shall be taken into consideration, and the said freeholders shall be duly sworn or or affirmed before some judge or justice of the peace faithfully and impartially to perform the duties assigned to them, according to the true intent of this section and the proviso aforesaid.

SEC. 23. *Provided always*, That if the said company shall not proceed to carry on their said work within three years after the passing of this act, or shall not, within seven years, complete the said road, then and in either of those cases, the Legislature of this State may resume all and singular the rights, liberties and franchises hereby granted to the said company.

SEC. 24. *And be it enacted*, That every citizen of this State who shall preter an annual contract for the use of the said road shall be entitled for himself and family, including the stock and carriage of every thing, the growth, produce or manufacture of his, her or their farm, to all the benefits of the same, for one dollar per mile annually, to be paid in such manner as that a quarterly payment shall always be in advance; and if any citizen or citizens who wish to make such contract, shall think such annual contract unreasonable and disproportionate to the number of their family and their use of the said road, the party so aggrieved and the president of the said company intended to be incorporated by this act, shall each choose one disinterested freeholder, who shall decide what reduction, if any, shall be made on the annual payment herein before specified; and in case the two persons so

Commutation  
of tolls.

chosen cannot agree, they shall choose a third person, and then the three persons, or a majority of them, shall decide, as aforesaid; or in case the said president shall neglect or refuse to appoint a freeholder for the purpose aforesaid, for the space of ten days, then the freeholder chosen by the party aggrieved shall decide what deduction ought to be made, which shall be the commutation for the current year.

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SEC. 25. *And be it enacted*, That it shall and may be lawful for the company incorporated by this act, the consent of a majority of the freeholders within the limits of the town of Newark, in writing, having been first had and obtained, to turnpike the street leading through Newark, from the eastern to the western extremities thereof, and to take the same tolls for passing and repasing the same as are herein before given and directed for passing and repassing any other part of the turnpike road of equal distance: *Provided* always, that no person residing within the limits of the said town of Newark, or within one mile of the same, shall be compelled to pay any toll for the use of that part of the said turnpike which shall be made through the said town of Newark.

Street through  
Newark may  
be turnpiked  
with consent  
of, &c.

Provided

SEC. 26. *And be it enacted*, That it shall not be lawful for the said company to put, or cause to be put, any let, hindrance or obstruction whatever, with intent to obstruct or prevent any other turnpike company which now is, or may hereafter be, incorporated, from intersecting said turnpike road, or in any manner to prevent the crossing or recrossing the same; and in case of neglect to repair that part of the said turnpike road which may be opposite to the place where any such turnpike road may cross the same, that it shall be lawful for the said company intersecting as aforesaid, to repair such parts of the said road.

Not to hinder  
any other  
turnpike from  
crossing, &c.

Repairs.



CHAP.  
XCVII.

## CHAPTER XCVII.

1816.

*A SUPPLEMENT to the act entitled, "An act to authorize the owners and possessors of the swamp, branch or low grounds commonly known by the name of Dicks' Savannah, at the head of Indian branch, and the low lands thereto adjoining, in Dagsborough hundred in Sussex county, to ditch and drain the same", and to extend and render more effectual the same.*

PASSED AT DOVER,  
17 January, 1816. }

PRIVATE ACT.

## CHAPTER XCVIII.

*An ACT to empower the owners and possessors of the marshes lying in Duck-creek neck and hundred, in Kent county, upon Old Duck-creek, on both sides of Taylor's gut, to bank the same.*

PASSED AT DOVER, }  
22 January, 1816. }

PRIVATE ACT.

## CHAPTER XCIX.

*An ACT to authorize the owners and possessors of the swamp and low grounds, situated upon a branch leading into Assawamana bay, to cut a ditch or drain through the same.*

PASSED AT DOVER, }  
22 January, 1816. }

PRIVATE ACT.

## CHAPTER C.

CHAP.  
C.

1816.

*An ADDITIONAL SUPPLEMENT to the act entitled, "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of Marshhope, in Mispillion hundred and county of Kent, to cut a ditch or drain through the same."*

PASSED AT DOVER, }  
23 January, 1816. }

PRIVATE ACT.

## CHAPTER CI.

*An ACT to enable William Nicholls to bring into this State certain slaves which he became entitled to by the death of his father, Isaac Nicholls.*

PASSED AT DOVER, }  
23 January 1816. }

PRIVATE ACT.

## CHAPTER CII.

*An ACT to authorize Ralph Robinson and Lake Robinson to pass and repass certain negroes from this State into the State of Maryland.*

PASSED AT DOVER, }  
25 January, 1816. }

PRIVATE ACT.

CHAP.  
CIII.

## CHAPTER CIII.

1816.

*An ACT to declare null and void a marriage solemnized between Amelia Elizabeth Du Pont and Nathaniel Perkins, otherwise called Nathaniel H. Clifford.*

PASSED AT DOVER, }  
25 January, 1816. }

PRIVATE ACT.

## CHAPTER CIV.

*An ACT for the relief of Bernard Sassenay and Fortuna his wife, and to confirm and make good their deed to Catharine Millegan.*

PASSED AT DOVER, }  
January 27, 1816. }

PRIVATE ACT.

## CHAPTER CV.

*A SUPPLEMENT to an act entitled, "An act to authorize Susan F. Mitchell, executrix of George Mitchell, esquire, deceased, to sell and convey certain lands to William Polk the younger.*

PASSED AT DOVER, }  
27 January, 1816. }

PRIVATE ACT.

## CHAPTER CVI.

*An ACT to authorize and empower William A. Elligood of Sussex county, to bring into this State from Worcester county in the State of Maryland, a certain negro woman, and to hold her as a slave.*

PASSED AT DOVER, }  
27 January, 1816. }

PRIVATE ACT.

OF DELAWARE.

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CHAPTER CVII.

CHAP.  
CVII.

1816.

*An ACT to empower Nysa Boggs to acquire and hold real and personal property, and to sell and dispose of the same, notwithstanding her being a feme covert.*

PASSED AT DOVER, }  
January 31, 1816. }

PRIVATE ACT.

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CHAPTER CVIII.

*An ACT for authorizing a lottery for raising a sum of one thousand dollars for establishing a school in Little-creek neck and hundred, near to the village of Leipsic.*

PASSED AT DOVER, }  
1 February, 1816. }

PRIVATE ACT.

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CHAPTER CIX.

*An ACT to authorize Thomas W. Handy of New-castle county, to bring certain negroes therein named into this State.*

PASSED AT DOVER, }  
9 February, 1816. }

PRIVATE ACT.

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CHAPTER CX.

*An ACT to divorce Ann C. Hains and John Hains the husband of the said Ann from the bonds of matrimony.*

PASSED AT DOVER, }  
9 February, 1816. }

PRIVATE ACT.

CHAP.  
CXI.

## CHAPTER CXI.

1816.

*An ADDITIONAL SUPPLEMENT to the act entitled, "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of the Tappahunna marsh, situate in the forest of Murderkill hundred in Kent county, to cut a ditch or drain through the same."*

PASSED AT DOVER, }  
3 February, 1816. }

PRIVATE ACT.

## CHAPTER CXII.

*An ACT to enable Joseph Parsons to bring into this State a certain slave, which he became entitled to by the death of his mother Ann Parsons.*

PASSED AT DOVER, }  
14 February, 1816. }

PRIVATE ACT.

## CHAPTER CXIII.

*An ACT to authorize a lottery to raise a sum of money to build a house for the education of children; and to finish a house of worship.*

PASSED AT DOVER, }  
14 February, 1816. }

PRIVATE ACT.

OF DELAWARE.

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CHAPTER CXIV.

CHAP.  
CXIV.

1816.

*An ACT to enable the owners and possessors of the meadow, marsh, cedar swamp and cripple, situate in Appoquinimink hundred, in the county of New-castle, on both sides of Cedar creek (and on the head thereof) emptying into the Delaware river, between Morris Liston's high woods and Bombayhook, effectually to embank and drain the same, and to keep the banks, dams, sluices, canals and drains in repair, and to raise a fund to defray the expenses thereof.*

PRIVATE ACT.

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SECRETARY'S OFFICE,

GEORGE-TOWN, APRIL 17, 1816.

I do certify, that in obedience to the directions of an act of the General Assembly of the State of Delaware, I have collated with, and corrected by, the original rolls, this edition of the Laws, passed at the last session of the General Assembly.

**PETER ROBINSON,**

*Secretary of the State of Delaware.*

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1887

1887

1887

**LAWS**  
OF THE  
**STATE**  
OF  
**DELAWARE,**  
PASSED

*At a Session of the General Assembly,*

BEGUN AND HOLDEN AT DOVER,

*On Tuesday the seventh day of January, and ended on Friday  
the seventh day of February,*

IN THE YEAR OF OUR LORD, ONE THOU-  
SAND EIGHT HUNDRED  
AND SEVENTEEN,

AND OF THE INDEPENDENCE OF THE

**UNITED STATES OF AMERICA,**

THE

**FORTY-FIRST.**

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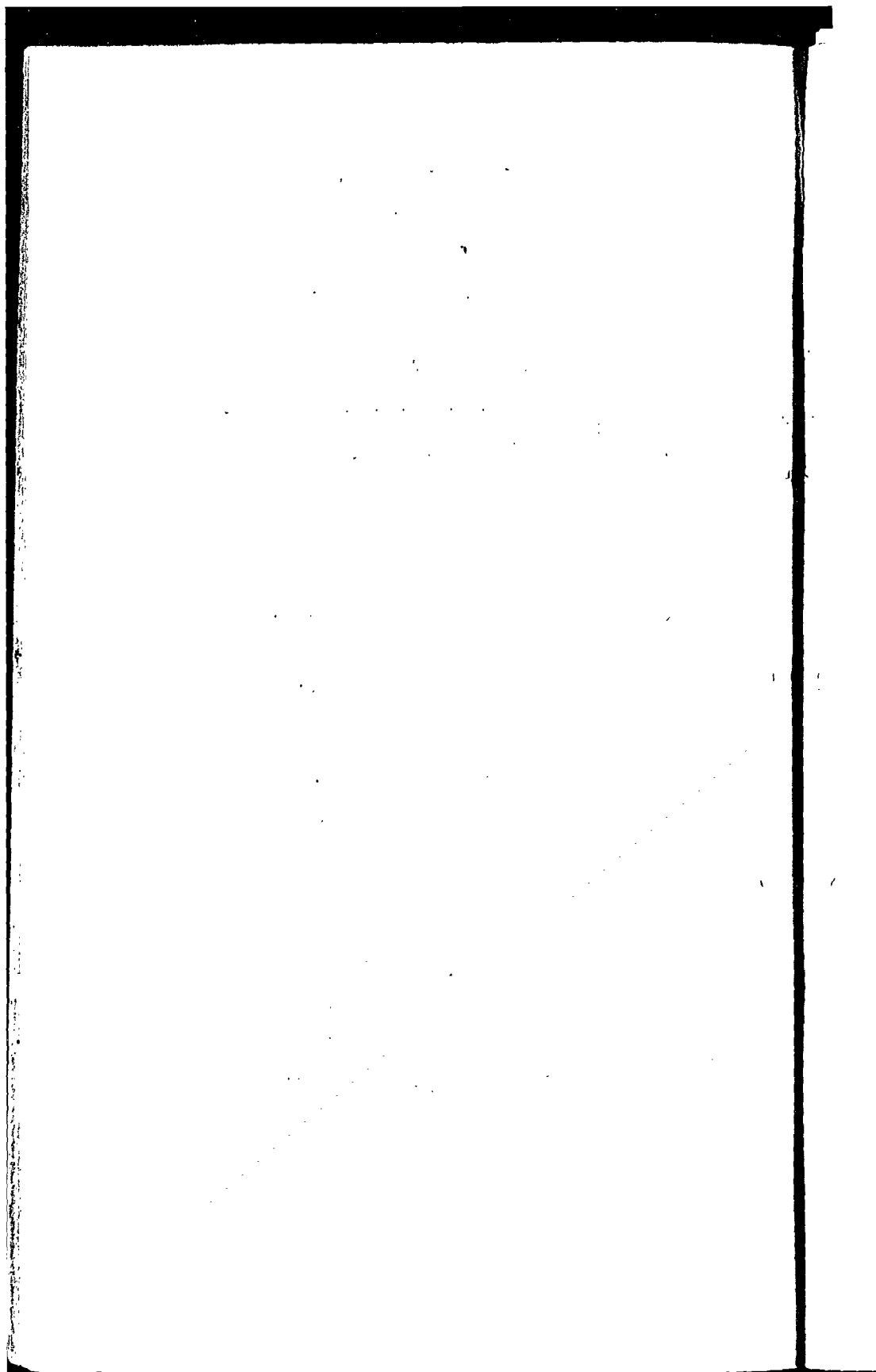
PUBLISHED BY AUTHORITY.

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DOVER—J. ROBERTSON—PRINT.

1817.





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# LAWS

## OF THE

### State of Delaware.

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#### CHAPTER CXV.

*An ACT authorizing the "Trustees of the poor of Kent county" to remove from the poor-house of Kent county to the hospital in Philadelphia lunatic and insane persons in certain cases.*

CHAP.  
CXV.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That it shall be lawful for the trustees of the poor of Kent county, and they are hereby authorized, to cause to be removed from the poor-house of Kent county to the hospital in Philadelphia, any lunatic or insane person or persons now admitted or received into or confined in said poor house, or hereafter to be admitted or received into or confined in said poor-house, and for that purpose to make contracts with the person or persons having the care, management or government of the said hospital, or authorized to make contracts for admission into said hospital, and to defray all charges and expenses of removing such lunatic or insane person or persons to the said hospital, and of keeping, maintaining and supporting him or them in the said hospital; all which charges and expenses so defrayed and paid shall be allowed to the said trustees of the poor in their settlements with the levy-court of Kent county.*

Trustees may remove to hospital in Philadelphia, any lunatic or insane person or persons, &c.

and for that purpose may contract with the managers of said hospital, and defray expenses, &c.

which shall be allowed by the levy-court

Two thirds of  
all the trus-  
tees must con-  
cur in the or-  
der for remo-  
val.

SEC. 2. *Provided always, That no order for any removal as aforesaid shall be made except with the concurrence of two-thirds of all the trustees of the poor for Kent county.*

PASSED AT DOVER, }  
15. February, 1816. }

### CHAPTER CXVI.

*An ACT to authorize Andrew Gray, of Newcastle county, to bring a certain negro therein named, into this State.*

PASSED AT DOVER, }  
January 20, 1817. }

PRIVATE ACT.

### CHAPTER CXVII.

Chap cxiv.  
vol. 5, p. 199.

*A SUPPLEMENT to an act, entitled, "An act to enable the owners and possessors of the meadow, marsh, cedar swamp, and cripple, situated in Appoquinimink hundred, in the county of Newcastle, on both sides of Cedar creek (and on the head thereof) emptying into the Delaware river between Morris Liston's high woods and Bombayhook, effectually to embank and drain the same, and keep the banks, dams, sluices, canals and drains in repair, and to raise a fund to defray the expense thereof.*

PASSED AT DOVER, }  
Jan. 20, 1817. }

PRIVATE ACT.

## CHAPTER CXVIII.

CHAP.  
CXVIII.

1817.

*An ACT to authorise Ralph Robinson to pass and repass certain negro slaves from this State into the State of Maryland.*

PASSED AT DOVER, }  
21 January 1817. }

PRIVATE ACT.

## CHAPTER CXIX.

*An ADDITIONAL supplementary act to an act entitled, "An act for the better regulation of the roads in Kent county."*

Chap 99, c vol  
2, p. 1263.

WHEREAS in the road which was laid out by the commissioners for Duck-creek hundred, from Holliday's Landing to Jim-town, through the town of Smyrna, under the act of Assembly passed on the ninth day of February, one thousand seven hundred and ninety-six, and a supplement thereto, passed January the twentieth, one thousand seven hundred and ninety-seven, for the better regulation of roads in the county of Kent, some error or mistake has been made in the return, or by the loss of the courses: *And whereas* the overseers of the aforesaid road have been, from time to time, unable to lay out the same, and great inconvenience has been experienced by the public from the narrowness of the aforesaid road, in certain parts of it near the town of Smyrna aforesaid:

Preamble.

Vol. 1263.

Vol. 1330.

Road from  
Holliday's  
landing to Jim  
town incor-  
rect.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Thomas Rathwell, John Raymond and Timothy Cummings* are appointed commissioners who are hereby authorized and empowered (or a majority of them) to go upon, view and correct any error or errors that may have been made in the original location of the road as aforesaid, or if they deem it necessary, may lay it out anew, commencing at the public wharf at or near Holliday's Landing, on Duck-creek, and from thence running as near with the present road as they may deem it advisable, passing through the town of Smyrna and continuing on to Jim-town, in such manner as they may judge advantageous to the public, with as little injury to the owners of the adjoining lands as the convenience of the public will admit, without favour or respect to any person or persons whatsoever; and to employ such surveyor, labourers and workmen as they may think necessary in plotting and laying out the aforesaid road.

*Commissioners appointed to correct error in the original location thereof,*

*Or to lay it out anew.*

*And authorized to employ surveyor labourers &c.*

SEC. 2. *Be it further enacted, That the aforesaid road to be corrected or laid out, shall be of the breadth of forty feet, thirty feet whereof shall be grubbed and cleared; and after the said road shall be laid out as aforesaid, the commissioners appointed, or a majority of them, shall make a return thereof into the office of the clerk of the peace of the county of Kent, with a fair map or plot of the same, and the several courses and distances of the said road shall be returned and entered on record in the aforesaid office, which return shall be final and conclusive, and thenceforward the same shall be taken and deemed to be a State-road.*

*Breadth of road.*

*Return thereof to be made into the office of the clerk of the peace.*

*And there entered on record, & shall be final. Road to be a State-road.*

PASSED AT DOVER, }  
22 January, 1817. }

OF DELAWARE.

1817

CHAPTER CXX.

CHAP.  
CXX.

1817.

An ACT to authorise and empower William Vaughan, senior, of Sussex county, to bring into this State from the State of Maryland certain negroes, and to hold and retain them as slaves in this State.

PASSED AT DOVER,  
25 January, 1817. §

PRIVATE ACT.

CHAPTER CXXI.

An ACT to change and alter the site of the general and special elections in and for the hundred of Pencader, being the fifth election district of Newcastle county.

WHEREAS it appears to this General Assembly that the house, in which the general and special elections for the hundred of Pencader, being the fifth election district of Newcastle county, are directed to be held by law, is now occupied by private families, and that the elections for said hundred cannot longer be conveniently held therein: Therefore—

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That in future all general and special elections held in the hundred of Pencader, within the county of Newcastle, in this State, being the fifth election district of said county, shall

Elections in  
Pencader hun-  
dred where to  
be held.

CHAP.  
CXXI.

1817.

be held in the house now occupied by David Murray, in the village of Glasgow, in the aforesaid hundred.

Repeal of  
part of sec 1,  
ch 152, vol.  
4, p. 423.

SEC. 2. *And be it enacted, That so much of the first section of the act entitled, "An act for regulating the general elections of this State," as directs the general and special elections for the hundred of Pencader, being the fifth election district of Newcastle county, to be held in the house now occupied by David Armstrong, in the village of Glasgow, be and the same is hereby repealed.*

PASSED AT DOVER, }  
27 January 1817. }

### CHAPTER CXXII.

*An ACT to authorize Robert Wilson to convey the fee-simple estate of and in a certain lot or piece of land to John Jones.*

PASSED AT DOVER, }  
27 January, 1817. }

PRIVATE ACT.

### CHAPTER CXXIII.

*An ACT to incorporate the Female Harmony Society of Wilmington, for the purpose of establishing a charity school or schools.*

SEC. 1: BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Mary Read, Ann

Porter, Maria Smith, Lydia Monro, and their associates, shall be, and they are hereby constituted, a body politic and corporate, by the name of the Female Harmony Society of Wilmington, and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any court of law or equity.

Company incorporated;  
Name thereof

SEC. 2. *And be it enacted,* That the members of the said society, and their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold any lands, tenements, rents, goods or chattels, which shall be given, conveyed or devised to them, for the use of a charity school or schools by them established, and to sell, rent or dispose of the same in such manner as to them shall seem most beneficial to the said schools.

May hold lands, &c.  
and sell the same, &c.

SEC. 3. *And be it enacted,* That the members of the said society shall have power, from time to time, to make and establish such by-laws, rules and ordinances, not contrary to the laws and constitution of this State, as they shall judge necessary and proper for the good government of the said schools.

May make by laws, &c.

SEC. 4. *And be it enacted,* That females of any religious society or denomination among Christians, shall be capable of being elected members of the said society; nor shall any preceptor, teacher or pupil be refused admittance into the said schools for their conscientious persuasion in matters of religion, provided they demean themselves in an orderly manner, and conform to the ordinances, rules and regulations of the said society and schools.

Who may be members of the corporation, and teachers, &c. in the schools.

SEC. 5. *And be it enacted,* That none but desti-



Who shall be admitted into the schools. *State orphans, and the children of those free white inhabitants, who are deemed by the said society proper objects of charity, shall be admitted into the said school.*

Books, &c. of the corporation to be competent evidence, &c. **SEC. 6.** *And be it enacted, That the books, acts and minutes of the said society shall be received as competent evidence in all courts of justice and elsewhere, of the accounts, matters, things and transactions which they import on the face of them, touching and relating to the affairs and business of the said corporation, in the same manner as the books of private persons are now received as competent evidence, under the existing laws of this State.*

PASSED AT DOVER, ?  
28 January, 1817. S

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## CHAPTER OXXIV.

*An ACT to incorporate the trustees of the Rittenhouse academy in Appoquinimink hundred, Newcastle county.*

Trustees incorporated. **SECTION 1.** *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Joseph Whitby, John Crawford, Henry Pecker, Alexander Crawford and Arnold S. Naudain, be and they are hereby constituted a body politic and corporate by the name of the "Trustees of the Rittenhouse academy," and by that name shall have perpetual succession, and a common seal, may sue and be sued, plead and be impleaded, in any court of law or equity.*

SEC. 2. *And be it enacted,* That the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold any lands, tenements, rents, goods or chattels which shall be given, conveyed or devised to them for the use of the said academy, and to sell, rent or dispose of the same in such manner as to them shall seem most beneficial to the said institution.

May hold  
lands, &c.

and dispose of  
the same,

SEC. 3. *And be it enacted,* That the said trustees, or a majority of them, shall have power from time to time to make and establish such by-laws, rules and ordinances, not contrary to the laws and constitution of this State or of the United States, as they shall judge necessary and proper for the good government of the said institution; and to appoint a president, secretary, tutor or tutors, and treasurer, the last of whom shall receive all monies accruing to the said institution, and property delivered to his care, and pay or deliver the same to the order of the said trustees; the said treasurer, before he enters upon the duties of his office, shall give bond and security in such sum, as the said trustees shall direct, payable to them and their successors; conditioned for the faithful discharge of the trust reposed in him, and that he will, when required by the said trustees, render a true and just account of all monies, goods and chattels received by him on account of and for the use of the said institution.

Make by-laws

appoint officers.

Treasurer, his duties;

shall give bond;

condition thereof.

SEC. 4. *And be it enacted,* That the said trustees, and their successors, shall have power to take and receive subscriptions for the use and benefit of the said institution or school, and in case any person shall fail to comply with his or her subscription to enforce the payment thereof.

Trustees may take subscriptions, &c. and enforce payment,

Election of  
trustees

when

by whom

how

their qualifi-  
cations

Vacancies  
how filled, &c.

SEC. 5. *And be it enacted,* That an election shall be held on the first Monday in May in the year eighteen hundred and eighteen, and annually on the first Monday in May, at which time and place, those persons, who shall have subscribed to the articles of association and signed the constitution of said institution, shall be and are hereby authorized to choose by ballot five trustees for said institution or school: no person or persons shall be chosen a trustee or trustees for the said institution or school unless they shall have the same qualifications as those who are entitled to vote at such election: and in case of any vacancy in the board of trustees, during the year for which they may be elected, the remaining trustees shall have the power, and they are hereby authorized and empowered to fill such vacancy; and in case it should so happen that the said trustees should not be chosen as aforesaid, on the day aforesaid, then and in such case the trustees then in office shall continue in office until their place shall be supplied by a new election.

PASSED AT DOVER, }  
28. January, 1817. }

## CHAPTER CXXV.

4 vol ch. 64,  
p 196, & ch.  
182, p. 494.

*An ACT supplementary to the act, entitled, "An act to incorporate a company for making a turnpike road from the borough of Wilmington to the line between this State and Pennsylvania, or to communicate with the artificial road contemplated from the Gap to Newport."*

WHEREAS doubts have arisen respecting the construction of the twelfth section of the act to which this is a supplement; for removing whereof—

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That it shall and may be lawful for the said Wilmington turnpike company to divide their turnpike road into as many divisions as they may deem proper, and from time to time to alter the same, so that the said divisions respectively shall not be less than two nor more than five miles in length, and on each of the said divisions to erect one turnpike gate, at which they shall be authorised to demand and receive from all persons using the said road the same proportion of the rates of tolls mentioned in the said twelfth section, which the length of such division on which the said gate is placed bears to five miles; and to stop any person riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burden or pleasure, from passing through such gate, until they shall have respectively paid the same: *Provided always,* that the said company shall cause to be affixed on the said gate or gates, now or hereafter to be erected, for the information of travellers and others using the said road, a printed list of the number and length of said divisions: *And provided always,* that any person or persons, residing in Christiana hundred, or within the county of Newcastle and within two miles of said road, except persons keeping horses or any sort of carriages of burden or pleasure for hire, shall have a right to contract for the use of said road for himself and his family by the year, to commence on the first day of January, and to end on the thirty-first day of December inclusive, in each year, or such part there-

Preamble.

Company may divide their road, &c.

and on each division erect a gate and there demand toll.  
rates of tolls.

number and length of divisions to be fixed on gate;

certain persons may commute.

Election of  
trustees

when

by whom

how

their qualifi-  
cations

Vacancies  
how filled, &c.

SEC. 5. *And be it enacted*, That an election shall be held on the first Monday in May in the year eighteen hundred and eighteen, and annually on the first Monday in May, at which time and place, those persons, who shall have subscribed to the articles of association and signed the constitution of said institution, shall be and are hereby authorized to choose by ballot five trustees for said institution or school: no person or persons shall be chosen a trustee or trustees for the said institution or school unless they shall have the same qualifications as those who are entitled to vote at such election: and in case of any vacancy in the board of trustees, during the year for which they may be elected, the remaining trustees shall have the power, and they are hereby authorized and empowered to fill such vacancy; and in case it should so happen that the said trustees should not be chosen as aforesaid, on the day aforesaid, then and in such case the trustees then in office shall continue in office until their place shall be supplied by a new election.

PASSED AT DOVER, }  
28. January, 1817. }

## CHAPTER CXXV.

4 vol ch. 64,  
p. 196, & ch.  
182, p. 494.

*An ACT supplementary to the act, entitled, "An act to incorporate a company for making a turnpike road from the borough of Wilmington to the line between this State and Pennsylvania, or to communicate with the artificial road contemplated from the Gap to Newport."*

WHEREAS doubts have arisen respecting the construction of the twelfth section of the act to which this is a supplement; for removing whereof—

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That it shall and may be lawful for the said Wilmington turnpike company to divide their turnpike road into as many divisions as they may deem proper, and from time to time to alter the same, so that the said divisions respectively shall not be less than two nor more than five miles in length, and on each of the said divisions to erect one turnpike gate, at which they shall be authorised to demand and receive from all persons using the said road the same proportion of the rates of tolls mentioned in the said twelfth section, which the length of such division on which the said gate is placed bears to five miles; and to stop any person riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burden or pleasure, from passing through such gate, until they shall have respectively paid the same: *Provided always,* that the said company shall cause to be affixed on the said gate or gates, now or hereafter to be erected, for the information of travellers and others using the said road, a printed list of the number and length of said divisions: *And provided always,* that any person or persons, residing in Christiana hundred, or within the county of Newcastle and within two miles of said road, except persons keeping horses or any sort of carriages of burden or pleasure for hire, shall have a right to contract for the use of said road for himself and his family by the year, to commence on the first day of January, and to end on the thirty-first day of December inclusive, in each year, or such part there-

Preamble.

Company  
may divide  
their road, &c.

and on each  
division erect  
a gate and  
there demand  
toll.  
rates of toll;

number and  
length of di-  
visions to be  
fixed on gates

certain per-  
sons may  
commute.

conditions of  
commutation

of as may be unexpired at the time of his application, on the following conditions: The person or persons, applying to commute with the said company, shall pay on the first day of January in each year, or at the time of such application; (if made after that period) to said company such sum as may be agreed upon by the parties, not less than five nor more than ten dollars, which said sum shall be carried to the credit of said applicant, on the books of said company, on account of his commutation; that there shall be charged to said commutant, by the said company, all tolls incurred by him during the year aforesaid or the residue thereof unexpired at time of such application, at the rate which the distance used by the said commutant bears to five miles, namely, for any distance not exceeding one mile, one fifth of the rate of toll established by law for five miles; if more than one mile and not exceeding two, two-fifths of said rate, and so in like manner for any greater distance; that, at the close of the said year, there shall be deducted from the aggregate of tolls, so charged, twenty-five per centum, and if the residue shall be greater than the sum passed to the credit of the commutant as aforesaid, then the difference shall be paid by the said commutant to the said company and be recoverable by law as other debts, but if the sum so passed to the said commutant's credit shall exceed the said residue of tolls, then such excess shall be refunded to the said commutant or his legal representatives by the said company and be recoverable by law as other debts: and lastly, that no benefit of the commutation, provided by this section, shall be enjoyed by any person or persons until the balance, if any found to be due as aforesaid for tolls commuted under this act for any preceding year or years, be paid to the said company.

SEC. 2. *And be it further enacted, That if any* person or persons owning, riding or driving any carriage of burden or pleasure, or owning, riding leading or driving any horse or mule, or driving any hogs, sheep or cattle, shall leave the said turnpike road within three hundred yards of any turnpike gate now or hereafter lawfully to be erected, and shall return upon the same road within the same distance on the opposite side of said gate, all and every such person or persons shall pay the toll demanded at the said gate, in the same manner as if he, she or they had passed through the same, and in case of non-payment of such toll at that time such person or persons shall be liable to the same penalty or penalties, forfeiture and forfeitures and to be recovered in like manner, as is or are provided in the thirteenth section of the act to which this is a supplement: *Provided*, that nothing in this act shall be construed to repeal or impair the force and effect of the said thirteenth section.

Persons may be liable for toll tho' not passing thro' a gate.

Penalty for non-payment thereof.

4 vol p. 205.

SEC. 3. *And whereas* the said company have represented to this General Assembly, that the clear annual income and profits of the said road, as far as the same is completed, will not bear a dividend of six per centum per annum, and that without some further legislative provision, whereby the capital advanced may enure for the benefit of those who advance the same, they will not be able to sell a sufficient amount of stock to pay the debts of the said company and to complete the said road, whereby the advantages contemplated by the said act would be entirely lost: and this General Assembly being willing to relinquish the right reserved to the State by the twenty-fifth section of the said act, provided the said company shall relinquish the benefit of the seventeenth section of the said act and accept of the rate of tolls granted by the twelfth section thereof

Preamble.



Repeal. without increase or diminution: *Therefore be it enacted*, That the seventeenth and twenty-fifth sections of the act to which this is a supplement, be and the same are hereby repealed: *Provided* the said company by an instrument in writing under their corporate seal to be filed in the office of the secretary of state within six months from the passing of this act do testify their acceptance of the same.

4 vol. 209, 213

Proviso.

PASSED AT DOVER, }  
28. January, 1817. }

## CHAPTER CXXVI.

*An ACT to incorporate the Newcastle Female benevolent Society for the purpose of establishing and supporting a charity school or schools in the town of Newcastle.*

Company in- SEC. 1. BE IT ENACTED, That Ann Johns, Anna  
corporated; M'Callmont, Sally M'Callmont and Mary Riddle,  
of the town of Newcastle, in Newcastle county,  
and their associates, who are now or hereafter may  
become members of the Newcastle female benevo-  
lent society, according to the articles of association  
and rules of the said society, shall be and they are  
hereby constituted a body politic and corporate in  
name thereof. law by the name of the the Newcartle female bene-  
volent society, and by that name shall have perpe-  
tual succession and power to make and use a com-  
mon seal, and the same to alter from time to time as  
they may deem proper, and by that name may sue  
and be sued, plead and be impleaded in any court of  
law or equity, and do and perform all such acts as  
may be necessary for the purpose of establishing

and supporting a charity school or schools in the said town of Newcastle.

CHAP.  
CXXXVI.

1817.

SEC. 2. *And be it further enacted,* That the members of the said society and their successors, by the name aforesaid, shall be capable in law to purchase, receive, take and hold any lands, tenements, rents, goods and chattels, which may be given, granted, devised or conveyed to them for the purpose of establishing and supporting the said school or schools, and to sell, rent or dispose of the same in such manner as to them shall seem most beneficial for the promotion of the said school or schools.

May hold  
lands, &c.

and sell the  
same, &c.

SEC. 3. *And be it further enacted,* That the members of the said society shall have power from time to time to elect a president, secretary, and treasurer, and to make and ordain such by-laws, rules and ordinances, not contrary to the laws and constitution of this State, as they, or a majority of them, shall judge necessary and proper, for the receiving and admission of members of the society, and for the good order and government of the said society, and for preserving order, discipline and good government in the said school.

May elect of-  
ficers & make  
by-laws.

SEC. 4. *And be it further enacted,* That females of any religious society or denomination among Christians shall be capable of being elected members of the said society, nor shall any person be refused admission into the said school as teacher or pupil for their conscientious persuasion in matters of religion.

and teachers,  
in the schools

SEC. 5. *And be it further enacted,* That none but destitute orphans and the children of such white inhabitants as shall be deemed by the society proper objects of charity, shall be admitted into the said schools.

Who may be  
pupils in the  
schools.

SEC. 6. *And be it enacted,* That the books, acts and minutes of the said society shall be received as competent evidence in all courts of justice and else-

Books, &c. of  
the corpora-  
tion shall be

competent evidence, &c. where, of the accounts, matters, things and transactions which they import on the face of them, touching and relating to the affairs and business of the said corporation, in the same manner as the books of private persons are now received as competent evidence under the existing laws of the State.

PASSED AT DOVER, }  
January 28, 1817. }

## CHAPTER CXXVII.

*A SUPPLEMENT to an act, entitled, "An act for erecting public bridges, causeways and laying out and maintaining highways."*

1 vol. ch. 131,  
a. p. 316.

**SEC. 1.** *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That all public roads and common highways, hereafter to be laid out within the county of Kent, shall be laid out, returned, recorded, made and erected at the expense of the petitioners for such roads, bridges and causeways, and all damages, together with the expenses of laying out and returning, making and erecting such roads, highways, bridges and causeways, shall be paid by said petitioners.

Public roads  
in Kent coun-  
ty to be laid  
out, &c. at the  
expense of the  
petitioners.

**SEC. 2.** *And be it further enacted,* That section thirteen of the original act, to which this is a supplement, so far as the same concerns Kent county, be and the same is in all its parts hereby revived; and that so much of the acts of the General Assembly of this State as have supplied, altered or repealed the said section or any part thereof, so far as the same concerns Kent county, but no further, or as are altered by the first section of this act, be and the same is hereby repealed.

Sec 13 of ch.  
131, a. 1 vol.  
320 revived, as  
to Kent county

Repeal, see  
1 vol. 394  
2 vol. 1266  
1268, 1334.

PASSED AT DOVER, }  
Jan 28th 1817. }

## CHAPTER CXXVIII.

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CXXVIII.

*An ACT to empower Ruth Harper to convey the fee simple estate, of and in a certain tract or piece of land, to any citizen of the United States.*

1817.

PASSED AT DOVER, }  
29 January 1817. }

PRIVATE ACT.

## CHAPTER CXXIX.

*An ACT to survey, lay out and regulate the streets of Smyrna, and for other purposes.*

WHEREAS the inhabitants of the town of Smyrna have prayed, that this General Assembly would pass a law appointing five commissioners with full power and authority to regulate the present streets, lanes and alleys within the said town, and to lay out such new ones as they should deem to be proper and necessary, and that the said street in the said town, commonly called and known by the name of the Methodist-street should be comprehended within the authority of the said commissioners, and also that provision should be made in the said law for the perpetual regulation of all the streets, lanes and alleys now established or which may be hereafter laid out and established in the said town:

Preamble.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the bounds and limits of the town of Smyrna aforesaid, shall be ascertained, fixed and established in the following manner: that is to say, the point shall be ascertained where the middle of the main street or road leading from Dover through Smyrna to Wilming-*

Limits of the town, how to be ascertained and fixed.

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ton crosses the middle of the landing-street or road leading from the Head of Chester, in Maryland, through Smyrna, to the landing on Duck creek; which point being ascertained, four lines shall be drawn therefrom at right angles, and each line shall extend one-quarter of a mile from the said point, running as near as may be with the four principal streets of Smyrna, as the same now run; from the said point; so nevertheless that the said lines shall be at right angles with each other, let the courses of the streets be as they may; that after the said four lines are drawn as aforesaid, from the aforesaid point, the limits and bounds of the said town of Smyrna shall be laid out as follows: to wit, beginning at the end of the line drawn one-quarter of a mile from the point aforesaid, towards Gravelly run or Israel Peterson's mill-pond, and running thence, at right angles with the said last mentioned line, one-quarter of a mile; thence running at right angles with the line last mentioned, one-quarter of a mile, where it will strike the end of the quarter of a mile line drawn from the central point aforesaid towards the Head of Chester aforesaid; thence the same line continued one-quarter of a mile; thence running, at right angles with the line last mentioned, one quarter of a mile where it will strike the end of the quarter of a mile line drawn from the central point aforesaid towards Wilmington; thence the same line continued one-quarter of a mile; thence running, at right angles with the last mentioned line, one-quarter of a mile where it will strike the end of the quarter of a mile line drawn from the central point aforesaid towards the landing on Duck creek; thence the same line continued one-quarter of a mile; thence running at right angles with the line last mentioned, one-quarter of a mile to the place of beginning: so that the town of Smyrna aforesaid shall be included and comprehended within four lines, running at right angles with each other, as aforesaid, and each being one-half mile long as aforesaid, and touching, in the middle thereof, the extremity of one of the quarter of a mile lines drawn from the central point as aforesaid.

SEC. 2. *And be it enacted,* That Henry M. Persons appointed to fix the limits, Ridgely, Willard Hall, Jacob Stout, Jonathan Jenkins, and Alexander M'Clyment, or the survivors of them, or a majority of them, or the survivors of them, shall have full power and authority, and they or the survivors of them, or a majority of them, or the survivors of them, are hereby authorized, directed and required, as soon as conveniently may be after the passing of this act, to ascertain, fix and establish the limits and bounds of the town of Smyrna aforesaid, in the manner herein before pointed out, and to cause all the streets, lanes and alleys now being within the said town to be carefully surveyed and laid out, and to cause to be surveyed, laid out and opened, within the said town of Smyrna, all such additional streets, lanes and alleys as they shall deem to be proper and necessary, allowing to the persons respectively, through or over whose grounds such additional streets, lanes or alleys may run, such compensation therefor as they shall deem to be just and reasonable, under all circumstances; which compensation, if any be allowed, shall be paid by the treasurer of the town of Smyrna hereinafter mentioned, out of the monies of the said town, which may come to his hands as treasurer aforesaid, on warrants drawn on him by the commissioners of the town of Smyrna hereafter mentioned. and cause the streets to be surveyed, &c. and new ones opened, &c. and may allow compensation, &c.

SEC. 3. *And be it enacted,* That the said Henry M. Ridgely, Willard Hall, Jacob Stout, Jonathan Jenkins and Alexander M'Clyment, or the survivors of them, or a majority of them, or the survivors of them, shall be, and they are hereby authorized and required, in the performance of the duties enjoined on them by this act, to take to their assistance a skilful surveyor; and after having caused to be ascertained, fixed and established the limits and bounds of the said town, and after having caused to be carefully surveyed and laid out all the streets, lanes and alleys now being in the said town, and having caused to be surveyed, located and laid out such additional streets, lanes and alleys as they shall deem to be proper and necessary, they shall Shall take to their assistance a surveyor. And having fixed the limits, &c. and caused to be surveyed & laid out the streets, &c.

shall fix stones for marking the bounds, streets, &c. and cause a plot of the town to be made, &c. on which shall be marked the boundaries, streets, &c. and to which may be annexed other lines, notes, &c. and which shall be signed, &c. and recorded, &c. and record or any copy thereof when certified, &c. shall be evidence, &c.

cause to be fixed, such and so many stones, and in such places as they shall deem to be proper for marking out and establishing the lines, bounds, corners, streets, lanes and alleys of the said town; and they shall cause the said surveyor, whom they shall take to their assistance as aforesaid, to make out an accurate plot or map of the said town, on which shall be marked and designated the boundaries of the said town, and the courses, width and names of the several streets, lanes and alleys thereof, both those now being in the said town, and such new ones as they may locate and lay out as aforesaid: and they may annex or add to the said map or plot such additional lines, surveys, observations and explanatory notes as they shall deem right and proper; and they, together with the surveyor aforesaid, shall sign the same, when completed as aforesaid, and cause it to be carefully recorded in the office for recording of deeds in and for Kent county; which record, or any copy thereof, when duly certified under the hand and seal of the recorder of deeds in and for Kent county aforesaid, shall be admitted and received as competent testimony in all courts of law and equity within this State.

Persons appointed to lay out the streets and the surveyor to be sworn, &c.

**SEC. 4. And be it enacted,** That the said Henry M. Ridgely, Willard Hall, Jacob Stout, Jonathan Jenkins and Alexander M'Clyment, or such of them as may act under the provisions of this law, and the surveyor, whom they may take to their assistance, before they enter upon the duties hereinbefore assigned, shall be duly sworn or affirmed, before some judge or justice of the peace of this State, faithfully and impartially to perform the duties assigned them by this act, to the best of their skill and judgment.

Commissioners, assessors and treasurer to be elected, by whom

**SEC. 5. And be it enacted,** That it shall and may be lawful for every free white male person, who shall be above the age of twenty-one years and shall be the owner of real estate within the town of Smyrna aforesaid, to attend at the house now occupied by Mrs. Lockwood, in the said town, or at such other convenient place as may be fixed on and

at what place

appointed by any commissioners of the said town, who may at any time hereafter be appointed, on the first Monday in June next, and on the first Monday in June annually thereafter, at any time between the hours of ten o'clock in the morning and six o'clock in the afternoon, and then and there to vote by ballot for three persons, being owners of real estate within the said town, and being above the age of twenty-one years respectively, as commissioners for the said town, and for one person, being also owner of real estate within the said town and being also above the age of twenty-one years, as assessor for the said town, and for one other person, being also owner of real estate within the said town, and being also above the age of twenty-one years, as treasurer for the said town; and, immediately after the election is closed, the votes, given in as aforesaid, shall be read out and counted; and the three persons having the highest number of votes as commissioners aforesaid, shall be the commissioners of the said town for one year, or until others are duly elected; and the person having the highest number of votes as assessor aforesaid, shall be the assessor of the said town for one year, or until another is duly elected; and the person having the highest number of votes as treasurer aforesaid, shall be the treasurer of the said town for one year, or until another is duly elected. And the first election for commissioners, assessor and treasurer aforesaid, shall be conducted and carried on under the superintendence and management of James McDowell, Thomas Maberry and Henry Draper, or a majority of them; and every future election shall be held, conducted and carried on under the superintendence and management of three substantial freeholders, to be appointed for that purpose by the commissioners for the time being; and immediately after each election, as soon as it is ascertained who are appointed commissioners, assessor and treasurer as aforesaid, the persons, under whose superintendence and management such election is carried on, shall enter in a book, to be provided for that purpose, a memorandum or minute of such election, containing the names of the persons respectively

when  
 how  
 Their qualifications.  
 First election.  
 Future elections.  
 Minute of the election of officers to be made.



chosen commissioners, assessor and treasurer at such election, and shall subscribe their names to the said memorandum or minute, and shall give to the commissioners assessor and treasurer, so chosen as aforesaid, certificates of their election: and

Book contain- ing minutes of the elections to be preserved, and by for the time being, and shall be admitted as competent evidence in all courts of law and equity with- evidence, &c. in this State.

SEC. 6. *And be it enacted*, That the commission- ers mentioned in the fifth section of this act, shall be called and known by the name of the "Commissioners of the town of Smyrna": and the assessor of the town of Smyrna: and the treasurer, also mentioned in the said section, shall be called and known by the name of the "Treasurer of the town of Smyrna".

Commission- ers, their du- ties & powers. SEC. 7. *And be it enacted*, That it shall be the duty of the commissioners of the town of Smyrna, for the time being, or the survivors of them, or a majority of them, or the survivors of them, and they are hereby invested with full and ample power therefor, to cause all the streets, lanes and alleys of the said town, both those now being therein and such new ones as may be laid out and located under the provisions of this act, to be repaired, supported, opened, regulated and amended; and all obstructions and nuisances, at any time therein being, to be removed or abated, in such manner as they may deem most proper and conducive to the convenience and interest of the citizens of the said town, and in conformity to the survey and plot of the said town, so to be made as aforesaid, by virtue and in pursuance of this act; and for these purposes, and also to defray all expenses, costs and charges arising and accruing in consequence of any thing contained in or to be done under this act, to cause such sum or sums to be raised, annually, by way of tax, to be assessed, levied and raised on the real property within the said town, as to them

shall appear to be right and proper: *Provided always*, That the said commissioners shall not be compelled to support, repair or amend the streets in the said town now deemed public highways and supported by the county of Kent, except only so far as they may consider it to be for the particular convenience and accommodation of the inhabitants of the said town.

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SEC. 8. *And be it enacted*, That the said commissioners of the town of Smyrna, for the time being, and the survivors of them, or a majority of them, or the survivors of them, shall be, and they are hereby, authorised and empowered, required and directed, to cause all obstructions and nuisances, that may at any time be in any of the streets, lanes and alleys of the said town, to be removed or abated: and in case any person or persons, who shall occasion such obstruction or nuisance, shall neglect or refuse to remove the same, within three days after being required so to do, in writing, by the said commissioners or the survivors of them or a majority of them, or the survivors of them, he, she or they, so refusing or neglecting to remove such obstruction or nuisance as aforesaid, shall forfeit and pay to the treasurer of the said town, for the use of the said town, the sum of five dollars, to be recovered in the name of the treasurer of the town of Smyrna, as debts under forty shillings are now recoverable by the laws of this state: and the said commissioners may moreover cause such obstruction or nuisance to be removed or abated as aforesaid.

Penalty on persons neglecting to remove nuisances on being required by the commissioners.

SEC. 9. *And be it enacted*, That each of the commissioners of the town of Smyrna, for the time being, and during his continuance in office as such, shall be a conservator of the peace within the limits of the said town, with full power and authority to do all things, for the preservation of the peace within the limits of the said town, that any other conservator of the peace of this state may or can do by the laws of this state. And each of the said com-

Each commissioner to be a conservator of the peace within the town.

Oath of of-  
fice of the  
commission-  
ers.  
by whom to  
be adminis-  
tered.  
certificate  
thereof to be  
made.

missioners, before entering upon the duties of his office as such, shall take an oath or affirmation faithfully and impartially to discharge the duties of his office as commissioner of the town of Smyrna to the best of his skill and judgment: which oath or affirmation shall be administered by any Judge or Justice of the peace of this state: and a certificate of the administration of such oath or affirmation, shall be made, by the person administering the same, in the record book of the election of such commissioners.

Assessor, his  
duties & pow-  
ers;

persons o-  
ver-rated by  
him may ap-  
peal.  
within what  
time  
& to whom;

his property  
to be assessed  
by the com-  
missioners;

SEC. 10. *And be it enacted,* That the assessor of the town of Smyrna, for the time being, shall, annually, during the month of June, make a true, just and impartial valuation and assessment of all the real estate within the said town: and the said assessor shall, forthwith after making such assessment, deliver to the commissioners aforesaid, for the time being, a duplicate thereof, containing the names of all persons being owners of real estate within the said town and the amount of the assessment or valuation of the real estate of each person respectively within the said town: which duplicate in the hands of the commissioners shall be and remain open and free for the inspection of all persons concerned. And if any person or persons, shall conceive him, her or themselves aggrieved or over-rated by the said assessor, it shall and may be lawful for him, her or them, at any time before the twentieth day of July after making such assessment, to appeal to the said commissioners for the time being, whose decision thereupon shall be final and conclusive. And in case one of the commissioners appeals, he shall not sit in judgment upon his own appeal, but it shall be decided by the other two or the survivor if one be dead: and the said commissioners, or the survivors of them, or a majority of them, shall assess and value the real estate of the said assessor within the said town and add such valuation and assessment to the said duplicate. And after the said assessment and valuation shall be examined and adjusted as aforesaid by the said commissioners, all taxes shall be levied, assessed

and raised, on the property thus valued, in just and equal proportions and rates. And the said assessor, immediately after his election and before entering upon the duties of his office, shall take an oath or affirmation diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment; which oath or affirmation shall be administered by any Judge or Justice of the peace of this state; and a certificate thereof shall be made by the person administering the same in the aforesaid record book of the election of the commissioners, assessor and treasurer aforesaid.

his oath of office.

