

L A W S

OF THE

STATE OF DELAWARE,

PASSED AT A

SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE FOURTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD

One Thousand Eight Hundred and Fifty-Three,

AND OF THE

INDEPENDENCE OF THE UNITED STATES

THE SEVENTY-SEVENTH.

BY AUTHORITY.

DOVER, DELAWARE:

PRINTED BY WILLIAM SHARP,

1859.

18

L A W S

OF THE

STATE OF DELAWARE.

CHAPTER I.

AN ACT to suspend the operation of certain sections of an act therein mentioned.

WHEREAS, it appears to this General Assembly that an act Preamble. entitled, A Supplement to the act entitled, "An act for recording acts and resolutions of the General Assembly not of a public nature, and for other purposes," passed at Dover, March 5th, A. D., 1851, (see Chapter 26 of the Revised Statutes,) has not been published in due time for the general information of the people of this State, and that so far as relates to the 6th and 7th Sections of said act, if they should go into operation at the present time, it will result in great inconvenience and injustice to many persons who may intend to make application for the passage of important private acts, and retard the usual course of business before this Legislature, Therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the said 6th and 7th Sections of Chapter 26th of the Revised Statutes shall not apply to petitions to be presented during the present session of the General Assembly.

Sections 6th and 7th of Chapter 26, not to apply the present Session.

Passed at Dover, January 12th, 1853.

CHAPTER II.

AN ACT for the relief of the Widow and Heirs of Jacob Raymond, deceased.

Private Act.

Passed at Dover, January 18, 1853.

CHAPTER III.

AN ACT to change the name of *Susannah Baker*, and of her son *Luther Baker*.

Private Act.

Passed at Dover, January 19, 1853.

CHAPTER IV.

AN ACT for the relief of *Abram Camper* and his wife *Isabella Camper*.

Private Act.

Passed at Dover, January 20, 1853.

CHAPTER V.

AN ACT to amend the "*Act for the benefit of Public Schools in Wilmington.*"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of each branch of the Legislature, That the act of the General Assembly of this State for the benefit of Public Schools in Wilmington, passed at Dover, February 9, 1852, be amended as follows; that is to say:*

10th vol. 644.

Board may appoint Secretary; may require bond, &c.

(*First:*) The Board of Public Education in Wilmington may appoint a person not a member of the Board, Secretary thereof; prescribe by by-law or regulation his duties; require from him bond, with surety, for the faithful performance, if deemed expedient, and allow to him compensation for his services, by stated salary or otherwise, as may be considered proper.

(*Second:*) By proceeding according to the ninth section of the

act aforesaid, School District number 9, in New Castle County, has been united with the rest of the city of Wilmington, under the aforesaid Board of Public Education, and thereby the entire city is within the operation of the said act: and to the end that assessments under the said act, may be substantially upon the principle, and in accordance with the rule established by law for making assessment lists—by school committees in all the other school districts—in the State; the City Council of Wilmington, for assessing and apportioning upon and among the persons and estates in the city of Wilmington, the sums determined to be raised for executing the said act, and effectuating its true intent and purpose, shall, every year, after the first Tuesday of July, and before determining and apportioning the amount of the city taxes for the ensuing year, compose and make an assessment of the said persons and estates, by taking the assessments of the real estates from the city assessments, and the assessments of the personal estates and persons, to wit: stock, plate and other personal property, and the rates for capital, or poll taxes from the assessment list of Wilmington Hundred, standing in the Levy Court in New Castle County for the time then being. The assessment so composed and made, consisting only of established assessments transferred, need not be published; no appeal therefrom can be taken and there shall be no variation of the assessments transferred; and it shall be requisite to transfer amounts only without specifications or particulars in order to compose and make the assessment; but if there be any person in Wilmington Hundred legally liable to be assessed for personal property or rated for capital or poll tax, not found on the assessment list of the said Hundred, the City Council shall have power to assess such person for personal property and rate him for capital or poll tax in the assessment so by them to be composed and made, as to law and right shall appertain, giving to such person due notice and opportunity to be heard. The estates, persons and assessments of colored persons are excepted as in the original act. The Council every year when apportioning the city taxes, shall estimate and fix how many cents and parts of a cent to the hundred dollars, or per centage of the said assessment so composed and made as aforesaid, will be requisite to raise the said sum so determined as aforesaid to be raised, for executing the act aforesaid, and effectuating its true intent and purpose; thus apportioning the said sum so determined to be raised among the said persons and estates, in said assessment so composed and made, according to a certain rate on every hundred dollars thereof and so pro-