By whom to be administered; and certified.

SEC. 11 *And be it enacted*, That the commissioners aforesaid or the survivors of them, or a majority of them or the survivors of them, after having ascertained the sum necessary to be raised on the said town, for the purposes of this act, and having apportioned the same on the assessment and valuation aforesaid, shall yearly, in the month of July or as soon thereafter as convenient, furnish the treasurer of the said town with a list, containing the names of every person owning real estate within the said town, and opposite to each name respectively the amount of the real estate of such person within the said town, and the tax to be levied on such assessment from each person as aforesaid: which list shall be signed by the said commissioners, for the time being, or the survivors of them or a majority of them, and shall contain a note or minute of the whole tax laid for the year being, and the rate per hundred dollars necessary to raise that tax: and the treasurer of the said town, immediately after receiving the said list, shall proceed to collect the taxes mentioned in the said list, and shall have the same power and authority to collect the said taxes, as are given by law to the collectors of county rates and levies. And the said treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penalty of one thousand dollars, lawful money of the United States, to the commissioners of the said town, conditioned for the faithful discharge of the trust reposed in him and the payment over to his

Treasurer to be furnished with a tax list by the commissioners,

and when;

what the list shall contain.

Treasurer upon receiving list shall collect the taxes; his power for that purpose;

shall give bond;

successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. And the said treasurer shall pay all orders drawn by the commissioners; and settle his accounts with them annually or oftener &c. shall settle his accounts, with the said commissioners annually, in the month of May, or as often, and at such times, as they, or the survivors of them or a majority of them, shall require him thereto: and the said treasurer and assessor shall each receive for the performance of the duties enjoined on them by this act a reasonable compensation to be determined by the said commissioners.

Treasurer and assessor shall receive compensation to be determined by the commissioners.

PASSED AT DOVER, }  
29 January, 1817. }

## CHAPTER CXXX.

### *An ACT to incorporate the Trustees of the Mechanic's Academy of Smyrna.*

Trustees incorporated. SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Thomas Maberry, William Kennedy, Ephraim Jefferson, James Smith, Ebenezer Blackiston, junior, Jacob Pennington and John Denning, be and they are hereby declared to be, one body politic and corporate, to have continuance forever, by the name of the trustees of the Mechanic's Academy of Smyrna.

Vacancies how supplied. SEC. 2. *And be it enacted,* That in case of the death, resignation or other legal disability of any of the trustees of the said Academy, the vacancy, thereby occasioned, shall be supplied by a majority of the remaining trustees.

Trustees may hold property & dispose of the same &c. SEC. 3. *And be it enacted,* That the said trustees, and their successors in office, by the name aforesaid, shall be capable, in law, to purchase, re-

ceive and hold any lands, tenements, rents, goods or chattels, which shall be given, conveyed or devised to them for the use of the said school, and to sell, rent or dispose of the same, in such manner, as to them shall seem most beneficial for the said Academy.

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SEC. 4. *And be it enacted,* That the said trustees, or a majority of them, shall have power, and they are hereby authorized, to make, alter, repeal and re-enact all laws, regulations, ordinances, which they may deem necessary for the better government of the said school: Provided, that the said laws, regulations and ordinances are not repugnant to the constitution and laws of this state or of the United States.

make by  
laws &c;

SEC. 5. *And be it enacted,* That the said trustees may, and shall, appoint such professors, tutors or such other officers or persons, as they may deem requisite, for the said school, under such rules and stipulations, and for such pecuniary compensation, as they may deem adequate and proper.

appoint  
professors, tu-  
tors &c.

SEC. 6. *And be it enacted,* That the said corporation shall and may be able and capable, in law, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of law and equity, or any other place whatsoever, and to do and execute all other matters and things which bodies politic and corporate may lawfully do.

corpo-  
ration may sue  
& be sued &c;

SEC. 7. *And be it enacted,* That the said corporation shall have full power and authority to have and use a common seal, and to change the same, and to establish another or others, with such devices as they shall think proper, and that all acts certified under such seal shall have full faith and credit.

may have  
and use a com-  
mon seal &c.

Trustees shall not receive compensation &c. SEC. 8. *And be it enacted,* That the trustees of the said school shall not, on any pretence whatsoever, take or receive any compensation for their services rendered in the discharge of any duty or duties performed by them.

PASSED AT DOVER, }  
29 January, 1817. }

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### CHAPTER CXXXI.

*An ACT to incorporate a School, on the Brandywine, in New Castle County, under the name of the Brandywine Manufacturers' Sunday School.*

Preamble; WHEREAS the establishment of Sunday Schools, especially in the vicinity of extensive manufactories, is calculated, not only to promote the instruction of the youth, in those useful establishments, in the first rudiments of learning, but to conduce greatly to their good and orderly behaviour, by preventing them from spending the Sabbath in idleness and contracting habits of vice and immorality.

Trustees incorporated. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Eleuthere Irenée du Pont, Robert McCall, John D. Carter, Charles I. du Pont, George Hogdson, Peter Hendrickson, and William Huston, shall be and they are hereby constituted a body politic and corporate, by the name of the trustees of the Brandywine Manufacturers' Sunday school, and, by that name, shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any court of law or equity.

SEC. 2. *And be it enacted,* That the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive and

hold any lands, tenements, rents, goods and chattels, which shall be given, conveyed or devised to them, for the use of the said school, and to sell, rent or dispose of the same, in such manner as to them shall seem most beneficial to said school. may hold property and dispose of the same &c;

SEC. 3. *And be it enacted,* That the said trustees, or a majority of them, shall have power, from time to time, to make and establish such by-laws, rules and ordinances, not contrary to the laws and constitution of this state, as they shall judge necessary and proper for the good government of said school; and to appoint a president, secretary, tutor or tutors and treasurer; the last of whom shall receive all monies accruing to the said school and property delivered to his care, and pay or deliver the same to the order of said trustees; the said treasurer, before he enters upon the duties of his office, shall give bond and security, in such sum, as the said trustees shall direct, payable to them or their successors, conditioned for the faithful discharge of the trust reposed in him and that he will, when required by said trustees, render a true and just account of all monies, goods and chattels received by him on account of and for the use of the said school; which treasurer shall receive such salary as the said trustees shall allow. may make by-laws &c; and appoint officers. The treasurer shall receive all monies &c; and give bond &c; Condition thereof. He shall receive a salary &c.

SEC. 4. *And be it enacted,* That the said trustees shall have power to take and receive subscriptions for the use and benefit of said school; and, in case any person shall fail to comply with his or her subscription, to enforce the payment thereof; and in case of the death, resignation or other legal disability of any of the said trustees herein named, the vacancy, thereby occasioned, shall be supplied by the remaining trustees. Trustees may receive subscriptions and enforce payment. Vacancies how supplied.

PASSED AT DOVER, }  
29 January, 1817. }



## CHAPTER CXXXII.

*AN ACT to authorise the Administrators of James Caldwell deceased to convey to James M'Callmont a certain lot of ground therein mentioned."*

PASSED AT DOVER, }  
30 January 1817. }

PRIVATE ACT.

## CHAPTER CXXXIII.

1 vol ch. 200 A *SUPPLEMENT to an act, entitled, "An act directing the manner of suing out attachments within this government.*

a p. 460.

**SEC. 1.** BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That after the passing of this act, a writ of attachment may issue, out of any court of law of this state, for any sum to the amount of thirty two dollars and upwards, against a resider in the state, upon one *non est inventus* being returned, by the Sheriff or Coroner, upon a writ taken out against such resider and delivered to the Sheriff or Coroner at least twenty days before return thereof, and such proof made, of the cause of action, and of the defendant having absconded, as the court shall judge sufficient cause for issuing an attachment; and that so much of the first section of the said recited act, as requires two *non est inventuses* upon two writs taken out against a resider before issuing such attachment, be and the same is hereby repealed.

*[Attachment may issue against a resider on one non est inventus &c;*

Repeal of part of sec. 1, ch. 200, a. vo. 1, p. 460.

**SEC. 2.** And be it further enacted, That any one Judge of the court, from which attachment process may be issued, shall hereafter have the same power to order the sale of goods and chattels attached, where the same are of a perishable nature or may

One Judge may order sale of perishable goods &c. when attached.

create expense in keeping them, as three justices of the court of common pleas now have, under the provision of the fifth section of the act to which<sup>1 vol. 462.</sup> this is a supplement; and such order shall be executed and proceeded on, by the officer named therein, in the same manner as is directed by the said fifth section of the said original act.

SEC. 3. *And be it further enacted, That judgment shall be given for the plaintiff, in any original attachment, at the second term of the court after issuing the writ, unless the defendant, or some sufficient person for him or her, shall enter special bail, as is required and provided by the said act to which this is a supplement, any thing in the tenth section of the said act to the contrary notwithstanding.* <sup>Judgment to be given the second term, unless, &c.</sup> <sup>1 vol. 461.</sup> <sup>1 vol. 465.</sup>

PASSED AT DOVER, }  
Jun. 31, 1817. }

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#### CHAPTER CXXXIV.

*An ACT authorising the Guardian of Joseph Heald, an idiot, to sell and convey, in fee simple, the tract or parcel of land therein mentioned.*

PASSED AT DOVER, }  
Jan. 31, 1817. }

PRIVATE ACT.

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#### CHAPTER CXXXV.

*A SUPPLEMENT to the Act entitled "An Act to establish the manner of choosing a Senator or Senators to represent this State, in the Senate of the United States."* <sup>3 vol. ch. 36, p. 78.</sup>

SECTION 1. *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That whenever hereafter the Senate and House of Representatives shall*

A majority of the votes given in, necessary in the choice of a senator, be convened together, for the purpose of choosing a senator or senators to represent this state in the Senate of the United States, that no person shall be chosen a senator as aforesaid, unless he shall have a majority of all the votes or ballots, given in on every such occasion agreeably to the act to which this is a supplement.

PASSED AT DOVER, }  
January 31, 1817. }

## CHAPTER CXXXVI.

*An ACT to alter the time of holding the high court of errors and appeals in this State.*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That hereafter, the high court of errors and appeals shall be held, once in every year, at the town of Dover, in Kent county, on the eighth day of June, unless that day should be Sunday, and then on the next day, to receive, hear and judge of appeals and writs of error, in all matters of law and equity which may be brought before the said court, from any court of law or equity in any county in this state. And all appeals, writs of error, suits, process and proceedings whatsoever, relating to any cause, at law or in equity, civil or criminal, which now are depending before or returnable to the said high court of errors and appeals, shall be and remain in full force and effect, and shall be returned to the said court on the day herein before appointed,—and shall be heard, tried and determined, before the said court, on the day herein before appointed for holding said court annually, in as full and ample manner, as such matters and things now can or ever could have been heard and determined before said court.

High court of errors & appeals, when to be held, &c.

Continuance of process, &c.

SEC. 2. *And be it further enacted, That the* <sup>Repeal of sec. 2, ch. 244, vol. 4, p. 663.</sup> *second section of an act, entitled, "An act to alter the times of holding the courts of law and equity in this state," be and the same is hereby repealed, made null and void,*

PASSED AT DOVER, }  
 Jan. 31, 1817. }

## CHAPTER CXXXVII.

*An ACT supplementary to an act entitled, "An* <sup>4 vol. ch. 120, p. 322.</sup> *act for the trial of causes by special juries and for other purposes."*

BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the defendant or defendants, <sup>In a case not capital, in the quarter sessions, defendant may challenge, without cause, six jurors.</sup> in any indictment for any offence, not capital, which shall hereafter be brought on for trial, in any court of general quarter sessions of the peace and gaol delivery within any county in this state, may challenge, without shewing cause, any juror or jurors, drawn for the trial, not exceeding six in number; and the pannel shall, after every such challenge, be filled up by drawing additional names, from time to time, in the manner directed by the fourth <sup>4 vol. 325.</sup> section of the said act to which this is a supplement.

PASSED AT DOVER, }  
 Jan. 31, 1817. }

## LAWS OF THE STATE

## CHAPTER CXXXVIII.

*An ACT to authorise the co-obligor of John Evans deceased, to convey to Francis Gottier the one fourth part or interest of the said John Evans deceased, to the lands of a certain Isaac Evans deceased.*

PASSED AT DOVER, }  
3 February, 1817. }

PRIVATE ACT.

## CHAPTER CXXXIX.

*An ACT to empower Ann Francis to acquire and hold real and personal property, and to sell and dispose of the same, notwithstanding her being a feme covert.*

Preamble.

WHEREAS upon the petition of the said Ann Francis, exhibited to the general assembly, it appears that some time in the month of October, in the year of our Lord one thousand eight hundred and thirteen, she intermarried with a certain David P. Francis, that about three weeks after said marriage the said David P. Francis enlisted in the service of the United States, and continued in said service for one year, and then returned to her, who was then in the city of Philadelphia, and a short time after his return from the army, they commenced house keeping in the city of Philadelphia, and continued to live together until the July following; that during the said time he appeared in a state of derangement, and was frequently so much so as to be incapable of attending to any kind of business; that some time in the said month of July, which was in 1815, he left her and she had never heard of him, or what had become of him, since that period, that she was left in a helpless situation with a young child about nine months old; that she is entitled to

some property in her own right, which under her present situation, she is prevented from receiving or bringing a suit in law for the recovery thereof, wherefore—

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SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall and may be lawful for the said Ann Francis of St. Jones' hundred, in Kent county and said state of Delaware, wife of the said David P. Francis, and she is hereby privileged and empowered, notwithstanding her marriage with the said David P. Francis, in her own right, in her own name and without the said David P. Francis, and for her own proper and separate use, to have, hold and enjoy and to purchase, take and acquire lands, tenements and hereditaments, monies, goods, chattels, rights and credits and other real and personal estate, and also that it shall and may be lawful for the said Ann Francis, and she is hereby further authorised and empowered, in her own name and without the said David P. Francis, to sell and convey, assign, give, devise, bequeath and dispose of, any lands, tenements and hereditaments, monies, goods and chattels or real and personal estate which she may thus hold, purchase, take or acquire, and to sue and be sued, and to do all other acts touching the acquisition and disposal of property which a feme sole may or can do, as fully and effectually as if she were sole and unmarried: and if the said Ann Francis shall happen to die intestate during the life of the said David P. Francis, that then and in such case all the estate, real and personal, which she may be seized or possessed or entitled to at the time of her death, shall be distributed among her next of kin, in equal degrees, in the same manner and form as if she at the time of her decease had been sole and unmarried.

Ann Francis, notwithstanding her coverture, authorised to take, acquire & hold real & personal property;

to sell & convey the same, &c;

to sue & be sued;

and to do all other acts &c. which a feme sole may do:

In case of her dying intestate, her property to be distributed to her next of kin &c

SEC. 2. *And be it further enacted,* That all deeds, wills, bonds, obligations, promises, agreements and contracts whatsoever, which hereafter shall be executed, made or entered into with or by

All deeds, wills, &c. made by her, to be valid &c.

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the said Ann Francis, in her own name without the said David P. Francis, shall be as valid and effectual in law as if she at the time of the execution and making thereof were sole and unmarried, any law to the contrary notwithstanding.

PASSED AT DOVER, }  
3 February, 1817. }

## CHAPTER CXL.

*An ACT concerning the division of the real estate of John Marim, deceased.*

PASSED AT DOVER, }  
Feb. 3, 1817. }

PRIVATE ACT.

## CHAPTER CXLI.

*An ACT for the administration of certain oaths and affirmations,*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the commissioner first named in every commission directed to freeholders appointed commissioners by the chancellor, to make partition of any lands and tenements among joint-tenant or tenants in common,—and the first named freeholder in every order made by the orphans' court for the division of any lands and tenements of any intestate, or for the assignment of widows' dower,—and the first named freeholder in every order made by the orphans' court for estimating the annual value of the lands of any orphan minor,—and the first named freeholder appointed by the court of quarter sessions to view and examine whether any road petition for is necessary and convenient,—and the first named freeholder appointed by the justices of the court of common

The commissioner first named to make partition be- tenants in common, &c.,

The freeholder first named for the division of intestates' lands,

and for estimating the value of minors' lands,

and for viewing any road petitioned for,

and for viewing swamp & low grounds,

pleas to go upon and view any swamp or low ground for the draining of which application shall have been made,—and the auditor or referee first named in any rule of court,—and the first named commissioner, freeholder, auditor, referee or person in any other commission, order, rule of court or appointment issued, made, ordered or directed by any court of law or equity in this state, although such commission, order, rule of court or appointment is not herein particularly named, described or specified,—shall have full power and authority, and is hereby required to administer to the other commissioners, freeholders, auditors, referees or persons named in any such commission, order, rule of court or appointment, the oath or affirmation required by law to be taken by such commissioners, freeholders, auditors, referees or persons, and also to the surveyor and surveyors authorised to make any survey in the execution of any such commission, order, rule of court or appointment; and in case any such first named commissioner, freeholder, auditor, referee or person shall be conscientiously scrupulous of administering an oath, then the second, third, fourth or fifth commissioner, freeholder, auditor, referee or person, and so in succession, named in any such commission, order, rule of court or appointment, not conscientiously scrupulous of administering an oath, is hereby authorised and required to administer such oaths and affirmations to the other commissioners, freeholders, auditors, referees or persons therein named, and to the surveyor and surveyors authorised to make any such survey as aforesaid; and any other one of the said commissioners, freeholders, auditors, referees or persons, being sworn or affirmed as aforesaid, shall have full power and authority, and is hereby required, to administer to such first named or other commissioner, freeholder, auditor, referee or person, the said oath or affirmation required to be taken as aforesaid; and if every commissioner, freeholder, auditor, referee or person named in any such commission, order, rule of court or appointment and the surveyor and surveyors as aforesaid, shall be conscientiously scrupulous of taking and

& the referee first named,  
and the first named person in any order of court,  
shall administer to his fellows the oath or affirmation required by law;  
& to the surveyor.  
If the first named person be conscientiously scrupulous then the second, third &c., to administer the oath or affirmation.  
The person first administering the oath or affirmation may himself be sworn or affirmed by any other of his fellows.  
If all be conscientiously scrupulous of taking & administering an oath, then



who is first named shall administer the affirmation required by law to be taken, and to the surveyor and surveyors; but if such surveyor or surveyors is or are not conscientiously scrupulous of taking an oath, he and they shall not be affirmed, but shall take the oath, required to be taken; to be administered by some judge or justice of the peace; and the commissioners, freeholders, auditors, referees or persons respectively, and judge or justice of the peace, who shall administer any such oath and affirmation, shall certify the same on, or annexed to, said commission, order, rule of court or appointment: and all such oaths and affirmations, administered as aforesaid, shall be as binding and available in law, as if the same were administered in any court of law or equity in this state: and such oaths and affirmations shall be certified ex officio.

**SEC. 2.** *And be it enacted by the authority aforesaid,* That the chancellor, and justices of the supreme court, and justices of the court of common pleas and quarter sessions, respectively, shall prescribe the form of the oaths and affirmations aforesaid, agreeably to the acts of the general assembly directing and requiring the same; and also the form of the said certificates: and the respective registers, clerks and prothonotaries shall cause the same to be annexed to every such commission, order, rule of court and appointment respectively, ex officio, in such manner as the same shall be prescribed and ordered by the chancellor and justices as aforesaid: *Provided nevertheless,* That nothing in this act contained, shall be deemed or taken to vest any power or authority in referees or auditors summoned before justices of the peace, to administer oaths or affirmations to each other.

*Provido.*

Referees before justices of peace, not included in the provisions of this act.

PASSED AT DOVER, }  
February third, 1817. }

CHAPTER CXLII.

A SUPPLEMENT to an act, entitled, "An act to authorise and empower the owner or poss<sup>5</sup> vol. ch. 78, sessors of any swamp or low ground to ditch p. 132. and drain the same and for rendering more easy and convenient the mode of obtaining permission therefor."

WHEREAS by the fifth section of the act of the general assembly to which this is a supplement, it appears that no person can be taxed or made chargeable with any part of the expense, nor can any person be entitled to receive any damages, directed by the above recited act to be levied, assessed and collected, other than such person or persons, through or upon whose lands any ditch or drain may be cut, cleared out and completed under and by virtue of the said act of assembly: and whereas no provisions, contained in the above recited act, will authorise the collection of any sum or sums of money, that shall or may be levied and assessed for the purposes therein mentioned, from any person or persons who do not reside in this state or are under the age of twenty one years; for remedy whereof:—

Preamble.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That any person or persons, who shall or may receive any benefit, or who shall or may sustain any injury, by reason of any ditch or drain, that shall or may be cut under any order of the court of common pleas, that has already been granted, or that shall hereafter be granted, on any application made under the provisions of the act to which this is a supplement, although the said ditch or drain shall not be laid out, cut and completed on any lands benefited or injured thereby, the freeholders, appointed to lay out the same, shall adjudge thereof, and shall tax each and every

Persons benefited shall be taxed, and persons injured shall have damages, tho' the ditch may not be upon their land,

of which the freeholders shall judge &c.

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person benefited, and assess damages to every person injured thereby, to be collected and paid in the manner directed by the fifth section of the act to which this is a supplement.

ditch taxes assessed, under this act and the act to which this is a supplement against non-resident and minors,

by whom

and how to be collected,

2 vol. ch. 98,  
c. p. 1247.

SEC. 2. *Be it further enacted by the authority aforesaid, That when any sum or sums of money, shall be assessed and levied, for the purposes mentioned, and under and by virtue of this act, or the act to which this is a supplement, on any person or persons, being a non-resident or non-residents of this state, or under the age of twenty one years, it shall and may be lawful for any person or persons, their heirs, executors or administrators, who shall cut or cause to be cut, cleared out and completed, any ditch or drain in pursuance of this act or the act to which this is a supplement, to collect the same in the manner prescribed and directed for the collection of taxes by the twenty fifth and twenty sixth sections of an act of the general assembly of this state entitled "an act for the valuation of real and personal property within this state" passed the ninth day of February, in the year one thousand seven hundred and ninety six.*

PASSED AT DOVER, }  
4 Feb. 1817. }

### CHAPTER CXLIII.

4 vol. ch. 165  
p. 469.

*A SUPPLEMENT to the act entitled "An act to prevent injury by dogs in Newcastle county."*

SEC. 1. *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That in lieu of the tax, directed to be levied and assessed, upon the owner of any dog or dogs, by the second section of the act to which this is a supplement, there be in future levied, assessed and collected, as is by the said act ordered and directed, upon and from the owner or possessor of any dog or dogs, except as is here-*

Owners of dogs shall pay a tax, for one dog, of fifty cents,

in after excepted, for one dog the sum of fifty cents, and for each and every dog, so owned or possessed, more than one dog, the sum of one dollar, and for every bitch, so owned or possessed, the sum of three dollars.

for every dog more than 1, one dollar,  
for every bitch 3 dollars;

SEC. 2. *And be it further enacted,* That if any collector or collectors, who are now such, or who may have heretofore acted as such, in the collection of any tax levied upon the owner of any dog or dogs, pursuant to the provisions of the act to which this is a supplement, and shall refuse or neglect to pay over, upon demand, all monies so collected, according to the fourth section of the said act, the treasurer of New Castle county shall proceed to sue for and recover the same by such means and in such way as for the recovery of other taxes.

collectors neglecting &c. to pay over the tax to be sued &c. as for other taxes;

SEC. 3. *And be it further enacted,* That if the treasurer of New Castle county shall, upon notice in writing from the trustees of the poor of said county, refuse or neglect to proceed against all such delinquent collector or collectors for the recovery of such tax or taxes, or having recovered the same or any part thereof, shall neglect or refuse to pay the same over to the order or orders of the trustees of the poor aforesaid, he shall forfeit and pay a sum, not exceeding five hundred dollars, to be sued for and recovered in any court, having competent jurisdiction, by the said trustees of the poor, and by them applied to the use and for the maintenance of the poor of New Castle county.

treasurer of New Castle county neglecting to sue delinquent collectors for taxes on dogs;  
or having recovered the same neglecting to pay them over;  
shall forfeit a sum not exceeding 500 dollars;

SEC. 4. *And be it further enacted,* That the hundreds of Pencader, St. George's, White Clay creek, Red Lion, and Appoquinimink, be, and any person or persons whatsoever residing therein are, hereby, declared to be, exempt from and in no wise subject to any of the provisions contained in the second, third or fourth sections of the act to which this is a supplement or in the first or fifth sections of this act, any thing in the said acts before contained to the contrary notwithstanding;

what hundreds shall be exempt from certain provisions of this act, and the act to which this is a supplement;

*Proviso.* *Provided however,* that nothing, herein contained, shall be construed, deemed or taken to exempt any person or persons from the payment of any tax or taxes, within any of the hundreds of New Castle county, which may heretofore have been duly levied and assessed, for any dog or dogs by him, her or them owned or possessed, according to the provisions of the act to which this is a supplement.

how the taxes imposed by this act shall be collected; SEC. 5. *And be it enacted,* That the collectors of tax, for the hundreds of Brandywine, Christiana, Mill-creek and New Castle, for the time being, shall collect all such sum or sums of money, as may become due from any person or persons according to the provisions of this act, as other taxes are or may be collected, and, after retaining five per centum therefrom for their trouble, the residue thereof shall pay over to the treasurer of New Castle county, as other taxes are or may be paid over, and for neglecting so to pay over, may be proceeded against as for the recovery of other taxes.

and to whom be paid over;

appropriation thereof; SEC. 6. *And be it further enacted,* That all moneys, hereafter arising under the provisions of this act, shall be set apart as a fund to remunerate such inhabitants, of the aforesaid hundreds of Brandywine, Christiana, Mill-creek and New Castle, as may have their sheep destroyed by dogs, or who may have their horses, cattle or swine bitten and destroyed by mad dogs.

Who may come within the benefit of such appropriation, and the manner of proceeding for that purpose; SEC. 7. *And be it further enacted,* That whenever any inhabitant of the hundreds of Brandywine, Christiana, Mill-creek or New Castle aforesaid, shall have one or more sheep destroyed by a dog or dogs, or horse, cattle or swine bitten and destroyed by a mad dog, he or she may certify the same, on oath or affirmation, to be taken before some justice of the peace in and for New Castle county, stating, in the said certificate, according to the best of his or her knowledge and belief, whether the said sheep were destroyed, or horse, cattle or swine bitten as aforesaid, by his or her

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own dog or dogs, or by some other; and if the latter shall appear to be the case, the justice shall appoint two respectable freeholders of the neighbourhood, to view and value, under oath or affirmation, the sheep so killed, or horse, cattle or swine so bitten as aforesaid, who are hereby empowered and required to examine any person or persons, upon oath or affirmation, touching the same, who, they may think, can throw any light thereon; and they shall certify the result of their proceedings, in writing, under their hands; and upon the two certificates as aforesaid, being produced to the levy court of New Castle county, they shall draw their warrant, upon the county treasurer, for the amount of such valuation; and the treasurer shall pay the same, out of the fund arising hereafter from the tax aforesaid, if so much of such fund shall be then in his hands, but if he shall not have a sufficiency of such money in his hands, then the said warrant shall be held, by the person in whose favour it may have been drawn, and shall have preference, of all warrants of later date, in payment, so soon as a sufficient sum shall come into the fund to discharge the same: *Provided*, nothing in this act contained, shall be construed to entitle any person to payment, whose sheep may be destroyed, or horse, cattle or swine, may be bitten, as aforesaid, by his or her own dog or dogs.

Proviso.

SEC. 8. *And be it enacted*, That the treasurer of New Castle county shall, at least once in two years, lay an abstract of his accounts and proceedings, under and by authority of this act, before the levy court of New Castle county; and if, upon such accounts and proceedings as aforesaid being exhibited, there should appear any money in the hands of the said treasurer, arising from the tax aforesaid, more than has been sufficient for the demands upon said fund, then and in such case, the levy court shall apply such surplus, to the repair

Treasurer of New Castle county shall, at least once in two years, lay an abstract of his accounts under this act before the levy court; if there be a surplus of the appropriation it shall be ap-

plied to repair and maintenance of the public roads and highways,  
highways in the said hundreds of Brandywine, Christiana,  
certain hun. Mill-creek and New Castle, in such way, and in  
dreds; such proportions, as they may deem most proper.

PASSED AT DOVER, }  
4 February, 1817. }

## CHAPTER CXLIV.

*An ACT for the payment of certain claims.*

SEC. 1. BE IT ENACTED by the Senate and House  
State trea- surer to pay of Representatives of the State of Delaware, in  
the claims of, General Assembly met, That the State-treasurer  
Augustus M. Schu; be, and he is hereby, authorised and directed to pay  
to Augustus M. Schec, for printing done for the  
State, the sum of thirty dollars and twenty-five  
cents; to pay to Moses Bradford, for printing noti-  
ces for commissioners and for publishing the pro-  
clamation of the governor respecting representa-  
tives, the sum of eleven dollars and thirty-two cents;  
Moses Brad- to Peter Robinson, esquire, late secretary of state,  
ford; for various services as secretary, the sum of  
two hundred and sixty-nine dollars and thirty  
cents; to Abraham Kimmey, for freight in convey-  
ing the portrait of Commodore M'Donough to Do-  
ver, the sum of one dollar; to John Robertson, for  
printing done by order of the secretary of state,  
the sum of four dollars; and to Daniel Rodney, es-  
quire, late governor, for postage upon public papers  
and boxes, the sum of twenty-two dollars and eighty-five cents.

SEC. 2. And be it further enacted, That the sum  
appropriation of two thousand five hundred dollars be, and the  
to pay for re- of same is, hereby appropriated to pay and defray the  
printing the 2 expense of reprinting and binding 300 copies of the  
& 4 vols. of third and 300 copies of the fourth volume of the  
the laws; acts of assembly, which have been reprinted and  
bound, pursuant to a resolution of the general as-  
sembly, passed the fourteenth day of February, in

the year eighteen hundred and sixteen; out of which sum, the governour of this state is hereby authorised and empowered to draw an order or orders, upon the state treasurer, in favour of Moses Bradford, for the amount due to him, for the said third and fourth volumes so re-printed and bound, according to such contract and arrangement, as may have been made with the late secretary of state, or as may hereafter be made with the present secretary of state, to be ascertained by the certificate of the secretary of state, in that behalf; which order or orders, so to be drawn, the state treasurer is hereby authorised to pay out of any money in the treasury not otherwise appropriated.

PASSED AT DOVER, }  
5 February, 1817. }

## CHAPTER CXLV.

*An ACT directing the mode of selecting and returning jurors.*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in each county of this state, the sheriff and commissioners of the levy court, or any five of said commissioners, shall meet at the court house of their respective counties, on some day or days, to be appointed by the sheriff, between the first and third Fridays in February, in this, and every succeeding year, and shall then and there select, from the list of taxable citizens, the names of a sufficient number of sober, substantial and judicious freeholders, lawful men of fair characters and inhabitants of such county, to serve as jurors, in the supreme court, court of common pleas, and court of general quarter sessions of the peace and gaol delivery, to be holden in that year, and shall write the name of each person, so selected, on a small piece of paper, which papers shall be as nearly alike in size and shape as may be, and

Levy court and sheriff of each county shall annually between the 1st & 3d Friday of February, select the names of persons to serve as jurors for the year,



How the grand and petit jurors shall be drawn from the persons selected;

grand jurors for the year;

petit jurors for the spring terms

4 vol. ch. 158, § 7, p. 449;

petit jurors for the fall terms;

after every drawing the sheriff shall deliver to the clerk of each court a copy of the pannel &c; and shall summon the jurors so drawn at least ten days before the court &c; 4 vol ch. 158 sec. 2. 7. 15, p. 446, 449, 454.

shall be so folded that the name shall not appear; and two boxes shall be provided, which shall be numbered 1, 2; in number 1, at least thirty six names, of those intended for grand jurors, shall be put; in number 2, those intended for petit jurors shall be put: upon which, they shall shake the boxes, sufficiently to intermix the papers deposited therein; and shall then draw, from that numbered 1, twenty four names for grand jurors, to serve, in the court of general quarter sessions of the peace and gaol delivery for such county, during one year, and write such names distinctly in a pannel: and from the box numbered 2, the number of names required by law for the then next supreme court, and write those names distinctly in a separate pannel; and shall likewise draw, from the box numbered 2, the number of names required by law for the then next court of common pleas and general quarter sessions of the peace and gaol delivery, and write those names distinctly in a separate pannel; and then the said boxes respectively shall be locked up and sealed; and thereupon the said commissioners shall take charge of the said boxes, and cause the same to be deposited in some safe place, where they may be securely kept, and the sheriff shall take charge of the keys belonging to the boxes; and on some day, to be appointed by the sheriff, at least thirty days previously to the fall term of the supreme court, in every year, the same proceedings shall be had by the sheriff and commissioners of the levy court, or any five of them, as aforesaid, for drawing a petit jury, for the then next supreme court, and for the next court of common pleas and general quarter sessions of the peace and gaol delivery: and after every such drawing, the sheriff shall forthwith deliver, to the clerk of each court, a copy of the pannel containing the names of the grand and petit jurors selected for such court respectively, which, said clerk shall file in his office. And the said sheriff shall summon, in writing, the said jurors, at least ten days before the court at which they are required to attend, and shall return to court a pannel of such jurors, in the manner and form required by the present existing

laws of this state: *Provided always*, that the sheriff and commissioners aforesaid shall always select and deposit a number of names sufficient, in each box, so that at the last drawing in every year, the number requisite, for one jury at least, shall remain in each box: and on every drawing, the boxes shall be locked and sealed up, in manner before directed: and the said commissioners, for their attendance, shall receive the same per diem allowance as by law is provided for their other services. proviso.

SEC. 2. *And be it further enacted*, That every sheriff, now commissioned, or who may hereafter be commissioned and every commissioner of the levy-court in each county, now in office, or who may hereafter be elected to office, shall, besides the usual oath or affirmation of office, as required by the constitution and laws of this state, take the following oath or affirmation: "I, A. B. do swear [or affirm] that I will use my utmost endeavours and diligence in making an impartial selection of persons for jurors, and that I will not suffer partiality, favour or affection, hatred, malice or ill-will, in any case whatever, relating to the selection, drawing and returning of jurors, to influence me; but that I will, in all respects, conform to the true intent and meaning of the act of general assembly in such case made and provided: and in case of inability (occasioned by death, resignation, or otherwise) of any sheriff, to discharge the duties enjoined upon him by this act, the coroner of the proper county shall perform such duties; but before he enters upon the discharge thereof, he shall take the oath or affirmation before prescribed. Oath or affirmation required by this act to be taken by the sheriff and commissioners of the levy court; 4 vol. p. 454.

SEC. 3. *And be it further enacted*, That the name of any person, who shall have served one year on the grand jury, shall not be again selected for the grand jury the next year immediately following; nor shall the name of any person who shall have served as a petit juror, in either of the courts in this act mentioned, be again selected for petit juror the next year immediately following. No person having served as a grand juror one year, or as a petit juror under this act, shall be selected as such the next year. And the jurors selected

penalties on and summoned according to this act, shall be subject to the same fines and penalties for non-attendance, as are now prescribed by the act of sec. 6, 10, p. 448, 451; general assembly in that behalf. And if a sufficient number of jurors, so summoned, shall not appear at any of the said courts, respectively, or, by reason of challenges or otherwise, there shall not be a sufficient number of jurors ready for the trial of any cause then brought on to be tried, the court may order *tales de circumstantibus* to be forthwith summoned and returned by the sheriff, in the manner now provided by law in that behalf.

Sheriff to give to each commissioner of the levy court, written notice of the time for executing the duties enjoined by this act. SEC. 4. *And be it further enacted, That it shall be the duty of the sheriff, to give to each commissioner of the levy court in his county, written notice of the day or days that he shall appoint, from time to time, for executing the several duties enjoined by this act, at least five days before the day or days appointed for their meeting; and for every notice, so served, the said sheriff shall be allowed and paid the sum of fifty cents and mileage to the place where he shall actually serve the same.*

Repeal; 4 vol. ch. 158, sec. 2, 7, 12, 16, p. 445, 449, 452, 454; SEC. 5. *And be it further enacted, That so much of all and every act of assembly, relating to the summoning of grand and petit jurors, as is hereby altered or supplied, be, and the same is, hereby repealed: but nothing, herein contained, shall, in any manner affect the trial of causes by special juries, as now provided for, by the existing laws of this state.*

PASSED AT DOVER, }  
February 5, 1817. }

## CHAPTER CXLVI.

*An ACT appropriating part of the school fund for the education of poor children.*

SECTION 1. BE IT ENACTED *by the Senate and Trustees to* *superintend*  
*House of Representatives of the State of Delaware, the education*  
*in General Assembly met, That* Robert Forwood, *of poor chil-*  
 James Grubb and Charles Tatem, *dren, for the* hundred  
 of Brandywine; Thomas Baldwin, George Munro, *hundreds in*  
 Edward Roche, James Brindley and John McCall- *New Castle*  
 mont, *county, viz* for Christiana hundred; Andrew Reynolds, *Brandywine;*  
 Washington Rice and Ellis Saunders, *Christiana;* for Mill-  
 creek hundred; George Gillespie, David Morrison *Mill-creek;*  
 and David Nivin, *White Clay* for White-clay-creek hundred; *creek;*  
 John Crow, Samuel Moore, James R. Black and *New Castle;*  
 Archibald Alexander, *Red Lion;* for Newcastle hundred; An-  
 thony Higgins, John Sutton and George Clark, *Pencader;* for  
 Red-lion hundred; William Cooch, Levi Boulden  
 and the reverend Samuel Bell, *St. George's;* for Pencader hun-  
 dred; John Merritt, Christopher Vandegrift, the *St. George's;*  
 second, and David Stewart, *Appoquin-* for St. George's hun-  
 dred; and John Crawford, Dickinson Webster and *mink.*  
 Gideon Emory, *in* for Appoquinimink hundred; *the*  
 the county of Newcastle:

And that Thomas Rothwell, Mordecai Morris, *For the hun-*  
 John Raymond, James Chiffins and Benjamin *dreds in Kent*  
 Coombe, *county, viz.* for Duck-creek hundred; Daniel Cowgill, *Duck-creek;*  
 Robert Register, John Crocket, William Ruth *Little-creek;*  
 and James Scotten, *St. Jones';* for Little-creek hundred; Tho-  
 mas Candy, Philip Thomas and Cornelius P. Co- *Murderkill;*  
 megys, *Murderkill;* for St. Jones's hundred; Samuel Mifflin, *Mispillion.*  
 Matthew Cox, John Clark, Caleb Lockwood, An-  
 drew Barratt and Caleb Sipple, *for* Murderkill  
 hundred; and John Booth, Luff Lewis, Jacob Bid-  
 dle, Charles Polk and Daniel Mason, *for* Mispil-  
 lion hundred, *in the county of Kent:*

And that Curtis Shockley, Lowder Layton and *For the hun-*  
 Joseph Haslet, *dreds in Sus-* for Cedar-creek hundred; Bivins *sex, viz.*  
 Morris, senior, Isaac Atkins and Benton Harris, *Cedar-creek;*  
 for Broadkill hundred; Daniel Wolfe, Peter F. *Broadkill;*  
 Wright and Robert West, *Lewis and* for Lewis and Reho-  
 both hundred; Robert Burton, Joseph Waples and *Rehoboth;*

Indian River; John Sharp, for Indian River hundred; Arthur Williams, James Miller and Richard Clarke, for Baltimore hundred; Edward Dingle, junior, Robert Lacy and Spencer Phillips, for Dagsborough hundred; William Elligood, Manaen Bull and Covington Messick, for Broad-creek hundred; John Polk, James Derickson and Jonathan Waller, for Little-creek hundred; John Rust, Samuel Laws and John Richards, for North-west-fork hundred; and Levin Stewart, William Russel and George Polk, for Nanticoke hundred; in the county of Sussex—

Be and they are hereby appointed trustees, to superintend the education of the poor children within their several hundreds, in the respective counties of this State.

1000 dolls.  
appropriated  
to each coun-  
ty.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the trustee of the fund for establishing schools, be authorised, and he is hereby required, for the ensuing year, taking date from the first day of February, one thousand eight hundred and seventeen, to place in the hands of each of the county treasurers of the several counties within this State, in four equal quarter yearly payments, the sum of one thousand dollars, from any money in his hands, belonging to the fund for establishing schools, not otherwise appropriated.

Distribution  
thereof,

among the  
hundreds;

in New Castle  
county, viz.  
Brandywine;  
Christiana;

Mill-creek;

White-clay  
creek;  
New Castle;

SEC. 3. *And be it further enacted,* That the county treasurers of the respective counties aforesaid, are authorised and required to pay, to the order or orders of the trustees herein before appointed, or a majority of them, in their several hundreds respectively, any monies which may come into their hands in pursuance of this act; *Provided however,* that such sum or sums, so drawn for, shall not exceed, in the county of New Castle, for the hundred of Brandywine, the sum of one hundred and ten dollars; for the hundred of Christiana, the sum of one hundred and eighty dollars; for the hundred of Mill-creek, the sum of one hundred dollars; for the hundred of White-clay creek, the sum of one hundred dollars; for the hundred of New Castle,

the sum of one hundred and twenty dollars; for the hundred of Pencader; the sum of one hundred and ten dollars; for the hundred of Red Lion, the sum of fifty dollars; for the hundred of St. George's, the sum of one hundred and ten dollars; and for the hundred of Appoquinimink, the sum of one hundred and twenty dollars:

In the county of Kent, for the hundred of Duck Creek, the sum of one hundred and ninety dollars; for the hundred of Little-creek, the sum of one hundred and five dollars; for the hundred of St. Jones's, the sum of seventy five dollars; for the hundred of Murderkill, the sum of three hundred and sixty two dollars; and for the hundred of Mispillion, the sum of two hundred and sixty eight dollars:

And in the county of Sussex, for the hundred of Cedar-creek, the sum of one hundred and twenty dollars; for the hundred of North-west fork, the sum of one hundred and twenty dollars; for the hundred of Nanticoke, the sum of eighty seven dollars; for the hundred of Broadkill, the sum of one hundred and fifty three dollars; for the hundred of Rehoboth, the sum of seventy one dollars; for the hundred of Indian River, the sum of eighty six dollars; for the hundred of Dagsborough, the sum of eighty one dollars; for the hundred of Broad-creek, the sum of one hundred and two dollars; for the hundred of Little-creek, the sum of ninety eight dollars; and for the hundred of Baltimore, the sum of eighty dollars.

Sec. 4. *And be it further enacted*, That the trustees, herein appointed, to superintend the education of the poor children of their several hundreds respectively, are authorised and required, to draw and expend for, and receive, the several sums, allotted to their hundreds respectively, and the same, or any part thereof that may be found necessary, or as fast as the same may be required, to expend, in the payment of such school masters, or teachers of reading, writing and arithmetic; as may, by the trustees aforesaid, or a majority of them, within their several hundreds respectively, be intrusted with the

Pencader;  
Red Lion;  
St. George's;

Appoquini-  
mink;

in Kent coun-  
ty, viz.  
Duck Creek;  
Little-creek;

St. Jones's;

Murderkill;

Mispillion.

In Sussex  
county, viz.  
Cedar-creek;  
North West  
Fork;

Nanticoke;  
Broadkill;

Rehoboth,

Indian River,  
Dagsborough,

Broad-creek,

Little-creek,  
Baltimore.

Trustees for  
each hundred  
to receive the  
sums allotted  
to their hun-  
dred,  
and expend  
the same in  
paying teach-  
ers, of read-  
ing, writing  
and arithme-  
tic,  
intrusted, by  
the trustees,  
with the tu-  
tion of poor  
children,

obviously un-able to receive the rudiments of an English education from any other source. *tuition and education of poor children: Provided however, that nothing, herein contained, shall be deemed or taken, to authorise any of the trustees, herein appointed, to expend any of the money, by this act, made subject to their order, except only for the benefit of instructing, in reading, writing*

*and arithmetic, such children as may be obviously unable to receive the rudiments of an English education from any private or other source, except as is herein before provided.*

Trustees in each hundred to keep a regular account of all monies received and expended, of the manner of its expenditure, of the names, ages, condition and progress in learning of the children, of the number, character and situation of the schools and school houses, of the exact number, names and ages of all the poor white children within the hundred, &c. for the information of the next general assembly, &c. and return the same, with the surplus of money, to the treasurers of their respective counties, on or before the 1. January, 1818.

*SEC. 5. And be it enacted, That the trustees hereby appointed, in the several counties, and in their respective hundreds, keep a regular and distinct account, of all moneys by them received and expended, under and by virtue of this act, as well in relation to the manner of its expenditure, the names, ages, condition, and progress in learning made by the child or children, for whose benefit the same has been expended; as to the number, character and situation of the different schools and school houses, in their respective neighbourhoods, also the exact number, name and ages of all the poor white children within their respective hundreds, and their opinions as to the amount of money required to pay for their tuition, together with such other particulars as they may deem necessary, to enable the general assembly, at their next session, to determine the competency, of the nett proceeds of the fund for establishing schools, to defray the expense, which might be incurred by the tuition of all the poor children within the state; and that such reports, together with the surplus of money received as aforesaid, if any, be returned to the treasurer of each of the counties respectively, on or before the first day of January next, which will be in the year eighteen hundred and eighteen.*

*SEC. 6. And be it enacted, That the county treasurer, in each of the counties of this state respectively, is hereby required, and directed, to receive, lay the same before the general assembly of this state, at their next January session, all such reports, as may come into their hands agreeably to the provis-*

ions of the fifth section of this act; and all such surplusage of money, as may be, as aforesaid, returned to them, the said treasurers, or any of them, shall forthwith be paid over to the trustee of the fund for establishing schools, who is hereby directed to place the same, if any should be so returned, to the credit of the said fund.

PASSED AT DOVER, }  
6 February, 1817. }

## CHAPTER CXLVII.

*An ACT making provision for the support of government for the year of our Lord one thousand eight hundred and seventeen.*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sum of fifteen thousand dollars shall be raised and paid into the treasury of this state, within the time, and in the manner, directed, by an act of the general assembly, entitled, "an act making provision for the support of government for the year of our Lord one thousand eight hundred and ten; and for the more effectual ordering, assessing, levying and collecting all such taxes as may be granted by the general assembly"; which said sum of fifteen thousand dollars shall be assessed and levied on the whole amount of the aggregate valuation, of the real and personal property of this state, last made, and on which, was assessed and levied the state tax of the year one thousand eight hundred and sixteen; and it shall be the duty of the auditor of accounts, and he is hereby authorised and required, to ascertain, upon the aforesaid amount of the aggregate valuation of the real and personal property aforesaid, the sum per centum necessary to raise, clear of all charges of collecting, the taxes hereby granted and laid.

15000 dollrs.  
to be raised.

4 vol. ch. 122,  
p. 328.

how to be assessed and le.

duty of the auditor of accounts in this respect,



Appropriation of the sum to be raised.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the aforesaid sum of money shall be appropriated and applied to and in the following manner; that is to say, so much thereof as may be necessary, shall be applied to the payment of the salaries due and to become due to the governor, chancellor, judges of the supreme court, and court of common pleas, attorney general, secretary of state, and auditor of accounts, up to the first day of January, which will be in the year of our Lord one thousand eight hundred and eighteen; and so much thereof as shall be necessary, shall be applied to the payment of the daily allowance of the members of the general assembly, their clerks and other expenses, and for the printing of the laws passed at this session of the general assembly, and the votes and proceedings of the two branches thereof; and the residue, if any there be, shall be applied to the payment of any sums of money due to the citizens of this state, for which provisions shall be made by law.

Taxes raised since 1816 inclusive, and to be raised, shall be adjusted, equalized and re-fund, among the several counties according to the general assessment, now making, when the same is completed.  
5 vol ch. 93, p. 167.  
5 vol ch. 92, p. 164;

SEC. 3. *And be it further enacted by the authority aforesaid,* That if, after any general assessment or valuation of the real and personal property within this state, to be made in pursuance of the provisions of an act of the general assembly of this state, entitled, "an act authorising and directing a general assessment of the real and personal property of this state," passed in February, in the year of our Lord one thousand eight hundred and sixteen, it shall appear, that the several sums, assessed, levied and raised, on the respective counties, and paid into the treasury of this state, according to the provisions of an act, entitled, "an act making provision for the support of government for the year one thousand eight hundred and sixteen," and according to the provisions of this act, have been unequally assessed, levied and apportioned to and upon the counties respectively; that all and every such unequal assessment, levy and apportionment, made in manner aforesaid, shall be regulated, adjusted and settled, agreeably to the valuation and assessment made by the commissioners appointed for the

purpose of making a general assessment of the real and personal property throughout this state; and if, upon such regulation, adjustment and settlement, it shall appear, that either of the counties of this state has paid, into the treasury of this state, more or less than a fair and just proportion of the state taxes, for the year eighteen hundred and sixteen, and this present year, and every succeeding year until the general assessment shall be compleated, the same shall be repaid or refunded to the county or counties overpaying, and charged, assessed, levied on and paid by every such county as shall have been underrated or paid less than its due proportion, according to the general assessment and valuation to be made by the commissioners aforesaid.

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PASSED AT DOVER, }  
February 6, 1817. }

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### CHAPTER CXLVIII.

*An ACT to authorise the partition of a certain portion of the lands in the vicinity of George Town, in the county of Sussex, which have been usually called and known by the name of the Company Lands, and for other purposes therein mentioned.*

PASSED AT DOVER, }  
February 6, 1817. }

PRIVATE ACT.

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### CHAPTER CXLIX.

*An ACT prohibiting the use of wears, hedges and gill nets in St. Jones's creek.*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That no person shall keep <sup>no wears &c. shall be continued or made in St. Jones' creek;</sup>

or continue, make, construct or erect, place or use any wear, wears, hedges or gill seines in any part of St. Jones's creek, in Kent county.

may be removed and destroyed by order of a justice of the peace, &c;

**SEC. 2.** *And be it further enacted,* That it shall be the duty of any justice of the peace for the county, in any part of St. Jones's creek, in which any such wear hedge or gill sein shall remain, after the passing of this act, and such justice, is hereby authorised, and upon complaint, to him made, of any such wear hedge or gill sein, to order the same to be removed, and to issue his warrant, upon such order, directed to any constable of the county, requiring such constable to remove and destroy such wear hedge or gill sein; which warrant shall be sufficient authority for removing such wear and hedge or gill sein.

penalty for making wears &c. in St. Jones' creek, after the passing of this act,

**SEC. 3.** *And be it further enacted,* That if any person or persons shall, after the passing of this act, put, place, erect, make or construct any wear, wears or hedge or any gill sein, on any part of St. Jones's creek, every such person so offending shall, for every such offence, forfeit and pay the sum of twenty dollars, to be recovered, with costs of suit, before any justice of the peace for Kent county, and applied, the one half thereof, to the use of the person or persons suing for the same, and the other half, to the use of the poor of Kent county: and it shall be a part of every such judgment, that the wear, wears, hedge or gill sein, complained of, shall be removed and destroyed; and a separate warrant shall issue, to be directed to any constable of the county, to cause the said wear, wears, hedge or gill sein to be removed and destroyed, and such warrant shall be a sufficient authority for so doing.

and the wears &c. to be destroyed;

penalty for obstructing constable in performing his duties under this act;

**SEC. 4.** *And be it further enacted,* That no person or persons shall obstruct any constable, in the performance of any duty, which may be enjoined upon him under the provisions of this act, under penalty of being fined, at the discretion of the court of general quarter sessions of the peace and gaol delivery of this state, any sum not exceeding

one hundred dollars, upon conviction upon indictment before such court, to be applied to the use of the poor by the trustees of the county where the offence shall be committed.

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SEC. 5. *And be it further enacted, That if any person shall be lawful for any person or persons to destroy any wear, wears, hedge or gill sein found in any part of St. Jones's creek.*

any person  
may destroy  
any wears &c.  
found in St.  
Jones' creek;

SEC. 6. *And be it further enacted, That if any person or persons be sued, for any thing done under this act, such person or persons may, on plea of the general issue, give this act, and the special matters of justification under it, in evidence.*

in case of  
suit, on plea  
of the general  
issue, this act  
&c. may be  
given in evi-  
dence.

PASSED AT DOVER, }  
Feb. 6, 1817. }

## CHAPTER CL.

*A SUPPLEMENT to an Act entitled. "An Act for authorising and directing a general assessment of the real and personal property of this state.*

5 vol. 167.

SEC. 1. *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the commissioners, that have been appointed, or who may be hereafter appointed, to make a general assessment of the real and personal property of this state, under the authority of the act to which this is a supplement, are hereby required, as soon as they complete the assessment of the county of New Castle, to make a return to the governor of this state, a just and true statement, certified by each of them, on oath or affirmation, to be administered by some judge or justice of the peace of this state, shewing the number of days each of them and their clerk or clerks have been employed in performing the duties aforesaid; and on such return being made, the governor*

Commission-  
ers and their  
clerks, having  
completed the  
assessment of  
New Castle  
county & cer-  
tified on oath  
the number of  
days employ-  
ed therein,  
shall be enti-  
tled to the go-  
vernors drafts  
on the state  
treasurer, for  
three-fourths  
of their allow-  
ance for that  
service;

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is hereby authorised and required to draw on the state treasurer, in favour of the said commissioner or commissioners, for three fourths of the sum he or they may be entitled to, according to the sum per diem allowed for the services aforesaid, and also in favour of the clerk or clerks, for three fourths of the sum, he or they may be entitled to, according to the sum per diem allowed for the services as clerk or clerks employed as aforesaid: all of which sums shall be severally deducted, on a final settlement, from the respective sum or sums allowed to the said commissioners and clerk or clerks respectively by the aforesaid act.

same provis-  
ions as to their  
allowance for  
assessing  
Kent county;

SEC. 2. *And be it further enacted by the authority aforesaid,* That when, and as soon as the commissioners aforesaid shall have completed the general assessment of the county of Kent, the governor is hereby authorised and required to draw, in the same manner, and according to the same rate prescribed by the first section of this act, in favour of the said commissioners, and clerk or clerks respectively, for the time they and each of them may be employed as aforesaid.

same provis-  
ions as to their  
allowance for  
assessing  
Sussex coun-  
ty;

SEC. 3. *And be it further enacted,* That as soon as the commissioners shall have finished and completed the general assessment of the county of Sussex, the governor is hereby authorised to draw, in the same manner, and according to the same rate prescribed by the first section of this act, in favour of the said commissioners, and the clerk or clerks respectively, for the time they, and each of them, may be employed as aforesaid.

state treasurer  
to pay the said  
drafts;

SEC. 4. *And be it farther enacted by the authority aforesaid,* That the state treasurer be, and he is hereby authorised and required, to pay all such draught or draughts, as may be drawn on him for the purposes aforesaid, out of any money in the treasury not otherwise appropriated.

PASSED AT DOVER, }  
7 February, 1817. }

## CHAPTER CLI.

**A SUPPLEMENT** to an act, entitled, "*An act to incorporate a company for making a turn-pike road from the village of Staunton to the village of Newark, ending at the limits thereof, near Holtzbecker's gate, and from the western extremity of the village of Newark, beginning near Pritchard's tavern, to the Maryland line, in a direction to Rock-run, on the Susquehannah*". 5 vol. 176.

**SEC. 1.** BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when ten or more persons shall have subscribed 500 shares of the stock intended to be created under the authority of the aforesaid act, they shall be formed into one body politic and corporate, in deed and in law, by the name, style and title of the president, managers and company of the Staunton and Newark turn-pike road, and shall possess all the rights, powers and privileges, granted in the second section of said act, in as full a manner as if the whole stock, or 850 shares had been subscribed. Ten or more persons, having subscribed 500 shares of the stock, shall form the company; its style, powers and privileges,

**SEC. 2.** And be it further enacted, That after the said number of shares shall be subscribed, the commissioners, named in the first section of said act to take the subscription, shall, as soon as conveniently may be, give notice, in one of the public papers of this state, or other reasonable and sufficient notice, of the time and place, by them to be appointed, not less than fifteen days from the time of the first notice, at which time and place, the said subscribers shall proceed to organize the said corporation, and shall choose, in the manner directed by the 3d section of said act, seven managers; who shall, at their first meeting, choose one of their own number as president, and shall choose one of their own number, or any other of the subscribers, as treasurer, and such other officers, as they shall think necessary, to conduct the business after 500 shares of stock are subscribed, notice to be given of the time and place &c, when and where the subscribers shall organize the company and choose seven managers; managers at first meeting shall appoint a president & other officers, &c,

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of the said company during the residue of the present year, or until the first day of January 1818, and until such other officers shall be chosen, and shall do all other things required of them to be done in said section conformably to its provisions.

alteration of  
the day of the  
annual meet-  
ings of the  
company;

SEC. 3. *And be it further enacted,* That in lieu of the first day of June, the first Monday of January, in every year, shall be the day established for the said company to meet, at such place as shall be fixed by their by-laws, for the purpose of choosing officers as aforesaid, for the ensuing year.

surplus of pro-  
fits beyond  
nine per cent  
&c.

shall be ap-  
plied to the  
purchase of  
stock of the  
said company  
for the use of  
Mill-creek &  
White Clay  
creek hun-  
dreds &c;  
one half of  
the dividends  
on which  
shall be ap-  
plied to the  
purchase of  
additional  
stock, & the  
other to repair  
the roads in  
said hundreds,  
&c;  
the road shall  
become the  
property of  
the public  
when the  
whole of the  
stock shall be  
purchased as  
aforesaid;

SEC. 4. *And be it enacted,* That if it shall appear, by any such abstract, of the accounts of the said corporation, to be laid before the general assembly, as is required by the act to which this is a supplement, that the clear profits of the said company have exceeded, on an average, *nine per cent. per annum* upon the capital stock, for ten years preceeding, then and in such case, all the overplus above an average dividend of nine per cent per annum, shall be paid over to the road commissioners of Mill-creek and White Clay creek hundreds, whose duty it shall be to apply the same to the purchase of the stock of the said company, one moiety of the dividends on which, shall be, by them, applied to the purchase of additional stock, and the other moiety of such dividend shall be applied to repairing the roads in their respective hundreds, in proportion to the distance of the said turnpike in each; and in the same manner shall all future dividends be applied; and whenever the whole of the said stock of the said company shall be thus purchased, the said road shall become the property of the public.

SEC. 5. *And whereas doubts may arise, respecting the construction of the 12th section of the aforesaid act, for removing whereof, be it enacted,* That it shall and may be lawful, for the said Staunton and Newark turnpike company, to divide their turnpike road, into as many divisions as they may deem proper, and from time to time alter the same,

preamble;

5 vol. 184.

company may

divide their

road into as

many divi-

sions as they

please, &c.

so that the said divisions respectively shall not be less than two nor more than five miles in length, and on each of the said divisions to erect one turnpike gate, at which they shall be authorised to demand and receive, from all persons using the said road, the same proportion of the rates of tolls mentioned in said 12th section, which the length of said division, on which the said gate is placed, bears to five miles; and to stop any person, riding, leading, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, from passing through such gate, until they shall have respectively paid the same: *Provided always*, that the said company shall cause to be affixed and continued, on the said gate or gates, to be erected, for the information of travellers and others using the said road, a painted list of the number and length of said divisions: *and provided always*, that any person or persons residing in Mill-creek and White Clay creek hundreds, except persons keeping horses or any sort of carriages of burden or pleasure for hire, shall have a right to contract for the use of said road for himself and family by the year, to commence on the first day of January and to end on the thirty first day of December, inclusive, in each year, or such part thereof as may be unexpired at the time of his application, on the following conditions: the person or persons, applying to commute with the said company, shall pay, on the first day of January in each year, or at the time of such application, (if made after that period) to the said company, such sum as may be agreed upon by the parties, not less than five nor more than ten dollars, which said sum shall be carried to the credit of said applicant, on the books of the said company, on account of his commutation; that there shall be charged to said commutant, by the said company, all tolls, incurred by him during the year aforesaid, or the residue thereof, unexpired at the time of such application, at the rate which the distance used by said commutant bears to five miles, namely, for any distance not exceeding one mile, one fifth of the rate of toll established by law for five miles; if more than

and on each division erect a gate, and there demand toll; and at what rate;

number and length of divisions to be fixed on the gates;

certain persons may commute; 5 vol. ch. 96, §24, p. 192.

conditions of commutation;



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one mile and not exceeding two miles, two fifths of said rate, and so in like proportion for any greater distance: that at the close of said year, there shall be deducted from the aggregate of tolls so charged, twenty five per cent, and if the residue shall be greater than the sum passed to the credit of the commutant as aforesaid, then the difference shall be paid by the said commutant to the said company and be recoverable by law as other debts; but if the sum, so passed to the said commutant's credit, shall exceed the said residue of tolls, then such excess shall be refunded to the said commutant or his legal representatives by the said company and be recoverable by law as other debts: and lastly, that no benefit of the commutation, provided by this section, shall be enjoyed by any person or persons, until the balance, if any, found to be due as aforesaid for tolls commuted under this act for any preceding year or years, be paid to the said company.

§10, 96 ch. 5  
v. 183.

certain persons going to & from elections &c. exempt from tolls;

SEC. 6. *And be it further enacted,* That the provision in said act, exempting from toll any person passing or repassing from one part of his or her farm to another, or to, or from any place of public worship or funeral, on days for that purpose, shall be extended likewise to citizens of Mill creek and White Clay creek hundreds, having a right to vote, going to and returning from all special and general elections, for state, county and other public officers.

treasurer and other officers to give bonds for performance of their duties; no officer shall vote on settlement of his own account.

SEC. 7. *And be it further enacted,* That the treasurer and such other officers as may be appointed, shall give bond, in such penalty and with such security, as the managers or a majority of them shall direct, for the faithful performance of their duties respectively; and that no officer in the said company shall have any vote in the settlement or passing of his own account.

repeal of the proviso in §25 ch. 96, 5 vol. 193, exempting persons

SEC. 8. *And be it further enacted,* That the provision in the 25th section of the said act, exempting persons, living within the limits of the town of Newark, or within one mile of the same, from

paying tolls for the use of that part of the said turnpike road, which shall be made through the said town of Newark, is hereby repealed: *Provided*, nevertheless, that the said company shall not at any time or times, erect or cause to be erected, a turnpike gate or gates within one quarter of a mile of the Newark academy, in the town of Newark.

SEC. 9. *And be it further enacted*, That if the said company shall not proceed to carry on and complete two miles of the said work, within three years after the passing of this act, or shall not, within ten years thereafter, complete the said road, according to the true intent and meaning of this act, then and in either of those cases, it shall and may be lawful for the legislature of this state to resume all and singular the rights privileges and franchises by this act granted to the said company.

SEC. 10. *And be it enacted*, That such parts of the act to which this is a supplement, as are hereby altered or amended, be, and the same are hereby repealed, made null and void.

PASSED AT DOVER, }  
February 7, 1817. }

## CHAPTER CLII.

*An ACT authorising a lottery for raising a sum of two thousand dollars, for building a Masonic Hall, at Milford in Kent county.*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall be lawful for the managers herein-after appointed, to institute, carry on, and draw a lottery, in one or more classes, for the purpose of raising two thousand dollars, clear of all expenses, to be applied to the building of a masonic hall at the village of Milford, in Kent county.

Managers  
appointed;

each manager  
to give bond  
to the state  
treasurer, &c.

SEC. 2. *And be it further enacted,* That James Millerchop, Thomas Fisher, John W. Redden, James P. Lofland, and Joseph Oliver, be, and they are hereby appointed managers of the said lottery; and each of said managers, before he enters upon his duties under this act, shall give bond, to the treasurer of the state, in the sum of two thousand dollars, conditioned that he will faithfully apply all the monies which shall come to his hands or to the hands of any person or persons whom he shall appoint to make sale of any ticket or tickets according to the purposes and provisions of this act.

Lottery to  
be drawn as  
soon as can  
conveniently  
be done;

prizes to be  
paid, & with-  
in what time,  
on demand;  
subject to  
what deduc-  
tion;  
if not deman-  
ded within six  
months, to be  
for the use of  
the hall.

SEC. 3. *And be it further enacted,* That the said managers, or the survivors or survivor of them, shall proceed to the drawing and completing of said lottery, by classes, or otherwise, as soon as can conveniently be done; and the prizes shall be paid, to the person or persons drawing the same, at any time within six months after completing the drawing of said lottery, on demand, subject nevertheless to such deduction as shall be prescribed by the scheme or schemes of said lottery; and the prizes; if not demanded in six months after completing the drawing of said lottery, or any class thereof in which such prizes shall be drawn, shall remain in the hands of the managers to be applied to the use of said masonic hall.

Managers  
to direct the  
expenditure  
of the money  
raised;  
and to what  
objects;

and to pub-  
lish an ac-  
count of the  
receipts and  
expenditures.

If the tick-  
ets shall not  
be sold in  
three years &c  
the managers  
shall return  
to the purcha-

SEC. 4. *And be it further enacted,* That the managers aforesaid, or the survivors or survivor of them, shall direct the expenditure of all monies, raised by such lottery, clear of all the expenses thereof, to the building of a masonic hall at Milford aforesaid, and to the purchase of a lot for that purpose, if necessary, and if any balance remain, to the use of said hall; and shall publish an account of the clear sum received, and the manner of its application.

SEC. 5. *And be it further enacted,* That if the tickets of said lottery shall not be sold in three years after the publication of the scheme of said lottery, the said managers respectively shall, on de-

mand, return and pay over, to every the person or persons who shall have purchased or may hold any ticket or tickets, the respective sums, which shall have been paid for such ticket or tickets to such manager or to any agent by him appointed for the sale of tickets: each manager being responsible for all monies received by him or his agent or agents on the sale of tickets, and no further; and the said managers shall each have power to appoint any agent or agents for the sale of tickets in said lottery.

each or holders of tickets. the sums paid for such tickets, &c. each manager being responsible only for the monies received by himself & his agent, and no farther; each manager to have power to appoint one or more agents, &c.

PASSED AT DOVER, }  
7 February, 1817. }

### CHAPTER CLIII.

#### *An ACT against forgery.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That if any person or persons, from and after the passing of this act, shall fraudulently and falsely make forge or counterfeit, or willingly aid or assist or cause or procure to be fraudulently and falsely made forged or counterfeited, or shall fraudulently and falsely alter deface embezzle or destroy, or willingly aid or assist or cause or procure to be fraudulently and falsely altered defaced embezzled or destroyed, any record of any court of justice within this state, or the record or copy of any deed or other instrument of writing entered as of record in either of the offices for recording of deeds in this state, or the record of any last will and testament or copy thereof entered as of record in either of the offices of the register for the probate of wills and granting letters of administration in this state, or any record of the orphan's court or the court of chancery of this state, or other matter of public record in this state, then every such person or persons, being thereof lawfully convicted according to the due course of the law, shall be fined, in a sum of money not less than five hundred dollars and not ex-

Forging &c.  
or assisting to  
forge;

embezzling,  
&c. :  
or assisting to  
embezzle;  
any record &c;

how punish-  
ed;

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1817.

duty of con-  
stables and  
justices of the  
peace in en-  
forcing part  
of the pun-  
ishment;

penalty on  
them for ne-  
glecting such  
duty.

ceeding two thousand dollars, and shall moreover be imprisoned and kept in solitary confinement for the space of three months, and shall forever wear the letter F. made of scarlet cloth sewed on the outside of his or her garment on the back between the shoulders, of at least six inches square; and it shall be the duty of any constable within this state, and he is hereby required, as often as he shall see such convict, in the state, without such badge, to apprehend him or her, and take him or her before some justice of the peace, who shall, on proof thereof made, order the said constable, or some other constable, to give him or her ten lashes on his or her bare back well laid on; and if any constable, or justice, shall refuse or neglect to perform the duty hereby enjoined, he shall be indicted and fined any sum not less than twenty dollars nor exceeding one hundred dollars with costs.

*Forging, &c;  
or assisting to  
forge;*

SEC. 2. *And be it further enacted;* That if any person or persons, from and after the passing of this act, shall fraudulently and falsely make forge or counterfeit, or willingly aid or assist or cause or procure to be fraudulently and falsely made forged or counterfeited, or shall fraudulently and falsely alter deface embezzle or destroy, or willingly aid or assist or cause or procure to be fraudulently and falsely altered defaced embezzled or destroyed, any deed for the conveyance or transfer of any lands or tenements or any interest in or concerning the same or for the assignment or transfer of any goods or chattels rights or credits, or any last will and testament, or any bond, obligation, bill obligatory, letter of attorney, bill of exchange, promissory note, or note or notes of any incorporated bank, or any check or order on any such bank, or any order for the payment of money, or any acceptance of any bill or bills of exchange, or any receipt, or release, or acquittance, or any assignments or endorsements of or upon any bond obligation bill obligatory bill of exchange or promissory note, or shall fraudulently and falsely counterfeit the hand and seal or the hand or seal of any person or persons whatsoever, or the seal of

*embezzling,  
&c.  
or assisting  
to embezzle;  
any deed for  
the transfer  
of land &c.  
or for the  
transfer of  
goods, &c.  
or any last  
will;  
or bond, obli-  
gation, letter  
of attorney,  
promissory  
note, &c;  
or check; &c;  
or order for  
payment of  
money, &c;  
or receipt, &c;  
or counterfeit-  
ing the hand,*

any body corporate or politic, or shall fraudulently and falsely make, forge or counterfeit, or willingly aid or assist, or cause or procure to be fraudulently and falsely made, forged or counterfeited, or shall fraudulently and falsely alter, deface, embezzle or destroy, or willingly aid or assist, or cause or procure to be fraudulently and falsely altered, defaced, embezzled or destroyed, any other writing whatsoever, to the prejudice or with intent to the prejudice of the right of any person or persons or body corporate or politic; or shall utter, publish offer or use as true any of the said matters, things or instruments above specified, knowing the same to have been fraudulently and falsely made, forged or counterfeited, defaced or altered as aforesaid, then every such person or persons, being thereof lawfully convicted according to the due course of law, shall for every such offence be fined and punished as is herein before directed in the first section of this act.

SEC. 3. *And be it further enacted*, That all acts or parts of acts that are inconsistent with, or contrary to the provisions contained in this act, be and the same are hereby repealed, except as to cases which may have occurred under them prior to the passing of this act.

PASSED AT DOVER, }  
7 February, 1817. }

## CHAPTER CLIV.

*An ACT to authorise and empower the levy courts in this state, to raise a sum or sums of money, beyond that which they shall deem necessary for the support of the poor in the poor houses of the several counties, for the purposes therein mentioned.*

WHEREAS the general failure of the crops of Indian corn in this state, last year, has occasioned a

Preamble,

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1817.

great scarcity of that article, and a consequent advancement of the price, beyond the ability of many of the poor to obtain a sufficiency thereof for the subsistence of themselves and their families; and whereas some small aid, properly administered, will in all probability, alleviate the distress necessarily flowing from this state of things, prevent many from resorting for sustenance to the poor houses of the several counties, and relieve the public from the burthen of their entire support—

**SEC. 1.** THEREFORE BE IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the levy courts, of the several counties of this state, are hereby authorised and empowered to make a rate; according to the rate of the county assessments, for the current year, of such sum or sums of money, not exceeding two thousand dollars beyond that which may be sufficient to maintain the poor and impotent inhabitants of such counties in the poor houses thereof, as they shall deem sufficient to relieve the necessities of such persons as may and can be maintained by a partial aid, and without being chargeable to the several counties for their entire support, to be collected by the collectors of the several hundreds, in the same manner as the poor taxes are directed to be collected by the first section of an act of the general assembly of this state entitled "an act for the better relief of the poor" passed at Dover on the 29th day of January one thousand seven hundred and ninety one, and paid over to the treasurer of the several counties, in the manner directed by the eighth section of an act of the general assembly entitled "a supplementary act entitled an act for the better relief of the poor" passed at Dover the fourth day of February, one thousand seven hundred and ninety two.

Money raised by virtue of this act to be apportioned by the levy courts among the hundreds, &c.

**SEC. 2.** *And be it enacted,* That the levy court of the respective counties, who shall levy any sum or sums of money to be collected in manner aforesaid, shall apportion and order the same to be distributed among the several hundreds of the county,

2 vol. p. 988;

to whom to be paid;

2 vol. 1036.

in such manner as to them shall seem right and necessary, to be laid out and expended, by persons by them to be appointed in the several hundreds, in corn or bread stuff. And the levy courts aforesaid are hereby required, whenever they shall levy any money for the purpose aforesaid, to appoint three or more sober discreet freeholders in each of the hundreds of their respective counties, and certify the same to the treasurer of the poor of such county, and also what sum or sums of money they have appropriated in each hundred for the purposes aforesaid. And it shall be the duty of the freeholders appointed in manner aforesaid, whenever any money shall be received by them, under and by virtue of the provisions of this act, to lay out the same or such part thereof as they shall deem necessary, in corn or other bread stuff; and whenever and so often as they shall be applied to, for any corn or bread stuff, by any person or persons residing within the hundred in which they are appointed, to make diligent inquiry into their character and circumstances, and if they shall appear to be proper objects of public assistance, they shall deliver to each and every such persons as much corn or other bread stuff as they shall deem necessary to relieve their present necessity, and take a receipt or receipts therefor; which said receipts shall be exhibited to the treasurer of the poor, on a settlement between the said treasurer and the freeholders aforesaid.

Sec. 3. And be it further enacted, That if the treasurer of the poor of any county, where any money may have been levied for the purposes aforesaid, does not receive the same, by or before the first day of April next, from the collectors appointed to collect the same, it shall and may be lawful for the trustees of the poor to borrow, from any of the banks in this state, or from any person or persons, in the name of the trustees of the poor in such county, a sum of money equal to such sum as the levy court may have levied for the purposes aforesaid, and immediately after the receipt of the same, to pay to the freeholders, appointed in man-

In what case the trustees of the poor may borrow to the amount of the sum to be raised under this act; and the money so borrowed to be



paid to the freeholders, &c. *Sec. 3.* In manner aforesaid, such a part thereof as the levy court shall have ordered and directed that they shall receive, and take receipts therefor, which shall be allowed to the credit of the said treasurer in his settlement with the trustees of the poor.

Freeholders to be liable for the sums they receive, and to settle with the treasurers of the poor.

*SEC. 4. Be it enacted,* that every freeholder, appointed in manner aforesaid, who shall receive any sum or sums of money for the purposes aforesaid, shall be charged with the same, and liable in his own proper person therefor, and shall, on or before the first day of December next, render to the treasurer of the poor of the county in which he is appointed, a fair account of his transactions relative to the purchase and distribution of bread stuff by him for the purposes aforesaid; and settle and pay to the said treasurer all unexpended sum or sums of money that is in his hands, and in default thereof, every such freeholder shall pay, in addition to all and every sum or sums of money remaining in his hands, twenty per centum on the amount thereof, to be recovered as debts of the like amount are by the laws of this state made recoverable, or if any corn or other bread stuff shall remain in the hands of any such freeholder at such settlement, he shall deliver to the said treasurer an order therefor, to be received, and applied by him to and for the use and benefit of the poor of the county.

penalty for not paying over balances appearing in their hands at settlement &c.

Limitation of this act.

*SEC. 5. And be it enacted,* That this act shall continue in force until the end of the next annual session of the legislature of this state, and no longer.

PASSED AT DOVER, }  
February 7, 1817. }

## CHAPTER CLV.

CHAP.  
CLV.

## RESOLUTION.

1817.

RESOLVED, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the secretary of state cause three hundred copies of the laws of the state, passed at the present session, to be printed, exclusive of the number necessary for the members of the general assembly and the civil officers of the state, and shall transmit one hundred copies thereof to the prothonotary of each of the counties of this state, to be by them sold and disposed of for the use of the state, at twenty five cents for each copy; and the said prothonotaries respectively account with the state treasurer therefor half yearly after retaining five per centum for their trouble.

300 copies of the laws of the present session to be printed, exclusive, &c.  
to be transmitted to each of the prothonotaries, to be sold for the use of the state.  
Money therefor, how accounted for, & with whom.

ADOPTED AT DOVER, }  
6 February, 1817. }

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**SECRETARY'S OFFICE,**

**DOVER, APRIL 8, 1817.**

*I do certify, that in obedience to the directions of an Act of the General Assembly of the State of Delaware, I have caused to be published this edition of the laws of the said State, which I have collated with, and corrected by, the original rolls that were delivered to me, immediately after the close of the last session of the General Assembly, by the Speakers of the Senate and of the House of Representatives, respectively.*

**H. M. RIDGELY,**

*Secretary of the State of Delaware.*

**LAWS**  
OF THE  
**STATE**  
OF  
**DELAWARE,**

PASSED  
AT A SESSION  
OF THE  
**GENERAL ASSEMBLY,**

BEGUN AND HOLDEN AT DOVER,

ON TUESDAY THE SIXTH DAY OF JANUARY, AND ENDED ON  
FRIDAY THE SIXTH DAY OF FEBRUARY,

IN THE YEAR OF OUR LORD

ONE THOUSAND EIGHT HUNDRED AND EIGHTEEN,

AND OF THE INDEPENDENCE OF THE

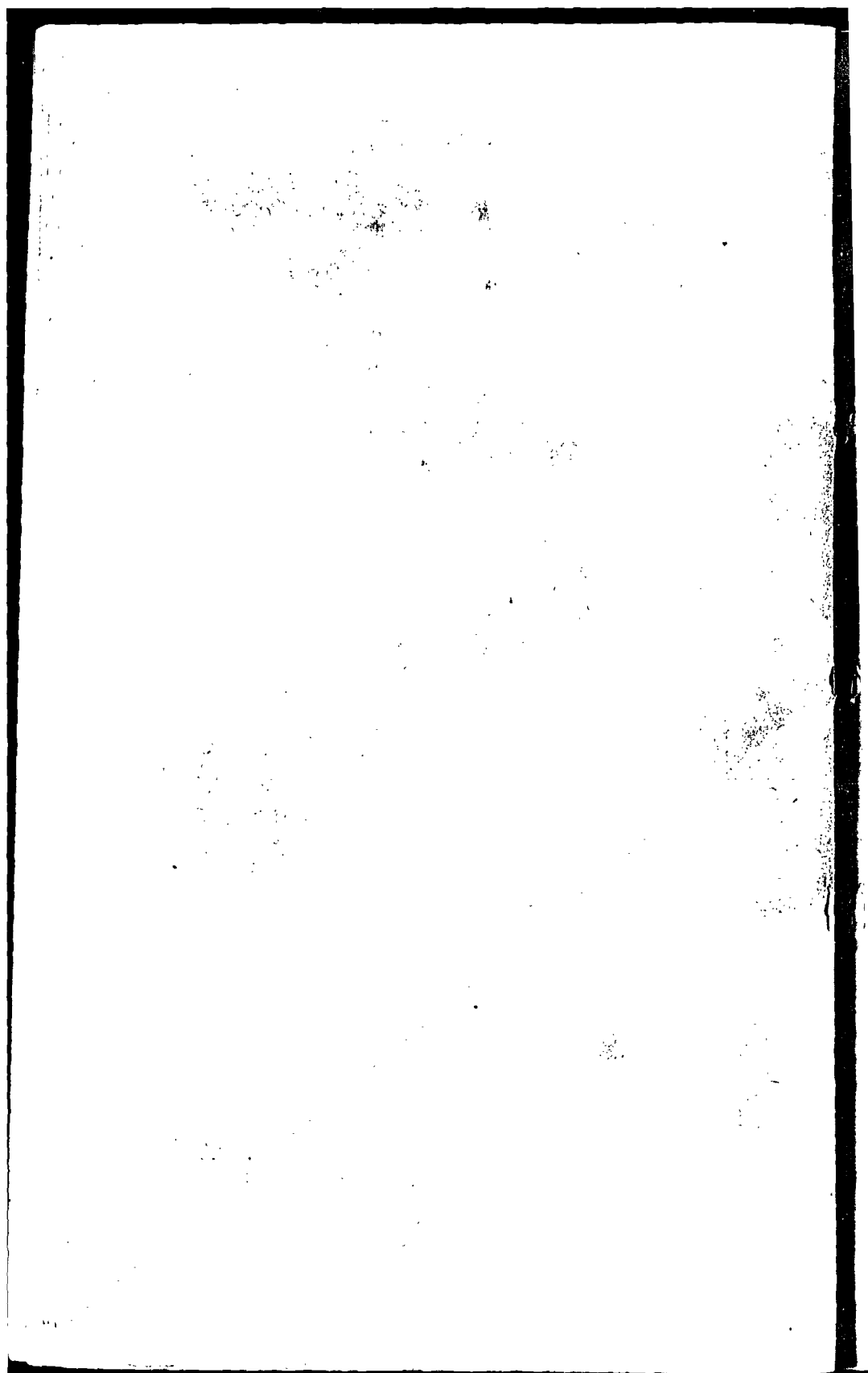
**UNITED STATES OF AMERICA.**

THE  
**FORTY-SECOND.**

PUBLISHED BY AUTHORITY.

DOVER:  
JOHN ROBERTSON, PRINTER:

.....  
1818,



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# LAWS

OF THE

## State of Delaware.

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### CHAPTER CLVI.

CHAP.  
CLVI.

1818.

AN ACT to vacate certain parts of an old road leading from Christiana Bridge in the county of Newcastle within this State in a direction towards Elkton in Cæcil county in the State of Maryland.

WHEREAS it has been represented to this General Assembly, that in consequence of an artificial turnpike road having been located and completed between the village of Christiana in the county of Newcastle within this State and the town of Elkton in the county of Cæcil within the State of Maryland running in part upon the same ground and at every point near to and in a line parallel with the old county road leading from the said village to the aforesaid town of Elkton, by which means the said old road, in such parts as have not been occupied by the aforesaid turnpike road, has become in itself useless to the public and in its effects injurious to many farms through which it passes and ought to be vacated; therefore—

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That so much of the old road,

Part of the old road from Christiana to Elkton vacated. leading from the village of Christiana in Newcastle county within this State to the town of Elkton in Cæcil county within the State of Maryland, as lies between the said village of Christiana and the Maryland line, and has been supplied by the artificial road made by the Elkton and Christiana turnpike company, be and the same is hereby vacated.

PASSED AT DOVER }  
15 January 1818. }

## CHAPTER CLVII.

*AN ACT to enable the trustees of the academy of Newark to raise a sum not exceeding fifty thousand dollars by a lottery for the purpose of establishing a college in Newark in the State of Delaware.*

*SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and may be lawful for the persons herein after appointed managers to institute carry on and draw a lottery in one or more classes for raising a sum of money not exceeding fifty thousand dollars clear of all expenses; and the said sum when so raised shall be applied to the building erecting and establishing a college in Newark in the State of Delaware.*

Authority given to institute and draw the lottery.

The sum raised to be applied to building a college in Newark.

*SEC. 2. And be it enacted, That the Reverend Doctor Thomas Read, the Reverend James M<sup>r</sup>. Grau, the Reverend John Burton, the Reverend Samuel Bell, Doctor George Monro, George Gillespie, Walter Finney, William Cooch, Nicholas Vandyke, Andrew Gray, Joseph Downing and James R. Black, at present trustees of the academy, and their successors in that office, be and they are hereby appointed managers of the said lottery; and that each of the said managers, before entering upon the duties required by this act, shall give bond.*

Managers appointed.

Each manager to give bond.

to the treasurer of the State of Delaware in the sum of five thousand dollars conditioned for the faithful discharge of the trust reposed in them by the several provisions of this act.

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CLVII.  
1818.

SEC. 3. *And be it enacted,* That the said managers shall proceed to the drawing and completion of said lottery, either by classes or otherwise, as soon as the same can conveniently be done: and the holders of tickets, against whose numbers prizes are drawn, shall be paid by the said managers on demand at any time within twelve months after any class is finished drawing in which such prize may be drawn, subject however to a deduction of fifteen per centum: And if any prize, which may be drawn, be not demanded within that time then the same shall remain in the hands of the said managers to be applied to the purposes aforesaid, provided they shall, within thirty days after any day's drawing or within thirty days after any class is finished drawing, have given public notice, in one of the newspapers published in this State, in one published in the city of Philadelphia, and in one published in the city of Baltimore, of the fortunate prizes and numbers drawn in said lottery or any of the classes thereof.

Lottery when to be drawn.

Prizes when to be paid.

Subject to what deduction

if not demanded to be for the use of the college,

provided, &c.

SEC. 4. *And be it enacted,* That the said trustees of the academy of Newark and their successors shall superintend and direct the expenditure of the money that may be raised by the said lottery or so much thereof as they may judge necessary in erecting and establishing the said college; and if after the erection thereof any money raised by virtue of this act should remain in the hands of the said trustees or their successors the same shall be appropriated and invested by them as a fund for the endowment and support of the said college.

Money raised by said lottery to be applied to erection of the college

and the surplus if any to the endowment thereof.

SEC. 5. *And be it further enacted,* That if the said managers shall deem it expedient, for effecting the objects of this act, to sell or dispose of the scheme of the said lottery or of any class or classes thereof to any person or persons residing out of this

Managers may sell the scheme of the lottery, &c.



or employ State, or to employ an agent or agents in this  
 agents to sell State or elsewhere to sell or dispose of the whole  
 the whole or any number of tickets of the said lottery or to sell  
 any number of the tickets. and dispose of the whole or any number of the  
 &c. tickets of any class or classes of said lottery, it  
 shall and may be lawful for the said managers so  
 provided they to do, provided the said managers shall take such  
 take security, security, from the person or persons to whom they  
 &c. may sell or dispose of the scheme of the said lotte-  
 ry or of any class or classes thereof or from the  
 agent or agents who may be employed as aforesaid,  
 for the faithful discharge of the trust that may be  
 thus reposed in such person or persons agent or  
 agents, as shall be approved by the said managers.

SEC. 6 *And be it enacted,* That if the tickets of  
 If the tickets be not sold in the said lottery shall not be sold in five years after  
 five years &c. the publication of the scheme of said lottery, the said  
 the managers shall return managers respectively shall on demand, return and  
 the sums paid pay over to any person or persons who shall have  
 for tickets &c. purchased or may hold any ticket or tickets the res-  
 Each mana- pective sum or sums which shall have been paid for  
 ger being re- spective sum or sums which shall have been paid for  
 sponsible for such ticket or tickets to such manager or to any agent  
 the money re- ceived by him by him appointed for the sale of tickets; each man-  
 ceived by him- ger being responsible for all monies received by  
 and his agent- ger or his agent or agents on the sale of tickets and  
 only. him or his agent or agents on the sale of tickets and  
 Each mana- ger to have no further. And the said managers shall each have  
 ger to have power to ap- point one or more agents. tickets in said lottery.  
 power to ap- point one or more agents.

PASSED AT DOVER }  
 15 January 1818. }

## CHAPTER CLVIII.

CHAP.  
CLVIII.

1818.

A SUPPLEMENT to an act entitled "*An additional supplement to an act entitled an act to incorporate a company for making an artificial road from the town of Newcastle in Newcastle county to the line of this State in the route or direction to Frenchtown on Elk river in Cecil county in the State of Maryland.*"

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and may be law-  
 full for the president managers and company of the Newcastle and Frenchtown turnpike to employ some skilful surveyor chain-carriers and artists to lay out and locate an artificial turnpike road made by them from the place called and known by the name of Clark's Corner in the county of Newcastle in this State as far as the Maryland line in a direction towards Frenchtown on Elk river in Cecil county in the State of Maryland; and the said president managers and company of the Newcastle and Frenchtown turnpike, after the said road shall have been located as aforesaid of the breadth of sixty feet, shall cause a fair map or plot of the same to be made by the surveyor who shall be employed for that purpose, which map or plot shall be certified by the said surveyor signed by the president of the said company and delivered to the recorder of Newcastle county who is hereby authorised and required to record the same, and the map or plot of the said road with the certificate of the said surveyor or the signature of the president and the certificate of the recorder with the seal of his office thereto affixed, or a copy of the record thereof, shall be deemed and taken as evidence of the site or location of the aforesaid road. And in case any person or persons shall thereafter obstruct the road of the said company so laid out and recorded, or shall commit

The company authorised to employ a surveyor, &c. to lay out the turnpike road made by them &c.

and shall cause a map thereof to be made which shall be certified by the surveyor, signed by the president of the company, and delivered to the recorder of Newcastle county who shall record the same; which map when certified &c. or a copy of the record thereof shall be evidence of the site or location of the said road

penalty for ob-structing said road or com-  
mitting any nuisance thereon and not removing such obstructions or nuisances &c. after notice

and how re-  
coverable.

Provide.

any nuisance thereon, and do not remove any such obstructions or nuisances therefrom within twenty four hours after notice given him her or them, such person or persons so offending shall severally for every such offence forfeit and pay to the said company the sum of ten dollars for every twenty four hours such obstruction or nuisance shall be continued after such notice has been given; which penalty shall be recoverable with costs of suit before any justice of the peace in and for Newcastle county as debts of a like amount are by law recoverable.

*Provided however* that the president and managers of the Newcastle and Frenchtown turnpike shall not, in the location of their road or in the prosecution of the same, in any way hinder or obstruct any other turnpike or canal company heretofore incorporated for making any artificial road or canal in the county of Newcastle, or hereafter offer any let or hindrance to the progress of the Chesapeake and Delaware canal if the same should cross the said road, nor shall the said turnpike company hinder any county or public road from crossing their said road, or offer any let or hindrance to any person or persons whatsoever from travelling across said road in the direction of any public or private way.

Certificates of shares of the capital stock of the company to be prepared and delivered to the stockholders

and to be transferable &c. subject &c.

Rights and privileges of assignees

SEC. 2. *And be it enacted,* That the president and managers of the said company shall procure certificates to be written or printed of all the shares of the capital stock of the company, and shall deliver such certificates signed by the president and countersigned by the treasurer and sealed with the common seal of the said corporation to each person for the shares by him subscribed and held; which certificate shall be transferable at pleasure in person or by attorney in presence of the president or treasurer, subject however to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in the books of the company to be kept for that purpose, shall be a member of the said corporation, and for every share of the capital stock not exceeding twenty-five shall be entitled to a vote in the af-

fairs of the said company, and to all the profits rights and emoluments arising from the said stock in due proportion to the shares so assigned and held.

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1818.

SEC. 3. *And be it enacted*, That it shall and may be lawful to and for the president and managers of the said company, by and with their superintendents engineers artists workmen and labourers with their tools and instruments carts waggons wains and other carriages and beasts of draught and burden, to enter upon the lands in over contiguous and near to the route and track of the said road, first giving notice in writing of their intention to the owners or occupiers thereof and doing as little damage thereto as possible and repairing any breaches they may make in the inclosures thereof and making compensation for any damage that may be done upon a reasonable agreement if they can agree and if not then upon an appraisement to be made upon oath or affirmation of three disinterested freeholders any two of them agreeing and mutually to be chosen or if the owner or possessor upon due notice given shall neglect or refuse to join in the choice then to be appointed by any justice of the peace for Newcastle county not interested therein, and, upon tender of the appraised value, to dig take and carry away any stone clay gravel or sand there being most convenient for making or repairing said road.

President and managers may enter adjacent lands and take stone clay &c. for making or repairing road  
first giving notice in writing to the owners or occupiers of said lands and doing as little damage as possible &c. and making compensation for damage &c.

SEC. 4. *And be it enacted*, That the treasurer of the Newcastle and French-town turnpike now in office, and all treasurers hereafter elected or appointed, shall give bond, with one or more sufficient sureties, to the president and managers of the said company, to be approved of by the said president and managers, with a warrant of attorney thereto annexed to confess judgment, in the sum of ten thousand dollars; conditioned for the true and faithful performance of the duties required of him as treasurer: and in case any treasurer hereafter chosen or appointed, or the treasurer now in office, shall neglect or refuse to give bond and security as is directed in this act, or in case of the death or resignation

Treasurer to give bond.

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CLVIII.  
1818.

of any treasurer appointed for the said company, the president and managers of the company for the time being are required to appoint such other treasurer as will give bond and security as aforesaid.

Duties & powers of the board of managers.

SEC. 5. *And be it enacted,* That in the absence of the president of the aforesaid company it shall be lawful for the managers present if a quorum to appoint a president *pro tempore*.—Three managers may form a quorum for the transaction of business. A book shall be kept in which all transactions of the board of managers relative to the concerns of the said company shall be kept. The board of managers with the president thereof shall have full power and authority to agree with and appoint all officers and others for conducting the affairs of the said company to draw orders on the treasurer which orders shall be signed by the president and countersigned by the Secretary and registered in their books of proceedings and to do generally all such other matters and things as they shall be charged with by the by-laws and regulations of the aforesaid company.

Preamble.

Vol. 4, p. 256.

And whereas by the twenty-third section of the original act incorporating a company for making an artificial road from the town of Newcastle in the county of Newcastle to the line of this State in the route or direction to Frenchtown on Elk river in Cecil county in the State of Maryland passed on the twenty-fourth day of January in the year 1809, it is provided that if the said company shall not proceed to carry on the said work within three years after this act comes into operation, or shall not within ten years thereafter complete the said road according to the true intent and meaning of this act, then in either of these cases it shall and may be lawful for the Legislature of this State to resume all and singular the rights liberties privileges and franchises by this act granted to the said company;

And whereas the said work was not begun within the time prescribed by law, but was shortly after

that period commenced and is now fully completed, and it yet remaining a matter of doubt whether the act entitled "An additional supplement to an act entitled an act to incorporate a company for making an artificial road from the town of Newcastle in Newcastle county to the line of this State in the route or direction to Frenchtown on Elk river in Cecil county in the State of Maryland" passed on the twenty-eighth day of January in the year 1813, did revive and continue in force the said original act, or whether the company thereby intended to be incorporated have lost the rights privileges and franchises therein and thereby intended to be granted by a failure on their part to comply strictly with the conditions enjoined in and by the said twenty-third section thereof, and more especially as the corporate title of the act of 1809 differs from that given to the said company by the additional supplement passed in 1813;

And whereas great and manifest inconvenience and loss would result to the said Newcastle and Frenchtown turnpike company from a want of many of the provisions contained in that law and which are not to be found in the act to which this is a supplement, to do away all doubt as to the force of the said original act and for remedy whereof—

SEC. 6. *Be it further enacted by the authority aforesaid,* That the president and managers of the Newcastle and Frenchtown turnpike having perfected the said road, it shall and may be lawful for them to appoint such and so many toll-gatherers, as they may think proper, to collect and receive of <sup>Toll gatherers to be appointed.</sup> and from all and every person and persons using the said road the tolls and rates herein after mentioned, and to stop any person riding leading or driving any horse or mule or driving any cattle hogs sheep sulkey chair or chaise phaeton cart waggon wain sleigh sled or other carriage of burthen or pleasure from passing through the said gates or turnpikes until they shall have respectively paid the same, that is to say, for every space of five miles in length of the said road, the following sums of

Rates of toll money, and so in proportion for any greater or less distance of said road, or for any greater or less number of hogs sheep or cattle, to wit, for every score of hogs six cents, for every score of sheep four cents, for every score of cattle twelve cents, for every horse or mule ladened or unladened with his rider or leader three cents, for every sulkey chair or chaise with one horse and two wheels six cents, and with two horses nine cents, for any chair coach phaeton chaise stage waggon coachee or light waggon with two horses and four wheels twelve cents, for either of the carriages last mentioned with four horses twenty cents, for every other carriage of pleasure under whatsoever name it may go the like sum according to the wheels and number of horses drawing the same, for every sleigh or sled two cents for each horse drawing the same, for every cart or waggon or other carriage of burthen the wheels of which do not in breadth exceed four inches four cents for each horse drawing the same, for every cart or waggon the wheels of which shall exceed in breadth four inches and shall not exceed seven inches three cents for each horse drawing the same, for every cart or waggon the breadth of the wheels of which shall be more than seven inches and not more than ten inches two cents for each horse drawing the same, for any cart or waggon the breadth of the wheels of which shall be more than ten inches and not exceeding twelve inches or being ten inches shall roll more than fifteen inches one cent and a half for each horse drawing the same, and for any such carriage the breadth of the wheels of which shall exceed twelve inches one cent for each horse drawing the same; and when any such carriage as aforesaid shall be drawn by oxen or by mules in whole or in part two oxen shall be estimated as equal to one horse, and one ass or mule as equal to one horse in charging the aforesaid tolls: *Provided however* that no tolls be demanded or taken from any person passing or repassing from one part of his or her farm to another part of the said farm, or to or from any place of public worship, or funeral, on days appointed for that purpose, or from any citizen legally qualified to vote when go-

Proviso.

Persons ex-  
empt from  
toll.

ing to or from the place of any general or special election upon days held and appointed for that purpose.

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SEC. 7. *And be it enacted*, That the said president and managers shall keep a true and just account of all the monies to be received by their several and respective keepers of tolls at the several gates or turnpikes on the said road, which shall not exceed one for every five miles, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges and a reasonable fund for repairs being first deducted and reserved, among all the subscribers to the stock of the said company, and shall on the first Monday in the months of March and September in every year publish the half-yearly dividend of the clear profits to be made among the stockholders and of the time and place when and where the same will be paid and shall cause the same to be paid accordingly.

Accounts to be kept of money received by the toll gatherers, &c.

Dividend to be declared.

SEC. 8. *And be it enacted*, That if, at the end of two years taking date from the time when the said road was completed from the beginning to the end thereof, it shall appear, from an abstract of the accounts of the said company furnished to the General Assembly of this State by the aforesaid president and managers, that the clear income and profits thereof, after keeping the said road in repair and deducting all other necessary contingent costs and charges, will not bear a dividend of six per centum per annum upon the whole capital stock expended by the said company, then it shall be lawful to and for the said president and managers to increase the tolls herein allowed, in equal proportions upon each and every allowance thereof, so as to raise the dividends up to six per centum per annum; and at the end of every ten years after the completion of the said road, if any increase should have been made upon the tolls herein before established, a like abstract of the accounts of the said company shall be furnished to the General Assembly, and if at the end of any such decennial period, it shall appear, from such abstract, that the clear profits and income

When tolls may be increased.



Profits not to exceed nine per cent. of the said company will bear a dividend of more than nine per centum per annum, then the said tolls shall be so reduced as to reduce the said dividends down to nine per centum per annum.

Index posts to be set up. SEC. 9. *And be it enacted,* That the president and managers of the said company shall cause posts to be erected at the intersection of every road falling into and leading out of the said turnpike road with boards and index hands pointing to the direction of such road; on both sides thereof shall be inscribed in legible characters the name of the town or place to which such road leads and the distance thereof in measured or computed miles; and shall also cause mile-stones to be erected on the sides of said road to designate the distances to and from the principal places thereon; and also shall cause to be affixed on the gates to be erected, for the information of travellers and others using the said road, a painted list of the rates of toll which from time to time may be lawfully demanded.

Mile stones to be erected.

Lists of rates of toll to be affixed on the gates.

Penalty for pulling down or injuring mile stones index posts &c. &c. SEC. 10. *And be it enacted,* That if any person or persons shall wilfully break deface pull up or prostrate any mile-stone which shall be placed in pursuance of this act, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break pull down destroy deface or injure any direction post which may be set up in pursuance of this act, or the board or index hand affixed thereto, or shall injure or obliterate the letters or figures inscribed thereon or destroy deface or obliterate the letters figures or other characters marked at any turnpike or gate which shall be erected in pursuance of this act, or shall unhang pull up break down injure or in any manner whatsoever wilfully damage any gate pailing or post thereto belonging and attached, he or they so offending in the premises shall, and each of them shall, for every such offence, severally and respectively, besides paying the appraised value of every such mile-stone post index-board gate or pailing, forfeit and pay also to the said president and managers a sum not exceeding twenty dollars, to be

sued for and recovered with damage and costs of suit as debts of the like amount are recoverable by the laws of this State.

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SEC. 11. *And be it enacted,* That all waggoners carters and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the road on the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any waggoner carter or driver shall offend against this provision, he shall forfeit and pay, as well all damages which may arise from his breach of this provision, the sum of two dollars to any person who shall, by reason thereof, be obstructed in his passage, to be recovered in the same manner as debts of the like amount are recoverable by the laws of this State.

Persons travelling the road to keep on the right hand side.

Penalty for neglect.

SEC. 12. *And be it enacted,* That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorised and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, the one half to the commissioners of roads in the hundred in which the forfeiture may be incurred, and the other half to the person who may sue for, and recover the same before any justice of the peace in Newcastle county.

Penalty for demanding greater rate of toll than is allowed by this act.

SEC. 13. *And be it enacted,* That if in the case of any suit or prosecution which shall be commenced under the directions of this act for any penalty incurred under the same whether by or against the said company their servants agents or assignees, if the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuting as aforesaid shall recover by the judgment of the justice before whom such suit or prosecution shall be pending, or by ac-

Redress for vexatious prosecutions under this act,

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tion before the court of common pleas of the county, if such suit or prosecution had been instituted before the court of general sessions of the peace, such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Limitation of  
actions for penalties,

This act may  
be given in evidence  
on plea of the  
general issue.

SEC. 14. *And be it enacted,* That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act; unless such suit or action shall be commenced within three months next after the fact committed; and the defendant or defendants in such suit or action may plead the general issue and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of the same.

Road, whether  
in repair,  
how ascertained.

SEC. 15. *And be it enacted,* That if the said company shall neglect to keep the said road in good order and repair, for the space of fifteen days, and information thereof shall be given to any justice of the peace of the county, such justice may issue his precept directed to any constable commanding him to summon three good and sufficient freeholders, not residing within the hundreds of Newcastle or Pencader, to meet at a certain time in the said precept to be mentioned, at the place in the said road complained of, of which meeting notice shall be given to the president and managers of the said company in writing at least three days before such meeting; and the said justice shall at such time and place, by the oath or affirmation of such freeholders, inquire whether that part of the said road is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found, by the said inquisition, not to be in such good order as herein is required, he shall certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place may be; and if the said defective place, so pointed out by the said inquisition,

should not be repaired, within the space of fifteen days from such notice being received, then and from thenceforth the tolls, at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded or paid, until the said defective place, so pointed out, shall be repaired as aforesaid; and if any of the keepers of the gates aforesaid shall take or demand tolls, for the intermediate distance between the gates aforesaid, from any traveller, during the time such place shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars before any justice of the peace in said county; but if the said road in such place shall not be put in good order and repair before the next ensuing court of quarter sessions of the peace of the said county, the said justice shall certify and send a copy of the said inquisition to the justices of the said court; and the said court shall thereupon cause process to issue and bring in the body of the person or persons instructed by the company with the care and superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand jury against the person or persons instructed as aforesaid, and, upon conviction, shall give judgment according to the nature and aggravation of the neglect: provided the fine in no instance shall be less than twenty dollars nor exceeding one hundred dollars; and the fine, so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered, and shall be paid to the commissioners of roads of the place or hundred wherein the offence was committed to be applied to the repair of the roads of such hundred.

If not in repair, tolls to cease;  
& penalty for demanding them.  
If the road be not repaired by the next court of quarter sessions, the penalty,  
not less than 20 nor more than \$100,  
how recovered.  
& applied.

SEC. 16. *And be it enacted*, That the act entitled "An act to incorporate a company for making an artificial road from the town of Newcastle in Newcastle county to the line of this State in the route

Repeal of ch. 85, v. 4, p. 241.

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or direction to Frenchtown on Elk river in Cœcil county in the State of Maryland" be and the same is hereby declared to be repealed made null and void.

PASSED AT DOVER }  
20 January 1818. }

## CHAPTER CLIX.

AN ACT to incorporate the Female Union Society of Smyrna, for the purpose of establishing a school or schools.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Elizabeth B. Morris, Ann Parke, Martha Ann Blackiston, Sarah Allee and Hannah Green, in the town of Smyrna, and their associates, who now are or hereafter may become members of the Female Union Society of Smyrna according to the articles of association and the rules of the said society, shall be and they are hereby constituted a body politic and corporate in law, by the name of "The Female Union Society of Smyrna," and by that name shall have perpetual succession and power to make and use a common seal and the same to alter from time to time as they may deem proper, and by that name may sue and be sued plead and be impleaded in any court of law or equity within this State or elsewhere, and may do and perform all such acts and things as may be necessary for the purpose of establishing and supporting a school or schools in the town of Smyrna.

SEC. 2. And be it further enacted, That the members of the said society and their successors, by the name aforesaid, shall be capable in law to purchase receive take and hold any lands tenements rents goods and chattels, which may be given granted devised or conveyed to them, for the purpose of

establishing and supporting the said school or schools, and to sell rent or dispose of the same in such manner as to them shall seem most beneficial for the promotion of the said school or schools. and sell the same &c.

SEC. 3. *And be it further enacted,* That the members of the said society shall have power, from time to time, to elect a president secretary and treasurer, and to make and ordain such by-laws rules and ordinances, not contrary to the laws and constitution of this State, as they, or a majority of them, shall judge necessary and proper, for the receiving and admission of members of the society, and for the good order and government of the said society, and for preserving order discipline and good government in the said school or schools. May elect officers, and make by-laws, &c.

SEC. 4. *And be it further enacted,* That females of any religious society or denomination among Christians shall be capable of being elected members of the said society; nor shall any person be refused admission into the said school as teacher or pupil for their conscientious persuasions in matters of religion. who may be members of the corporation; and teachers in the schools,

SEC. 5. *And be it further enacted,* That the books acts and minutes of the said society shall be received as competent evidence, in all courts of justice and elsewhere, of the accounts matters things and transactions which they import on the face of them touching and relating to the affairs and business of the said corporation, in the same manner as the books of private persons are now received as competent evidence under the laws of this State. Books &c. of the company shall be competent evidence, &c.

SEC. 6. *And be it further enacted,* That the said society, and their successors, shall have power to take and receive subscriptions for the use and benefit of the said school or schools, and, in case any person or persons shall fail to comply with his or her subscription, to enforce the payment thereof. Company may take subscriptions &c. and enforce payment.

PASSED AT DOVER, }  
January 22d, 1818. }

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## CHAPTER CLX.

1818.

AN ACT to authorise *Thomas W. Handy* of *Newcastle county* to bring into this State from the *State of Maryland* certain negro slaves therein mentioned.

PASSED AT DOVER }  
23 January 1818. }

PRIVATE ACT.

## CHAPTER CLXI.

AN ACT to incorporate the trustees of *Bridgeville* institution.

SEC. 1. BE IT ENACTED by the Senate and *House of Representatives* of the State of Delaware in General Assembly met, That *Doctor John Cary*, *Doctor Benjamin Hudson*, *Abednego Elliot*, *George Polk*, *William Hudson*, *William N. Polk* and *William Laws*, and their successors, be, and they are hereby declared to be, one body politic and corporate, to have continuance until the first Wednesday of April eighteen hundred and eighteen.

SEC. 2. And be it enacted, That, on the first Wednesday of April eighteen hundred and eighteen, an election shall be held at the school house in *Bridgeville* by the subscribers to the said institution, and elect seven trustees for the management of the concerns thereof for one year and so on annually forever.

SEC. 3. And be it enacted, That the trustees, so elected, shall be, and they are hereby constituted, a body politic and corporate, by the name of "the trustees of the *Bridgeville* institution in the county of *Sussex*"; and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in any court of law or equity.

SEC. 4. *And be it enacted,* That the said trustees <sup>May hold</sup> and their successors, by the name aforesaid, shall be <sup>lands, &c.</sup> capable in law to purchase receive and hold any lands tenements rents goods and chattels, which shall be given conveyed or devised to them for the use of said school, and to sell rent or dispose of the <sup>and dispose of</sup> same in such manner as to them shall seem most be- <sup>the same;</sup> neficial to said school.

SEC. 5. *And be it enacted,* That the said trustees, or a majority of them, shall have power, from time to time, to make and establish such by-laws <sup>make by laws</sup> rules and ordinances, not contrary to the laws and constitution of this State or of the United States, as they shall judge necessary and proper for the good government of said school; and to appoint a president <sup>& appoint offi-</sup> secretary tutor or tutors and treasurer; the <sup>cers.</sup> last of whom shall receive all monies accruing to <sup>Treasurer, his</sup> the said school and property delivered to his care <sup>duties;</sup> and pay or deliver the same to the order of the trustees or a majority of them: the said treasurer, before he enter upon the duties of his office, shall give bond and security, in such sum as the said trustees <sup>to give bond,</sup> or a majority of them shall direct, payable to them and their successors, conditioned for the faithful dis- <sup>condition</sup> charge of the trust reposed in him, and that he will, <sup>thereof;</sup> when required by said trustees or a majority of them, render a true and just account of all monies goods and chattels received by him on account of and for the use of said school: which treasurer shall receive such salary as the said trustees or a <sup>his salary,</sup> majority of them shall allow.

SEC. 6. *And be it enacted,* That the said trustees shall have power to take and receive subscrip- <sup>Trustees may</sup> tions, for the use and benefit of said school, and, in <sup>take subscrip-</sup> case any person shall fail to comply with his or her <sup>tions,</sup> subscription, to enforce the payment thereof; and <sup>& enforce pay-</sup> in case of the death resignation or other legal disa- <sup>ment.</sup>



bility of any of the said trustees herein named the  
Vacancies, how filled, vacancy thereby occasioned shall be supplied by the  
 remaining trustees until the next annual election  
 thereafter.

PASSED AT DOVER }  
 23 January 1818. }

## CHAPTER CLXII.

AN ACT *to authorise and empower Samuel Kinney of Sussex county to bring into this State from the State of Maryland certain negro slaves therein mentioned.*

PASSED AT DOVER }  
 24 January 1818. }

PRIVATE ACT.

## CHAPTER CLXIII.

Vol 2, ch. 94, c, p. 1224. A SUPPLEMENT *to an act entitled "An act to vacate and stop, a certain part of the Kennet road within the Borough of Wilmington."*  
 Vol. 5, ch. 14, p. 26.

Part of the Kennet road vacated. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That from and after the passing of this act, such part of the Kennet road, in the Borough of Wilmington, as extends from Orange-street westwardly to Chesnut-street, be, and the same is hereby declared to be, vacated and stopped to all intents and purposes whatsoever.

PASSED AT DOVER, }  
 27 January 1818. }

## CHAPTER CLXIV.

Vol 1, p. 29,

AN ACT to prevent the disturbance of camp-meetings held for the purpose of religious worship.

Vol. 3, p. 230,

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That no person or persons whosoever shall make erect place or have any booth stall tent cart carriage or place for the purpose of selling trafficking or disposing of any spirituous liquor or liquors wine porter beer cider bread food or other provisions or articles whatsoever within two miles of the place where any camp-meeting shall hereafter be held in this State for the purpose of religious worship at any time during the holding of said meeting or on the day prior to the commencement thereof, excepting only taverns public houses of entertainment and stores regularly established for the sale of goods wares or merchandizes; or shall sell or traffick or dispose of or have for sale or traffic or to be disposed of any spirituous liquor or liquors wine porter beer cider bread food provisions or articles whatsoever at any booth stall tent cart carriage or place within two miles of any such camp-meeting hereafter to be held in this State for the purpose of religious worship, excepting only taverns public houses of entertainment and stores regularly established for the sale of goods wares or merchandizes, during the holding of such meeting or the day prior to the commencement thereof; and if any person or persons shall make erect place or have any booth stall tent cart carriage or place for the purpose of selling trafficking or disposing of any spirituous liquor or liquors wine porter beer cider bread or other provisions or articles whatsoever within two miles of the place where any camp-meeting shall hereafter be held in this State for the purpose of religious worship at any time during the holding of said meeting or on the day prior to the commencement thereof, excepting only as aforesaid

No person shall have a place, &amp;c.

for disposing of &amp;c. any liquor or food, within two miles of any camp meeting, &amp;c.

excepting only taverns &amp;c.

or shall dispose of or have any liquor &amp;c. or food &amp;c.

at any place, within two miles of such camp meeting &amp;c. excepting only taverns, &amp;c.

and any person having any place for disposing of &amp;c. spirituous liquor food, &amp;c. within two miles of a camp meeting,

excepting only, &amp;c.

or shall dis- is excepted; or shall sell traffick or dispose of or  
 pose of &c. have for sale traffick or to be disposed of any spirit-  
 any spirituous uous liquor or liquors wine porter beer cider bread  
 liquor &c. food provisions or articles whatsoever at any booth  
 or food &c. stall tent cart carriage or place within two miles of  
 at any place  
 &c. any such camp-meeting hereafter to be held in this  
 within two miles of any State, except as aforesaid is excepted, during the  
 such camp holding of such meeting or the day prior to the  
 meeting commencement thereof, such person or persons so  
 excepting on- offending shall forfeit and pay a sum not less than  
 ly &c. one dollar nor exceeding twenty dollars lawful  
 such person &c. shall for- money of the United States of America, to be reco-  
 &c. shall for- money of the United States of America, to be reco-  
 feit and pay money of the United States of America, to be reco-  
 &c. money of the United States of America, to be reco-  
 to be recover- vered by indictment in the court of general quar-  
 ed by indict- sessions of the peace and gaol delivery. And it  
 ment &c. shall be the duty of any justice of the peace in this  
 Justices of the State, upon complaint made to him, and duly sup-  
 peace to take ported by oath or affirmation, of an offence commit-  
 cognizance of ted against this act, to require the person or persons  
 offences a offending to find surety or sureties for his her or  
 gainst this act their appearance at the next court of general quar-  
 on complaint ter sessions of the peace and gaol delivery in the  
 made &c. county in which the offence shall have been com-  
 mitted, and in the mean time to be of good beha-  
 viour and keep the peace.

Managers of camp meet- ing may grant license to sell food &c.

SEC. 2. *Provided always and be it further enacted,* That it shall be lawful for the managers of any camp-meeting, to be held as aforesaid, by writing under their hands, or the hands of any three of them, to license and permit any person or persons to sell food and provisions for the use of such meeting and have any tent or booth for that purpose.

PASSED AT DOVER }  
 27 January 1818. }

## CHAPTER CLXV.

AN ACT for the relief of *Mary Bradford and her heirs.*

PASSED AT DOVER }  
 27 January 1818. }

PRIVATE ACT.

## CHAPTER CLXVI.

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AN ACT for authorizing Caleb P. Davis of Caroline county, State of Maryland to remove a certain negro slave from this State into the State of Maryland.

PASSED AT DOVER }  
28 January 1818. }

PRIVATE ACT.

## CHAPTER CLXVII.

AN ACT for authorizing Elizabeth Johns to remove a certain negro slave into this State from the State of Maryland.

PASSED AT DOVER }  
28 January 1818. }

PRIVATE ACT.

## CHAPTER CLXVIII.

AN ADDITIONAL SUPPLEMENT to an

act entitled "*An act to incorporate a company for making an artificial road from or near the Borough of Wilmington, in the county of Newcastle, on the east side of the Brandywine creek, in the route through Westchester, to the turnpike roads in the great valley in the State of Pennsylvania.*"

Vol. 4, chap.  
139. p. 372.  
Vol. 5, ch. 73,  
p. 125.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Governour be and he is hereby authorized and required to appoint three

D

Governour to appoint persons to examine if there be any part of the road perfected, for which this is a supplement, for which no license to receive tolls has been issued, and to report whether such road is done in a complete or workmanlike manner, according to the directions of the act to

and if their report be in the affirmative, then it shall and may be lawful for the Governour, for the time being, to issue license to erect toll-gates, altho' the distance report- ed be less than 2 miles.

Vol. 4, chap. 139, § 11, p. 379.

which this is a supplement; and if such report shall be in the affirmative, then it shall and may be lawful for the Governour, for the time being, to issue his license authorizing the president managers and company of the said road to erect and fix such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties granted to the said company by the act to which this is an additional supplement, notwithstanding the distance mentioned in the report aforesaid may be less than two miles progressively.

Company shall not be obliged to complete the remainder of the road, until, &c.

SEC. 2. *And be it enacted, That the president managers and company aforesaid shall not be obliged to complete the remainder of the said road, being about sixty-eight perches, to the Pennsylvania line, until the turnpike road leading from the great valley through Westchester to the said line shall be completed; then if the said president managers and company shall not proceed to carry on and complete the said remainder of sixty-eight perches of the road aforesaid, within one year thereafter, it shall and may be lawful for the Legislature of this State to resume all and singular the rights liberties privileges and franchises which by this act, or the act to which this is a supplement, are granted to the said company.*

Original act of 23 Jan. 1811, vol. 4, ch. 139, p. 372, revived except &c.

SEC. 3. *And be it enacted, That the act, to which this is an additional supplement, passed on the 24th day of January 1811, and every part thereof, excepting only such parts as may be altered amended or supplied by this act, be and the same is hereby declared to be revived and continued in full force and effect, any thing in the 23rd section,*

or any other of the provisions of the said recited act contained, to the contrary notwithstanding; and that the act supplementary to the said act passed upon the 1st day of February 1816 with all its provisions, except the first section thereof which is repealed, made null and void, be and the same are hereby declared to be in full force and effect, and to be deemed and taken to all intents and purposes as parts of this act.

And the supplement of 1 Feb. 1816, v. 5, ch. 73, p. 125, declared to be in force except the first section, which is repealed.

PASSED AT DOVER }  
29 January 1818. }

### CHAPTER CLXIX.

AN ACT to incorporate the trustees of the Dover Vol. 4, p. 304;  
academy.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of the Delaware in General Assembly met, That Henry M. Ridgely, John Fisher, William Winder Morris, Martin W. Bates, John Clarke, Charles Kimmey and Willard Hall, and their successors, be and they are hereby declared to be one community corporation or body politic, to have continuance forever, by the name of "the trustees of the Dover academy," and by the same name shall have perpetual succession.

Trustees is incorporated;

SEC. 2. And be it further enacted, That the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase receive and hold any lands tenements rents goods or chattels, which shall be given conveyed or devised to them for the use of the said institution, and to sell dispose of alien or demise the same, in such manner and form as they may think most advantageous or beneficial to the said institution; and the said corporation, by the name of "the trustees of the Dover academy," shall be able and capable in law to sue and be sued implead and be impleaded answer

may acquire & dispose of property;

may sue and be sued &c.

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and be answered defend and be defended in courts of law and equity, or in any other place whatsoever; and to do and execute all other matters and things, which bodies politic and corporate may or can lawfully do.

make by laws;

appoint pro-  
fessors, tutors  
&c.choose a pre-  
sident;  
appoint trea-  
surer & other  
officers.Treasurer to  
give bond.

SEC. 3. *And be it further enacted,* That the corporation aforesaid, or a majority of them, shall have full power and authority, to make alter repeal and again re-establish all by-laws regulations and ordinances which they may deem necessary and proper for the good government of the said academy as a seminary of useful learning, to appoint professors tutors and such officers and persons as they may deem requisite for the said academy under such rules and stipulations and for such pecuniary compensation as they shall consider adequate and proper: they shall annually choose one of their own body to be president of the board of trustees; and they shall from time to time appoint a treasurer secretary and such other officers as may be requisite, whose duties shall be prescribed by the ordinances of the said corporation; but the treasurer shall be required to enter into bond to the corporation for the faithful performance of his trust before he shall officiate as treasurer aforesaid.

Vacancy in  
the board of  
trustees, how  
filled,

SEC. 4. *And be it further enacted,* That whenever any vacancy shall happen in the said board of trustees, either by death resignation refusal to serve removal from Kent county or in any other manner, the remaining trustees shall have the power, and they are hereby authorized and empowered, to choose, by ballot, a person or persons to fill said vacancy.

Trustees to  
receive no pe-  
cuniary com-  
pensation;

SEC. 5. *And be it further enacted,* That "the trustees of the Dover academy" shall not, on any pretence whatsoever, take or receive any pecuniary reward or compensation for their personal attendance, or services, or for their expenses incurred in such attendance, in the discharge of the duties or powers vested in them by this act.

SEC. 6. *And be it further enacted,* That the said trustees shall have power to take and receive sub-<sup>may take sub-</sup>scriptions for the use and benefit of the said institu-<sup>scriptions and enforce-</sup>tion, and, in case any person shall fail to comply with his or her subscription, to enforce the payment thereof.

SEC. 7. *And be it further enacted,* That the said Corporation shall have full power and authority to have and use a common seal, and to change alter or break the same, and establish another or others, with such devices as they shall think proper; and all acts, certified under the seal of the said corporation, relating to the affairs thereof, shall have full faith and credit in and before all and every the courts and jurisdictions within this State. <sup>Corporation to have a common seal, &c</sup>

PASSED AT DOVER }  
29 January 1818. }

## CHAPTER CLXX.

AN ADDITIONAL SUPPLEMENT to, the Vol 4, ch. 239  
act entitled "*An act to incorporate a company*" P. 627.  
for making an artificial road from the Borough V. 5 ch. 1, p 8,  
of Wilmington on the east side of Brandywine  
bridge, to the Pennsylvania line, in the route  
leading to the city of Philadelphia."

WHEREAS the president and managers of the said turnpike company have, at considerable expense, completed the road authorized by the act to which this is an additional supplement; and whereas it appears to this General Assembly, from the abstract of the expenditures income and profits of the same, they have been obliged to pledge the whole of the stock and income to obtain money to complete the said road. <sup>Preamble.</sup>



SEC. 1. *Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and*  
 Company au- may be lawful for said president managers and  
 thorized to in- company to increase the tolls, allowed by the act to  
 crease the tolls which this is an additional supplement, except as  
 to commutation, in equal proportions upon each  
 and every allowance thereof, so as to raise the di-  
 When clear profits exceed dividends up to six per cent. per annum: and if it  
 nine per cent. shall appear, by any such abstract of the accounts  
 per ann. &c. of the said corporation, to be laid before the Gene-  
 the tolls to be ral Assembly, as is required by said original act,  
 reduced, &c. that the clear profits of said company have exceed-  
 V. 4, ch. 239 ed, on an average, nine per cent. per annum upon  
 § 17, p. 640. the capital stock, for ten years preceding, then,  
 and in such case, the said toll shall be so reduced  
 as to reduce the said dividend down to nine per  
 cent. per annum.

V. 4. ch. 239, SEC. 2. *And be it further enacted, That in all*  
 § 27, p. 644. annual contracts, hereafter to be entered into, for  
 Annual con- the use of the said road, by any person for himself  
 tracts for the or herself and family, that the same shall not ex-  
 use of road not tend to heavy waggons or carts employed for carry-  
 to extend to ing wood and other heavy articles to market; but  
 heavy wag- if the owner of such team wish to contract by the  
 gons. year, he shall have the right so to do, by applica-  
 But the own- tion to the present managers of said road; and  
 er of such if they cannot agree, the said parties shall choose  
 team, wishing to contract by each a disinterested freeholder, who, if they cannot  
 the year, may agree, may appoint a third, who shall determine,  
 do so; and in any two agreeing, what sum shall be paid by such  
 what manner. person or persons, for one year, for the use of the  
 said road for such heavy waggons or carts as afore-  
 said, which sum shall be paid in four equal quar-  
 terly payments in advance.

PASSED AT DOVER }  
 29 January 1818. }

CHAPTER CLXXI.

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1818.

AN ACT to authorize the partition of a certain portion of the lands in the vicinity of Georgetown in Sussex county known as the company lands and for other purposes.

PASSED AT DOVER }  
30 January 1818. }

PRIVATE ACT.

CHAPTER CLXXII.

AN ACT authorizing Roger Wright to bring into this State certain negroes therein mentioned.

PASSED AT DOVER, }  
31 January 1818. }

PRIVATE ACT.

CHAPTER CLXXIII.

AN ACT to incorporate a society under the name and style of "the agricultural society of the county of Newcastle."

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John Way, Victor Dupont, Thomas Lea, Andrew Gray, Frederick H. Holtzbecker, Levi Boulden, John C. w, John Merrit, George Clarke, David Stewart and Abraham Staats, in the county of Newcastle, be and are hereby authorized and appointed, each at his own usual place of residence, to open a book, and therein permit to be subscribed the name of any citizen of this State above the age of twenty-one years, upon the payment, by each and eve-

Commissioners appointed to open books for subscription;

who may subscribe;

sum to be paid by each subscriber. *very such subscriber, of the sum of two dollars to the commissioner in whose hands the book may be wherein such subscription may be made.*

Books of subscription, when to be opened; how long to continue open: due notice of all which shall be given, in news papers, &c., and by printed hand-bills distributed, &c. and the county of Newcastle by the aforesaid commissioners. *SEC. 2. And be it enacted, That the aforesaid books of subscription shall be opened on the first Monday in March next, and continued open and free to every person, wishing to subscribe as aforesaid, until the first Monday in May thereafter; due notice of all which shall be given, in the newspapers published in this State, by printed hand bills distributed amongst the people of this State, and by notices set up in all the most public places within the county of Newcastle by the aforesaid commissioners.*

Subscribers in said books, with their successors, declared to be a body corporate &c. *SEC. 3. And be it enacted, That all, whose names may be found entered as aforesaid in the books opened and conducted according to the regulations prescribed by this act and its several provisions, together with their successors, be and they are hereby declared to be one body corporate and political, in deed and in law, under the name style and*

Name of the corporation: to have perpetual succession & a common seal; may sue and be sued, &c. *title of "the agricultural society of the county of Newcastle;" and by that name shall have perpetual succession, and a common seal, may sue and be sued, in any court of law or equity in this State, and shall have and possess full power to make all ordinances, by-laws and regulations, not being contrary to the constitution and laws of this State or of the United States, which they, or a majority of them, may, from time to time, deem proper and necessary for perpetuating well ordering and governing the affairs of the said society, and for carrying into full and complete effect the designs of the said institution.*

Election of officers. *SEC. 4. And be it enacted, That the members of the aforesaid agricultural society, who have subscribed and paid as aforesaid, shall hold an election, at the court house in the town of Newcastle, on the first Monday in May next, for the appointment of one president, three vice presidents, three secretaries, one recording secretary, twelve mem-*

bers of the society as a committee of correspondence; and one treasurer, to serve and respectively appointed for one year; and that annually thereafter forever, an election shall be held, upon the first Monday of every May, at such place as the society may appoint, of which due public notice shall be given: and at every such election for officers as aforesaid, each member, being such at the time of any such election, shall be entitled to one vote, to be given by himself or by proxy.

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SEC 5. *And be it enacted,* That as soon as a Money receiv-  
treasurer, for the said society, shall have been ap- ved by the  
pointed and given bond, in such manner and with commission-  
such sureties as the society may deem proper, the ers to be paid  
commissioners herein before appointed shall imme- to the treasu-  
diately pay over to him all monies received by each rer;  
of them respectively on account of subscriptions  
made in pursuance of the first section of this act,  
retaining therefrom only such part as may have  
been necessarily expended in discharge of the du-  
ties herein before assigned to them; which, togeth- & to be held  
er with all such sums, belonging to the said society, by him sub-  
as may hereafter, in any way, come into the hands ject to the or-  
of such treasurer, or of any treasurer for the said so- der of the so-  
ciety, he and every such treasurer is commanded to ciety.  
hold subject at all times to the order or orders of the  
society, to be drawn for and applied as may from  
time to time be, by the said society, directed.

SEC. 6. *And be it enacted,* That "The agricul-  
tural society of the county of Newcastle" shall, by Corporation  
that name, be able and capable in law to have take may take and  
purchase receive possess enjoy and retain, to them hold property;  
and their successors, lands rents tenements heredit-  
aments goods chattels and effects of what kind na-  
ture or quality soever, and the same to sell grant de- and dispose of  
mise alien or dispose of, as to the said society may the same &c.  
seem most beneficial to the well being of the same;  
and generally shall have power to act and transact and have all  
all matters and things which bodies corporate and corporate  
politic may lawfully do. powers &c.

## LAWS OF THE STATE

**SEC. 7.** *And be it enacted,* That the president, <sup>Quorum for or one of the vice-presidents, and in the event of the transac- tion of business how formed.</sup> the absence of the president and all the vice-presidents of the said society, then a president appointed pro tem. by the members present, together with twelve members, may constitute a quorum for the transaction of any business relative to the affairs of the said society.

**SEC. 8.** *And be it further enacted,* That the said <sup>Society may grant premi- ums &c.</sup> society, to promote and encourage agriculture and economy in husbandry, the objects of the institution of said society, shall have right and power to ordain and grant premiums and medals or other gratuities, as rewards of merit exertion discovery or improvement on the objects aforesaid, as they shall from time to time judge proper.

**SEC. 9.** *And be it enacted,* That every matter <sup>This act to be construed most favour- ably for the corporation. Proviso res.</sup> and thing herein contained shall be construed and taken most favourably for the said corporation; *Provided always nevertheless* that the said society, <sup>training the corporation from issuing bills of credit.</sup> under and by the aforesaid name of incorporation, or under any other name or style whatsoever, shall not have power to emit or issue bills of credit.

PASSED AT DOVER }  
31 January 1818. }

## CHAPTER CLXXIV.

**AN ACT** *granting to the persons therein named a certain tract or parcel of marsh therein described.*

PASSED AT DOVER }  
February 2nd, 1818. }

PRIVATE ACT.

## CHAPTER CLXXV.

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*AN ACT to improve the navigation of Lewes creek, to survey and regulate the streets of the town of Lewes, and for other purposes.*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Samuel Paynter, James F. Baylis, Benjamin Prettyman, David Hazzard and Peter F. Wright be, and they are hereby appointed, commissioners for the town of Lewes, and they, or a majority of them, are hereby authorized and required, in performance of the duties enjoined on them by this act, to take to their assistance a skilful surveyor, and after having caused to be ascertained fixed and established the limits and boundaries of the said town, and after having caused to be carefully surveyed and laid out all the streets lanes and alleys now being in the said town, and having caused to be surveyed located and laid out such additional streets lanes and alleys as they shall deem to be proper and necessary, they shall cause to be fixed, such and so many stones, and in such places, as they shall deem proper for marking out and establishing the lines and boundaries of the streets lanes and alleys of the said town; and they shall cause the said surveyor, whom they shall take to their assistance as aforesaid, to make out an accurate plot or map of said town, on which shall be marked and designated the boundaries thereof, and the courses width and names of the several streets lanes and alleys thereof, and they, together with the surveyor aforesaid, shall sign the same, when completed, and cause it to be carefully recorded in the office for recording of deeds in and for the county of Sussex; which record, or any copy thereof when duly certified under the hand and

Commissioners appointed, shall take to their assistance a surveyor; and having fixed the limits of Lewes, and caused to be surveyed & laid out the streets &c. shall fix stones forming the lines & boundaries of the streets &c. and cause a plot of the town to be made, on which shall be marked the boundaries thereof, & the corners &c. of the streets &c. & which shall be signed &c. & recorded &c. & record or any copy thereof &c. shall be evidence, &c.

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seal of the recorder of deeds in and for said county shall be admitted and received as competent testimony in all courts of law and equity within this State.

SEC. 2. *And be it enacted*, That it shall and may be lawful for every free white male person, of twenty-one years of age and upwards, resident within the limits of said town, and shall possess a freehold therein of a lot with a dwelling-house thereon, or a lot not less than sixty feet by two hundred feet without a house thereon, to attend on the first Monday in June next, and on the first Monday in June annually, between the hours of two o'clock and six o'clock in the afternoon, at such place within the said town as may be appointed by the said commissioners, and then and there elect, by ballot, five persons, having the same qualifications as the electors aforesaid; to be trustees of the town of Lewes, and shall also elect one other person to be treasurer, and one other person to be assessor for said town, both qualified as aforesaid, which persons so elected shall continue in office for one year, and from thence until others are duly elected and qualified to supply their places respectively; and every election, for trustees assessor and treasurer as aforesaid, shall be held conducted and carried on under the superintendence and management of three substantial freeholders, to be appointed for that purpose by the trustees of the town of Lewes for the time being: and immediately after each election, as soon as it is ascertained who are appointed trustees of the town of Lewes assessor and treasurer as aforesaid, the persons, under whose superintendence and management such election is carried on, shall enter in a book, to be provided for that purpose, a memorandum or minute of such election, containing the names of the persons respectively elected, and shall give to the trustees treasurer and assessor, so chosen as aforesaid, certificates of their election: and the book containing such minutes shall be

Trustees treasurer & assessor of the town to be elected;

by whom;

when;

at what place;

how; their qualifications;

continuance in office.

Under whose superintendence the elections shall be held.

Minutes of the elections of officers to be made &c.

and certificates thereof to be given: book containing such minutes to be preserved, &c

carefully preserved by the trustees of the town of Lewes, and shall be admitted as competent evidence in all courts of law and equity within this State. and shall be evidence, &c.

SEC. 3. *And be it enacted,* That the trustees of the town of Lewes, appointed or elected according to the provisions of the preceding sections, shall be called and known by the name of "Trustees of the town of Lewes," and, by that name, shall have perpetual succession, and a common seal, and shall Trustees of the town, of their style, invested with full corporate powers. and may be able and capable in law to sue and be sued, plead and be impleaded, in any court of law or equity, or any other place whatsoever, and to do and execute all other matters and things which bodies politic and corporate may lawfully do.

SEC. 4. *And be it enacted,* That it shall be the duty of the trustees of the town of Lewes, and they are hereby invested with full and ample powers Trustees to cause all the streets &c. to be opened &c. therefor, to cause all the streets lanes and alleys and other public lands within the said town to be opened and repaired, as they may judge necessary, except where buildings are erected thereon, and in that case to levy a rent &c. except where buildings are erected thereon, and in that case to levy a ground rent, which shall not exceed one fourth part of the sum that the buildings and ground so occupied would usually rent for, which said rents, together with such voluntary donations as can be obtained, shall be exclusively appropriated towards cleaning out and deepening the channel of Lewes creek and in such works as may be useful to prevent injury and obstructions to the said channel by the drifting of sand therein from the cape. which rents shall be appropriated to cleaning out the channel of Lewes creek, &c.

SEC. 5. *And be it enacted,* That the trustees of the town of Lewes shall be and they are hereby authorized and required, to cause all obstructions and nuisances, that may at any time be in any of the streets lanes or alleys of the said town, to be removed or abated; and in case any person or persons, who shall occasion such obstruction or nuisance, shall neglect or refuse to remove the same, within three days after being required so to do in Trustees to cause nuisances &c to be removed &c.



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writing by any three of the trustees of the town of Lewes, he she or they, so refusing or neglecting to remove such obstruction or nuisance as aforesaid, shall forfeit and pay to the treasurer of the said town, for the use of said town, the sum of five dollars, to be recovered, in the name of the treasurer of the town of Lewes, as debts under forty shillings are now recoverable by the laws of this State; and the trustees of the town of Lewes may moreover cause such obstructions or nuisances to be removed or abated as aforesaid.

Trustees, quorum of;

vacancies, when and how to be filled.

Each trustee to be a conservator of the peace within the town.

Oath of office of the trustees,

by whom to be administered; certificate thereof to be made.

Assessor, his duties and powers;

SEC. 6. *And be it enacted*, That not less than three trustees shall form a quorum to do business; and in case of being reduced to a less number, elections may be held, in the manner herein before directed, to fill vacancies until the stated annual election. That each of the trustees of the town of Lewes, during his continuance in office, shall be a conservator of the peace within the limits of the said town, with full power and authority to do all things for the preservation of the peace that any other conservator of the peace may or can do by the laws of this State. And each of the said trustees, before he enters upon the duties of his office as such, shall take an oath or affirmation faithfully and impartially to discharge the duties of his office as trustee of the town of Lewes to the best of his skill and judgment; which oath or affirmation shall be administered by any judge or justice of the peace of this State, and a certificate of the same shall be made, by the person administering the same, in the record book of the election of such trustees.

SEC. 7. *And be it enacted*, That the assessor of the town of Lewes for the time being, shall annually, during the month of June, make a true just and impartial valuation and assessment of all the real estate within the said town; and the said assessor shall, forthwith after making such assessment, deliver to the trustees of the town of Lewes a duplicate thereof containing the names of all persons, being owners of real estate within the said town, and the amount of the assessment or valua-

tion of the real estate of each person respectively within the said town: which duplicate, in the hands of the trustees, shall be and remain open and free for the inspection of all persons concerned: and if any person or persons shall conceive him-<sup>persons over-</sup> her or themselves aggrieved or overrated by the <sup>rated by him</sup> said assessor, it shall and may be lawful for him <sup>may appeal,</sup> her or them, at any time before the twentieth day of July after making such assessment, to appeal <sup>within what</sup> to the trustees of the town of Lewes, who shall assemble for the purpose of hearing such appeals, and whose decision thereon shall be final and conclusive: and in case one of the trustees appeals, he shall not sit in judgment on his own appeal, but it shall be decided by the others: and the trustees a-<sup>his property</sup> foresaid shall assess and value the real estate <sup>to be assessed</sup> of the said assessor within said town, and add such <sup>by the trus-</sup> valuation and assessment to the said duplicate: and after the said assessment and valuation shall be examined and adjusted as aforesaid by the trustees of the town of Lewes, all taxes shall be assessed levied and raised, on the property thus valued, in just and equal proportions and rates: and the <sup>his oath of of-</sup> said assessor, immediately after his election, and <sup>fice;</sup> before entering on the duties of his office, shall take an oath or affirmation diligently faithfully and impartially to perform the duties of his office to the best of his ability knowledge and judgment; which oath or affirmation shall be administered by any <sup>by whom to</sup> judge or justice of the peace of this State, and a <sup>be adminis-</sup> certificate thereof shall be made by the person ad-<sup>tered,</sup> ministering the same in the record book of the election of the trustees treasurer and assessor aforesaid. <sup>and certified</sup>

SEC. 8. *And be it enacted,* That the trustees of the town of Lewes shall have power and authority <sup>Trustees shall</sup> to levy a tax, which in no case shall exceed the sum <sup>have power to</sup> of three hundred dollars in any one year; and when the assessment is adjusted as aforesaid, and they have ascertained the sum necessary to be raised on the said town for the purposes of this act, and having apportioned the same on the assessment and valuation aforesaid, they shall as soon after as con- <sup>levy a tax &c</sup>

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to furnish  
treasurer with  
a tax list,  
what the list  
shall contain,  
&c.

treasurer, up-  
on receiving  
list, shall col-  
lect the taxes;  
his powers for  
that purpose.

shall give  
bond;

shall pay or-  
ders drawn  
on him by  
trustees,  
and settle his  
accounts with  
them &c.  
Compensa-  
tion to trea-  
surer and as-  
sessor.

venient, furnish the treasurer of said town with a list containing the names of every person owning real estate within the said town, and opposite to each name respectively the amount of the real estate of such person within the said town, and the tax to be levied on such assessment for each person as aforesaid; which list shall be signed by the trustees of the town of Lewes and shall contain a note or minute of the whole tax laid for the year being and the rate per hundred dollars necessary to raise that tax; and the treasurer of the said town, immediately after receiving the said list, shall proceed to collect the taxes mentioned in the said list, and shall have the same power and authority, to collect the said taxes, as are given by law to the collectors of county rates and levies. And the said treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penalty of one thousand dollars lawful money of the United States, to the trustees of the town of Lewes, conditioned for the faithful discharge of trust reposed in him, and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. And the said treasurer shall pay all orders drawn on him, by the said trustees of the town of Lewes, or any three of them; and shall settle his accounts with the said trustees annually, at such time as they shall require. And the said treasurer and assessor shall each receive, for the performance of the duties enjoined on them by this act, a reasonable compensation to be determined by the said trustees.

**SEC. 9.** *And be it enacted,* That the said town of Lewes shall begin at the north corner of Robert West's land, where it intersects the line of William Russel's land on the road or street leading to Pilot-town, thence running in a south west direction parallel with Ship-carpenter's street to Canary creek or branch, thence up Canary creek to a place two hundred feet higher up said branch than South street, thence in a north east direction parallel with South street keeping two hundred feet distance to

a place where a north west course from the intersection of the road leading from Lewes to Rehoboth with the road leading to William Wolfe's will intersect with this line; thence north west across the Rehoboth road aforesaid and two hundred feet up the road leading to William Wolfe's, thence in a north east direction keeping two hundred feet distance from said Rehoboth road until it intersects with a line drawn parallel with South street and one quarter of a mile south easterly of the same, thence with said line northeasterly across Lewes creek to the edge of the cape, thence along the edge of the cape until it intersects a north east line from the first bounder, thence running across Lewes creek southwesterly home to the place of beginning.

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SEC. 10. *And be it enacted*, That the trustees of the town of Lewes are hereby authorized to contract with the commissioners of Lewes bridge and others, to whom any sum or sums of money are due as arrearages, and to pay and satisfy them respectively, and whenever such payment and satisfaction shall be made, the said trustees shall immediately thereafter be invested with all the power and privileges at present granted by law to the commissioners of Lewes bridge.

Trustees authorized to buy out the subscribers and commissioners of Lewes Bridge.

1 Vol. 530.  
540.  
2 Vol. 1011,  
1170. 1308.

SEC. 11. *And be it enacted*, That the trustees of the town of Lewes shall have the same powers to prevent and punish depredations on any works that may be made to prevent sand from drifting into Lewes creek, as are granted by this act in case of nuisances in any of the streets lanes or alleys of the said town: *Provided always*, that the said trustees of the town of Lewes shall not be compelled to support repair or amend the streets in the said town, now deemed public highways and supported by the county of Sussex, except only so far as they may consider it to be for the particular convenience and accommodation of the inhabitants of the said town.

Trustees may punish depredations on works made to prevent sand from drifting into Lewes creek. Trustees not bound to repair &c. streets in the town which are public highways &c. except &c.

Trustees shall  
receive no  
compensation  
&c.

Remedy for  
persons ag-  
grieved &c.

SEC. 12. *And be it enacted,* That the said trustees of the town of Lewes shall not take or receive any compensation for their services under this act under any pretence whatsoever. And any person or persons, conceiving him her or themselves aggrieved by any thing unlawfully done, by any of the persons or officers herein invested with powers, in the execution of this act, such person or persons, so aggrieved, shall have the same remedy as is given by law in similar cases against the public officers of the State or counties respectively.

PASSED AT DOVER. }  
February 2nd, 1818. }

## CHAPTER CLXXVI.

AN ACT to incorporate trustees for a school or schools in the town of Lewes in the county of Sussex.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Peter White, Daniel Rodney, Robert West, Charles M. Cullen, George Parker, William Wolfe, John White, William Harris, and William Russel, be and they are hereby appointed trustees of a school or schools in the town of Lewes, and are hereby declared to be one body politic and corporate in law and to have perpetual succession.

SEC. 2. *And be it enacted,* That to continue the succession of the trustees of the said school or schools, every person resident within the following limits and boundaries, to wit, beginning at the mouth of Canary creek thence up the same to the place where the road leading from Lewes to Quaker town crosses the branch at the head of said creek, thence in a straight line to the head of Pothooks creek, thence down the same to Lewes creek to the mouth of Canary creek aforesaid, and who are

qualified to vote at the general and State elections, to assemble on the first Monday in January annually, under the superintendence of the remaining trustee or trustees, at such place as they shall appoint, and then and there elect, by ballot, nine trustees of the same qualifications as the electors aforesaid, to be trustees of the said school or schools for one year and until others are duly elected to supply their places respectively; and in case of the death resignation or other legal disability of any of the trustees of the said school or schools, the vacancy thereby occasioned shall be supplied by a majority of the remaining trustees until the next annual election.

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and vacancies  
filled.

SEC. 3. *And be it enacted,* That the said trustees, and their successors in office, by the name aforesaid, shall be capable in law to purchase receive and hold any lands tenements rents goods or chattels, which shall be given conveyed or devised to them for the use of the said school or schools, and sell rent or dispose of the same in such manner as to them shall seem most beneficial for the said school or schools.

Trustees may  
take and hold  
lands &c.

and dispose of  
the same;

SEC. 4. *And be it enacted,* That the said trustees, or a majority of them, shall have power, and they are hereby authorized, to make alter repeal and re-enact all laws regulations and ordinances which they may deem necessary for the better government of the said school or schools: provided that the said laws regulations and ordinances are not repugnant to the constitution and laws of this State or of the United States.

make by laws  
&c.

SEC. 5. *And be it enacted,* That the said trustees may and shall appoint such professors tutors or such other officers or persons, as they may deem requisite for the said school or schools, under such rules and stipulations, and for such pecuniary compensation as they may deem adequate and proper.

appoint tutors  
&c.

SEC. 6. *And be it enacted,* That the said trustees of a school or schools in the town of Lewes shall have the disposition of any fund gift grant do-

may dispose  
towards the  
support of a  
school &c. a

ny grant here-  
tofore made  
&c.

nation or devise, heretofore given granted or devised for the use and behoof of the inhabitants of the town of Lewes and their successors, for and towards the support of a school or schools to be kept within the said town, and to be applied by them according to the original intention of any such gift grant or devise.

Said corpora-  
tion may sue  
and be sued  
&c.

SEC. 7. *And be it enacted*, That the said corporation shall and may be able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of law or equity or any other place whatsoever. And to do and execute all matters and things which bodies politic and corporate may lawfully do.

have a com-  
mon seal &c.

SEC. 8. *And be it enacted*, That the said corporation shall have full power and authority to have and use a common seal, and to change the same and to establish another or others with such devices as they shall think proper, and that all acts certified under such seal, shall have full faith and credit.

Trustees to  
receive no  
compensation  
&c.

SEC. 9. *And be it enacted*, That the trustees aforesaid, or their successors in office, shall not, on any pretence whatsoever, take or receive any compensation for their services rendered in the discharge of any duty or duties performed by them under this act.

PASSED AT DOVER }  
2nd February 1818. }

## CHAPTER CLXXVII.

AN ACT granting to Thomas Clayton and Jacob Stout a certain tract of marsh therein described.

PASSED AT DOVER }  
2 February 1818. }

PRIVATE ACT.

## CHAPTER CLXXVIII.

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A SUPPLEMENT to an act entitled "*An act to incorporate a company for making a turnpike road from the Borough of Wilmington, to the line between this State and Pennsylvania at or near the house occupied by Charles Twaddle.*"

WHEREAS the Legislature of this State, in the year one thousand eight hundred and eleven, passed an act to incorporate a company for making a turnpike road from the Borough of Wilmington to the line between this State and Pennsylvania at or near the house of Charles Twaddle; and whereas the said company has, some time since, laid out and made a turnpike in conformity to the said act, under an impression that the said road would be extended from the house of the said Charles Twaddle at the State line through the State of Pennsylvania to the point of junction of the Harrisburg with the Philadelphia and Lancaster turnpike road near Downingstown in the said State, but from some cause the said contemplated turnpike road, through the State of Pennsylvania as aforesaid, has not been laid out and constructed; and whereas the citizens of Pennsylvania have proposed and agreed to go on to make the said turnpike road, provided the president managers and company of the said Wilmington and Kennet turnpike road will unite with them so as to make the stock of the two roads as aforesaid one common stock.

SEC. 1. *Be it therefore enacted, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and may be lawful for the Wilmington and Kennet turnpike company, as soon as the road, contemplated by the Kennet and Downingtown turnpike company, shall be made and completed from the house of Charles Twaddle in the Pennsylvania line afore-*

The Wil-  
mington and  
Kennet turn-  
pike company  
and the Ken-  
net and  
Downing's  
town turnpike  
company au-  
thorized to u-  
nite the stocks  
of the two  
companies,



as soon as the said to the junction of the Harrisburg with the road contemplated by the Philadelphia and Lancaster turnpike at or near the latter company's Downingstown in the State aforesaid from one end to the other thereof and the same be viewed examined and approved by persons who shall be appointed for that purpose by the Governour of Pennsylvania and all debts against the same shall be paid and discharged, to unite the stocks of the two companies aforesaid: *Provided*, that at all elections hereafter to be held, the said Wilmington and Kennet turnpike company shall be entitled to an equal representation in the board of managers, which shall be taken and elected from persons that are or may be stockholders residing in the State of Delaware.

and the whole of the present stockholders assent to the union of stocks &c. in six months  
**SEC. 2.** *Provided nevertheless and be it enacted,* That the whole of the present stockholders, now holding stock, shall signify their assent to the above union of stock, upon the books of the said company, in six months after the passing of this act.

PASSED AT DOVER }  
 2 February 1818. }

## CHAPTER CLXXIX.

2 Vol. 1041. **AN ACT** for the more easy and speedy recovery of small debts.

Debts &c. not exceeding fifty dollars &c. made cognizable before a justice of the peace: see § 10.  
 1 Vol. 188.  
 4 Vol. 310.  
**SEC. 1.** *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That all actions for debts or other demands, for the value of forty shillings and upwards, and not exceeding fifty dollars, except such actions as are herein after excepted, shall, immediately after the publication of this act, be and are hereby made cognizable before any justice of the peace of any of the counties within this State, in the county in which the defendant shall be or reside, and the said justices are hereby respectively required and empowered, upon complaint to any of

them made for any such debt or demand, to issue a warrant in the nature of a summons or *capias*, as the case may require, directed to any constable of the county, where the defendant dwells or can be found, commanding him to bring or cause such defendant to appear before him, or some other justice of the same county, at the time and in the manner following, that is to say, in cases where such process shall be in the nature of a *capias*, forthwith after the service thereof, but where a summons shall be issued, then on some certain day therein to be expressed not less than eight nor exceeding fifteen days from the date of such process. And at the time appointed for the hearing of any such cause, the said justices may proceed to hear and determine the matter in controversy, unless either plaintiff or defendant objects against being tried by such justice; then and in such case the said justice is hereby directed to appoint, by a summons in writing under his hand and seal, three freeholders, indifferent and lawful men of the neighbourhood, to appear before him at such time and place as he shall appoint, and on their appearance the said justice, or some other justice of the peace of the said county, is hereby empowered and required to administer an oath or affirmation to them that they will faithfully and impartially audit the accounts of both parties and a true report thereof make according to their evidence, and then the said freeholders are to proceed, by his order, to hear and examine the allegations and proofs of the plaintiffs and defendants and to determine the matters in difference in manner of arbitrators or referees; and upon return of such auditors or any two of them, the said justice to give his judgment thereupon accordingly.

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and proceed to hear and determine the matters in controversy unless either party objects to be tried by him, in which case he shall appoint freeholders &c.

who, being sworn or affirmed &c.

shall determine the matters in difference &c.

see § 31. and on their return &c. the justice shall give his judgment.

SEC. 2. *Provided always and be it enacted*, But the said freeholders shall not try any action against an executor or administrators where want of assets shall be alleged by such executor or administrators; but that

but such ac- all such actions, for sums of fifty dollars or under,  
 tions &c. shall may and shall be heard tried and determined be-  
 be determined fore any one justice of the peace of any of the  
 by a justice of the peace &c. counties of this State, any thing herein contained  
 to the contrary notwithstanding.

In which ca- SEC. 3. *Provided also and be it enacted, That*  
 ses, plaintiff if any suit or suits for any debts or demands, made  
 may recover cognizable by this act, it shall appear, by the return  
 debt but no costs, unless of the freeholders, where such are appointed as a-  
 &c. foresaid, or otherwise, to the justice before whom  
 the same is brought to trial, that the sum due to the  
 plaintiff or plaintiffs does not amount to forty shil-  
 lings, that then and in such case the plaintiff or  
 plaintiffs shall recover the debt but no costs in such  
 suit, unless he she or they have made oath or affir-  
 mation, before or at the commenceing the same, that  
 he she or they did truly believe the debt due or  
 damages sustained amounted to forty shillings or  
 more, or otherwise prove, by one credible witness,  
 that he she or they, before such suit brought, did  
 request the defendant or defendants to settle and ad-  
 just the accounts and that he she or they refused or  
 neglected to do the same.

Defendant having de- SEC. 4. *And be it enacted, That if the defen-*  
 mand against plaintiff must by this act, hath any bond bill note account or other  
 plead it as a demand due to him from the plaintiff or plaintiffs,  
 set-off, or he she or they shall plead the same, by way of a  
 shall be barred sett-off or discount, against the demand of the plaint-  
 &c. iffs, or on neglect or refusal shall forever after be  
 sec § 31. barred and foreclosed from recovering the same from  
 the said plaintiff, any law custom or usage to the  
 contrary notwithstanding.

If balance be SEC. 5. *And be it enacted, That if, by the re-*  
 found for de- turn of the said freeholders or otherwise, a balance  
 fendant &c. shall be found in favour of the defendant or de-  
 he shall have shall be found in favour of the defendant or de-  
 judgment and fendants, and the same does not exceed fifty dol-  
 execution lars, such defendant or defendants shall be entitled  
 therefor, with to judgment for his debt and costs, and execution  
 costs. shall issue in the same manner as where judgment  
 sec § 11. is given for the plaintiff or plaintiffs.

SEC. 6. *And be it enacted*, That if any arbitrator or referee, being legally summoned, shall neglect or refuse to appear and proceed to hear and determine the matters in controversy according to the directions of this act, every such person, so neglecting or refusing, shall forfeit and pay the sum of three dollars current lawful money of this State, unless he shews sufficient cause for such neglect or refusal to be allowed by such justice as aforesaid, to be levied, together with costs of suit, by warrant under the hand and seal of such justice, by distress and sale of the offender's goods and chattels, and applied to the use of the poor of the county where the offence arises: and the said justice is hereby empowered and required, by summons, to appoint another referee or arbitrator to serve for the purpose aforesaid.

Penalty on referees refusing &c. to serve under this act;  
how recovered,  
and applied.  
and justice to appoint another referee.

SEC. 7. *Provided always*, That the process against a freeholder shall be by summons only; and service shall be made thereof on the person, or a copy thereof left at the house of the defendant or defendants in presence of one or more of his her or their family or neighbours, at least four days before the time appointed for hearing; and in case the defendant or defendants do not appear at the time and place appointed, then, on oath or affirmation, made by the constable, that the said summons was duly served in manner aforesaid, the justice who granted the summons, or any other justice of the peace being at the place so appointed, may, either then, or on such further day as he shall deem consistent with reason and the nature of the case to order, and not otherwise, proceed to hear and determine such cause or causes in the defendant's or defendants' absence, and give judgment, and award execution thereupon, as if the defendant or defendants were personally present.

Process against freeholders to be by summons; how served.  
In case of non-appearance, justice may give judgment &c. on proof of service of the summons.

SEC. 8. *And be it enacted*, That after judgment given in any of the cases aforesaid, the justice who pronounced the same, or some other justice of the said county, with whom the record of such judgment is filed, shall cause a copy of the same to be made, and the same to be filed in the office of the clerk of the said county, and the same to be preserved in the said office, and the same to be produced to the court of the said county, at the next term of the said court, to be examined and approved by the said court.

Process of execution, by whom to be granted;

ment or a certified transcript shall be lodged, shall to whom to grant execution thereupon, directed to the sheriff or be directed; any constable, at the election of the plaintiff or sec § 20. plaintiffs, commanding him to levy the debt or damages and costs of the defendant's goods and chattels: who, by virtue thereof, after having first caused the same to be appraised, and publickly advertised at least ten days, shall expose the same to sale, by public vendue, returning the overplus, if any be, to the defendant or defendants; and for want of such effects, to take the body or bodies of such defendant or defendants into custody, and him her or them to carry or convey to the common gaol of the county; and the sheriff or keeper of such gaol, is hereby required to receive such person or persons, so taken in execution, and him her or them safely to keep, until the sum recovered, with costs, be fully paid; and in default of such safe keeping, to be liable to answer the damages to the party aggrieved in such manner as by law is provided in case of escapes: but in case no effects belonging to the defendant or defendants, sufficient to pay the debt and costs, can be found, it shall and may be lawful for the plaintiff or plaintiffs to apply to the justice, who pronounced judgment, for a transcript thereof, and on filing the same in the prothonotary's office of the court of common pleas in the county in which the recovery shall be had, it shall and may be lawful for the plaintiff or plaintiffs to levy the sum recovered, with costs of suit, on the lands and tenements of the defendant or defendants, either by fieri facias, attachment, venditioni exponas, or extent, as the case may require, in like manner as by law is provided in other cases.

how it may be levied on lands. sec § 24.

1 vol. 109; 2  
vol. 1294; 3  
vol 33, 236;  
4 vol. 83.

Execution,  
when to issue  
—against a  
freeholder;

SEC. 9: *Provided always,* That no such execution shall be issued out against any freeholder in less than the space of six months next after the entry of such judgment, unless the plaintiff or plaintiffs or some person for him her or them shall, on oath or affirmation, declare that he she or they hath or have good reason to believe that the debt will, by such delay, be lost, for that at the end of the said term

or before he she or they believe or believes that the defendant or defendants will not have sufficient effects in the county, on which the said debt with lawful interest and costs may be levied. And if any judgment, to be given as aforesaid, shall be against a person not a freeholder, such person shall have the execution against him or her respited or superseded for the term of nine months, on his or her immediately entering into a recognizance, before the said justice, to the plaintiff or plaintiffs, with one sufficient surety, conditioned for the payment and satisfaction of the sum recovered by the said plaintiff or plaintiffs at the expiration of the said term with lawful interest; and if the said debt interest and costs are not paid and discharged to the said plaintiff or plaintiffs, at or before the said day, it shall and may be lawful for such justice, and he is hereby required, on application made by the said plaintiff or plaintiffs in the suit his her or their executors or administrators, to issue execution against the said defendant or defendants and his her or their surety, for the sum recovered and the costs accruing thereon, thereby directing the sheriff or constable, as the case may be, to levy the same of the goods and chattels of the principal debtor or debtors, or in the hands of his her or their executors or administrators, and for want of such, of the goods and chattels of the said surety, or in the hands of his executors or administrators, in manner and form aforesaid.

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against a per-  
son not a free-  
holder,and his sure-  
ty,liability of the  
surety,

SEC. 10. *And be it enacted,* That all specialties, where real debt and interest thereon shall not in the whole exceed fifty dollars, and all contracts, made for country produce or manufacture or other articles of merchandize, where the value of the articles specified in such contract, at the current price thereof at the time the same became due, doth not exceed the sum of fifty dollars, are hereby declared to be made cognizable before justices of the peace, in the same manner as other debts of fifty dollars or under.

Wha speci-  
alties and con-  
tracts shall be  
cognizable be-  
fore justices  
of the peace,  
See § 1.

When defend-  
dant shall  
have costs.  
See § 5.

**SEC. 11. *Provided also,*** That when the plain-  
tiff or plaintiffs in any cause shall become non-suit,  
or judgment shall pass against him her or them,  
then the justice is hereby required to assess the de-  
fendant or defend nts his her or their reasonable  
costs to be levied in manner aforesaid.

Appeal al-  
lowed;

In what cases;

within what  
time to be ta-  
ken;  
to what court.

**SEC. 12. *Provided also,*** That if any person or  
persons shall conceive him her or themselves ag-  
grieved by any such judgment so to be given, (ca-  
ses determined on the return of auditors or referees  
aforesaid, where the debt and damages shall not  
exceed the sum of fifteen dollars, only excepted)  
it shall and may be lawful for such person or per-  
sons, at any time within the space of fifteen days  
next following the giving of such judgment but not  
after, to appeal therefrom to the next court of com-  
mon pleas to be holden for the county in which  
such suit shall be commenced, he she or they first  
entering into a recognizance, with at least one suf-  
ficient surety, in double the value of the debt and  
damages sued for and sufficient to answer all costs,  
to prosecute the said appeal with effect and to abide  
the order of the said court.

Justices to  
keep dockets  
of suits;  
see § 26.  
what they  
shall contain;

on appeal,  
transcript  
therefrom to  
be sent to the  
prothonotary  
&c  
within what  
time.

**SEC. 13. *And be it enacted,*** That the justices  
shall cause fair entries to be made, in books by  
them to be provided for that purpose, of the names  
of the plaintiffs and defendants in all such cases as  
may come before them, with the cause of action,  
and the debt and cost adjudged, and the time when  
the said judgment was given; and upon any ap-  
peal made from such judgment, the justice who  
pronounced the same shall send a transcript thereof  
to the prothonotary of the court of common pleas of  
the county in which such appeal is made, on or be-  
fore the first day of the term next following any  
such appeal.

Proceedings  
on appeal, in  
the common  
pleas:  
entry of the  
suit,

**SEC. 14. *And be it enacted,*** That at the court to  
which any such appeal shall be made, the person  
or persons so appealing shall cause an entry of his  
her or their suit to be made by the prothonotary of  
such court, and shall either have his her or their

appearance entered or give bail to the action as the nature of the case may require, or on neglect thereof, on application of the appellee to the court for that end, the appellant's default shall be recorded, the first judgment affirmed with reasonable costs, against the defendant's or defendants' body or bodies lands or tenements goods or chattels, as is usual in other cases. And in case the defendant or defendants shall appeal or give bail as aforesaid, the plaintiff or plaintiffs defendant or defendants in the appeal, as the case may require, shall file his her or their declaration, and the adverse party plead to issue, in such time as shall be directed by the court; so always the cause be tried by a jury of the country in the usual manner, either at the court to which such appeal is made, or the next term at farthest, unless the court, on cause to them shewn, shall think fit to give the parties a further day: and as the verdict shall be rendered in any of the said causes, the court shall give judgment thereupon, as the nature of the case may require, with costs of suit.

SEC. 15. *Provided always*, That if the parties, appellant and appellee, shall neglect or refuse to file his or her declaration, or to plead to issue, in such time as shall be directed by the court, a non-suit, or judgment by default, for want of narr. plea, may be entered for want thereof as usual.

SEC. 16. *Provided also*, That the costs to be taxed, in any such suit, to the several officers and others concerned, for the services by them respectively to be done, shall be the same as the costs now usually taken in the said court of common pleas.

SEC. 17. *Provided also*, That it shall and may be lawful for the justices in their respective courts of common pleas to give such relief to any insolvent debtor or debtors, prosecuted in pursuance of this act, as they might have done by the laws now in force, in case this act had not been made.

of appearance  
and bail.

on appellant's  
default, first  
judgment af-  
firmed &c.

filing of the  
declaration,

plea;

trial, how and  
when:

judgment on  
verdict

Non-suit or  
judgment by  
default, for  
want of narr.  
plea.

Costs on ap-  
peal.

Common  
pleas may re-  
lieve insolvent  
debtors prose-  
cuted under  
this act &c.  
1 vol. 196 282  
444. 4 vol.  
215.



Persons suing  
in any other  
manner than  
is directed by  
this act, &c.  
shall recover  
no costs un-  
less &c.  
1 vol. 163,

SEC. 18. *And be it enacted,* That if any person or persons whatsoever shall commence, sue or prosecute any suit or suits, for any debt or demands made cognizable as aforesaid, in any other manner than is directed by this act, and shall obtain a verdict or judgment therein for debt or damages, which, without costs of suit, shall not amount to more than fifty dollars, not having caused an oath or affirmation to be made, before the obtaining of the writ of summons or capias, and filed in the prothonotary's office respectively, that he she or they so making oath or affirmation did truly believe the debt due or damages sustained exceeded the sum of fifty dollars, he she or they, so prosecuting, shall not recover any costs in such suit, any law custom or usage to the contrary notwithstanding.

Constables to  
give bond  
with surety  
1 vol. 476, 2  
vol. 934 999,  
4 vol. 472.  
within what  
time after  
their their ap-  
pointment.  
penalty of the  
bond:  
if constable  
neglect to give  
bond &c. jus-  
tices of the  
quarter sessi-  
ons or one of  
them may ap-  
point another  
person, &c.

SEC. 19. *And be it enacted,* That the constables of the respective hundreds in the several counties of this State, hereafter to be appointed, shall, within twenty days after the time of their appointment, give bond, in the name of the State of Delaware, in the sum of two thousand dollars, with such surety as any one justice of the court of common pleas or any two justices of the peace of the county shall approve of, conditioned for the faithful performance of their duty; and if any constable or constables, hereafter to be appointed, shall neglect or refuse to give bond and security as aforesaid, the justices of the county, where such neglect or refusal shall happen, or any one of them, may appoint some other fit person or persons to serve in his or their stead, who shall give bond and security as aforesaid; which said bonds shall be transmitted to and filed in the office of the clerk of the peace of the several counties respectively.

Executions  
may be direc-  
ted to sheriff  
or constable.  
Sec § 8.

SEC. 20. *And be it enacted,* That all executions in the nature of a writ of capias ad satisfaciendum, fieri facias, or otherwise, hereafter to be issued by any justice of the peace, for the recovery of any debt above the sum of forty shillings, shall be directed to the sheriff of the county in which such justice of the peace resides, or to any constable of

The same county, at the election of the plaintiff or plaintiffs in such suit; and such sheriff or constable is hereby required to perform and execute the same.

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SEC. 21. *And be it enacted,* That every execution, issued by a justice of the peace in either of the counties of this State, shall, according to the tenor thereof, be returnable to the justice issuing the same on some certain day of the week and month in the body thereof to be set forth at length; and the return day shall not be more than six months nor less than fifteen days from the issuing of such execution; and the said sheriff or constable, in whose hands the said execution was put, shall return, to the justice from whom the same issued, there to be lodged of record, an inventory with an appraisement duly made, and a state of such prior executions as are in his hands.

Executions to be returnable &c.  
5 vol. 101.

return day thereof;

inventory &c. and state of prior executions to be returned.

SEC. 22. *And be it enacted,* That every sheriff or constable within this State, to whom an execution issued by a justice of the peace shall be delivered, shall return the same when and where the same, according to the tenor thereof, shall be returnable, with a certificate thereon under his hand of all his proceedings by virtue thereof and of his costs and charges by the several items thereof; and if such execution shall not have been levied on goods and chattels, the sheriff or constable shall, in such certificate, so certify, and set forth the reasons why the same shall not have been so levied; and if such execution shall have been so levied on goods and chattels, which shall have been sold before the return thereof, the sheriff or constable shall in such certificate so certify and set forth the amount of such sales; and if such goods and chattels so levied upon shall not have been sold before the return of the execution, the sheriff or constable in such certificate shall set forth the amount of the value of such goods and chattels levied upon, and shall annex to the execution an inventory or appraisement of the said goods and chattels; and if the goods and chattels so levied upon shall not have been sold

Certificate of return, what it shall contain & set forth—

in case execution be not levied on goods &c.

in case it be levied on goods sold before return &c.

in case it be levied on goods not sold before return &c.

venditioni exponas, when to issue;

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to be return-  
able &c.

with certifi-  
cate of pro-  
ceedings  
thereon &c.  
issuing there-  
of not to ex-  
empt consta-  
ble from any  
liability &c.

at the time of the return of the execution, then the justice may and he is hereby authorized and required, at the request of the plaintiff or plaintiffs, to issue one other execution in the nature of a venditioni exponas commanding the sheriff or any constable to make sale of said goods and chattels according to law; which said execution shall, according to the tenor thereof, be returnable as is provided in the twenty-first section of this act; and the sheriff or constable, to whom the same shall be delivered, shall return the same, when and where the same shall be returnable, with a certificate of his proceedings thereon, and the items of his costs, under his hand: *Provided nevertheless*, that the issuing of an execution, for the sale of any goods and chattels, shall not exempt any sheriff or constable from any liability or responsibility which he may have incurred, in consequence of any defect of return, or of his certificate, of or upon the original execution, or of any inventory and appraisement annexed thereto.

Penalty on  
constables &c.  
who shall not  
make returns  
&c. and in all  
things comply  
with the  
provisions of  
this act &c.

SEC. 23. *And be it enacted*; That if any sheriff or constable, to whom an execution shall issue or be delivered, shall not return the same when and where the same shall be returnable, or shall not thereon certify his proceedings and costs according to the provisions of this act, or shall not annex thereto an inventory and appraisement in cases in which the same ought to be thereto annexed, or shall not in all things comply with the provisions of this act, he shall be liable for the debt or damages and costs in such execution, in the same manner as if he had returned the said execution and thereon certified that he had levied and received the full amount of the debt or damages interest and costs therein.

Certified copy  
of execution  
sufficient war-  
rant for de-  
tention of the  
defendant in  
jail.

See sec. 8.

SEC. 24. *And be it enacted*, That if the sheriff or any constable shall, by virtue of an execution arising under this act, commit the defendant or defendants therein to the common jail, he shall leave with the jailer a certified copy of such execution, which copy shall be deemed a sufficient warrant for

the detention of the said defendant or defendants in jail, as the original would have been.

SEC. 25. *And be it further enacted,* That if the sheriff or any constable under this act shall not pay, to the creditor or creditors in any execution, any sum or sums of money which he may have levied or received in or towards satisfaction of the debt or damages in such execution and the interest thereof, upon demand thereof by such creditor or creditors or his or her agent or attorney lawfully authorized to receive the same, such sheriff or constable shall be liable to pay to such creditor or creditors, together with the sum or sums so by him received or levied, at the rate of twenty per centum per annum upon such sum or sums to be computed from and after such demand: and the amount of such sum or sums, together with such rate per centum thereon, shall be recoverable in the same manner as the original amount was recoverable.

Penalty on constable &c. for not paying over money received under this act

how recovers

SEC. 26. *And be it further enacted,* That all justices of the peace in and for either of the counties in this State shall keep a docket of every execution by them issued, and therein shall set down the names of the parties, the debt or damages, and costs, in such execution, the time for which interest is computed, the name of the sheriff or constable to whom such execution shall be delivered, and the return day thereof, and the certificate of the sheriff or constable of his proceedings thereon, and the time of the actual return; and shall moreover file all executions to him returned, and shall indorse thereon the day when the same shall be returned; which docket shall be a public record.

Justices, to keep execution dockets, see § 13. What they shall contain? to file all executions returned &c. dockets to be public records.

SEC. 27. *And be it enacted,* That all persons, parties to or interested or concerned in any suit or civil proceeding before any justice of the peace, have and shall have right to have transcripts or copies or exemplifications of any such records and proceedings; and if any justice of the peace shall, after the passing of this act, when thereto required

Parties in any suit &c. entitled to copies of the records &c. 4 v. 48, penalty on justices refusing them,

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by any plaintiff or defendant in any suit cause or action which hath been or hereafter shall be commenced brought or tried before him or which came before him or in which judgment was pronounced by him or when thereto required by the executors or administrators of such plaintiff or defendant; refuse to make and deliver to such plaintiff or defendant his her or their executors or administrators a true and fair transcript copy or exemplification, certified under his hand and seal, of the record and proceedings of any such suit cause or action, such justice of the peace shall forfeit and pay to the State the sum of sixty dollars for every such offence, to be recovered by indictment in the court of general quarter sessions of the peace and jail delivery of of the county where the offence is committed, and every such justice of the peace shall also forfeit and pay to such person or persons, to whom he shall so refuse to make and deliver such transcript copy or exemplification certified as aforesaid, the sum of sixty dollars to be recovered with costs of suit in any court of record in this State:

**SEC. 28.** *And be it enacted,* That it shall and may be lawful for any person or persons, in security for the payment of any debt contract claim or demand not exceeding the sum of fifty dollars aforesaid, to take and receive, from his her or their debtor or debtors, a bond with a warrant of attorney to enter judgment thereon before any justice of the peace within this State; upon which, execution may issue upon which in the same manner, and under the same restrictions, as it does upon a judgment obtained without a warrant of attorney: *Provided however,* it shall not extend to authorize and empower any person or persons to alter or amend any bond bill note or other writing, so as to make it cognizable before any justice of the peace when entered upon his docket.

3 v. 289.

Justices of  
peace may  
grant war-  
rants of at-  
tachment &c.

**SEC. 29.** *And be it enacted,* That it shall and may be lawful for justices of the peace to grant warrants of attachment for debts and other demands not exceeding fifty dollars, in the same manner and under the same restrictions as is directed in the "act

for determining debts under forty shillings;" and the <sup>1 V. 182.</sup> said justices of the peace shall have power and authority to issue attachments of fieri facias in like <sup>and fi. fa. at-</sup> manner as other executions are issued. <sup>achment ex-</sup> <sup>ecutions, &c.</sup>

SEC. 30. *And be it enacted,* That this act, nor <sup>Actions ex-</sup> any thing herein contained, shall be deemed con- <sup>cepted out of</sup> strued or understood to extend to actions of deti- <sup>the provisions</sup> nue, debts upon bonds for performance of covenants, <sup>of this act,</sup> to actions of covenant, to actions of replevin, or upon any real contract; nor to actions of trespass on the case for trover and conversion, or slander; nor to actions of trespass for assault and battery, or imprisonment, or any action arising or founded on a tort; except what may arise under the act entitled "A supplement to the act entitled an act <sup>Act of 24 Jan.</sup> for the more easy and speedy recovery of small <sup>1810, v. 4, p.</sup> debts" passed in the year eighteen hundred and <sup>310, declared</sup> ten, which is hereby declared to be in full force and <sup>in full force.</sup> effect.

SEC. 31. *And be it enacted,* That if any person <sup>In what cases</sup> or persons, sued for any debt or other demand <sup>defendants</sup> made cognizable by this act, shall, at the time of <sup>shall be allow-</sup> his appearance before any justice of the peace of <sup>ed further</sup> this State, allege that he hath a set-off or discount <sup>time to pre-</sup> to plead in the said action, but is not then prepared <sup>pare for trial</sup> to prove the same, and shall enter into recognizance, <sup>see § 4.</sup> if not a freeholder in the county where such suit is brought, to the plaintiff, with one sufficient surety in the nature of special bail, to appear before the said justice at such time and place as he shall afterwards appoint, then and in such case the said justice may and shall grant the said defendant or defendants a reasonable time for the purposes aforesaid.

SEC. 32. *And be it enacted,* That the fees to the <sup>Fees allowed</sup> justices of the peace, sheriffs, constables, referees, <sup>to officers and</sup> and others, under this act, shall be as hereinafter <sup>others under</sup> are ascertained limited and appointed; that is to <sup>this act, viz:</sup> say, to the justices of the peace,—for writing sign- <sup>Justices of the</sup> ing and sealing every warrant for debt damages at- <sup>peace:</sup> tachment arrest or summons thirteen cents; sum- <sup>2 v. p. 1042,</sup> <sup>1102.</sup>

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moning auditors or referees twenty cents; administering and certifying at large an oath or affirmation in proving specialties notes or accounts against deceased persons, if drawn by the justice seven cents, otherwise without fee or reward; taking the acknowledgment of an indenture of apprenticeship or servanthip signing the same and making a record thereof one dollar; writing the assignment of a servant signing the same and making a record thereof twenty cents; taking a deposition or affidavit drawn in form twenty cents; writing and signing a summons for witnesses in all complaints seven cents for one witness, and not exceeding thirteen cents for two or more; entering judgment ten cents; execution thereon thirteen cents; drawing a record in any case before them removed by certiorari and returning the same thirty three cents; making out a transcript or copy of their proceedings upon an appeal twenty cents; taking the acknowledgment of every deed and all services thereon one dollar; taking an acknowledgment of every manumission and certifying the same twenty cents:—To a constable for serving a warrant or summons in cases arising under this act, for every warrant or summons including mileage and all services, except summoning of witnesses, until judgment is obtained thirty three cents; for summoning witnesses or auditors for the trial of any matter before a justice of the peace ten cents and mileage; for summoning every witness ten cents and mileage; for conveying any person to jail under a commitment twenty cents and mileage: in all executions, arising under this act, not exceeding fifteen dollars,—for taking goods in execution twenty cents; summoning and qualifying appraisers, including mileage and other services therein, twenty cents; advertising and selling twenty cents; and for all debts and damages above fifteen dollars double the above fees; and no fees shall be paid by the debtor for the above services but when the services are performed:—To witnesses for each and every day's attendance before a justice of the peace or before referees twenty cents and mileage:—To referees, for every day's attendance each referee shall have forty cents.

V. 2, 1047.

V. 4, 667.

Constables;

v. 2, 1121

for the constables mileage see v. 1, ch. 205, a § 10, p. 479, where it is fixed at one penny a mile &c.  
V. 2, 1183.

Witnesses:

v. 2, 1121,

1295.

V. 4, 592.

Referees:

v. 2, 1042.

SEC. 33. *And be it enacted*, That if any of the aforesaid officers shall demand take or receive, or his executor or administrator shall demand take or receive, any greater or more fees, than are hereinbefore limited and appointed, for doing or performing of the services duties or things before enumerated or mentioned; or shall in any wise neglect or refuse to do and perform all the duties services and things mentioned in this act or in the thirty-fifth section of the act entitled an "Act for the regulating and establishing fees" passed June 5. 1793, he or they shall be liable to all the pains penalties and forfeitures of the said last mentioned section. Penalty for extortion &c v. 2. 1122.

SEC. 34. *And be it enacted*, That it shall be the duty, and it is hereby enjoined upon and required, of every justice of the peace in this State, to have, and keep constantly pasted or hung up in his office, a printed list of all fees that he or any constable may be entitled to under the provisions of this act, which shall be for the inspection of all and every person having business or interest in any suit before the said justice: *Provided nevertheless*, that no constable shall have demand or receive any fee or fees under this act until the said justice shall have taxed the same. Printed list of justices and constables fees to be kept in justice's office for inspection of all persons, &c. constables' fees to be taxed by justice before they are demanded.

SEC. 35. *And be it enacted*, That the act entitled "An act for the more easy and speedy recovery of small debts" passed February 4. 1792, and the act entitled "An act concerning executions sued by justices of the peace in and for the counties of Newcastle and Kent" passed February 9. 1815, be and the same is hereby repealed made null and void: and all and every act, or supplementary act, that is inconsistent with the provisions of this act, or that is hereby altered amended or supplied, be and the same is hereby repealed. Repeal of former acts: v. 2, ch. 250, b, p. 1041. v. 5, ch. 54. p. 101. v. 2, 1102, 1121, 1183. v. 3, 289. v. 4, 48, 472, 667.

PASSED AT DOVER, }  
February 3, 1818. }



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## CHAPTER CLXXX.

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A FURTHER ADDITIONAL SUPPLEMENT to an act entitled "*An act for the better regulation of roads in Kent county.*"V. 2, ch. 99,  
c. p. 1263.

Commission-  
ers appointed  
to review the  
road from  
Holliday's  
landing to Jim  
Town,

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Henry M. Ridgely, Jacob Stout, and John Moody be and they are hereby appointed commissioners; who or a majority of whom, are hereby authorized and empowered to go upon view and examine the road commencing at the public wharf at or near Holliday's landing thence passing through Smyrna to Jim town; and may, if they deem it proper, make any alteration or correction in the said road, as laid out by the commissioners appointed by the act entitled "An additional supplementary act to an act entitled an act for the better regulation of the roads in Kent county," in such manner as they may judge most advantageous to the public, and with as little inconvenience and injury to the owners of adjoining property as the public convenience will admit, without favour or partiality to any person or persons whomsoever; and to employ such surveyor workmen and labourers in surveying plotting and laying out the said road as they shall think necessary.

with power  
to alter or cor-  
rect the same,

v. 5, 205

their powers  
limited,

SEC. 2. *Provided nevertheless and be it further enacted,* That should the commissioners aforesaid deem it necessary to make any alteration or correction in the aforesaid road, they shall first cause the lines of the lands or lots fronting on the said road on both sides thereof on all such parts where houses may be built to be run and ascertained by actual survey; and if the width of forty feet is found between such lines when so run, then they shall run the centre of the road deemed necessary to be altered or corrected in the centre or middle of the ground not taken in by the said lines opposite each other; but if width sufficient is not found for a road, after

running the lines as aforesaid, then and in such case the commissioners aforesaid shall, in order to continue a road of forty feet in width, take an equal quantity of land off from both sides taking distance from the centre of such ground not taken in by the lines aforesaid when so run.

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SEC. 3. *And be it further enacted,* That the said road shall be of the width of forty feet; and if the said commissioners or a majority of them shall think fit to make any alterations or corrections in the said road, returned as aforesaid by the commissioners appointed by the before recited act, they shall make return thereof into the office of the clerk of the peace for Kent county with a fair map or plot of the same to be entered of record in the said office; which return shall be made within one year after the passing of this act.

Width of road—  
in what case  
the commis-  
sioners shall  
make return,  
&c.  
to whom.  
and within  
what time.

SEC. 4. *And be it further enacted,* That the said commissioners and surveyor, before they go upon the said road to view and examine the same, shall be severally sworn or affirmed, before some judge or justice of the peace, faithfully and impartially to discharge the duties assigned them by this act to the best of their skill and judgment.

Commission-  
ers and sur-  
veyor to be  
sworn, &c.

SEC. 5. *And be it further enacted,* That nothing contained in this act shall prevent the overseers of the aforesaid road from going on and making the necessary repairs thereon; but that they shall not cut down any tree or trees, or break up any pavement or pavements, or make any alteration in the aforesaid road as to width, until the commissioners aforesaid have made their determination.

This act not  
to prevent  
overseers of  
said road  
from repair-  
ing it, &c.  
but they shall  
not cut down  
trees, &c. un-  
til, &c.

PASSED AT DOVER }  
3 February 1818. }

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## CHAPTER CLXXXI.

1818.

AN ACT to authorize the cutting of a canal from Back-bay or Muddy creek, in the county of Sussex, to the Delaware Bay at a place called the Mud banks.

Preamble.

WHEREAS it has been represented to this General Assembly, that the cutting of a navigable canal from Back-bay or Muddy creek, in the county of Sussex, to the Mud banks on the Delaware bay about one quarter of a mile below Plumb point, would be of great public utility, and more especially of advantage to the good people residing in that neighbourhood: And whereas it hath been represented to this General Assembly, that the persons, more immediately interested in the cutting of the said canal, are willing to make ample contributions for that purpose:—

Commissioners appointed with power to

view and examine,

and lay out the canal;

and assess damages, &amp;c.

their proceedings to be certified, &amp;c. and recorded, &amp;c.

SEC. 1. *Be it therefore enacted, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Joseph Haslet, Samuel Paynter, Henry Hudson, Peter F. Wright, and Isaac Clows, be and they are hereby appointed commissioners; who or a majority of whom shall have full power and authority to view and examine whether the said canal be convenient and necessary; and upon viewing the premises if the said commissioners or a majority of them shall think such canal convenient and necessary, then they are hereby ordered to lay out the same; and the said commissioners or a majority of them are hereby authorized and required to examine and view the lands or marsh through which the said canal may pass, and ascertain what damages, if any, shall be paid to the owner or owners of the said land or marsh: and the said commissioners or a majority of them shall certify their proceedings in the premises in writing; which shall be recorded in the office for recording of deeds at Gerogetown in Sussex county aforesaid.*

SEC. 2. *And be it further enacted, That* Be-managers ap-  
 vans Morris, John Smith, Samuel Cade, David pointed to cut  
 Wilson, and Milby Simpler, be and they are here- the canal,  
 by appointed managers to cut and make the said with power to  
 canal; with full power and authority to collect and collect sub-  
 receive all such sums of money as any person or scriptions, &c.  
 persons of his her or their own free will and accord  
 may or shall be disposed to contribute for the cut-  
 ting and making of the said canal and for clearing  
 out and otherwise improving the navigation of the  
 said Muddy creek and Primhook creek: and  
 when the said managers shall have collected and re- and, when a  
 ceived a sufficient sum to enable them to cut and sufficient sum  
 make the said canal and clear out and otherwise is collected,  
 improve the navigation of the said Muddy creek &c,  
 and Primhook creek, it shall and may be lawful  
 for them, and the survivor or survivors of them, and  
 they are hereby required and enjoined, to lay out  
 and expend the same in cutting and making the same in mak-  
 said canal and in clearing out and improving the ing the canal,  
 navigation of the said creeks, and to proceed until &c.  
 the said canal be cut and finished: *Provided always,* the damages  
 that it shall not be lawful for the said managers to assessed being  
 cut and make the said canal, until the damages a- first paid, &c.  
 foresaid, if any, shall be paid or tendered to the  
 person or persons entitled to receive the said da-  
 mages.

SEC. 3. *And be it further enacted, That* the Canal to be a  
 said canal, after it shall be completed, shall be public high-  
 deemed and taken to be a public and common high- way.  
 way.

SEC. 4. *And be it further enacted, That* before Commission-  
 the commissioners, mentioned in this act, shall pro- ers to be  
 ceed to discharge the duties assigned them, they sworn, &c.  
 shall severally be sworn or affirmed, by some judge  
 or justice of the peace of this State, faithfully and  
 impartially to discharge those duties.

SEC. 5. *And be it further enacted, That* in case Appeal, as to  
 any person or persons, through whose lands the the damages,  
 said canal may pass, shall be dissatisfied with the allowed,

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to the su-  
preme court.  
Proceedings  
on appeal;within what  
time it must  
be taken,

damages, which shall be assessed by the said commissioners, or with their decision, if no damages are assessed, it shall and may be lawful for him, her or them to appeal from the determination of the said commissioners to the supreme court of the county of Sussex; who are hereby authorized and required to appoint seven substantial and disinterested freeholders to go upon and view the premises; whose duty it shall be to order and award such damages as they shall deem proper and right; which award when duly made and returned, under their hands and seals or the hands and seals of a majority of them, shall be final and conclusive: provided that the said appeal shall be made, within six months after the damages, assessed by the said commissioners, shall be made known to the persons respectively in whose favour the damages are so assessed.

PASSED AT DOVER }  
3 February 1818. }

## CHAPTER CLXXXII.

AN ACT *granting to the persons therein named a certain tract or parcel of marsh therein contained.*

PASSED AT DOVER }  
3 February 1818. }

PRIVATE ACT.

## CHAPTER CLXXXIII.

AN ACT *appropriating part of the school fund for the education of poor children.*

Trustees to  
superintend  
the education  
of poor chil-  
dren—

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Robert Forward, James Grubb, and Charles Tatem, for the hun-

dred of Brandywine; Thomas Baldwin, George in Newcastle  
 Monro, Edward Roach, James Brindley and county—  
 John M'Calmont, for the hundred of Christiana; dred of, hun-  
 Andrew Reynolds, Washington Rice, and Ellis Brandywine;  
 Saunders, for the hundred of Mill creek; George Christiana;  
 Gillespie, David Morrisson, and David Niven, Mill creek;  
 for the hundred of Whiteclay creek; William White clay  
 Coach, Levi Boulden, and the reverend Samuel creek;  
 Bell, for the hundred of Pencader; John Crow, Pencader;  
 Samuel Moore, James R. Black, and Archibald Newcastle;  
 Alexander, for the hundred of Newcastle; An-  
 thony Heggins, John Sutton, and George Clark, Red Lion;  
 for the hundred of Red-Lion; John Merritt,  
 Christopher Vandegrift, sen. and David Stuart, St. George's;  
 for the hundred of St. George's; and John  
 Crawford, Dickinson Webster, and Gideon E. Appoquini-  
 mory, for Appoquinimink hundred, in the mink;  
 county of Newcastle: And that Thomas Roth-  
 well, Mordecai Morris, John Cowgill, James Kent county—  
 Chiffins, and Benjamin Coombe, and William Black-  
 iston for Duckcreek hundred; Daniel Cowgill, Os- Duck creek;  
 burn Alston, Joseph Farrow, Robert Register, Little creek;  
 Lewis Prettyman, and James Scotten, for the hun-  
 dred of Little creek; Thomas Candy, Cornelius P.  
 Comegys, Abraham Barber, and Isaac Buckingham, St. Jones';  
 for the hundred of St. Jones'; Samuel Miffin,  
 Matthew Coxe, Caleb Sipple, Caleb Lockwood,  
 Thomas Soward, Samuel Warren, Robert Young, Murderkill;  
 and Samuel Coombe, for the hundred of Mur-  
 derkill; John Booth, Luff Lewis, Jacob Biddle, Mispillion;  
 Charles Polk, Daniel Mason, Walter Douglass,  
 and James Bell, for the hundred of Mispillion,  
 in the county of Kent: And that Curtis Shock- Sussex county-  
 ley, Louder Layton, and Joseph Haslet, for the Cedar creek;  
 hundred of Cedar creek; Samuel Paynter, David  
 Hazzard, and Watson Pepper for the hundred of Broadkill;  
 Broadkill; Peter F. Wright, Robert West, and  
 Charles M. Cullen, for the hundred of Lewes and  
 Rehoboth; Robert Burton, Joseph Waples, Lewes and  
 and John Sharp, for the hundred of Indian Indian river;  
 River; Arthur Williams, James Miller, and  
 Richard Clark, for the hundred of Baltimore; Baltimore;  
 Edward Dingle, jr. Robert Lacy, and Spencer  
 Phillips, for the hundred of Dagsborough; Ma- Dags-  
 borough;

Broad creek; naen Bull, William Elligood, and Covington Messick, for the hundred of Broad creek; John Little creek; Polk, James Derrickson, and Jonathan Waller, for the hundred of Little creek; John Rust, Northwest-fork; Samuel Laws, and John Richards, for the hundred of Northwestfork; and Levin Stewart, Nanticoke; William Russel, and George Polk, for the hundred of Nanticoke, in the county of Sussex, be and they are hereby appointed trustees to superintend the education of the poor children within their respective hundreds in the several counties of this State.

1000 dollars  
appropriated  
to each coun-  
ty,

SEC. 2. *And be it enacted*, That the trustee of "the fund for establishing schools" be authorized, and he is hereby required, for the ensuing year, taking date from the first day of January one thousand eight hundred and eighteen, to place in the hands of each of the county treasurers of the several counties within this State, in four equal quarter-yearly payments, the sum of one thousand dollars, from any money in his hands belonging to "the fund for establishing schools," not otherwise appropriated.

distribution  
thereof, a-  
mong the hun-  
dreds,  
see § 8,

in Newcastle  
county,

SEC. 3. *And be it enacted*, That the county treasurers, of the respective counties aforesaid, are authorized and required to pay, to the order or orders of the aforesaid trustees herein before mentioned and appointed or a majority of them in their several hundreds respectively, any monies which may come into their hands in pursuance of this act: *Provided however*, that such sum or sums, so drawn for, shall not exceed, in the county of Newcastle, for the hundred of Brandywine, the sum of one hundred and ten dollars; for the hundred of Christiana, the sum of one hundred and eighty dollars; for the hundred of Mill-Creek, the sum of one hundred dollars; for the hundred of Whiteclay-Creek, the sum of one hundred dollars; for the hundred of Pencader, the sum of one hundred and ten dollars; for the hundred of Newcastle, the sum of one hundred and twenty dollars; for the hundred of Red-Lion, the

sum of fifty dollars; for the hundred of St. George's, the sum of one hundred and ten dollars; and for the hundred of Appoquinimink, the sum of one hundred and twenty dollars:—in the county of Kent, for the hundred of Duck creek, the sum of one hundred and ninety dollars; for the hundred of Little creek, the sum of one hundred and five dollars; for the hundred of St. Jones', the sum of seventy-five dollars; for the hundred of Murderkill, the sum of three hundred and sixty-two dollars; and for the hundred of Mispillion, the sum of two hundred and sixty eight dollars:—and in the county of Sussex, for the hundred of Cedar creek, the sum of one hundred and ten dollars; for the hundred of Northwestfork, the sum one hundred and ten dollars; for the hundred of Nanticoke, the sum of ninety dollars; for the hundred of Broadkill, the sum of one hundred and forty dollars; for the hundred of Rehoboth, the sum of ninety dollars; for the hundred of Indian River, the sum of ninety dollars; for the hundred of Dagsborough, the sum of ninety dollars; for the hundred of Broad creek, the sum of ninety dollars; for the hundred of Little creek, the sum of one hundred dollars; and for the hundred of Baltimore, the sum of ninety dollars.

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in Kent county.

in Sussex county.

SEC. 4. *And be it enacted*, That the trustees, <sup>Trustees re-</sup> herein appointed to superintend the education of <sup>spectively to</sup> the poor children of their several hundreds <sup>receive the</sup> respectively, are authorized and required to draw <sup>sums allotted</sup> for and receive the several sums allotted to their <sup>to their hun-</sup> respective hundreds, and the same, or any part <sup>dred,</sup> thereof that may be found necessary, or as fast <sup>and expend</sup> as the same may be required, to expend in the <sup>the same, &c.</sup> payment of such school-masters or teachers of reading writing and arithmetic, as may, by the trustees aforesaid or a majority of them within their several hundreds respectively, be intrusted with the tuition and education of poor children: *Provided however*, that nothing herein contained shall be deemed or taken to authorize any of



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Price of tuition limited.

the trustees, herein appointed, to expend any of the money, by this act made subject to their order, except only for the benefit of instructing, in reading writing and arithmetic, such white children as may be obviously unable to receive the rudiments of an English education from any private or other source, except as is herein before provided: *and provided also*, that no more than two dollars and fifty cents shall be paid for the tuition of any poor child for any period of three months, and a like sum in proportion for any longer or shorter term.

Trustees to keep accounts &c.

and return the same, &c. to county treasurers, &c.

SEC. 5. *And be it enacted*, That the trustees, hereby appointed, in the several counties, and in their respective hundreds, shall keep a regular and distinct account of all monies by them received, and by them expended, under and by virtue of this act, both in relation to the manner of its expenditure, and the names ages condition and progress in learning made by the child or children, for whose benefit the same may have been expended; and that such reports, together with the surplus of money received as aforesaid, if any, be returned to the treasurer of each of the counties respectively, on or before the first Monday in January next, which will be in the year eighteen hundred and nineteen.

County treasurers to lay reports before the Legislature &c.

and pay over surplus money, &c.

SEC. 6. *And be it enacted*, That the county treasurer, in each of the counties of this State respectively, is hereby required and directed to receive, and lay before the General Assembly of this State, at their next January session, all such reports as may come into their hands agreeably to the provisions of the fifth section of this act: and all such surplusages of money, as may be as aforesaid returned to them, the said treasurers or any of them, shall forthwith be paid over to the trustee of the fund for establishing schools; who is hereby directed to place the same, if any should be so returned, to the credit of the said fund.

SEC. 7. *And be it enacted,* That the trustees, <sup>Trustees of certain hun-</sup> herein appointed to superintend the education of <sup>dreds author-</sup> poor children for the hundred of Christiana in <sup>ized to pay to</sup> the county of Newcastle, be authorized to pay <sup>certain socie-</sup> the trustees of the Brandywine Manufacturers' <sup>ties their pro-</sup> Sunday school, and the "Female Harmony So- <sup>portion of the</sup> ciety of Wilmington"; and that the trustees, as <sup>hundreds ap-</sup> aforesaid appointed for the hundred of Newcas- <sup>propriation,</sup> tle, be authorized to pay to the Newcastle Benevolent Society; and that the trustees, as aforesaid appointed for the hundred of Duckcreek in the county of Kent, be authorized to pay to the Female Union Society of Smyrna, severally, and respectively, such sum or sums of money, out of the apportionment assigned to their respective hundreds by this act, as they, the said trustees, or a majority of them, in their several hundreds, may deem each of the aforesaid societies' just proportion of their said hundred's allotment according to the time employed in teaching, and to the number of poor children by each of them respectively educated.

SEC. 8. *And be it enacted,* That the trustees, <sup>Unexpended</sup> appointed to superintend the education of poor <sup>balances of</sup> children in the several hundreds of the respective <sup>last year's</sup> counties of this State, who did not expend the <sup>grant, added</sup> sums made subject to their orders by the act en- <sup>to the sums</sup> titled "An act appropriating part of the school <sup>granted by the</sup> fund for the education of poor children" passed <sup>3d § of this</sup> upon the sixth day of February 1817, or who <sup>act, &c.</sup> have left any part thereof unexpended, the trustees, herein appointed for each and every such hundred, or a majority of them, shall have power, and are hereby authorized, to draw for such unexpended sums or balances, in addition to the allotment made subject to their draught by the third section of this act, and the same to expend as has been herein before directed for the schooling of poor children; and the State-treasurer is hereby required to place such additional sums, in quarter-yearly payments, in the hands of the treasurers of the respective counties of this State; and such county-treasurers are required to hold

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see § 6.

PASSED AT DOVER }  
3 February 1818. }

#### CHAPTER CLXXXIV.

AN ADDITIONAL SUPPLEMENT to an act, entitled "*An act for the better relief of the poor of the county of Sussex.*"

Sec 2 v. 988,  
1034  
8 v. 241, 262.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the trustees of the poor of the county of Sussex shall and may, at any time of their meeting at the poor house, proceed to board out any person or persons, who may be in said poor house or shall be hereafter admitted, for such term or terms as the said trustees may think proper; so that the said number of paupers so boarded out shall at no time exceed one third of the number of the paupers then in said poor house.

Trustees of the poor of Sussex county directed to board paupers out of the poor-house, &c.  
limitation of the number, &c. to be boarded out

SEC. 2. And be it further enacted, That no person or persons shall be boarded out of the poor house, unless such person or persons may be willing and shall have been a pauper in said poor house three months previous to the time of their be-

in what cases they may be boarded out,

ing, so boarded out and that the same be done at a meeting of the trustees at the poor-house.

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SEC. 3. *And be it further enacted,* That the trustees of the poor shall and they are hereby required to keep a fair and regular list of all the names of the paupers so boarded out of said poor-house, together with their ages as near as may be, and the time when they were so boarded out, and also a fair and regular account of all materials necessary, and all charges attending their maintenance out of the said poor-house, together with the names of the person or persons so boarding such pauper or paupers.

Trustees to keep a list of their names, &c together with their ages, &c. and also an account of their expenses, &c.

SEC. 4. *And be it further enacted,* That the said trustees shall, at no time, give for the maintenance of any pauper or paupers boarded out of said poor-house a larger sum than two thirds of the sum the said pauper or paupers would cost in said poor-house, or a sum in proportion to the cost of all the paupers of said county maintained in the said poor-house.

limitation of the expenses of boarding them out of the poor-house.

PASSED AT DOVER }  
4 February 1818. }

## CHAPTER CLXXXV.

A SUPPLEMENT to the act entitled "*An act to incorporate a seminary of learning in the town of Newcastle.*"

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall be lawful for the free white inhabitants of the town of Newcastle and its vicinity to meet at the Newcastle academy, on the first Monday of March next between the hours of two and six o'clock in the afternoon of the same day, and on the first Monday of March annu-

Judges of the election of trustees of the academy to be chosen, by whom, at what place, and when;

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and to open  
the election  
for trustees:  
qualifications,  
—of the elec-  
tors of trus-  
tees,—

and of the  
trustees:

vacancies in  
the board of  
trustees, how  
filled

ally in future between the hours aforesaid, and at such meeting the inhabitants of the said town and its vicinity shall choose two persons, who shall be judges of the election of trustees for the Newcastle academy: the judges so chosen shall then declare the election open for the election of five trustees for said seminary by ballot: *Provided always*, that no person or persons shall be permitted to vote at such election of trustees, unless such person shall have previously paid to the erection of the Newcastle academy the sum of twenty dollars, or shall have paid ten dollars to the fund for educating poor children in said academy, or shall previously enter into an engagement in writing to the trustees of the Newcastle academy for the sum of thirty dollars conditioned to pay one year's tuition of a pupil in the said academy in quarterly payments from that date: and no person shall be chosen as a trustee of the said academy unless he possess the same qualifications as an elector: and in case of any vacancy in the board of trustees of the said seminary, by death resignation or removal from the town of any trustee, the secretary of the board shall give public notice, by putting up at least three or more advertisements at the most public places in the said town, at least ten days before the day of meeting to supply such vacancy or vacancies, as the case may be, at which time the persons qualified as aforesaid may meet and supply such vacancy or vacancies.

Treasurer of  
the academy  
to give bond  
&c.

SEC. 2. *Be it enacted*, That the treasurer of the said seminary shall give bond, with approved security, in the sum of one thousand dollars, conditioned for the faithful performance of his duty and for paying over all the monies in his hands to his successor in office and for the safety and delivery over of all the books and papers committed to his care and keeping.

Repeal of  
parts of the  
original act.

SEC. 3. *Be it enacted*, That such parts of the act to which this is a supplement as are hereby a-

mended or supplied shall be repealed made null and void.

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CLXXXV.

1818.

PASSED AT DOVER }  
4 February 1818. }

### CHAPTER CLXXXVI.

AN ACT *authorizing John D. Smith to bring certain negroes from Maryland into this State.*

PASSED AT DOVER }  
4 February 1818. }

PRIVATE ACT.

### CHAPTER CLXXXVII.

A SUPPLEMENT to an act entitled "*An act*" Vol. 392:  
*for the better regulation of gaols within this State and for other purposes."*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the board of inspectors appointed under the act to which this is a supplement, or a majority of them, shall have full power, from and after the passing of this act, to purchase such articles of clothing or bedding as, in their judgment, the prisoners confined in the respective gaols of this State may require for the preservation of health and cleanliness, on the best terms they can procure them; and that all accounts for articles so procured and furnished, when duly examined approved and allowed by them, shall, as an evidence of said approbation and allowance, be signed by the person to be by them chosen chairman of said board: which accounts, so allowed and signed by the chairman of said board, shall be paid by the county treasurer: and the levy court of the different counties of this State are hereby required and enjoined, in making appropriations for continuing

Board of inspectors authorized to purchase clothing &c. for prisoners &c.  
accounts for clothing &c. to be signed by chairman of the board, and paid by the county treasurer made by levy

courts for gent expenses of the respective counties, to take  
 payment of care that a sufficient sum be appropriated for the  
 these expen- uses and purposes aforesaid: *Provided always*, that  
 ses; and the in- the said inspectors shall, during the session of the  
 spectors to levy court in every year, lay before the levy court  
 lay before copies of the respective counties a certified copy of the a-  
 them of the amount mount of orders drawn by them on the said trea-  
 of the amount of orders mount of orders drawn by them on the said trea-  
 drawn &c. surer for the preceding twelve months.

Repeal of SEC. 2. *And be it enacted*, That so much of the  
 parts of the act entitled "An act for the better regulation of  
 original act. gaols within this State and for other purposes,"  
 passed the 25th of January 1805, as is hereby al-  
 tered or amended, be and the same is hereby re-  
 pealed.

PASSED AT DOVER }  
 February 4th 1818. }

## CHAPTER CLXXXVIII.

AN ACT for the relief of Perry Obier, Cannon,  
 Smith, John Maloney and John Cannon, sure-  
 ties of Trustin Handy former collector of  
 Northwestfork hundred in the county of Sus-  
 sex.

State treasur- SEC. 1. BE IT ENACTED by the Senate and  
 er &c. au- House of Representatives of the State of Dela-  
 thorized to ware in General Assembly met, That it shall and  
 take judge- may be lawful for the State treasurer, treasurer of  
 ment bonds the poor and county treasurer of Sussex county,  
 &c. from the and each of them respectively is hereby authorized  
 sureties of and required, to take from the sureties of Trustin  
 Trustin Han- dy. Handy a bond, with a warrant of attorney author-  
 izing judgment thereon to be entered with stay of  
 execution twelve months from the date of this act,  
 with two or more good and sufficient sureties for  
 the sum or sums due by said Handy.

PASSED AT DOVER, }  
 4 February 1818. }

## CHAPTER CLXXXIX.

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1818.

AN ACT to authorize and empower the owners and possessors of the marsh cripple and low grounds, lying on Muddy branch in Little-creek hundred in Kent county, to ditch drain and bank the same.

PASSED AT DOVER }  
4th February 1818. }

PRIVATE ACT.

## CHAPTER CXC.

AN ACT making provision for the support of government for the year of our Lord one thousand eight hundred and eighteen.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sum of twelve thousand five hundred dollars shall be raised and paid into the treasury of this State, within the time and in the manner by an act of the General Assembly entitled "An act making provision for the support of government for the year of our Lord one thousand eight hundred and ten; and for the more effectual ordering assessing levying and collecting all such taxes as may be granted by the General Assembly"; which said sum of twelve thousand five hundred dollars shall be assessed and levied on the whole amount of the aggregate valuation of the real and personal property of this State, made one thousand eight hundred and sixteen, and on which was assessed and levied the State tax of the year one thousand eight hundred and seventeen: and it shall be the duty of the auditor of accounts, and he is hereby authorized and required, to ascertain, upon the aforesaid amount of the aggregate valuation of the real and personal property afore-

12500 dolls. to be raised;

4 Vol. 328.

how to be assessed and levied:

duty of auditor of accounts, counts in this respect.



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said, the sum per centum necessary to raise, clear of all charges of collecting, the taxes hereby granted and laid.

Appropriation of the sum to be raised.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the aforesaid sum of money shall be appropriated and applied to and in the following manner; that is to say, so much thereof as may be necessary shall be applied to the payment of the salaries due and to become due to the Governour, Chancellor, Judges of the supreme court, and court of common pleas, Attorney-general, Secretary of State, and Auditor of accounts, up to the first day of January which will be in the year of our Lord one thousand eight hundred and nineteen; and so much thereof as shall be necessary shall be applied to the payment of the daily allowances of the members of the General Assembly, their clerks and other expenses, and for the printing of the Laws passed at this session of the General Assembly, and the votes and proceedings of the two branches thereof; and the residue, if any there be, shall be applied to the payment of any sums of money due to the citizens of this State, for which provision shall be made by law.

PASSED AT DOVER }  
5 February 1818. }

## CHAPTER CXCI.

AN ACT to incorporate the trustees of the Cantwell's-bridge academy, in the village of Cantwell's-bridge, in Newcastle county.

Trustees incorporated,

SEC. 1. BE IT ENACTED, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John Janvier, Samuel Pennington, Jedediah Derrickson, Samuel Townsend and Pennell Corbit, and their successors, be and they are hereby declared to be one community corporation or body politic, to have con-

tinuance, forever, by the name of "the trustees of the Cantwell's-bridge academy"; and by the same name shall have perpetual succession.

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1818.

SEC. 2. *And be it enacted,* That the trustees of the Cantwell's-bridge academy and their successors, and hold by the same name, shall be able and capable, in property, law and equity, to have purchase possess hold and enjoy any lands tenements and hereditaments goods chattels rights credits and effects, of what nature kind or quality soever, by the gift grant bargain sale alienation devise or bequest of any person or persons or bodies politic or corporate; and to sell and dispose of alien or demise the same, in such manner and form as they may or shall think most advantageous or beneficial to the said institution; and the said corporation, by the name of "the trustees of the Cantwell's-bridge academy," shall be able and capable in law to sue and be sued implead and be impleaded answer and be answered defend and be defended, in courts of law and equity or in any other place whatsoever; and to do and execute all and do all other matters and things which bodies politic and corporate acts: may sue and be sued &c.

SEC. 3. *And be it enacted,* That the said corporation shall have full power and authority to have common seal and use a common seal, and to change alter and break the same, and establish another or others with such devices as they shall think proper; and all acts, certified under the seal of the said corporation, relating to the affairs thereof, shall have full faith and credit in and before all and every the courts and jurisdictions within this State.

SEC. 4. *And be it enacted,* That the said corporation, or a majority thereof, shall have full power make laws, by, and authority to make alter repeal and again reenact all laws regulations and ordinances, which they may deem necessary and proper for the good government of the said academy as a seminary of useful learning; to appoint professors tutors and all such officers or persons, as they may deem requisite &c. appoint tutors for the said academy, under such rules and stipu-

lations, and for such pecuniary compensations as they shall consider adequate and proper: they shall manage the funds of the corporation have full power and authority to apply dispose of and manage the estate and funds of the corporation and academy, either by themselves or their agents, in such manner as they may deem most beneficial and useful to the said institution: they shall annually choose one of their own body to be president of the board of trustees; and they shall, from time to time, appoint a treasurer secretary and such other officers as may be requisite whose duties shall be prescribed by ordinances of the said corporation; but the treasurer shall be required to enter into bond to the corporation for the performance of his trust, before he shall officiate as treasurer: and they shall be capable of exercising all such other powers, and of doing all such other acts and things, as may be necessary for the well governing ordering and conducting the said corporation and the affairs concerns and business thereof, and of holding such occasional meetings for that purpose, as shall be ordained by the regulations and ordinances of the said corporation: *Provided*, that nothing herein contained shall be construed to authorize them to exercise any powers repugnant to the constitution or laws of this State.

manage the funds of the corporation

appoint officers

and have all other necessary powers &c.

Proviso.

**SEC. 5.** *And be it enacted*, That the trustees, named in the first section of this act, shall continue in office, until the first Saturday of January next, and until others are duly elected; and the said corporation shall be kept up and continued, by electing five trustees thereof annually, on the first Saturday of January in each and every year, the first election therefor to be held on the aforesaid first Saturday of January next; and if an election should happen not to be made in any year, on the day appointed by this act for that purpose, then and in such case the trustees, then in office, shall continue in office as trustees aforesaid until an election shall legally be made, under the provisions of this act, on the day for that purpose herein appointed: and to supply vacancies, that may occasionally arise or happen by death resignation or removal from the

Trustees,—  
their continu-  
ance in office—

and when to  
be elected—

vacancies  
how filled;

vicinity of the school, elections may be held, at such days or times as may be directed by the trustees then in office or a majority of them: and all elections shall be held at the school house. and all elections to be held at the school-house.

SEC. 6. *And be it enacted*, That all free white inhabitants, of the village of Cantwell's-bridge, and the vicinity, who shall send a child or children to the said academy, or who shall be contributors, to the amount of one hundred dollars in one subscription or to the amount of five dollars annually, to establishment of the said institution, or to the enlargement of the funds thereof, by gift devise or otherwise, shall have power, and are hereby authorized, to assemble together, annually, on the first Saturday of January, at the said school house, and then and there elect five persons as trustees of the said academy for the year thence next ensuing. who may elect trustees

SEC. 7. *And be it enacted*, That every matter and thing, herein contained, shall be construed and taken most favourably and beneficially for the said corporation. This act to be construed favourably for the corporation.

PASSED AT DOVER }  
February 5th 1818. }

## CHAPTER CXCLII.

AN ACT to authorize James Denny to introduce certain negro slaves, therein named, from the State of Maryland and retain them as such.

PASSED AT DOVER }  
5 February 1818. }

PRIVATE ACT.

L

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CXCIH.

## CHAPTER CXCIH.

1818.

AN ACT to authorize *Henry Casson*, of *Talbot county* in the *State of Maryland*, to remove certain negro slaves, therein named, from this *State* into the *State* aforesaid.

PASSED AT DOVER }  
February 5th 1818. }

PRIVATE ACT.

## CHAPTER CXCIIV.

AN ACT to vest in *Sarah Maxwell* the right to dispose of certain real estate notwithstanding her being a *feme covert*.

PASSED AT DOVER, }  
February 5th 1818. }

PRIVATE ACT.

## CHAPTER CXCV.

AN ACT to enable the persons therein named to raise a sum, not exceeding two thousand dollars, by a lottery for the purpose of improving the navigation of *Little-creek*.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and may be lawful for the persons, herein after appointed managers, to institute carry on and draw a lottery for raising a sum, not exceeding two thousand dollars clear of all expenses; and the said sum, when so raised, shall be applied, to the improvement of the navigation of *Little-creek*, from *Patton's dyke* to the *Delaware bay*, and to cut a ditch or thoroughfare, the nearest and most convenient route or course, to *Mahaun's ditch*.

Authority  
given to institute and draw  
the lottery.

appropriation  
of the sum  
raised.

SEC. 2. *And be it enacted*, That John Bell, Managers ap-  
 Cornelius P. Comegys, Henry M. Ridgely, Al- pointed  
 exander P. Laws and Joseph H. Raymond, or  
 the survivors of them, shall be and are hereby ap-  
 pointed managers of the said lottery; who shall each manager  
 respectively, before they enter upon the duties re- to give bond,  
 quired by this act, give bond, in the name of the  
 State, in the sum of five thousand dollars, condi-  
 tioned for the faithful discharge of the trust reposed  
 in them respectively by this act; which bond shall  
 be lodged in the office of the secretary of this State, which shall be  
 who shall thereupon give six weeks notice, in some lodged in se-  
 public newspaper within this State, that such bond cretary's of-  
 has been executed and lodged in his office in pur- fice and pub-  
 suance of the directions of this act; and is hereby lic notice  
 declared to be in trust for, and may be sued by, all thereof be gi-  
 and any of the persons aggrieved by the managers vcn.  
 of the said lottery in conducting and carrying on the  
 same.

SEC. 3. *Be it enacted*, That the said managers Lottery,  
 shall, on or before the first Tuesday of September when to be  
 next, if at that time a sufficient number of tickets drawn.  
 shall have been sold, and if not as soon after as con-  
 veniently may be, proceed to the drawing and fi-  
 nishing the said lottery; and the fortunate adven- prizes, when  
 turers shall be paid the prizes, drawn against their to be paid,  
 numbers, on demand, at any time within six months  
 after the drawing of said lottery, subject to a de- subject to de-  
 duction of fifteen per centum therefrom; but if no deduction of 15  
 demanded within that time, the said prizes shall re- per cent.  
 main in the hands of the said managers to be ap- within what  
 plied to and for the uses and purposes aforesaid. time to be de-  
 manded.

SEC. 4. *Be it enacted*, That the said managers, Managers to  
 or the survivors of them, shall superintend and di- apply the mo-  
 rect the expenditure of the sum of two thousand ney raised,  
 dollars, or so much as may be necessary, for im- to improving  
 proving the navigation of Little-creek from Patton's the navigation  
 dyke, and for cutting a ditch therefrom to Mahaun's of Little  
 ditch, which shall not be less then twenty feet in creek and cut-  
 width and three feet in depth: and after the said ting a canal  
 work is done and completed, or the money expen- &c.  
 ded, the said managers or the survivors of them and to exhibit  
 their accounts  
 to the levy  
 court &c.

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shall exhibit their account of the same to the levy court of Kent county at their next session thereafter.

**SEC. 5.** *And be it enacted,* That the said commissioners, or a majority of them, are hereby authorized and required to examine and view the lands and marsh, through which the said canal may pass, and ascertain what damages, if any, shall be paid to the owner or owners of the said land or marsh; and the said commissioners, or a majority of them, shall certify their proceedings in the premises in writing; which shall be recorded in the office for recording of deeds at Dover in Kent county; and that before the commissioners, mentioned in this act, shall proceed to discharge the duties assigned them in this section, they shall severally be sworn or affirmed, by some judge or justice of the peace of this State, faithfully and impartially to discharge those duties.

**SEC. 6.** *And be it enacted,* That in case any person or persons, through whose lands the said canal may pass, shall be dissatisfied with the damages which shall be assessed by the said commissioners or with their decision if no damages are assessed, it shall and may be lawful for him her or them to appeal from the determination of the said commissioners to the supreme court of the county of Kent; who are hereby authorized and required to appoint seven substantial and disinterested freeholders to go upon and view the premises, whose duty it shall be to order and award such damages as they shall deem proper and right; which award, when duly made and returned under their hands and seals or the hands and seals of a majority of them, shall be final and conclusive: *Provided,* that the said appeal shall be made within six months after the damages assessed by the said commissioners shall be made known to the persons respectively in whose favour the damages are so assessed; and *Provided* that it shall not be lawful for the said managers to cut and make the said canal, or otherwise improve the navigation of the said creek, un-

til the damages aforesaid, if any, shall be paid or tendered to the person or persons entitled to receive the said damages.

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PASSED AT DOVER }  
5 February 1818. }

## CHAPTER CXCVI.

### AN ACT *providing for the payment of certain claims.*

SEC. 1. BE IT ENACTED *by the Senate and State treasurer*  
*House of Representatives of the State of Delaware* <sup>er to pay the</sup>  
*in General Assembly met,* That the State-treasurer <sup>claims of,</sup>  
be and he is hereby authorized and directed to pay,  
to William A. Miller, nine dollars and twenty-five <sup>W. A. Miller;</sup>  
cents, for printing; to Sellick Osborn, five dollars, <sup>Sellick Os-</sup>  
for printing; to Joseph Smithers, forty seven dol- <sup>born;</sup>  
lars and forty cents, for books paper and writing <sup>Joseph</sup>  
by order of the Secretary of State; to Joseph Har- <sup>Smithers</sup>  
per, sixty dollars, for transcribing assessment books <sup>Joseph Har-</sup>  
for State assessors; to John Robertson, printer, <sup>per;</sup>  
thirty-five dollars, for printing two reams of mar- <sup>John Robert-</sup>  
riage licenses and bonds; to William Woodley, <sup>William</sup>  
fifty-nine dollars, for carpenter's work done for the <sup>Woodley;</sup>  
Secretary of State; to Henry M. Godwin, one <sup>H. M. God-</sup>  
hundred and seventy-seven dollars and fifty-six <sup>win;</sup>  
cents, for services and expenditures as agent ap-  
pointed by the Governour to go for and bring to this  
State two fugitives from justice; to John W. Many, <sup>J. W. Many;</sup>  
ninety dollars, for three years services as commissa-  
ry of military stores in Kent county; to Abel Har- <sup>Abel Harris;</sup>  
ris, twenty dollars and fifty cents, for transmitting  
in the stage several boxes of the laws; to Moses <sup>Moses Brad-</sup>  
Bradford, three hundred and seventy-seven dollars <sup>ford;</sup>  
and fifty cents, for an additional allowance for print-  
ing the third and fourth volumes of the laws; to  
Nathan Vickars, eighty dollars, for services as one  
of the board of appeals under the general assess- <sup>Nathan Vick-</sup>  
ment law; to Caleb Kirk, for the like services, <sup>ars;</sup>  
sixty dollars; to John Raymond, fifty-six dollars, <sup>Caleb Kirk;</sup>  
<sup>J. Raymond;</sup>



John Springer for the like services; to John Springer, for wood  
 er; and services for said board, eighteen dollars and  
 Evan Tho- thirty-six cents; to Evan Thomas, as clerk of said  
 mas; board, thirty dollars; to John Robinson, sheriff of  
 John Robin- Sussex county, for rewards advertised and paid for  
 son; two fugitives from justice, one hundred and twenty-  
 four dollars, to be retained by him out of any mo-  
 Kendal Bat- ney in his hands belonging to the State; to Kendal  
 son; Batson, one hundred and eighty-one dollars and  
 twenty-two cents, to be paid to the Secretary of  
 State, for his use, for cash paid to Francis Brown  
 and Daniel Hudson and for three years services as  
 commissary of military stores of Sussex county;  
 Enoch Joyce; to Enoch Joyce, eight dollars, for his attendance on  
 the court of appeals in August 1817.

SEC. 2. *And be it enacted*, That the State trea-  
 Appropria- surer be and he is hereby authorized to pay to the  
 tion to pay the Secretary of State, the sum of three hundred dol-  
 expenses of lars, for the use of the Secretary's office, and for  
 the secreta- the purpose of providing stationery and for paying  
 ry's office; all proper charges and expenses connected with  
 and belonging to the said office: an account where-  
 to be account- of shall be laid before the General Assembly at their  
 ed for to the session in January next.  
 General As- sembly.

PASSED AT DOVER }  
 6th February 1818. }

## CHAPTER CXCVII.

AN ACT to regulate the manner of taking inden-  
 tures upon redemptioners imported into this  
 State, and for other purposes.

SEC. 1. BE IT ENACTED by the Senate and  
 Commission- House of Representatives of the State of Delaware  
 er of emi- in General Assembly met, That, from and after the  
 grants to be appointed; passing of this act, the Governour shall appoint  
 some suitable person, to be called "The Commis-  
 sioner of emigrants," to serve during the pleasure  
 of the Governour for the time being; who is herc-  
 his duties.

by authorized and directed to inquire into the contracts, accounts, condition, and treatment, during the passage, of each and every person, who shall be imported into this State from any foreign country and offered for sale as servants, and to counsel, advise, and assist, the persons so imported, with respect to contracts of servitude and the terms and stipulations of each and every indenture.

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1 Vol. 211.  
547.  
2 Vol. 974,  
995.

SEC. 2. *And be it enacted,* That no importer, after the passing of this act, shall proceed to dispose of any person, without the knowledge of the commissioner, when there shall be one in office, under a penalty of five hundred dollars, to be recovered by suit by any person who shall sue for the same.

Penalty on  
importer, for  
disposing of  
any person  
without the  
knowledge of  
the commis-  
sioner;  
2 Vol. 995;  
how recover-  
ed.

SEC. 3. *And be it enacted,* That "the commissioner of emigrants," to be appointed as aforesaid, shall have and receive, for each emigrant disposed of under the provisions of this act, the sum of one dollar for his services under the said provisions; which sum shall be paid to him by the person or persons purchasing the said emigrant.

fees of the  
commission-  
er of emi-  
grants.

SEC. 4. *And be it enacted,* That if any commissioner, appointed under the provisions of this act, should remove, refuse to serve, resign or die, the Governour, for the time being, is hereby further authorized and required to supply the vacancy by another appointment.

Vacancy in  
the office how  
supplied,

PASSED AT DOVER }  
6 February 1818. }

CHAP.  
CXCVIII.

## CHAPTER CXCVIII.

1818.

AN ACT to prohibit the issuing and circulation  
of small notes.

No bank to issue notes of less in value than one dollar, SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That no bank within this State shall issue or circulate any promissory note or notes less in value than one dollar.

Such notes to be void; penalty on bank issuing them, SEC. 2. And be it enacted, That all and every note or notes, issued or circulated contrary to the provisions of this act, shall be void and of no effect: and the bank or banks, which issued the same, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered in any court of record in this State, by bill plaint or information, by any person who shall sue for the same.

Penalty for passing or attempting to pass any notes less than one dollar and intended to be used instead of money, SEC. 3. And be it enacted, That if any person or persons shall, after the first day of June next, pass, or attempt to pass, any promissory note or notes, of any bank or banks, company or companies, or any corporation, or individual or individuals, intended to circulate as money or to be used instead of money, less in denomination or value than one dollar, he she or they, so offending, shall forfeit and pay, for every such offence, the sum of ten dollars, to be recovered before any justice of the peace in this State, in the same manner that debts of like magnitude are recovered by any person or persons who may sue for the same.

PASSED AT DOVER }  
February 6th 1818. }

## CHAPTER CXCIX.

AN ADDITIONAL SUPPLEMENT to the <sup>4</sup> Vol. 647.  
 act entitled "*A supplement to the act entitled*" <sup>5</sup> Vol. 55. 117.  
*an act respecting the arms belonging to the*  
*State of Delaware."*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Governor be and he is hereby authorized and empowered, in and to each county into effect any of the commissaries of military stores within the act to the respective counties have failed to comply with a supplement, the supplementary act, to which this is an additional supplement, to appoint one suitable person, residing in each county, to carry the aforesaid supplementary act into effect: and the said Governor is hereby further authorized and empowered to draw upon the State treasurer for such sum or sums of money as may be necessary for the above purpose; which shall be paid out of any money in the treasury not otherwise appropriated; an account whereof he shall exhibit to the next annual session of the General Assembly.

*Governour to appoint a person in each county to carry the act to which this is a supplement, in case &c. 5 Vol. 117.*  
*and to draw on State treasurer for the necessary sums; and exhibit an account thereof to the General Assembly.*

PASSED AT DOVER }  
 6 February 1818. }

## CHAPTER CC.

A SUPPLEMENT to the act entitled "*An act*" <sup>5</sup> Vol. 146.  
*to amend the intestate laws of this State."* <sup>1</sup> Vol. 291.  
 418. 538.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That where any person or persons, having the priority of the right of acceptance of any real estate of an intestate, shall reside out of the State, then and in such case the orphans' State, the orphans' cost shall

make on or- court shall make an order directing the person or  
 der for his ap- persons having the priority as aforesaid to appear  
 pearance &c. at a certain day therein to be named and accept or  
 which order shall be refuse said lands; and a copy of such order shall,  
 published &c. within thirty days after such order made, be inser-  
 and if he shall ted in such newspaper or newspapers and for such  
 not appear, time as the said court may direct; and if the per-  
 and accept or son or persons, having the priority and residing  
 refuse &c., out of the State as aforesaid, shall not appear, and  
 then on proof made of his residence out of the State accept or refuse, at the time limited by such order,  
 of the State or within such further time as the court shall ap-  
 and publica- point, then, on proof made of such residence out of  
 tion of the or- the State as aforesaid and of the publication of such  
 der, the court the order as aforesaid, the said court shall order such  
 shall order such real estate, or such portions or allotments thereof  
 such real es- to such other person as  
 tate &c. shall be enti- as such person or persons residing out of the State  
 to such other as shall be enti- are or shall be entitled to, to such other person  
 person as tled to accept is or persons respectively, who shall successively be  
 shall be enti- &c., in the entitled to accept the same, according to the intes-  
 tled to accept same manner as if the per- son having  
 &c., in the the priority of tate laws of this State, in the same manner as if  
 same manner right of ac- such person, having the priority of the right of ac-  
 as if the per- ceptance had refused to accept said lands, upon  
 son having the right of ac- such person or persons, to whom such real estate  
 the priority of ceptance had shall be ordered, paying or securing to be paid to  
 right of ac- refused to ac- the other heirs of the deceased their representatives  
 ceptance had cept &c. or assigns their equal and proportionable parts or  
 refused to ac- shares of the valuation according to the order and  
 cept &c. decree of the court, and in the same manner as is  
 1 Vol. 291. required by the act of the General Assembly in  
 that behalf, where one of the children of an intes-  
 tate takes the whole estate under an order of the  
 orphans court:

SEC. 2. *And be it enacted,* That where any in-  
 fant, above the age of fourteen years, shall reside  
 out of this State, it shall and may be lawful for the  
 orphan's court to appoint a guardian for any such  
 infant, and to take bond, in the same manner and  
 form as the said court is authorized to do where  
 applications are made for infants under the age a-  
 foresaid.

Where an in-  
 fant above  
 the age of 14  
 years resides  
 out of the  
 State, the or-  
 phans court  
 may appoint  
 a guardian &c.  
 as if the in-  
 fant was un-  
 der 14 years  
 of age—  
 1 Vol. p. 91.  
 421.

PASSED AT DOVER }  
 6 February 1818. }

## RESOLUTIONS.

CHAP.  
CCI.

1818.

## CHAPTER CCI.

RESOLVED by the House of Representatives, with the concurrence of the Senate, That Cornelius P. Comegys be and he is hereby appointed State treasurer.

Cornelius P.  
Comegys ap-  
pointed State  
treasurer.

ADOPTED AT DOVER }  
January 28, 1818. }

## CHAPTER CCII.

RESOLVED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Governour be and he is hereby authorized and required to appoint an agent, on behalf of this State, to proceed to the city of Washington, with all the original accounts receipts and other vouchers and papers necessary to enable him to have liquidated and settled, at the War department, the claim of this State, against the United States, for military expenditures made by this State in support of and in consequence of the late war.

see 5 Vol. 8.  
56. 153. 179.

Governor to  
appoint an ag-  
ent to settle the  
claim of this  
State with  
the United  
States, &c

Resolved further, That the agent, to be appointed as aforesaid, be and he is hereby authorized, to receive the sum due this State as aforesaid, and to pay the same to the State treasurer for the use of this State.

agent author-  
ized to receive  
the sum due  
to the State.  
&c

Resolved, That the Governour be and he is hereby authorized and empowered to draw an order or orders on the State treasurer, in favour of the said agent, for such sum or sums of money, as may, in his opinion, be sufficient to enable the said agent to proceed in the settlement of the said claim,

Governor to  
draw on State  
treasurer in  
favour of a-  
gent &c

CHAP.  
CCIL.

1818.

to be paid out of any money in the treasury not otherwise appropriated: *Provided*, the same shall not exceed, in the whole, the sum of five hundred dollars.

secretary to furnish agent with copy of these resolutions. *Resolved further*, That the secretary of State furnish the agent to be appointed as aforesaid with a copy of the foregoing resolutions.

PASSED AT DOVER }  
January 30th 1818. }

### CHAPTER CCIII.

2 Vol. 1064.  
4 Vol. 521.  
5 Vol. 273.  
Secretary of State to cause 650 copies of the laws of every session of the Legislature to be published; and preserve the originals in his office: *Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the secretary of State be and he is hereby authorized and required, after every session of the General Assembly, to cause six hundred and fifty copies of such of the laws, which may be passed, during such session, of a public nature, to be printed and published on good paper; and shall cause the originals to be preserved in his office:

*Resolved further by the authority aforesaid*, That the secretary of State be and he is hereby authorized and required to procure as many copies as practicable, not exceeding one hundred and fifty, of the printed laws, of each session of the General Assembly, passed since the session in January eighteen hundred and thirteen; which copies so procured, together with one hundred and fifty printed copies of the laws passed at this and every future session, shall be deposited and preserved in his office.

which he shall cause to be bound with an index thereto so often as there shall be laws enough *Resolved further by the authority aforesaid*, That whenever, and as often as, there shall be a sufficient number of printed laws of several sessions of the General Assembly to form a volume equal in size to the fourth volume of the bound laws of the State, it shall be the duty of the secre-

tary of State, for the time being, to cause the same to be bound, with a complete index thereto, which he is hereby required to make and have printed.

form a volume equal in size to the fourth volume of the laws.

*Resolved further by the authority aforesaid, That* the secretary of State be and he is hereby required to cause three hundred copies of the printed laws of this and every future session of the General Assembly to be distributed and transmitted, one hundred copies to the prothonotary of each county.

Secretary to transmit 100 copies of the laws of this and every future session to the prothonotary of each county:

*Resolved further by the authority aforesaid, That* the prothonotary of each county shall deliver one copy of the printed laws, of every session of the General Assembly, that shall come to his hands, to each grand juror and conservator of the peace residing within their respective counties; and the residue thereof he shall sell at twenty-five cents for each copy.

how they shall be distributed and disposed of by the prothonotaries;

*Resolved further by the authority aforesaid, That* the prothonotaries respectively shall, on or before the first day of December in this and every year succeeding, account with the State treasurer for the several sums of money which shall then have come into their hands respectively for the sale of the laws; and in such account it shall be stated what number of copies of the laws, of each and every previous session, remain on hand; and they shall respectively be allowed commissions for trouble five per cent, and shall forthwith, and without delay, pay over to the State treasurer, for the use of the State, the balance of such account.

and accounted for by them with the State treasurer:

*Resolved further by the authority aforesaid, That* the State-treasurer shall annually account, with the auditor of accounts, for all sums of money which shall come into his hands as aforesaid; and the said auditor shall notice the same in his annual report of the finances.

State treasurer to account with auditor for all monies received under these resolutions, and the auditor to notice the same in his annual report.



Repeal of *Resolved further by the authority aforesaid,*  
 parts of for- That so much of the laws of this State as are here-  
 mer laws. by altered and supplied be and the same are here-  
 2 Vol. , 1064. by repealed.

ADOPTED AT DOVER, }  
 6th February 1818. }

## CHAPTER CCIV.

The Govern- *RESOLVED by the Senate and House of Represen-*  
 our to trans- *tatives of the State of Delaware in General Assem-*  
 mit to "the *bly met,* That, in compliance with the request of "The  
 American an- *ciety" a copy* American antiquarian society" contained in the com-  
 tiquarian so- of the laws, munication of Samuel M. Burnside correspond-  
 ciety" a copy and journals ing secretary of that society and dated at Worcester  
 of the laws, of the Gene- ing secretary of that society and dated at Worcester  
 and journals ral Assembly, Massachusetts the 17th December 1817, that His  
 of the Gene- Excellency the Governor of this State, for the time  
 ral Assembly, being, be authorized to transmit to the aforesaid  
 of this State society one copy of all the laws, and one copy of  
 &c. all the journals of the two Houses of the General  
 Assembly, of the State of Delaware, so far as the  
 same can be obtained from any public source within  
 this State.

ADOPTED AT DOVER }  
 6th February 1818. }

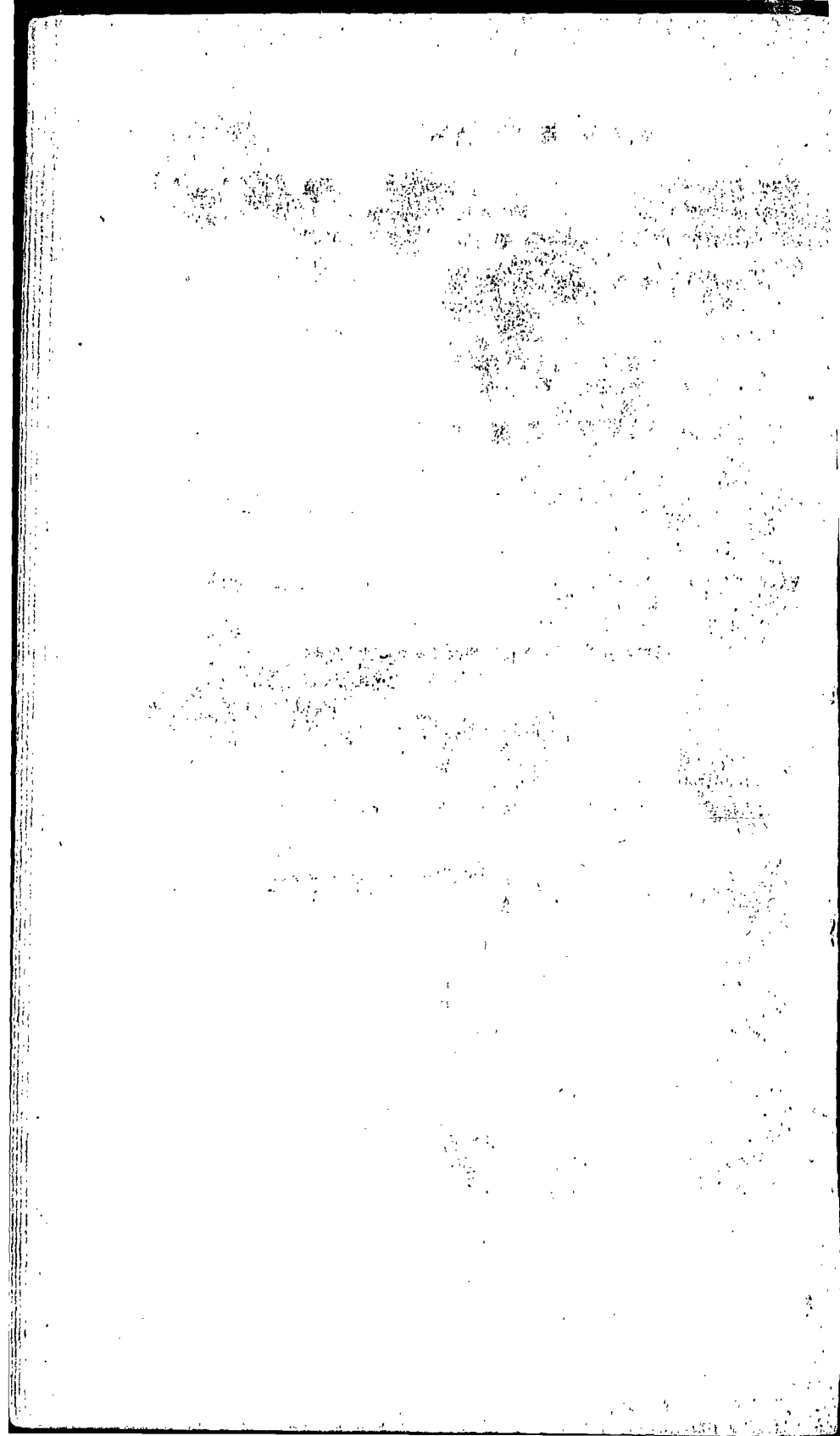
SECRETARY'S OFFICE,

Dover, March 17, 1818.

*I do certify, that in obedience to the directions of an act of the General Assembly of the State of Delaware, I have collated with, and corrected by, the original rolls, and caused to be published, this edition of the laws of the said State passed during the last session of the General Assembly.*

**H. M. RIDGELY,**

*Secretary of the State of Delaware.*



**LAWS**

OF THE

**STATE OF DELAWARE,**

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY,

BEGUN AND HOLDEN AT DOVER,

ON TUESDAY THE FIFTH DAY OF JANUARY,

*IN THE YEAR OF OUR LORD*

**1819,**

*And of the Independence of the*

**United States of America,**

THE

**Forty-third.**

---

PUBLISHED BY AUTHORITY.

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DOVER:

J. ROBERTSON, PRINTER.

.....

1819.



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# LAWS

OF THE

## STATE OF DELAWARE.

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### CHAPTER CCV.

CHAP.  
CCV.

AN ACT for the more speedy publication of the laws.

1819.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That all acts passed by the General Assembly, and all resolutions of the same, in nature of public laws, shall, immediately after the said acts and resolutions shall have been enrolled and signed by the speaker of the Senate and the speaker of the House of Representatives, be delivered, by the speaker of the House where the same may have originated, to the Secretary of State.

2 vol. 1064.  
Laws to be delivered to Secretary immediately after being signed &c.

SEC. 2. Be it enacted, That the Secretary of State be and he is hereby authorized and required to cause to be printed and published, as soon as conveniently may be, on good paper, eight hundred copies of all such enrolled resolutions, and of all such acts, as are of a public nature; and shall preserve the originals in his office.

2 vol. 1064.  
4 vol 521.  
5 vol. 273.  
366.  
Secretary to cause 800 copies to be printed &c.

SEC. 3. Be it enacted, That the Secretary of State be and he is hereby required to cause to be transmitted to the prothonotary of each county one hundred and sixty copies of the printed laws of this and every future session of the General Assembly.

to transmit copies to prothonotaries & clerks of General Assembly.

bly, to the clerk of the Senate, for the use of the Senate, nine copies, and to the clerk of the House of Representatives, for the use of the House of Representatives, twenty-one copies.

Vid. 4 vol. 21—  
5 vol. 368. SEC. 4. *Be it enacted*, That the prothonotary of each county shall deliver to each grand juror and conservator of the peace, residing within the same county, one copy of the laws of every session of the General Assembly that shall come to his hands, and the residue of the said copies he shall sell at twenty-five cents for each copy.

Copies sent to prothonotaries how to be disposed of; SEC. 5. *Be it enacted*, That the said prothonotaries shall, respectively, on or before the first day of December in this and every succeeding year, account to the State-treasurer for the several sums of money which shall then have come into their respective hands for the copies of the laws by them sold; and in such account shall be stated what number of the copies of the laws of each and every previous session remain on hand; and shall forthwith pay over to the, State-treasurer for the use of the State, such sums of money, first deducting five per cent. commissions.

150 copies to be preserved in the Secretary's office. SEC. 6. *Be it enacted*, That the Secretary of State be and he is hereby required to deposit and preserve in his office one hundred and fifty copies of the printed laws of this and of every future session of the General Assembly.

PASSED AT DOVER, }  
26 January, 1819. }

## CHAPTER CCVI.

CHAP.  
CCVI.

AN ACT to authorize the administrator de bonis non of John Mitchell, deceased, to convey to James Derrickson, of the county of Sussex, physician, two lots of land with the appurtenances, situate near Laurel-town, in said county of Sussex.

1819.

PASSED AT DOVER, }  
January 26, 1819. }

PRIVATE ACT.

## CHAPTER CCVII.

AN ACT to enable Eliza Bradley and John Carey to convey the real estate of Joshua Bradley, deceased.

PASSED AT DOVER, }  
27 January, 1819. }

PRIVATE ACT.

## CHAPTER CCVIII.

AN ACT to incorporate the trustees of the Milton academy.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Joseph Maull, Arthur Milby, John D. Smith, David Hazzard, Eli Hall, William Morgan and Cornelius Carey, be Trustees of Milton academy, and they are hereby constituted a body politic and corporate by the name of the "trustees of the Milton academy"; and by that name shall have perpetual succession, and a common seal, may sue and be sued, plead and be impleaded in any court of law or equity.

SEC. 2. And be it enacted, That the said trustees and their successors, by the name aforesaid, may acquire, hold and dis-



pose of prop- shall be capable in law to purchase, receive and  
erty; hold any lands, tenements, rents, goods or chattels,  
which shall be given, conveyed or devised to them  
for the use of the said academy, and to sell, rent or  
dispose of the same in such manner as to them  
shall seem most beneficial to the said institution.

make by- SEC. 3. *And be it enacted,* That the said trus-  
laws; tees, or a majority of them, shall have power, from  
time to time, to make and establish such by-laws,  
rules and ordinances, not contrary to the laws and  
constitution of this State or of the United States, as  
they shall judge necessary and proper for the good  
government of the said institution; and to appoint  
appoint tutors a president, secretary, tutor or tutors and treasu-  
&c: rer, the last of whom shall receive all monies accru-  
Treasurer, his ing to the said institution and property delivered to  
duties: his care, and pay or deliver the same to the order  
of the said trustees or a majority of them: the said  
treasurer, before he enters upon the duties of his  
office, shall give bond and security, in such sum, as  
shall give the said trustees shall direct, payable to them or  
bond. their successors, conditioned for the faithful dis-  
charge of the trust reposed in him, and that he will,  
when required by the said trustees, render a true  
and just account of all monies, goods and chattels  
received by him on account of and for the use and  
benefit of the said institution.

Trustees may SEC. 4. *And be it enacted,* That the said trus-  
receive sub- tees, and their successors, shall have power to take  
scriptions, and receive subscriptions for the use and benefit of  
&c., the said institution or school, and, in case any per-  
and enforce son shall fail to comply with his or her subscription,  
payment. to enforce the payment thereof.

Election of SEC. 5. *And be it enacted,* That an election shall  
trustees. be held on the first Monday in January, in the year  
eighteen hundred and twenty, and annually on the  
first Monday in January; at which time and place  
Qualifications those persons who shall have subscribed to the ar-  
of electors; ticles of association, and signed the constitution of  
said institution or school, shall be entitled to  
of trustees. vote for trustees: no person or persons shall be clio-

sen a trustee or trustees for the said institution or school, unless they shall have the same qualification as those who are entitled to vote at such elections: and in case any vacancy in the board of trustees during the year for which they may be elected, the remaining trustees shall have the power, and they are hereby authorized and empowered, to fill such vacancy; and in case it should so happen that the said trustees should not be chosen as aforesaid, on the day aforesaid, then and in such case the trustees then in office shall continue therein until their place shall be supplied by a new election.

PASSED AT DOVER, }  
27 January, 1819. }

### CHAPTER CCIX.

*AN ACT to survey, lay out and regulate the streets of the village of Milton.*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John Robinson, Watson Pepper, esquire, and John Parker, senior, or the survivors of them, or a majority of them, shall have full power and authority, and they, or the survivors of them or a majority of them, or the survivors of them, are hereby authorized, directed and required, as soon as conveniently may be after the passing of this act, to ascertain, fix and establish the limits and bounds of the village aforesaid, and to cause all the streets, lanes and alleys now being within the said village to be carefully surveyed and laid out, and to cause to be surveyed, laid out and opened within the said village, all such additional streets, lanes and alleys as they shall deem proper and necessary, allowing to the persons, respectively, through or over whose grounds such additional streets, lanes or alleys may run, such compensation therefor as they shall deem to be just and reasonable, under all circumstances; which compensation,

Vacancy in  
board of trustees how filled.

Limits of the village to be fixed and established;

streets to be surveyed,

and new ones laid out, &c.

Compensation for new streets, &c.

by whom to if any be allowed, shall be paid by the petitioners.  
be paid.

SEC. 2. *And be it further enacted, That John Robinson, Watson Pepper, esquire, and John Parker, senior, or the survivors of them, or a majority of them, or the survivors of them, shall be and they are hereby authorized and required, in the performance of the duties enjoined on them by this act, to take to their assistance a skilful surveyor, and after having caused to be ascertained, fixed and established the limits and bounds of the said village, and after having caused to be carefully surveyed and laid out all the streets, lanes and alleys now being in the said village, and having caused to be surveyed, located and laid out such additional streets, lanes and alleys as they shall deem to be proper and necessary, they shall cause to be fixed such and so many stones, and in such places, as they shall deem to be proper, for marking out and establishing the lines, bounds, corners, streets, lanes and alleys of the said village, and they shall cause the said surveyor, whom they shall take to their assistance aforesaid, to make out an accurate plot or map of the said village, on which shall be marked as designated the boundaries of said village, and the courses, width and names of the several streets, lanes and alleys thereof, both of those now being in the said village and such new ones as they may locate and lay out as aforesaid, and they may annex or add to the said map or plot such additional lines, surveys, observations and explanatory notes as they shall deem right and proper; and they, together with the surveyor aforesaid, shall sign the same when completed as aforesaid, and cause it to be carefully recorded in the office for recording of deeds in and for Sussex county; which record, or any copy thereof, when duly certified under the hand and seal of the recorder of deeds in and for Sussex county aforesaid, shall be admitted and received as competent testimony in all courts of law or equity within this State.*

Limits being fixed,  
and streets surveyed,  
and laid out,  
stones shall be placed to mark the bounds, streets, &c.,  
and a plot shall be made,  
and recorded &c.

Commissioners & surveyor to be sworn.

SEC. 3. *And be it further enacted, That the said John Robinson, Watson Pepper, esquire, and John*

Parker, senior, or such of them as may act under the provisions of this law, and the surveyor whom they may take to their assistance, before they enter upon the duties herein before assigned, shall be duly sworn or affirmed before some judge or justice of the peace of this State, faithfully and impartially to perform the duties assigned them by this act, to the best of their skill and judgment.

CHAP.  
CCIX.

1819.

SEC. 4. *And be it further enacted, That in case* any person or persons through whose lands the said streets, lanes and alleys may pass, shall be dissatisfied with the damages which shall be assessed by the said commissioners, or with their decision if no damages are assessed, it shall and may be lawful for him, her or them to appeal from the determination of the said commissioners to the court of common pleas of the county of Sussex, who are authorized and required to appoint five substantial and disinterested freeholders, to go upon and view the premises; whose duty it shall be to order and award such damages, or none, as they shall deem proper and right; which award, when duly made and returned under their hands and seals, or the hands and seals of a majority of them, shall be final and conclusive: provided that the said appeal shall be made within six months after the damages assessed by the said commissioners shall be made known to the persons, respectively, in whose favour the damages are assessed.

Persons dissatisfied with the compensation allowed, may appeal to the common pleas.

Limitation of the time for appealing.

PASSED AT DOVER, }  
28 January, 1819. }

## CHAPTER CCX.

AN ACT to alter and change part of the State road leading from the stone line to John Bradley's forge, in Sussex county.

WHEREAS it has been represented to this General

Preamble.

CHAP.  
CCX.

1819.

Assembly, that part of the State road leading from the stone line, in Sussex county, to John Bradley's forge, may be altered and changed so as to enable the owners of the adjacent land to receive the benefit thereof without public inconvenience :

New road au-  
thorized from  
west end of  
Bradley's  
mill-dam,  
&c. ;

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That* Peter R. Jackson and William Meloney be and they are hereby authorized to make and put in lawful condition a road of lawful breadth from the west end of the aforesaid John Bradley's mill-dam thence north, sixty-four degrees west, twenty-eight perches; thence north, seventy-five and one half degrees west, seventy-seven perches; thence south, fifty-four and one half degrees west, one hundred and fourteen perches; or until the said new road shall intersect the old one at or near the place where William Meloney's gate now stands; and from thenceforth the said road shall be deemed and taken to be the State road and kept in repair as other State roads are.

and part of old  
road from  
stone line to  
Bradley's  
forge vacated.

SEC. 2. *And be it enacted by the authority aforesaid, That* after the said road shall be made and completed as aforesaid, it shall and may be lawful for the said Peter R. Jackson and William Meloney to shut up and enclose that part of the old State road lying between the mill-dam aforesaid and the place where the new road intersects the old one.

PASSED AT DOVER, }  
28 January, 1819. }

## CHAPTER CCXI.

AN ACT to regulate the practice of medicine and surgery in this State.

Preamble.

WHEREAS the skilful practice of medicine and surgery is productive of the most important and ex-

tensive benefits to society, and therefore ought to be promoted and encouraged; and whereas there are persons ignorant of the true principles of it who profess to have a knowledge of the healing art, and who would exercise their empiricism in a manner humiliating to the pride of science and productive of the worst effects upon the people; therefore—

CHAP.  
CCXI.

1819.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That James Tilton, George Monro, John Brinckle, Richard E. Cochran and Arnold Naudain, physicians, of the county of Newcastle; and Joseph B. Harris, William W. Morris, Arthur Johns, John Adams and James P. Lofland, physicians, of the county of Kent; and James Derrickson, Joseph Maull, Isaac Robinson, Edward Dingle junior and John White, physicians, of the county of Sussex, be, and they are hereby, appointed and constituted a board of examiners, to be denominated the medical board of examiners for the State of Delaware; to hold their said appointment for the space of three years from the passing of this act, if so long they shall continue to reside in their respective counties: vacancies happening by death, resignation, removal, inability to serve, or upon the expiration of their appointment, the General Assembly may at any session supply any vacancy so as aforesaid having happened.

Medical board  
of examiners  
for the State.

Vacancies  
how supplied.

SEC. 2. *And be it enacted,* That the said board of examiners shall meet in the town of Dover, on the second Tuesday in May next, and on the second Tuesday in January annually thereafter, when and where they shall continue not less than three days, and shall during that time appoint from their own body a president, a secretary, and a treasurer, and adopt such by-laws, rules and regulations, as they may deem necessary for the proper discharge and execution of the trust hereby reposed in them, not being contrary to, nor inconsistent with, the constitution and laws of this State; and they shall have the power of granting licenses for the practice

Meetings of  
the board.

Appointment  
of officers.

Adoption of  
by-laws.

Granting li.

censes to practice medicine. of medicine and surgery within this State, and they are hereby authorized and required to grant such licenses under the hand and seal of the president and secretary of the said board to any person or persons applying for the same, who shall, on the production of a diploma from some reputable college of medicine, or from a full strict and impartial examination, be deemed adequate to the practice of medicine and surgery.

Quorum of the board. SEC. 3. *And be it enacted*, That any seven members of the said board of examiners may constitute a board for the transaction of business; a majority of the members present shall have the power in all cases to grant such licenses as aforesaid.

Fee for license. SEC. 4. *And be it enacted*, That any person, obtaining a license to practice medicine and surgery in this State, from the aforesaid board of medical examiners, on receiving such license, shall pay to the treasurer of the said board the sum of ten dollars, to be applied, by the said board, in payment of any expenses, which may by them be necessarily incurred under and by reason of this act.

Three members of the board may grant certificate to practice until, &c. SEC. 5. *And be it enacted*, That it shall be lawful for any three members of the aforesaid board of examiners, for the time being, upon application to them of any person whose design it may be to commence the practice of medicine and surgery within this State, to grant such person so applying as aforesaid a certificate permitting such applicant to practice medicine and surgery until the next annual meeting of the board and no longer; provided that no such certificate be granted to the same person more than once.

Penalty for practicing medicine, &c. without license, &c. SEC. 6. *And be it enacted by the authority aforesaid*, That if any person or persons, not having been at the time of the passing of this act, a practitioner of medicine and surgery within this State, shall thereafter practice medicine or surgery and demand or receive fee or reward therefor within this State, without having first obtained such tes-

timonials of skill as aforesaid, he or they shall, for each and every such offence, forfeit and pay the sum of fifty dollars; one half thereof to the informer or person suing for the same, and the other half to the treasurer of the State for the use of the State, to be recovered as sums of the like amount are recoverable by the laws of this State: *Provided however*, that nothing in this act contained shall be deemed, construed or taken to affect shop-keepers or apothecaries who may sell or keep for sale drugs and medicine as heretofore.

CHAP.  
CCXI.

1819.

Apothecaries  
not to be affected  
by this act.

PASSED AT DOVER, }  
29 January, 1819. }

## CHAPTER CCXII.

A SUPPLEMENT to the act entitled "*An act granting to the persons therein named a certain tract or parcel of marsh therein contained*".

PASSED AT DOVER, }  
29 January, 1819. }

PRIVATE ACT.

## CHAPTER CCXIII.

AN ACT to incorporate the trustees of the *Seaford academy*.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John Rust, John Tennent, Nathaniel Ross, Henry Little and Nathan Vickars, and their successors, be, and they are hereby declared to be, one community corporate, or body politic, to have continuance forever by the name of "*the trustees of the Seaford academy*"; and by the same name shall have perpetual succession.

Trustees incorporated;



May receive,  
hold and dis-  
pose of pro-  
perty;

SEC. 2. *And be it further enacted,* That the said trustees, and their successors, by the name aforesaid, shall be capable, in law, to purchase, receive and hold any lands, tenements, rents, goods or chattels, which shall be given conveyed or devised to them for the use of the said institution; and to sell, dispose of, alien or demise the same, in such manner and form as they may think most advantageous or beneficial to the said institution; and the said corporation, by the name of "the trustees of the Seaford academy", shall be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of law and equity or in any other place whatsoever; and to do and execute all other matters and things which bodies politic and corporate may or can lawfully do.

may sue and  
be sued, &c.;

may make  
by-laws;

appoint tutors  
&c. for the  
school;

and officers of  
their board

Treasurer to  
give bond.

Vacancies in  
the board,  
how filled.

SEC. 3. *And be it further enacted,* That the corporation aforesaid, or a majority of them, shall have full power and authority to make, alter, repeal, and again re-establish all by-laws, regulations and ordinances, which are not contrary to the laws of the United States or of this State, and which they may deem necessary and proper for the good government of the said academy as a seminary of useful learning; to appoint professors, tutors and such officers and persons as they may deem requisite for the said academy, under such rules and stipulations and for such pecuniary compensation, as they shall consider adequate and proper; they shall annually choose one of their own body to be president of the board of trustees; and they shall from time to time appoint a treasurer, secretary and such other officers as may be requisite, whose duties shall be prescribed by the ordinances of the said corporation; but the treasurer shall be required to enter into bond to the corporation for the faithful performance of his trust, before he shall officiate as treasurer aforesaid.

SEC. 4. *And be it enacted,* That whenever any vacancy shall happen in the said board of trustees, either by death, resignation, refusal to serve, remo-

val from Sussex county, or in any other manner, the remaining trustees shall have the power and they are hereby authorized and empowered to choose, by ballot, a person or persons to fill said vacancy.

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SEC. 5. *And be it enacted,* That the trustees, named in the first section of this act, shall continue in office until the first Saturday in March one thousand eight hundred and twenty, and until others are duly elected to supply their places; and the said corporation shall be kept up and continued, by electing five trustees thereof annually on the first Saturday of March in each and every year; and if an election should not be made on the day appointed for that purpose, in any year, then and in such case the trustees, then in office, shall continue in office, as trustees aforesaid, until an election shall be legally made, under the provisions of this act, on the day for that purpose herein appointed.

Trustees,—  
their continu-  
ance in office;

o—when to be e-  
lected.

SEC. 6. *And be it enacted,* That all free white inhabitants of the village of Seaford and its vicinity, who shall send a child or children to said academy, or who shall by contribution to the amount of fifty dollars in one subscription, or to the amount of five dollars annually to the enlargement of the funds thereof, by gift, devise, or otherwise, shall have power, and are hereby authorized, to assemble together, annually, on the first Saturday of March after the present year, at the said academy or school-house, and then and there elect five persons as trustees of the said academy for the year thence next ensuing.

Who may e-  
lect trustees.

SEC. 7. *And be it enacted,* That the said trustees shall have power to take and receive subscriptions for the use and benefit of the said institution, and, in case any person shall fail to comply with his or her subscription, to enforce the payment thereof.

Trustees may  
take subscrip-  
tions and en-  
force pay-  
ment.

SEC. 8. *And be it enacted,* That the said cor-

May have a  
common seal,  
&c.;

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poration shall have full power and authority to have and use a common seal, and to change, alter or break the same, and establish another or others, with such devices as they shall think proper; and all acts, certified under the seal of the said corporation, relating to the affairs thereof, shall have full faith and credit in and before all and every the courts and jurisdictions within this State.

Shall receive  
no compensa-  
tion for servi-  
ces.

SEC. 9. *And be it enacted,* That the trustees of the Seaford academy shall not, on any pretence whatsoever, take or receive any pecuniary reward or compensation for their personal attendance or services, or for their expenses incurred in such attendance, in the discharge of the duties or powers vested in them by this act.

PASSED AT DOVER, }  
29 January, 1819. }

## CHAPTER CCXIV.

AN ACT *for regulating the construction and use of wears in St. Jones' creek.*

SEC. 1. BE IT ENACTED *by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall and may be lawful for any person or persons, residing in Kent county, to make, construct and place, in any part of St. Jones's creek, not lower down the said creek than one hundred yards above the upper For-est-land on the said creek, any wear or wears, for the purpose of taking fish in the said creek, and to have, hold, use and enjoy the said wear or wears for his, her or their own benefit: *Provided,* that nothing in this section contained shall authorize any person or persons to erect or construct any wear upon or contiguous to lands of any other person or persons, without first obtaining his, her or their permission to erect and construct the same.

Residents of  
Kent county  
authorized to  
place wears in  
St. Jones'  
creek under  
certain provi-  
sions.

SEC. 2. *Provided nevertheless, and be it further* <sup>Provisos.</sup> *enacted,* That no wear shall extend in the said creek further than half across the channel or deepest part of the said creek; and that such wear shall be placed in a straight reach of the said creek and not at any of the turns thereof; and that no two wears shall be put or placed nearer each other than at the distance of forty rods; and that the owner of every such wear shall take up the same, once in every year, and clean the bottom of the said creek where the said wear stood.

SEC. 3. *And provided also, and be it further* <sup>e- Proviso.</sup> *enacted,* That every wear, so to be placed as aforesaid in the said creek, shall be set and placed in the said creek, under the direction and by written license of three disinterested and judicious freeholders, to be appointed for that purpose by a justice of the peace of the county aforesaid, residing in the town of Dover.

SEC. 4. *And be it further enacted,* That no in- <sup>No concealed</sup> visible, concealed or blind hedging shall be put or <sup>hedging to be</sup> placed in the said creek; and if any person or per- <sup>placed in the</sup> sons shall put or place or cause to be put or placed <sup>creek;</sup> in the said creek any such invisible, concealed or <sup>penalty there-</sup> blind hedging, or any other obstruction or contrivance not expressly authorized by this act, every such person, so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, to <sup>how recover-</sup> be recovered, with costs, before any justice of the <sup>ed.</sup> peace for Kent county aforesaid, and to be applied, <sup>and applied,</sup> the one half thereof to the use of the person or persons suing for the same, and the other half to the use of the poor of Kent county aforesaid.

SEC. 5. *And be it further enacted,* That all the <sup>Provisions of</sup> provisions of the act of assembly entitled, "an act <sup>ch. 149—</sup> prohibiting the use of wears, hedges and gill-nets <sup>5 vol. 257,</sup> in St. Jones's creek", shall be and the same are <sup>continued in</sup> hereby continued in full force, except such parts <sup>force, except</sup> thereof as are hereby altered or supplied. <sup>&c.</sup>

PASSED AT DOVER, }  
29 January, 1819. }

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## CHAPTER CCXV.

1819.

A SUPPLEMENT to an act entitled "*An act to incorporate the members of the library company of Wilmington*".

PASSED AT DOVER, }  
30 January, 1819. }

PRIVATE ACT.

## CHAPTER CCXVI.

AN ACT to incorporate the members of the *Female Benevolent Society of Wilmington*.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Orpha Hewes, Rachel Hayes, Elizabeth Jones, Ann Richardson, Mary West, Sarah Wayne, Sarah Hayes, Maria Brohson, Sarah R. Latimer, Sarah S. Lovering, Esther Stokesly, Deborah Hewes, Hannah Gibbons, Lydia Edmondson, Frances Canby, Mary Poole, Mary S. Newlin, Margaret Nichols, Hannah Mendinball and Sarah Shipley, and such other persons as shall hereafter become members of the Female Benevolent Society of Wilmington in the State of Delaware, be, and forever hereafter shall be, by virtue of this act, one body politic and corporate in fact and in law, and shall have continuance forever by the name, style and title of "*the Female Benevolent Society of Wilmington in the State of Delaware*".

Company in-  
corporated;  
  
name thereof;  
  
may hold and  
dispose of pro-  
perty;

SEC. 2. And be it further enacted, That the said corporation, and their successors, shall forever hereafter be able and capable in law to have, hold and enjoy all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments and goods and chattels of what kind soever; and also to give, grant, let, sell or assign the same, and to do all other things touching the

same, by the name and title aforesaid; and also <sup>sue & be sued, &c.:</sup> that they and their successors, by the said title, be and shall be, forever hereafter, able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of justice and before any judges, justices and other persons whatsoever, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and of what nature or kind soever.

SEC. 3. *And be it enacted*, That it shall and may have a common seal. may be lawful to and for the said company, and their successors, by the title of "the Female Benevolent Society of Wilmington in the State of Delaware", forever hereafter, to have and use a common seal, with such device or devices as they may think and deem proper, for sealing all and every deed and deeds, and all grants, conveyances, contracts, bonds, assignments, powers agreements, and all and singular other affairs touching or concerning the said corporation: *Provided always nevertheless*, <sup>Limitation of the yearly rents of their real estate.</sup> that the yearly rents and profits of the whole real estate to be held and enjoyed by the said corporate body, or their successors, or by any person or persons for their use, shall not exceed five hundred dollars.

PASSED AT DOVER, }  
1 February, 1819. }

## CHAPTER CCXVII.

### AN ACT for the preservation of mill property.

SEC. 1. BE IT ENACTED by the Senate and <sup>Notice to be given at a lower mill of a discharge of water from an upper mill. &c.</sup> House of Representatives of the State of Delaware, in General Assembly met, That if any person or persons, being the owner or possessor, owners or possessors, of any mill, within this State, worked by a water power, shall, at any time after the passing of this act, wilfully and knowingly, by any means,

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discharge or cause to be discharged, from any mill-dam, an unusual quantity of water, or if, by the accidental breaking or overflowing of any mill-dam, an unusual quantity of water should be discharged, it shall be the duty of such person or persons, owning, possessing or having the charge of, and residing at or near, the said mill, as soon as the nature of the case will admit, to give notice of the wilful or accidental discharge of such water to the owner, possessor or keeper, or to either of them, who may reside at or nearest to, any mill which may be situated next below upon the same stream; and for omitting or neglecting to give such due and reasonable notice, the offender shall, on due proof thereof being made, forfeit and pay double the amount of all damages, with costs of suit, which may be sustained by the owner, possessor or keeper of any such lower mill as aforesaid; to be recovered as debts of a like amount are or may be recoverable by the laws of this State.

penalty for  
not giving  
such notice.

PASSED AT DOVER, }  
1 February, 1819. }

## CHAPTER CCXVIII.

AN ACT enjoining certain duties on the Secretary of State.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Secretary of State, for the time being, he and he is hereby authorized and required, as soon as practicable, to call upon any and every person or persons, now alive and residing within this State, who may have heretofore, at any time, been in office as prothonotary of any of the counties within the State of Delaware, and who may not now hold such appointment, and, by all the means constitutionally within his power, ascertain and determine what number of copies of the bound laws of this State, have at any time been

Secretary to  
ascertain the  
number of  
bound laws  
delivered to  
former pro-  
thonotaries &  
sold and ac-  
counted for  
&c.

placed by public authority in each or any of their hands, how many of the same may have been given over to their successors in office, and how many thereof sold and accounted for according to law : and if the Secretary of State aforesaid should deem it proper, he is hereby authorized to institute and carry on, in the name of the State, a suit or suits for the recovery of any sum or sums of money, which he may find due from any or every such person or persons, having been prothonotary or prothonotaries aforesaid, or against his or their executors administrators or legal representatives.

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SEC. 2. *And be it enacted,* That the Secretary of State aforesaid be and he is hereby authorized and required to call upon each of the prothonotaries of the several counties of this State, now in office, and ascertain what number of copies of the acts of Assembly of this State, bound and unbound, each of them may have respectively received since they have been in office ; how many each of them obtained from his predecessor in office ; how many are now on hand, and how many have been sold and not accounted for according to law ; and if the Secretary aforesaid shall find it necessary or deem it expedient, he is hereby authorized to institute a suit or suits against any or every such prothonotary who may be found delinquent in the payment over of any money received for laws as aforesaid, and the same to prosecute to recovery or final decision, in the name of the State.

and the number of laws delivered to the present prothonotaries, the number on hand, & sold & not accounted for &c. ;

SEC. 3. *And be it enacted,* That the Secretary of State be, and he or his successor in office, is hereby required to make report to the General Assembly, at their next January session, all proceedings had under and by virtue of this act.

and report to the General Assembly &c.

PASSED AT DOVER, }  
3 February, 1819. }



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## CHAPTER CCXIX.

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**A SUPPLEMENT** to an act entitled "*An act to prevent swine running at large within the village of Milton and the bounds therein prescribed, in the county of Sussex*".

**SEC. 1.** *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That from and after the first day of March next, no person or persons whatsoever shall suffer or permit any of their hogs or swine to run at large within the limits or bounds described in the act to which this is a supplement; and that the owner or owners of all such hogs or swine, which shall be found trespassing or without the enclosures of the said owner or owners and within the limits of the said village, after the aforesaid day, shall forfeit the same.

Swine running at large, &c. shall be forfeited.

**SEC. 2.** *And be it further enacted,* That it shall and may be lawful for any person or persons whatsoever, to seize, drive or carry all such swine or hogs, so found or being at large or trespassing, or without the enclosures of the respective owner or owners within the aforesaid bounds of the village of Milton, to any lawful constable of Sussex county, for the time being, who is hereby authorized and required to receive and detain the same, and, after three days' public notice, by advertisement at two of the most public places within the bounds aforesaid, to sell or dispose of the same, and pay over one half of the price therefor received, after deducting out his reasonable fees, and other expenses necessarily arising thereon, to the person or persons who drove or brought the said hog, hogs or swine to him, and apply the residue thereof in such manner as he, together with two freeholders to be chosen by him within the said limits, shall think most advantageous to the village aforesaid.

The owner of such swine shall have

**SEC. 3.** *And be it further enacted,* That in case the owner or owners of any such hog or hogs or

swine, that shall be seized, taken up or (driven to <sup>them again,</sup> a constable as aforesaid, shall put in a claim that <sup>on its appear-</sup> he, she or they did not suffer or permit their swine <sup>ing that he did</sup> as aforesaid to run at large within the bounds or <sup>not permit</sup> limits of said village as described in the act to <sup>them to run at</sup> which this is a supplement, then in every such case <sup>large usually.</sup> the constable, who has charge of the said hogs or swine so claimed, shall summon three freeholders of said village to hear the complaints; and if it shall appear, from the report of the freeholders aforesaid, that the owner or owners of said swine did not suffer or permit them to run at large usually, then, upon the payment of reasonable costs and the actual expense of feeding such hog or hogs or swine, the owner or owners thereof shall have the same delivered to them by said constable.

SEC. 4. *And be it further enacted, That so much* <sup>Repeal of part</sup> *of the said recited act as is hereby altered, shall be* <sup>of former act.</sup> *and the same is hereby repealed, made null and void.*

PASSED AT DOVER, }  
5 February, 1819. }

## CHAPTER CCXX.

### AN ACT *varying the compensation of members of the General Assembly.*

SEC. 1. BE IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That from and after the <sup>Mileage fixed</sup> first Tuesday in October next, there shall be allow- <sup>at twelve and</sup> ed to each member of the General Assembly twelve <sup>an half cents</sup> and an half cents for each mile to and from his residence to the place where the legislature may convene, in lieu and place of the mileage heretofore al- <sup>2 vol. 1068.</sup> lowed, and in addition to the daily allowance now <sup>4 vol. 51.</sup> given by the second section of the act entitled "An act to increase the salary of the chancellor, and the daily allowance of grand and petit jurors and for other purposes", passed on the first day of Febru-

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any one thousand eight hundred and six, and to be paid as in the aforesaid act is directed for the payment of the daily allowance of members of the General Assembly.

PASSED AT DOVER, }  
5 February, 1819. }

## CHAPTER CCXXI.

AN ACT for the relief of *Lister F. Donnell*, a non-resident insolvent debtor.

Preamble.

WHEREAS it has been represented to this General Assembly, on the petition of *Lister F. Donnell*, resident in the city of Philadelphia and State of Pennsylvania, now confined in the public jail of the county of Newcastle in this State, that he has been arrested and confined in prison, at the suit of Alexander M. Wilson of the city of Philadelphia, for a debt, which he, the said *Lister F. Donnell*, is now wholly unable to pay, and that he cannot be discharged from his confinement, being a non-resident, by any existing law of this State: therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That upon a petition being preferred to the supreme court, or court of common pleas, or to any judge, of either of the aforesaid courts within this State, in vacation, by the said *Lister F. Donnell*, the said supreme court, or court of common pleas, or judge of either of the aforesaid courts in vacation, to whom such petition may be preferred, shall take such order, and may proceed to discharge the said *Lister F. Donnell* from his imprisonment, upon the same terms and in the same manner as the supreme court or court of common pleas may or can discharge insolvent debtors residing within this State, by the existing laws thereof: and such discharge shall be as available, to exempt the person of the said *Lister F. Donnell* from

Provisions of  
existing laws  
extended to  
*Lister F.*  
*Donnell* a  
non-resident  
insolvent  
debtor &c.

arrest in future for any debts which he may now owe, and have the same effect and operation, as if the said Lister F. Donnell were a resident of this State, any law, usage or custom to the contrary in any wise notwithstanding.

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PASSED AT DOVER, }  
5 February, 1819. }

## CHAPTER CCXXII.

*AN ACT for the relief of distressed and decayed pilots, their widows and children.*

SEC. 1. BE IT ENACTED by the the Senate and House of Representatives of the State of Delaware, in General Assembly met, That every ship or other vessel, arriving from, or bound to, any foreign port or place, and every ship or other vessel of the burden of one hundred tons or more, sailing from, or bound to, any port in the State of Delaware, except ships or other vessels belonging to citizens of this State, shall be obliged to receive a pilot: and it shall be the duty of the master of every such ship or other vessel, within thirty-six hours next after the arrival of such ship or other vessel at any port in this State, to report to the collector of the port of Wilmington the name of such ship or other vessel, her draught of water and the name of the pilot who shall have conducted her to the port; and where any such ship or other vessel shall be outward bound, the master of such ship or other vessel shall make known to the collector of the port of Wilmington the name of such ship or other vessel, and the pilot who is to conduct her to the capes, and her draught of water at that time: and the collector of the port aforesaid is hereby authorized by the authority aforesaid, or some suitable person to be appointed by him, or, in case of his declining to act or appoint as aforesaid, then a suitable person to be appointed by the society for the relief of dis-

Certain vessels obliged to receive pilots.

duties enjoined on the masters of such vessels,

distressed and decayed pilots their widows and children, is hereby authorized, to enter every such ship or other vessel in a book, to be by him kept for that purpose; and if the master of any ship or other vessel, shall neglect to make such report, he shall forfeit and pay the sum of sixty dollars: and if the master of any such ship or other vessel shall refuse or neglect to take a pilot, the master, owner or consignee of such ship or other vessel shall forfeit and pay, to the collector aforesaid, or the person who may be appointed as aforesaid, a sum equal to the half pilotage of such ship or other vessel to and from the city of Philadelphia to the the capes of Delaware, to the use of the society for the relief of distressed and decayed pilots, their widows and children, incorporated by the legislature of the State of Pennsylvania, in the year one thousand seven hundred and eighty-nine, to be recovered as debts of like amount are recoverable by the existing laws of this State: *Provided always*, that where it shall appear, to the officer or other person acting as aforesaid, that, in case of an inward bound ship or other vessel, a pilot did not offer before she had reached Ready-island, or, in case of an outward bound ship or other vessel, that a pilot could not be obtained for twenty-four hours, after such ship or other vessel was ready to depart, the penalty aforesaid for not having a pilot shall not be incurred.

**SEC. 2.** *And be it further enacted by the authority aforesaid,* That the collector of the port of Wilmington in the district of Delaware, so authorized, or other person appointed as is herein provided, before he enters on the duties of his office under the provisions of this act, shall give bond, with sufficient surety, in the penalty of two thousand dollars lawful money of the United States, to the Society for the relief of distressed and decayed pilots, their widows and children, conditioned for the faithful discharge of the trust reposed in him, and the payment over to the society aforesaid of all such sum and sums of money as may remain in his hands upon settlement of his accounts; and shall settle his ac-

penalty for neglect thereof:

penalty for not taking a pilot:

Proviso,

Person having right to collect the penalties under this act to give bond &c.;

counts with the said society annually, at such time as they shall require: and the said collector, or other person, so authorized, shall receive, for the performance of the duties herein enjoined, and the trust reposed in him, such sum as may be agreed on between him and the said society.

PASSED AT DOVER, }  
5 February, 1819. }

### CHAPTER CCXXIII.

*AN ACT to incorporate the owners and grantees of the marshes, low-grounds and cripples lying between St. Jones's and Little creeks, in Kent county, and for other purposes.*

SEC. 1. *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That* the owners, their heirs and assigns, of the marsh or marshes, low-grounds and cripples, mentioned and described in this act, be, and they are hereby declared to be, one body politic and corporate, in deed and in law, and to have perpetual succession as such; and that the said corporation shall and may be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of law and equity, or in any other place whatsoever, and, by the name, style and title of "*The St. Jones's marsh company*", may do and execute all such matters and things as bodies politic and corporate may lawfully do by the laws of this State.

The St. Jones's marsh company incorporated;

SEC. 2. *And be it enacted, That* the aforesaid owners and grantees, their heirs and assigns, or a majority of them, shall have power, and are hereby authorized, to make, alter, repeal and re-enact all laws, regulations and ordinances which they may deem necessary for the embankment or improvement of the aforesaid marshes, low-grounds and

may make all laws necessary for embanking and improving their marshes &c

Proviso :

cripples, or of assessing and apportioning such expenses as may be necessary for such embankment or improvement: *Provided nevertheless*, that the said laws, regulations and ordinances shall not be repugnant to the constitution and laws of this State or of the United States.

may compel owners &c to contribute to expense of embankment.

SEC. 3. *And be it enacted*, That it shall and may be lawful for the said corporation to compel and enforce all and every owner or owners, grantee or grantees of any marsh or marshes, low-grounds and cripples situate, lying or being within the limits herein mentioned, to contribute to the expense of embanking and improving said marsh or marshes, low-grounds and cripples according to the quantity and quality which such owner or owners, grantee or grantees may severally and respectively possess or be entitled to.

Limits of the marsh, of the company.

SEC. 4. *And be it enacted*, That the limits of the marsh or marshes, low-grounds and cripples, the owners and grantees of which are hereby incorporated, are and shall be as follows, that is to say, beginning at the mouth of St. Jones' creek and running from thence with the Delaware bay till it intersects the mouth of Little-creek, thence along said creek and binding therewith to Little-creek landing, from thence running with the fast land in a direction towards St. Jones' creek aforesaid, until it intersects the marsh contiguous to said creek, and from thence in a straight line to the place of beginning.

Rate of public taxation on their marsh not to be increased, &c.

SEC. 5. *And be it enacted*, That the assessment and valuation of the marsh cripple and low-grounds, mentioned in this act, shall not be increased or pay any greater rate of taxation than the same is now liable for, during the term of nine years, except such assessment and valuation as may be made thereon for embanking and improving said marsh, low-ground and cripple.

PASSED AT DOVER, }  
5 February, 1819. }

## CHAPTER CCXXIV.

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1819.

AN ACT to provide for the indemnity of the counties of this State against the maintenance of slaves discharged by their masters and mistresses without giving the security required by law.

SEC. 1. WHEREAS many masters and mistresses have attempted to manumit negro and mulatto slaves; without giving the security required by law in such cases to indemnify the county from any charge such county may be put to in case of such negro or mulatto being sick or otherwise rendered incapable to support him or herself; and such slaves have generally acted as free negroes or free mulattoes, and have been dealt with and treated by most people as such, and have enjoyed the privileges of free negroes or free mulattoes, without any hindrance or interruption of their masters or mistresses or of their executors or administrators: and whereas, the instances of such kinds of manumissions are so numerous, and have been of such long continuance, that it is necessary to make some provision by law to indemnify the counties, as well as to effectuate the intentions of such masters and mistresses, and to secure to such negroes and mulattoes their freedom: *be it therefore declared and enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, and it is hereby declared and enacted by the authority of the same, that all and every negro and mulatto slave, who, at any time before the passing of this act, hath been discharged from the service of his or her master or mistress, his or her executors or administrators, by any last will in writing, or by some duly executed manumission in writing, and whom it was the intention of such master or mistress to manumit and set free by such last will in writing or manumission in writing, and who hath not been reclaimed by such master or mistress, his or her executors or administrators, and who at the time of passing this act is in the actual enjoyment*

Preamble.

Slaves heretofore discharged by will or manumission, in writing & not reclaimed &c. shall be free, although security to indemnify the county has not been given.

2 vol. 886,  
1321, 1323.



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1 vol. 436.

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of immunity from labouring for or on account of, or for the benefit of, his or her master or mistress, his or her executors or administrators, shall be, and is hereby declared to be, free and at liberty, and shall and may enjoy all the benefits and advantages that a free negro or free mulatto may or can do within this government, notwithstanding such master or mistress, his or her 'executors' or administrators shall not have given the security required by the laws of this State to indemnify the county from any charge such county shall have been or may be put to in case of such negro or mulatto's being sick or otherwise rendered incapable to support him or herself.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the master or mistress, his or her executors or administrators, of any such negro or mulatto slave, who at the time he or she was discharged from the service of his or her master or mistress, his or her executors or administrators, was not above the age of thirty-five years, and who, at the time of such discharge, was healthy and no ways decrepit or incapable of getting his or her livelihood (except from infancy only), shall not be liable nor chargeable for his or her maintenance or support; but such negro or mulatto shall, in case of necessity, be supported by the county, in like manner as other free negroes or free mulattoes are maintained and supported who are poor and incapable of getting their livelihood.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the master or mistress of any such negro or mulatto slave, who, at the time he or she was discharged from the service of his or her master or mistress as aforesaid, was above the age of thirty-five years, or was unhealthy or decrepit, or incapable of getting his or her livelihood (except from infancy only), shall be liable and chargeable for the maintenance and support of such negro or mulatto, in case such negro or mulatto hath become or shall become unable to support or maintain him or herself; and the trustees of the poor of the pro-

per county may maintain an action therefor against such master or mistress, in any court of record in this State, or before any judicial tribunal of competent jurisdiction: and, as an additional remedy, it shall and may be lawful for the justices of the court of general quarter sessions of the peace and jail delivery to make an order, from time to time, on the master or mistress, for such sum or sums of money as will reimburse, to the trustees of the poor of the proper county, the expenses from time to time, of the maintenance and support of such negro or mulatto: provided, that such suit shall not be maintained, nor such order made, against or on any other person or persons than such master or mistress.

SEC. 4. *And be it further enacted by the authority aforesaid,* That the children of such female slaves as aforesaid, which shall have been born at any time since such female slave was discharged from the service of her master or mistress, his or her executors or administrators as aforesaid, shall be; and are hereby declared to be, free to all intents and purposes whatsoever, and shall be liable to all the regulations and provisions of the acts of the General Assembly, in like manner as the children of any free negro or free mulatto whatsoever in the State.

SEC. 5. *And be it enacted by the authority aforesaid,* That the act of the General Assembly entitled "An act to punish the practice of kidnapping free negroes and free mulattoes, and for other purposes", passed the fourteenth day of June seven-  
 teen hundred and ninety-three, and the act entitled "An act to allow free black persons and free mulattoes, in certain cases, to give testimony in courts of justice", passed the first day of February seven-  
 teen hundred and ninety-nine, shall, from and after the passing of this act, be extended to and include all such negro and mulatto slaves as herein before are mentioned, and herein before are declared, to be free and at liberty, and to the children of all such female slaves, as fully, to all intents and pur-  
 Acts, against kidnapping, and allowing [2 vol. 1093.] free negroes to give testimony, extended to such slaves, as are [3 vol. 80.] declared free as aforesaid.

poses, as the same extend to, comprehend, include or relate to any free negro or free mulatto whatever.

Preamble.

SEC. 6. *And whereas* it is highly unjust that slaves who are unhealthy or decrepit, or incapable of getting their livelihood, should become burdensome to the country, at the pleasure of their masters or mistresses under the pretence of setting them free, and it is equally unjust that such slaves after being discharged by their masters and mistresses should be again seized or claimed as slaves, or liable to be so, and not be entitled to the privileges and protection of the law, by reason of their masters or mistresses not giving security to indemnify the county; *therefore be it enacted by the authority* *of* *the* *people* *of* *this* *State*, that it shall and may be lawful for all and every master and mistress of any negro or mulatto slave or slaves to manumit and set free and at liberty, in manner and form as is prescribed by the laws of this State, any negro or mulatto slave or slaves, without giving the security required by law to indemnify the county from any charge such county may be put to, in case of such slaves being sick or otherwise rendered incapable to support him or herself; and if any such negro or mulatto, so manumitted and set free, shall be under the age of ten years or above the age of thirty-five years, at the time of such manumission, or shall, of any age, be unhealthy, or decrepit, or blind, or lame, or maimed, and incapable of getting his or her livelihood at the time of such manumission, then and in every such case, the master or mistress, his or her heirs, executors, administrators or assigns, shall be liable and chargeable for the maintenance and support of all and every such negro or mulatto, at all times that such negro or mulatto shall be incapable of getting his, her or their livelihood; and it shall and may be lawful for the trustees of the poor of the proper county to maintain an action, for the maintenance and support of all and every such negro or mulatto, against such master or mistress, in any court of record in this State, or before any judicial tribunal of competent jurisdiction: and as an additional remedy, it shall and may be lawful for the jus-

Persons authorized to manumit their slaves [2 vol. 1321, 1323. 4 vol. 337. 1 vol. 436. 2 vol. 586, 1323 ] without giving security to indemnify against their maintenance &c. but liable for their maintenance if manumitted under ten or above 35 years of age, or decrepit &c. and incapable of getting a livelihood at time of such manumission, &c.

tice of the court of general quarter sessions of the peace and jail delivery to make an order, from time to time, on such master or mistress, his or her heirs, executors, administrators or assigns for such sum or sums of money as will reimburse, to the trustees of the poor of the proper county, the expenses, from time to time, of the maintenance and support of all and every such negro or mulatto; and the said justices may make such order on such heirs, executors, administrators or assigns, or on any of them, either separately or jointly, and in such shares and proportions as shall be agreeable to equity and good conscience: *Provided*, that if any such negro or mulatto shall be under the age of ten years, at the time of such manumission, and shall not be unhealthy, nor decrepit, nor blind, nor lame, nor maimed, such master or mistress shall not be liable or chargeable for the maintenance and support of such negro or mulatto, so under the age of ten years, any longer than until such negro or mulatto can be bound out, agreeably to the provisions of the act of the General Assembly entitled "An act for the relief of the poor", passed the twenty-ninth day of January, seventeen hundred and ninety-one, or of an act entitled "An act enjoining certain duties on justices of the peace, trustees of the poor and constables", passed the fourth day of February, eighteen hundred and eleven.

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Proviso.

Not liable for maintenance of slaves manumitted under ten years of age, longer than till they can be bound out, &c.;

2 vol. 995.

4 vol. 468.

SEC. 7. *And be it enacted by the authority aforesaid*, That in all suits, concerning or brought by the trustees of the poor of any county for the maintenance of any such negro or mulatto manumitted and set free as aforesaid, and in all applications or controversies, which be made for or which arise before the justices of the court of general quarter sessions of the peace and jail delivery, the burden of the proof of the age or ages of any such negro or mulatto slave or slaves, discharged or manumitted

In suits &c. for the maintenance of such manumitted slaves, against the master &c., burden of proof of the age of the slave shall be upon the master, &c.

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as herein before mentioned, shall be upon the master or mistress, his or her heirs, executors, administrators or assignus.

PASSED AT DOVER, }  
5 February, 1819. }

## CHAPTER CCXXV.

AN ACT to incorporate the owners and possessors of a certain tract of meadow marsh and cripple, known by the name of the *White-clay-creek* and *Red-clay-creek* marshes, in the county of *Newcastle*.

SEC. 1. BE IT ENACTED by the the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the owners and possessors, and their successors hereafter, of that tract of meadow marsh and cripple, known by the name of the *White-clay-creek* and *Red-clay-creek* marshes, situate on the north side of *White-clay-creek* and at the mouth of old *Red-clay-creek* and on both sides thereof, part in the hundred of *Mill-creek* and part in the hundred of *Christiana*, in the county of *Newcastle*, beginning at a stone standing on the north side of *White-clay-creek*, on a point of fast land of *John Wardell*, thence running up *White-clay-creek* the several courses thereof to a stake near the upper line of land of *Andrew Reynolds* esquire, thence in a northerly direction with the sail line to a stake at the fast land, thence with the fast land and crossing old *Red-clay-creek* to the place of beginning, containing by computation about one hundred acres, be the same more or less, he, and are hereby declared to be, one body politic and corporate, in deed and in law, to all intents and purposes, and be known as such, by the name and style of "the *White-clay-creek* and *Red-clay-creek* marsh company".

boundaries of  
the company's  
marsh.

"White-clay-creek & Red-clay-creek marsh company" incorporated;

SEC. 2. *And be it enacted by the authority aforesaid,* That the said White-clay-creek and Red-clay-creek marsh company shall meet on the first Tuesday of March next, and on the first Tuesday of March yearly thereafter, at some convenient place in the village of Newport, to be appointed by the managers hereafter to be chosen, and, by a majority of votes of the members then met, shall choose, by ballot, each and every year, out of the owners or possessors of the said marsh company, two fit persons to be managers, and one fit person to be treasurer, for the company aforesaid, for the ensuing year; of the time and place of which said meeting the managers hereafter chosen shall give at least ten days notice by public advertisement: and if it should so happen that the day of election shall pass over without an election being held as aforesaid, the managers and treasurer shall continue to exercise their respective offices until an election may be held; of the time and place of which the managers shall give ten days notice as aforesaid, and the managers of the said company may, of their own discretion, call extra meetings as often as they may deem necessary; and in all elections for officers as aforesaid, or otherwise, the said owners or possessors, owning or possessing any quantity of meadow marsh or cripple not exceeding five acres shall be entitled to one vote, all over five acres and not exceeding ten acres two votes, all over ten acres and not exceeding twenty acres three votes, and all over twenty acres four votes.

Company to  
meet annual-  
ly &c.;

and choose  
managers and  
treasurer.

SEC. 3. *And be it enacted by the authority aforesaid,* That Aaron Justis and John Ervin be appointed of the first managers; and they are hereby appointed managers of the said White-clay-creek and Red-clay-creek marsh company, until the first Tuesday of March next ensuing as aforesaid; and they and their successors, hereafter to be chosen in pursuance of this act, are hereby empowered authorized and required, with the necessary labourers and workmen tools and instruments carts and team, as they may think fit, to enter in and upon the said premises where and whensoever they may deem necessary,

Appointment  
of the first  
managers;

powers and  
duties of the  
managers.

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and then and there dig and carry earth and mud, or purchase suitable materials, to make up and amend and cause to be put in good and substantial repair, the banks dams sluices flood-gates along the whole front of the said tract of marsh sufficiently strong and secure to defend the same from inundations; and the said managers, when repairing the banks, are to cut and carry the mud from the outside only; and are hereby fully empowered and authorized to lay out and make such public drains, as they may consider necessary to be made and repaired, at the expense of the said company, and also to make and lay such trunks flood-gates and water ways as they may deem best calculated to drain the said marsh: and the said managers, for the time being, in each and every year, are hereby further empowered to enter upon and inspect, as often as occasion may require, the condition of every of the said banks dams sluices or flood-gates and all and every other conveniency which is now made or hereafter shall be made from time to time for the better stopping out the tide or draining the waters from the said tract of marsh, and shall cause the same to be kept in good order as aforesaid.

**SEC. 4.** *And be it further enacted,* That the company aforesaid are hereby authorized and empowered to extend upon the fast land, as far as they shall deem it necessary to secure the said meadow and marsh against inundations by freshes floods and tides, the cross bank which begins at a stake standing at a small distance from White-clay-creek near the upper line of land of Andrew Reynolds and runs thence in a northerly direction with the said line to a stake on the fast land: and for the purpose of extending said bank, as well as repairing it, after it has been extended, whenever repairs shall be deemed necessary, the managers of the company aforesaid shall have the right and liberty of going upon the fast land, to whomsoever it may belong, with their workmen and labourers tools and instruments carts and teams, taking care to do as little injury thereto as possible; and the

Company au-  
thorized to  
extend upon  
the fast land  
and keep in  
repair a cross  
bank, &c.;

owner or owners thereof shall be indemnified by said company for any damage he she or they may sustain by said extension when made; which damage, on the application of the person or persons claiming it to the supreme court of this State for Newcastle county or any judge thereof in vacation, shall be viewed and appraised by three judicious disinterested freeholders, to be appointed by the court or any judge thereof, who shall be legally qualified faithfully and impartially to perform the duties assigned to them: and if the amount of damages, adjudged and returned by said freeholders or a majority of them to have been done, shall be approved by the court, it shall be paid by said company; but if the return shall not be approved, the court shall thereupon appoint three other judicious disinterested freeholders in their place, whose decision, after having viewed and appraised the damages done and been legally qualified as aforesaid, shall be final.

SEC. 5. *And be it further enacted,* That John Wardell be treasurer of the said company until the first Tuesday of March as aforesaid; and he, the said John Wardell, now appointed, and every succeeding treasurer, chosen as aforesaid, shall, before he enters on the duties of his office, give bond to the managers for the time being, for double the value that doth or probably may come into his hands during the continuance of his office as nearly as can be estimated by the said managers, that he will, at the expiration of each and every year, render his accounts to the said managers and well and truly account and settle with them for and concerning all monies, that are or shall come into his hands by virtue of this act, or belonging to the owners or possessors of the said marsh, and pay the balance, that shall appear on such settlement, to such person or persons, or for such services, as either of the said managers for the time being shall order and direct, and not otherwise, and that at the expiration of his office he will well and truly deliver up and pay the balance remaining in his hands, together with all the books and papers concerning

damages for  
extension of  
such cross  
bank;  
how to be as-  
certained.

Trustees of  
the company.

to give bond.

condition  
thereof.



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the same or belonging to the said marsh company, unto his successor in the said office, and that he will do and execute all other matters and things as treasurer of the said company according to the true intent and meaning of this act.

**SEC. 6.** *And be it enacted,* That each and every owner or possessor of the marsh aforesaid shall, for each and every acre they respectively have hold occupy or possess within the banks of the said tract, and all and every person, whether owner or possessor, who shall on the tenth day of April in each and every year hereafter be in possession of meadow land marsh or cripple in the said tract, pay and deposit or cause to be paid or deposited such sum or sums in the hands of the treasurer of the said company, on or before the said tenth day of April, or on such other days and times in the same year, as the managers for the time being, with the advice and consent of the company when met in pursuance of notice given by the managers or either of them for that purpose, shall find it necessary to assess and order to be raised : and all of which sums of money and of all and every other monies coming into his hands by virtue of this act and of all disbursements and payments thereof made from time to time, the said treasurer for the time being shall in a book or books provided for that purpose keep just true and distinct accounts, and shall pay and deliver the same according to the orders and directions of the managers for the time being as aforesaid.

Sums assessed to be paid into the hands of the treasurer, &c. ;

and he to keep true accounts thereof &c. ;

and pay the same to or orders of the managers.

**SEC. 7.** *And be it further enacted by the authority aforesaid,* That the managers or manager of the said tract of meadow marsh for the time being shall, before the days herein or hereafter to be appointed for the payment of the yearly quotas or other monies to be paid or deposited, cause true lists to be made of the names of all and every of the said owners or possessors of the said marsh, with a true account of all and every acre of land in the same which they have hold or possess within the banks aforesaid according to the best computation they

Assessment lists to be made,

what they shall contain.

can obtain, noting from time to time the several changes alterations transfers and alienations of right or possession in the several parts or parcels thereof as they shall come to their knowledge, and shall furnish the said treasurer with a true copy thereof, together with the sum per acre of the general assessment for the current year; according to which list or account the treasurer for the time being shall receive and take the several sums of their and each of their deposit monies respectively in each and every year raised or assessed by this act, and shall cause public notice of the said rate or assessment per acre to be given at least twenty days before the day of payment in each and every year hereafter.

Treasurer to be furnished with copy thereof, &c.; and collect the sums assessed according thereto.

Giving public notice of the assessment per acre, &c.

SEC. 8. *And be it enacted*, That in case any of the owners or possessors of said meadow and marsh shall refuse or neglect to pay or cause to be paid to the treasurer of the company aforesaid the several sums of money or any part thereof which they respectively ought to pay or deposit according to the true intent and meaning of this act, they and each of them, so neglecting or refusing, shall, for every three months neglect or refusal, forfeit and pay to the treasurer for the time being the sum of ten cents on each and every dollar, that he she or they failed of payment on the day and time when they ought respectively to have paid the same: *Provided however*, that no owner or possessor of said meadow and marsh, who is a minor, shall, during his or her minority, be obliged to pay more than at the rate of six per cent. per annum on each and every dollar that ought to have been so paid and whereof failure has been made.

Forfeiture for refusal or neglect to pay the sums assessed &c.

SEC. 9. *And be it further enacted*, That if any of the owners or possessors as aforesaid shall neglect or refuse as aforesaid to pay the several sums of money, together with all forfeitures arising thereon, which they respectively ought to pay at any time or times hereafter, for the space of thirty days after the days or times at which it ought to be paid, that then and so often it shall and may be lawful to and for the said treasurer, by direction of the

Sums assessed and forfeitures arising thereon to be sued for in the name of the company, &c.

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said managers or one of them, in the name of the said company to sue all and every such person or persons, so refusing or neglecting, for the respective sum or sums of money which he she or they ought to have paid by virtue of this act, by action before any justice of the peace for the county aforesaid or in any court of law as debts of equal magnitude are usually recovered within the State of Delaware, who are empowered and directed to give judgment according to the right of the matter, and grant execution for the same with costs of suit.

Managers to have disposal of the said marsh company for the time being; or of all the monies paid to treasurer, to settle treasurer's accounts, and do all things pertaining to the good of the company: their orders to be sufficient vouchers to treasurer.

SEC. 10. *And be it enacted*, That the managers of the said marsh company for the time being, or either of them, shall have the power of disposing of all the monies paid to the treasurer by virtue of this act; and they are hereby authorized on behalf of the said company, to settle accounts with the treasurer from time to time: and the said managers shall further do and perform all matters and things pertaining to the general good and advantage of the said owners and possessors; and all orders of the managers, or either of them, on the treasurer, shall be complied with by said treasurer, and shall be good and sufficient vouchers to indemnify him for the payment and delivery of money and effects committed to his charge by virtue of this act.

Treasurer to collect and recover all sums becoming due &c.:

his compensation.

Compensation to the managers.

SEC. 11. *And be it further enacted*, That the said treasurer, in this act named or hereafter to be chosen by virtue hereof, is authorized to collect and receive, and in case of refusal or neglect to pay, to sue and recover such sum and sums of money, from all and any of the owners and possessors of any marsh meadow or cripple within the limits aforesaid, as may become due at any time hereafter; for which service, and all other services, he shall receive, at the end of every year hereafter, six per centum on all monies by him collected: and the said managers shall receive for their services such compensation per diem as may be agreed upon at a general meeting of the owners and possessors aforesaid, from time to time, to be paid from the common stock of the said company.

SEC 12. *And whereas* the well draining preserving and keeping open the drains of the said marsh is of great importance to the said company; *therefore be it enacted*, that all and every of the said owners shall be allowed permitted and suffered to discharge all or any of the waters off their respective lands, through their natural channels, or by a direct course across the said lands of any other of the said owners or possessors, as shall by the said managers for the time being be judged convenient, into the main channel or sluice best suiting to discharge the same into White-clay-creek, and shall be allowed to open scour and cleanse the same at all reasonable times as often as they or the said managers may think necessary.

Owners allowed to discharge the waters thro' their natural channel, or across lands of other owners &c.

SEC. 13. *Be it further enacted*, That the managers of the said company are hereby authorized to survey the said tract of marsh meadow and cripple, by taking with them one or more skilful surveyor or surveyors and sufficient chain bearers so as to be able to make a complete survey of the same shewing the several courses and distances and the boundaries thereof, and are required to produce as soon as convenient a regular plot to the said company at their general meeting.

Managers to have the marsh surveyed, &c.

SEC. 14. *And be it enacted*, That the said managers for the time being shall, from time to time, inspect the banks of the said tract, for the purpose of ascertaining whether briers elders bushes and trees are progressing to a state that will injure the said owners or possessors generally; and they are empowered and required, upon the discovery of such briers elders bushes and trees, to give notice in writing to the owner or possessor, upon whose meadow marsh and cripple, such briers elders bushes and trees may be found, and direct the same to be cleared off within ten days from the date thereof; and in case of neglect or refusal of the said owner or owners possessor or possessors to comply therewith, the said managers are authorized and required to enter upon the premises and clear

Managers to keep the barks &c. clear of briers, bushes, &c.

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off or cause to be cleared off the said briers elders bushes and trees, and the cost thereof shall be recovered of the said owner or owners possessor or possessors in like manner as other debts are recoverable to the said company by this act.

**SEC. 15.** *And be it further enacted,* That if any person shall, wickedly or maliciously, break down or damage any of the said banks dams sluices or flood-gates, or let in the water of any creek, so as to injure the owners or possessors aforesaid, and shall thereof be convicted before the justices of the court of general quarter sessions of the peace for the said county of Newcastle, the person so offending shall forfeit and pay treble the amount of the damages assessed by two or more disinterested persons, to be appointed by the said court to value the same; which fine and all other forfeitures arising under this act shall be added to the common stock of the said company.

**SEC. 16.** *And be it further enacted,* That the managers are hereby authorized and empowered, with the advice and consent of the said owners and possessors owning or possessing more than one half of the said marsh, to let in the water so as to inundate and overflow the same, at a time when it will appear to be of general benefit to the said company.

**SEC. 17.** *And be it further enacted,* That, the managers of the said company, for the orderly execution of their duty and trust, shall keep fair minutes of their proceedings in a book provided for that purpose; to which minutes, and also to the treasurer's accounts, all persons concerned shall have free recourse at all reasonable times.

**SEC. 18.** *And whereas* Aaron Justis represents that he has been at considerable expense in embanking part of the marsh enclosed by the company hereby incorporated; *be it therefore enacted by the authority aforesaid,* That the persons who shall be appointed under and by virtue of the provisions in the fourth section of this act in relation to the da-

images sustained in extending the bank to the fast land of the said Aaron Justis, such persons, as may be appointed in that case by the supreme court of this State for Newcastle county or any judge thereof in vacation, shall adjudge to be paid to the said Aaron Justis such sum as they or a majority of them may deem just and proper for the bank heretofore made by him.

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PASSED AT DOVER, }  
5 February, 1819. }

## CHAPTER CCXXVI.

A SUPPLEMENTARY ACT to the act entitled "*An act to authorize the owner or possessor of any swamp or low-ground to ditch or drain the same and for rendering more easy and convenient the mode of obtaining permission therefor*". <sup>5 vol. 153.</sup> <sup>5 vol. 241.</sup>

SEC. 1. BE IT ENACTED by the the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the freeholders, appointed in the manner as directed by the act to which this is supplementary, are hereby authorized and required to call to their assistance a skilful surveyor, and, after having viewed and located the boundaries of the swamp or low-ground mentioned in the order made for the ditching and draining thereof, and after having ascertained the boundaries of the respective lots contained within the limits of the swamp or low-grounds so to be ditched and drained, with the course or courses, distance or distances, width and depth of the ditch or ditches, or drains, the quantity and quality of the swamp or low-ground which each owner or possessor holds, and estimate the probable cost or expense of cutting or effecting the ditching and draining the swamp or low-ground, and the amount or sum each owner or possessor shall be bound to pay thereof, and they the said freeholders shall, with the assistance of the

Freeholders, having located the boundaries of the low-ground, and ascertain the boundaries of the respective owners, and the courses of the ditches, and the quantity and quality of each owner's share, and having estimated the expense of the draining, and each owner's propor-

tion thereof, shall make & return a report in writing, and thereto attached, containing a description of the courses and distances of the boundary lines of the swamp or low-ground mentioned in said order, with the courses & distances of the courses and distances of each owner's or possessor's lot or piece of swamp or low-ground, and the quality and quantity thereof, also the sum or amount and of each owner or possessor shall be bound to pay of the owners share tax so to be levied, and after completing the said report and plot, shall return the same to the justices of the court of common pleas at their next ensuing session to be held in the county where said swamp ner's proper shall lie. tion of tax to be levied.

SEC. 2. *And be it enacted,* That the freeholders appointed under any order as aforesaid shall, call together within one month after the confirmation of the report made as aforesaid, call together the taxables of the swamp or low-ground, intended to be drained, at some convenient place in the neighbourhood of the swamp or low-ground, by advertisement, stating the time and place of meeting, set up in four of the most public places of the hundred in which said swamp or low-ground shall be, for the purpose of choosing five fit persons as managers and one fit person as treasurer, to hold their respective offices for the term of one year, or longer should no persons or person be appointed to supply their place or places.

SEC. 3. *And be it enacted,* That the freeholders, shall and they are hereby required to deliver to the treasurer appointed as herein before directed, a statement of the taxes levied on the swamp or low-ground intended to be ditched and drained, with the respective tax or sum which each owner or possessor may be individually bound to pay.

SEC. 4. *And be it enacted,* That the managers, appointed in manner aforesaid, shall proceed to ditch and drain the swamp or low-ground, for which they were appointed managers, by employing such ditchers or other labourers, and making

such other provisions as may be, by them, deemed necessary for effecting the object intended : the said managers shall keep a fair and regular account of all expenses incurred, and report the same yearly to the freeholders ; they shall draw orders on the treasurer in favour of those having claims for services rendered or articles furnished in relation to said ditching and draining ; the said managers shall each have and receive one dollar for every day they shall be actually engaged in the discharge of the duties of their office to be paid them by the treasurer.

SEC. 5. *And be it enacted,* That the treasurer, appointed as herein before directed, be authorized empowered and required to ask for demand and collect all monies levied for the purpose of effecting said ditching and draining, and in case of refusal or neglect of any person being bound to pay the same then and in that case the treasurer shall proceed to collect and recover the same in the way and manner that county rates and levies are made recoverable by the existing laws of this State ; the treasurer shall settle annually with the owners or possessors of the swamp or low-ground, or with such committee appointed by the owners or possessors of the swamp or low-ground ditched and drained or intended so to be, the amount of his receipts : the treasurer shall be entitled to retain five per centum on the amount of his receipts as compensation for all his services.

SEC. 6. *And be it enacted,* That the treasurer shall give bond and security, in double the sum assessed and levied upon the swamp and low-grounds so to be ditched and drained, to the owners or possessors of the swamp or low-ground intended to be ditched and drained, for the faithful performance of the duties reposed in him, and at the expiration of his office to pay over any money in his hands as treasurer to his successor.

SEC. 7. *And be it enacted,* That the owners or possessors of the swamp or low-ground shall (or so



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and appoint  
managers and  
treasurer &c.

many as see proper to attend), meet, at some convenient place in the neighbourhood of the swamp or low-ground intended to be ditched and drained, on the first Monday in March in every year after the expiration of one year from the confirmation of the report of the freeholders appointed by any order as aforesaid, which time and place of meeting shall be advertised by the managers, and in case of their neglect, by any two of the owners or possessors of the swamp or low-ground, when and where they shall appoint the managers and treasurer, and do and perform such other things as may be enjoined on them by the provisions of this act.

Repeal  
parts of for-  
mer laws.  
5 vol. 132.

5 vol. 241

SEC. 8. *And be it enacted*, That so much of the act entitled "An act to authorize the owner or possessor of any swamp or low-ground to ditch and drain the same, and for rendering more easy and convenient the mode of obtaining permission therefor", and the supplement thereto passed the fourth day of February Anno Domini one thousand eight hundred and seventeen, as is hereby altered or changed, the same is repealed made null and void.

PASSED AT DOVER, }  
6 February, 1819. }

## CHAPTER CCXXVII.

AN ACT for the relief of *Alrich Ryland* and *William Rothwell* sureties of *Alexander Moody*, former collector of *Appoquinimink* hundred in *Newcastle* county.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and may be lawful for Samuel Paynter, late State-treasurer, and he is hereby authorized, to take from the sureties of Alexander Moody a bond, with a warrant of attorney authorizing a judgment thereon to be entered with a stay of execution twelve months from

Late State-  
treasurer au-  
thorized to  
take a bond  
from the sure-  
ties of Alex-  
ander Moody  
&c.

the date of this act, with two or more good and sufficient sureties, for the sum or sums due, by said Alexander Moody, to the State, for taxes: and the said late treasurer is hereby further authorized, before he takes such bond, to examine and correct any mistakes that may appear upon the face of the duplicates of the State tax for the year eighteen hundred and sixteen, which the said Moody held.

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1819.

SEC. 2. *And be it enacted*, That as soon as the said bond shall be given, the said late State-treasurer is hereby authorized to cause all proceedings process and executions, which have been had by reason of the failure or neglect of the said Alexander Moody in complying with his bond to the State-treasurer for the collection of taxes in the year eighteen hundred and sixteen, to cease.

and then to  
cause all pro-  
ceedings &c.,  
had on said  
Moody's col-  
lection bond to  
cease.

PASSED AT DOVER, }  
8 February, 1819. }

## CHAPTER CCXXVIII.

AN ACT to vacate certain parts of the public road, in Kent county, leading from Milford to Punch-hall.

WHEREAS Philip D. Fiddeman hath laid out and made, on his own land and at his own expense, a new road from the foot of the Wading-place-causeway to within about twenty yards of the gate leading to the mansion-house on the farm of the said Philip D. Fiddeman, situate in Mispillion hundred; and whereas the said road, so laid out and made as aforesaid, is on good ground and in good state and condition and very near to and fully supplies that part of the said road leading from Milford to Punch-hall which lies between the points aforesaid from the foot of the Wading-place-causeway to within about twenty yards of the gate leading to the mansion-house on the aforesaid farm of the said Philip D. Fiddeman: and whereas the

Preamble.

3 vol. 388.

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CCXXVIII.

1819.

said Philip D. Fiddeman hath also laid out and made, on his own land and at his own expense, another new road from a point, in the aforesaid road leading from Milford to Punch-hall, at the end of that part of the said last mentioned road which is called and known by the name of the "straight road", to another point in the said road, leading from Milford to Punch-hall, at the distance of about three hundred yards; and whereas the said last mentioned road, so made as aforesaid by the said Philip D. Fiddeman, is on good ground and now in good repair and condition and fully supplies that part of the said road leading from Milford to Punch-hall which lies between the points last aforesaid: and whereas the said Philip D. Fiddeman hath prayed of this General Assembly to pass a law vacating those parts of the aforesaid road leading from Milford to Punch-hall which are supplied as aforesaid, and to establish, in lieu and stead thereof, the new roads so as aforesaid laid out and made by him: therefore—

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General*

Parts of the  
road from  
Milford to  
Punch-hall va-  
cated,

and new roads  
established in  
their stead.

*Assembly met,* That the aforesaid two parts of the old road, leading from Milford to Punch-hall, which are supplied as aforesaid by the two new roads laid out and made as aforesaid by the said Philip D. Fiddeman, be and the same are hereby vacated; and, in lieu and stead thereof, the two new roads laid out and made as aforesaid by the said Philip D. Fiddeman are hereby confirmed and established as parts of the said road leading from Milford to Punch-hall.

PASSED AT DOVER, }  
9 February, 1819. }

## CHAPTER CCXXIX.

CHAP.  
CCXXIX.

AN ACT to alter and vacate part of the Horse-head road in Kent county.

1819.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the reverend John Dur-J Durborow  
borow shall have power and authority, and he is authorized to  
hereby authorized, to alter the State road leading alter part of  
from the line, dividing this State from the State of the horse-  
Maryland, near Samuel Milbourn's by the Horse-head road &c.;  
head to Dover, commonly called the Horse-head road, in manner following, that is to say, the said alteration shall begin next to Dover, in Murderkill hundred, in the middle of said road at a stone to be settled and sunk in the said road, and leaving the old road shall run from thence through the lands of the said John Durborow south west twenty-one perches, then south sixty-eight and an half degrees west eight perches, then south eighty-three degrees west fifty-seven perches, to another stone to be settled or sunk in the middle of said road; which said new part of said road shall be forty feet wide, thirty feet whereof shall be grubbed and cleared.

SEC. 2. And be it enacted by the authority aforesaid, That the said John Durborow shall, at his own proper costs and charges, settle and sink in said road the stones to be settled and sunk as aforesaid, and lay out and make the said road so altered as aforesaid, and put the same in good order and condition fit for the convenient and safe passage of citizens of this State with their horses oxen carts wagons and other carriages, before so much of the said State road herein after vacated shall be stopped.

Part of the  
present road  
vacated as  
soon as the  
new one shall  
be completed.

SEC. 3. And be it enacted by the authority aforesaid, That as soon as the said stones shall be settled and sunk as aforesaid, and the said road shall

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1819.

be altered laid out made and put in the order and condition as aforesaid, that then so much of the said State road as herein after follows, according to the following courses and distances, that is to say, beginning at the stone first before mentioned and running from thence south sixty-five degrees west twelve perches then south eighty-five degrees west sixty-eight perches to the second stone above mentioned, shall be and is hereby vacated; and it shall be lawful for the said John Durborow to include the same in his fences and to appropriate the same to his own exclusive use and benefit.

New road,  
when comple-  
ted, to be  
deemed a part  
of the State  
road &c.

SEC 4. *And be it enacted by the authority afore-*  
*said, That the part of the state road aforesaid, so*  
altered as aforesaid, shall, after the terms of this  
act shall have been complied with by the said John  
Durborow as aforesaid, be deemed and taken as  
part of the said State road, and shall be repaired  
in like manner as other parts of the said State road.

PASSED AT DOVER, }  
9 February, 1819. }

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## CHAPTER CCXXX.

AN ACT to repeal certain parts of two acts there-  
in mentioned.

Repeal of  
parts of chap-  
ters 3 & 94 of  
vol. 5.  
5 vol. 7.

5 vol. 172.

BE IT ENACTED by the Senate and House of  
*Representatives of the State of Delaware, in Ge-*  
*neral Assembly met, That the sixth seventh and*  
eighth sections, of an act entitled "An act providig  
for the general defence of the State of Delaware",  
passed in the year eighteen hundred and thirteen,  
and the second third fourth and fifth sections, of  
the act entitled "An act for the payment of certain  
claims and for other purposes", passed in the year  
eighteen hundred and sixteen, be and the same are  
hereby repealed: *Provided nevertheless, that the*  
State-treasurer shall pay all accounts, heretofore  
allowed by the commissioners, named in the said

acts, or any two of them, and so certified by them, in the same manner as if the sections aforesaid had not been repealed.

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CCXXX.

1819.

PASSED AT DOVER, }  
9 February 1819. }

## CHAPTER CCXXXI.

### AN ACT for expediting suits against corporations.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the first process, <sup>First process to be a writ of summons.</sup> to be issued by the supreme court, court of common pleas or any justice of the peace, at the suit of any person or persons against any corporation or body politic for the recovery of any debt or other demand, shall be a writ of summons, summoning such corporation or body politic by its corporate name to appear and answer unto the plaintiff or plaintiffs, and returnable as writs of *capias ad respondendum*, <sup>returnable as writs of cap. ad respond.</sup> issued by the said supreme court, court of common pleas or any justice of the peace, are respectively returnable by the laws of this state: and if any person or persons, duly constituted by an instrument in writing under the seal of such corporation or body politic to appear in the said cause, shall appear on behalf of such corporation or body politic according to the requisition of the writ of summons, then the said cause shall proceed to trial and judgment as in other cases; <sup>Cause to proceed to trial as in other cases, if an attorney, constituted in writing under the seal of the corporation, shall appear in its behalf:</sup> and if no person, duly constituted attorney for such corporation or body politic as aforesaid, shall appear as aforesaid, then and in such case, if it shall appear from the return of the writ that the said corporation or body politic was summoned in the said cause, the plaintiff or plaintiffs may and shall have judgment against such corporation or body politic as in ordinary cases of judgment by default.

Service of summons against banks president or cashier &c. SEC. 2. *And be it enacted,* That service of the writ of summons upon the president or cashier of any incorporated bank, against which the same may have issued, shall be a sufficient notice to and summons of such corporation: and whenever an action shall be instituted on a promissory note of any incorporated bank, payable at a branch of such bank, then and in such case service of the writ of summons upon the president or cashier of such branch shall be a sufficient notice to and summons of such incorporated bank.

Execution process to be as in other cases. SEC. 3. *And be it enacted,* That process of execution shall issue upon judgments obtained or rendered under the provisions of this act as in other cases.

When this act shall go into operation. SEC. 4. *And be it enacted,* That this act shall go into operation on the second day of June next.

PASSED AT DOVER, }  
9 February, 1819. }

## CHAPTER CCXXXII.

*AN ACT to incorporate the owners and possessors of the marsh cripple and low-grounds therein described and for other purposes.*

SEC. 1. *BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the owners and possessors of the marsh cripple and low grounds, lying between Old Duck Creek, Simon's Creek, the Long Ponds, Marsh-town Channel, Herring gut, the fast land, Mahon's ditch and the Delaware bay, and their heirs and assigns, be and they hereby are declared to be one body politic and corporate in law and in fact by the name and style of "*the Mahon's ditch marsh company*" forever as such, and, by that name, shall and may be able and capable in law to sue and be sued plead and be im-

pleaded answer and be answered defend and be defended in any court of law or equity or in any other place whatsoever; and, by that name style and title, may do and execute all such matters and things as bodies politic and corporate may lawfully do by the laws of this state.

CHAP.  
CCXXXII.  
1819.

SEC. 2. *And be it enacted,* That the owners and possessors, their heirs and assigns, of the marsh cripple and low grounds aforesaid, or a majority of them, shall have power, and they are hereby authorized, to make alter repeal and re-enact all by-laws regulations and ordinances, which they may deem necessary, for the embanking ditching and draining of the aforesaid marsh cripple and low grounds, and for assessing and apportioning such expenses as may be necessary for such embanking ditching and draining, not being contrary to the constitution and laws of this state or of the United States.

SEC. 3. *And be it enacted,* That it shall and may be lawful for the said corporation to compel payment of and enforce all and every owner or possessor of any marsh cripple or low ground within the limits aforesaid to pay his her or their proportion of the expense of embanking ditching and draining the said marsh cripple and low grounds according to the quantity and quality which such owner or possessor may severally and respectively be entitled to.

SEC. 4. *And be it enacted,* That the assessment and valuation, of the marsh cripple and low grounds aforesaid or any part thereof, shall not be increased or made to pay any greater rate of taxation, than the same is now liable for, during the term of nine years, except such assessment valuation and taxation as may be necessary for the embanking ditching and draining the same.

PASSED AT DOVER, }  
9 February, 1819. }



CHAP.  
CCXXXIII.

## CHAPTER CCXXXIII.

1819.

AN ACT concerning the proof of the naturalization of electors.

Repeal of  
parts of chap  
26, vol. 5. p.  
44, &c.  
3 vol. 44.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the fifth section of the act of assembly of this State entitled "A supplement to an act entitled an act for regulating the general and special elections of this State" passed the 15th day of February 1814, and so much of the sixth section of the said recited act as enjoins the following oath or affirmation upon freeholders and inspectors of the general and special elections, to wit, "and that I will not admit or receive any proof or evidence of the naturalization of any alien other than a certificate of his naturalization under the seal of the court in which he shall have been naturalized previous to this general, or special, election (as the case may be)", and all such part of the said recited act or of any other act of assembly of this State as admits of no proof of the naturalization of aliens other than a view of a certificate of naturalization under the seal of the court in which such naturalization may have been effected, or as enjoins any pains or penalties upon freeholders or inspectors at the general or special elections for admitting proof of naturalization other than a view of such certificate of naturalization, be and the same are hereby declared to be repealed made null and void.

Clerks of the  
peace to re-  
cord certifi-  
cates of natu-  
ralization ;

their  
therefor :

SEC. 2. And be it further enacted, That all aliens, who shall have been naturalized in any of the courts of record in the United States, of this State or of any other of the United States or their Territories, shall, on exhibiting their certificates of naturalization to the clerk of the peace in the respective counties of this State, have them recorded in books to be kept for that purpose in their offices, for the recording of which they shall be entitled to fifty cents to be paid by each and every naturalized citizen whose certificate of naturalization shall be

so recorded; and if any clerk of the peace, in either of the counties of this State, shall refuse or neglect to record the certificate of any naturalized citizen, who shall apply to him to make record thereof, he shall forfeit and pay for every such offence the sum of fifty dollars to such person or persons as will sue for the same to be recovered with costs in any court of record in this State by action of debt bill plaint or information or by a special action on the case.

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CCXXXIII.  
1819.

penalty for ne-  
glecting to re-  
cord them &c.;

SEC. 3. *And be it further enacted*, That it shall hereafter be the duty of the clerks of the peace of the several counties in this State, in making out annually alphabetical lists of the white free male citizens of the age of twenty-one years and upwards for the sheriffs of the counties respectively to be furnished by them to the inspectors of elections in the several hundreds of each county, to write the word *naturalized* on the alphabetical lists aforesaid opposite the names of such white free male citizens aforesaid as shall have been naturalized, which word so written shall be deemed and taken as sufficient evidence of their citizenship: *Provided* however, that any naturalized citizen, claiming a right to vote at the general and special elections in this State, shall be at liberty to exhibit as proof of citizenship his certificate of naturalization duly authenticated under the seal of the court in which he shall have been naturalized previous to said elections, if he shall choose so to do.

Evidence, at  
elections of  
the citizenship  
of aliens.  
[4 vol. 426-7.  
5 vol. 47.]

may be certi-  
ficate of clerk  
of the peace  
on list of vo-  
ters &c.,

or certificate  
of naturaliza-  
tion.

SEC. 4. *Be it enacted by the authority afore-* said, That the inspectors and freeholders, who may be hereafter appointed at any general or special election, shall take an oath or affirmation that they will not receive knowingly a vote from any alien; which oath or affirmation shall be made and subscribed by the inspectors and freeholders of the respective election districts in this State and returned, in the same manner that their oath of office is

Inspectors &c.  
of elections to  
swear &c. not  
to receive the  
votes of aliens  
&c.,

5 vol. 47.

CHAP.  
CCXXXIII.

required to be made by law, under the penalty of two hundred dollars.

1819:

PASSED AT DOVER, }  
9 February, 1819. }

### CHAPTER CCXXXIV.

AN ACT for the appointment of an auditor of accounts.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Joseph B. Harris J. B. Harris appointed auditor of accounts. 5 vol. 156. be and he is hereby appointed "auditor of accounts", for the term of one year from the second day of this present month February, and from thence to the end of the session of the General Assembly which may be holden at the term of the expiration of one year.

SEC. 2. And be it enacted, That in case the said auditor should die, remove from the State, resign, or otherwise cease to act, before the expiration of his term of office, the vacancy thereby caused may be supplied by the Governour of the State for the time being; such appointment to continue until the end of the next session of the legislature thereafter and no longer, unless re-appointed by law. Vacancy to be supplied by the Governour.

SEC. 3. And be it enacted, That the auditor, appointed by or in pursuance of this act, shall perform the same duties and receive the same compensation and in the same manner as is now directed and required by the laws of this State. Duties & compensation of the auditor.

PASSED AT DOVER, }  
10 February 1819. }

CHAPTER CCXXXV.

CHAP.  
CCXXXV.

AN ACT *providing for the payment of certain claims.*

1819.

SEC. 1. BE IT ENACTED *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the State-treasurer be and he is hereby authorized and required to pay, to John Reed, late sheriff of Kent county, the sum of seven dollars and twelve cents for serving a writ at the suit of the State against William Clarke and others; to John W. Many the sum of thirty dollars for one year's services as commissary of military stores for Kent county; and to General James Wolfe the sum of ninety dollars for three years' services as commissary of military stores for Newcastle county ending on the twenty-seventh of September last.

SEC. 2. *And be it enacted,* That the State-treasurer be, and he is hereby, authorized and required to pay to the Secretary of State the sum of two hundred dollars, for the use of the said Secretary's office, and for the purpose of providing stationary and for paying all proper charges and expenses connected with and belonging to the said office, and for binding the fifth volume of the laws: an account thereof shall be laid before the General Assembly at their session in January next.

PASSED AT DOVER, }  
10 February, 1819. }

CHAP.  
CCXXXVI.

## CHAPTER CCXXXVI.

1819.  
5 vol. 167,  
259.

AN ADDITIONAL SUPPLEMENT to an act entitled "An act authorizing and directing a general assessment of the real and personal property of this State".

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the commissioners of the general assessment of the State of Delaware, or their legal representatives, are hereby authorized to make and return to the Governour of this State a just and true statement, certified by each of them on oath or affirmation to be administered by some judge or justice of the peace of this State, of the number of days that each of them and their clerk or clerks have been in performing the duties of their commission in Sussex county; and, such return being made, the Governour is hereby authorized and required to draw on the State-treasurer, in favour of the said commissioner or commissioners, for three fourths of the sum he or they may be entitled to according to the sum per diem allowed by the law for the services aforesaid, and also in favour of the clerk or clerks for three-fourths of the sum he or they may be entitled to according to the sum per diem allowed for his or their services as clerk or clerks employed as aforesaid; which sums shall severally be deducted from the amount to which the said commissioners and clerks are entitled according to the provisions of an act entitled a supplement to an act to which this is an additional supplement.

SEC. 2. And be it enacted, That the state-treasurer be and he is hereby authorized and directed to pay to Kendal Batson ninety one dollars and seven cents, for transcribing assessment books for state assessors in Sussex county and for the purchase of paper and books for the use of said assessment; to Joseph Roberts, for transcribing ditto for Brandywine hundred in Newcastle county, nine dollars

and seventy-five cents; to the estate of William Wolfe Esquire, for the purchase of blank books three dollars and fifty cents; to Caleb Barratt, for the same purpose, three dollars and twenty-five cents; to Samuel Johnson, for same purpose, five dollars and sixty one-cents.

Wm. Wolfe's estate;  
Caleb Barratt;  
Samuel Johnson.

SEC. 3. *Be it enacted by the authority aforesaid,*  
That it shall be lawful for the Secretary of State, Secretary of State to settle & certify the account of Wm. Wolfe dec'd as a commissioner for making general assessment, &c.; he and he is hereby directed, to settle and adjust the account of William Wolfe esq. dec'd and to certify the sum due to the estate of the said William Wolfe for his services as a commissioner under the act entitled "An act authorizing and directing a general assessment of the real and personal property of this State" passed February one thousand eight hundred and sixteen; and it shall be lawful for the State-treasurer to pay the amount, so certified to be due to the estate of William Wolfe dec'd, out of any money in his hands belonging to the State not otherwise appropriated, to the executor of the said William Wolfe dec'd.

Secretary of State to settle & certify the account of Wm. Wolfe dec'd as a commissioner for making general assessment, &c.;  
State-treasurer to pay the amount so certified, &c.

PASSED AT DOVER, }  
10 February, 1819. }

## CHAPTER CCXXXVII.

A SUPPLEMENT to an act entitled "*An act*" 1 vol. 219.  
for acknowledging and recording deeds".

SEC. 1. BE IT ENACTED by the the Senate and No mortgage to have any effect until acknowledged in General Assembly met, That, from and after this act going into operation, no deed of mortgage, or proved and left in recorder's office to be recorded. 1 vol. 222.  
defeasible deed in the nature of a deed of mortgage, or deed of defeasance of any absolute deed upon the payment of money, hereafter to be made or executed, shall be sufficient or available, to convey or pass any estate in lands tenements or hereditaments or any interest therein, or to defeat any absolute deed, or have any other effect or opera-

CHAP  
CCXXXVII.

1819.

See note (a)  
below.

tion whatsoever, until such deed of mortgage, defeasible deed in the nature of a deed of mortgage, or deed of defeasance of any absolute deed, shall have been acknowledged or proved, in the manner prescribed by law for the acknowledgment and proving of deeds conveying lands or tenements, and left or deposited, to be recorded, in the office for recording of deeds in and for the county where such lands tenements or hereditaments shall lie or be.

SEC. 2. *And be it enacted*, That it shall be the duty of the recorder of deeds in each of the counties of this state, whenever any deed of mortgage, defeasible deed in the nature of a deed of mortgage, or deed of defeasance of any absolute deed upon payment of money, shall be left or deposited in his office to be recorded, to enter, upon the back of such deed and also in the direct alphabet of the name of the parties to the deeds recorded in such office, the day and date of such deed being left or deposited as aforesaid with the hour and minute; and it shall further be the duty of the recorder, and he is hereby enjoined and required, to record every such deed in succession according to the time of the receipt thereof with the day hour and minutesuch deed was left in his office to be recorded.

Recorder to enter the day, hour and minute of mortgage deed being left to be recorded;  
and to record them in successors &c.

SEC. 3. *And be it enacted* That this act shall go into operation on the first day of June next.

Commencement of operation of this act.

PASSED AT DOVER, }  
10th February, 1819. }

- (a) For the acknowledgment and proving of such deeds,  
*In the State*, see 1 vol. 40. 220. 3 vol. 69. 4 vol. 461. 666.  
 for land of a feme covert, 1 vol. 145.—2 vol. 1198.—4 vol. 666.  
*Out of the State*, see 1 vol. 86. 221. 308.—4 vol. 461.  
 for land of a feme covert, 1 vol. 529.

## CHAPTER CCXXXVIII.

CHAP.  
CCXXXVIII.

AN ACT to appropriate the monies in the treasury of this State.

1819.

BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the monies now in the treasury of this state shall be applied in the following manner, that is to say, so much thereof as may be necessary shall be applied to the payment of the salaries due and to become due to the Governour, chancellor, judges of the supreme court, judges of the court of common pleas, attorney general, secretary, and auditor of accounts, up to the first Tuesday of January one thousand eight hundred and twenty; and so much thereof as may be necessary shall be applied to the payment of the daily allowances to the members of the general assembly, their clerks and other expenses, and for printing the laws passed at this session of the General Assembly, and the votes and proceedings of the two branches thereof, and the residue thereof, if any there be, shall be applied to the payment of any sums of money due to the citizens of this State for which provision has been made by law.

Appropriation for payment of the...  
Governour;  
Judges;  
attorney general;  
Secretary of State;  
auditor of accounts;  
members of General Assembly;  
printing laws and journals, &c.;  
claims of citizens.

PASSED AT DOVER, }  
10 February, 1819. }

## CHAPTER CCXXXIX.

A SUPPLEMENT to the act entitled "*An act* vol. 320.  
for the more easy and speedy recovery of  
small debts".

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in general assembly met, That it shall and may be lawful for any person or persons, who shall con-

New trial shall be granted in every case, where debt and da.



shall receive him or themselves aggrieved by any judgment of a justice of the peace whether rendered on the report of referees or otherwise under the provisions of the act to which this is a supplement where the debt and damages shall not exceed fifteen dollars, at any time within the space of

within fifteen days next following the giving of such judgment, to apply to the justice for a new trial, which the said justice shall order and grant accordingly: *Provided*, that no person, who acted as a referee in the first trial, shall be eligible in on the second trial: *Provided further*, that said justice may compel any person, against whom judgment may be given as aforesaid, (he not being a freeholder) to enter into a recognizance, with surety, for his appearance at the end of fifteen days as aforesaid, unless a second trial should be previously had: *and provided also*, that nothing in this section contained shall be deemed or taken to repeal the twelfth section of the act to which this is a supplement.

5. vol. 326.

**SEC. 2.** *And be it enacted*, That all executions, issued by any justice of the peace according to the provisions of the act to which this is a supplement and directed to the sheriff or any constable, shall be returned by the said officer, into whose hands delivered, within the space of six months thereafter; and if the said sheriff or constable neglects or refuses to return the said execution, within the time limited, he shall be liable, to the plaintiff therein, for the amount of the debt interest and costs; and execution may and shall issue against him in the same manner as it did against the original defendant: *Provided nevertheless*, that nothing herein contained shall be construed to repeal any part of the twenty-fifth section of the act to which this is a supplement.

*And be it enacted*, That all executions, issued by any justice of the peace according to the provisions of the act to which this is a supplement and directed to the sheriff or any constable, shall be returned by the said officer, into whose hands delivered, within the space of six months thereafter; and if the said sheriff or constable neglects or refuses to return the said execution, within the time limited, he shall be liable, to the plaintiff therein, for the amount of the debt interest and costs; and execution may and shall issue against him in the same manner as it did against the original defendant: *Provided nevertheless*, that nothing herein contained shall be construed to repeal any part of the twenty-fifth section of the act to which this is a supplement.

Constables' mileage.

5 vol. 334.

**SEC. 3.** *And be it enacted*, That in all cases wherein mileage is given to constables, under the provisions of the act entitled "An act for the more easy and speedy recovery of small debts", for services rendered or duties performed, the said con-

stable shall have and receive, from the person or persons liable therefor, the sum of two cents to and from the place of serving the process to the office of the justice who issued the same. CHAP.  
CCXXXIX.  
1819.

SEC. 4. *And be it enacted*, That the fee to justices of the peace for receiving filing and entering the return of every execution shall be twelve cents and no more. Justices fees  
for entering  
&c. returns of  
executions.

SEC. 5. *And be it enacted, by the authority aforesaid*, That upon the resignation removal from office or out of the State or the death of any justice of the peace, it shall be the duty, and it is hereby enjoined and required of said justice, his executor or administrator, to deposit his, the said justice's, docket or dockets and all writs issued and returned to the said justice, in the hands of the nearest justice of the county where such justice resided; and a copy of said docket or dockets or writs, certified and attested by such justice, shall be admitted as evidence, in the same manner as other attested copies are admitted signed by the justice keeping the same; and if such justice neglect or refuse to furnish, in a reasonable time, such copy, upon request and tender to him made of such fees as are allowed by law for copies of his dockets and writs issued by him, to the person applying for the same, then and in such case, he shall forfeit and pay the sum of sixty dollars to be sued for and recovered in the name and for the use of the State; and if any justice of the peace, his executor or administrator, shall refuse or neglect to deposit his docket or dockets or writs as aforesaid, within sixty days next after the resignation or removal of such justice, or, in case of his death, the taking out letters of administration upon his estate or probate of his will, he shall forfeit and pay the sum of one hundred dollars, to be recovered in the same manner as is directed in the twenty-seventh section of the original act to which this is a supplement in cases where justices of the peace refuse to make and deliver copies or exemplifications of their docket to persons demanding the same: *Provided*, that any justice The dockets  
of persons  
ceasing to be  
justices & all  
writs issued by  
them &c. to  
be deposited  
with the near-  
est justice of  
the county &c.  
Copies of such  
dockets &c.  
to be admitted  
as evidence  
&c.;  
penalty for re-  
fusing such  
copies.  
penalty for  
not depositing  
dockets &c. as  
aforesaid.

may be re- of the peace may retain his docket and all writs is-  
tained by per- sued by him so long as he shall continue to be re-  
sons re ap- pointed to the said office in the same county.  
ces.

SEC. 6. *And be it enacted*, That in all cases where  
When judg- a warrant of attachment shall be issued by a justice  
ment shall be a  
given against of the peace, under the act to which this is a sup-  
[5 vol. 332.] plement, or under the act entitled "An act for de-  
defendant on termining debts under forty shillings", the justice  
[1 vol 188.] of the peace, issuing the said warrant of attachment,  
warrant of at- shall not proceed to give judgment against the de-  
tachment issu- fendant or defendants until after the expiration of  
ed by justice. five weeks next after the actual attachment of the  
goods and chattels or effects of the defendant or  
defendants, unless the defendant or defendants shall  
consent to a more speedy determination of the cause,  
and unless the goods and chattels or effects attached  
are deemed perishable: and if the defendant or de-  
fendants, or any person for him her or them, shall  
at any time before the rendition of judgment on such  
warrant of attachment, or immediately thereupon,  
cause or procure one good and sufficient surety to  
enter into and acknowledge a recognizance, before  
such justice, to the plaintiff or plaintiffs, conditioned  
for the payment and satisfaction of the sum recove-  
red, or to be recovered, in the said cause, as the  
case may be, to the plaintiff or plaintiffs at the expi-  
ration of nine months from the day of the rendition  
of judgment in the said cause, with legal interest  
thereupon, then and in such case the goods chat-  
tels credits and effects of the defendant or defend-  
ants shall be discharged from such attachment:  
and if the said debt interest and costs shall not be  
paid or satisfied to the said plaintiff or plaintiffs at  
or before the expiration of the said nine months,  
the said plaintiff or plaintiffs may and shall have  
an execution against the said defendant or defend-  
ants, and such surety, to be issued directed and  
executed in like manner as executions in other  
cases are to be issued directed and executed un-  
der this act and the act to which it is a supple-  
ment.

attachment to  
be dissolved  
on defen-  
dant's giving  
security to pay  
the sum reco-  
vered or to be  
recovered &c.

Execution to  
issue against  
defendant &  
surety if the  
debt &c be  
not paid &c.

SEC. 7. *And be it enacted*, That all fines and forfeitures incurred, or offences committed, under the act entitled "An act for regulating innholders, tavern-keepers, and other public-house-keepers, within this government and empowering justices to settle the rates of liquors", may be heard and determined, and any fines, thereby incurred, received by any justice of the peace within the county where the offence may be committed, in like manner as debts of the same amount are now tried and recovered by the laws of this state, and by such justice of the peace paid over to the state treasurer for the use of the state as other fines and forfeitures are directed to be paid over: *Provided never-*theless that no fine shall be incurred for the selling of beer ale perry or cider.

All fines forfeitures or offences under ch. 73. a. vol. 1. p. 192, may be heard and determined by a justice of peace &c.; and fines thereby incurred, may be received by him and paid over to State-treasurer &c. 2 vol. 1146. 4 vol. 468. 597. No fine for selling beer ale perry or cider.

SEC. 8. *And be it further enacted*, That from and after this act goes into operation, it shall not be lawful, at any sale, of goods or chattels, made in pursuance of any law of this state, by any sheriff or sheriff's constable or constables, or the deputies of either making such sale, either by himself or themselves directly, or indirectly by the agency of any other person, for the use or benefit of such sheriff or sheriff's constable or constables or the deputies of either, to purchase or bid off any property or articles of property whatsoever: and for an offence against this provision, any sheriff or sheriff's constable or constables or the deputy of either, so offending in the premises, on due proof thereof being made, shall forfeit and pay a sum equal to the value of such goods or property so bought, with costs of suit, to be recovered as debts of a like amount are by the laws of this state recoverable, the one half to any person who will sue for the same and the other half to and for the use of the state.

Sheriffs constables and their deputies prohibited from buying or bidding off goods at sales made by them; penalty therefor, how to be recovered, and appropriated.

SEC. 9. *And be it enacted*, That if the garnishee or garnishees, summoned under any warrant of attachment or fieri facias attachment issued under the act to which this is a supplement or under the act

Proceedings against garnishees before justice of peace &c.;

1 vol. 188.

may answer  
on oath &c.;or be put to  
plead;in case he  
pleads, or in  
case he makes  
default or re-  
fuses to plead,  
justice to hear  
and deter-  
mine the mat-  
ter &c.

entitled "An act for determining debts under forty shillings", shall appear before the justice issuing such writ, and, at the request of the plaintiff or plaintiffs, shall declare, on his her or their oath or affirmation, that he she or they had no money goods chattels rights credits or effects of the defendant or defendants in his her or their hands custody or possession at the time of the attachment laid or at any time after, then such garnishee or garnishees shall be discharged: but if the plaintiff or plaintiffs shall require the garnishee or garnishees to plead that he she or they had no money goods chattels rights credits or effects of the defendant or defendants in his her or their hands custody or possession at the time of the attachment laid or at any time after, then such garnishee or garnishees shall not be admitted to make oath or affirmation as aforesaid, but shall be obliged to plead such plea, and proceed to trial before the said justice; who is hereby authorized and required in such case, and also when the garnishee or garnishees shall make default or refuse to plead such plea, to hear and determine the said matter, and, upon finding for the plaintiff or plaintiffs, to proceed in the same manner as when the garnishee or garnishees confess that he she or they have or had money goods chattels rights credits or effects of the defendant or defendants at the time of attachment laid.

When this act shall go into operation. Repeal of sections 21, 22 and 23, of ch. 179, vol. 5, p. 329, &c.; said repeal not to effect any right accrued &c. under said sections &c.

**Sec. 10.** *And be it enacted,* That this act shall go in operation on the first day of June next; from and after which day, the twenty-first twenty-second and twenty-third sections of the act, to which this is a supplement, shall be and the same are hereby repealed: *Provided nevertheless,* that the repeal of the said sections shall not annul or invalidate any right of action execution or other proceeding, which shall or may have accrued issued had or begun, under or by virtue of any of the provisions in the said sections contained, previous to the said first day of June, but the same shall continue be prosecuted

## OF DELAWARE.

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executed returned proceeded in and finished in the same manner as if this supplement had not been passed.

CHAP.  
CCXXXIX.

1819.

PASSED AT DOVER, }  
10 February, 1819. }

### CHAPTER CCXL.

RESOLVED *by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State-treasurer be and he is hereby directed to receive nothing in payment of taxes other than gold or silver coin or the notes of banks paying for their notes gold or silver on demand.

State-treasurer to receive only gold or silver coin or the notes of banks paying gold or silver.

ADOPTED AT DOVER, }  
8 February, 1819. }

### CHAPTER CCXLI.

RESOLVED *by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Secretary of State be and he is hereby authorized and required to make and have printed eight hundred copies of a general index to the fifth volume of the laws of this State including the acts of the present session.

Secretary to make and have printed 800 copies of a general index to the fifth volume of the laws;

*Resolved by the authority aforesaid,* That the printed copies of said general index be distributed by the said Secretary in manner prescribed by law for the distribution of the printed copies of the acts of each session.

copies of index to distributed in same manner as the acts of assembly. 5 vol. 373.

*Resolved by the authority aforesaid,* That the Secretary of State cause to be bound up, to correspond with the other bound volumes of the laws, as many complete copies of the said fifth volume as may be in his office.

Secretary to have the fifth volume of the laws bound &c.

ADOPTED AT DOVER, }  
10 February, 1819. }

SECRETARY'S OFFICE,

Dover, 6th March, 1819.

*I certify, that in obedience to the directions of an act of the General Assembly of the State of Delaware, I have collated with, and corrected by, the original rolls, and caused to be published, this edition of the laws of the said State passed during the last session of the General Assembly.*

**H. M. RIDGELY,**

*Secretary of the State of Delaware.*

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OF THE

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(Note.—All the parts of this index, which are included in brackets, thus—[ ]—refer to provisions which are repealed, expired or not now in force.)

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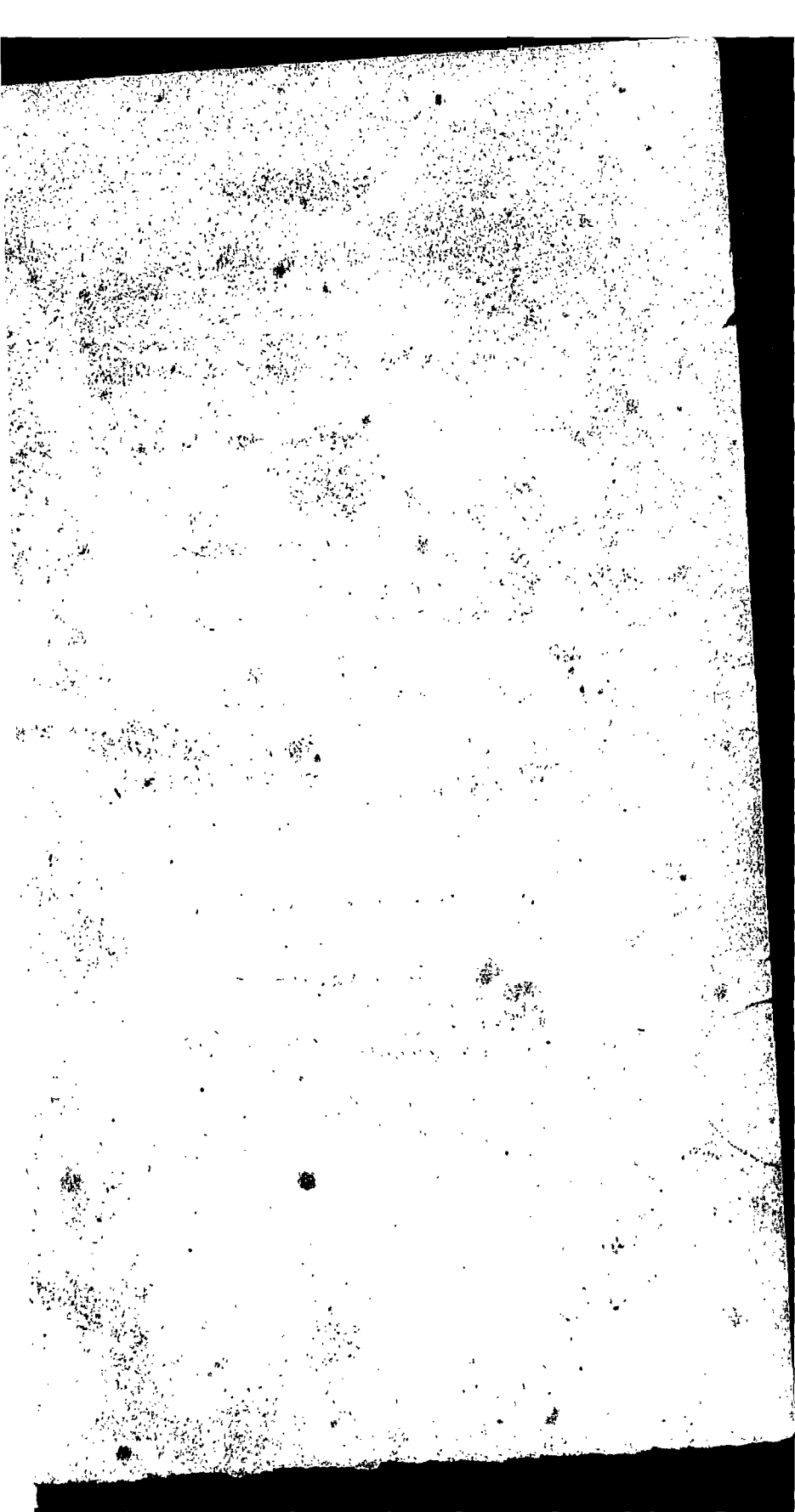
**ERRATUM.**

The first reference under the head "supplement," which is in these words and figures; viz. :

"75 a. 1 vol. 192 435"

should not be in brackets.

*See note at the beginning of this index.*



**END  
OF  
VOLUME**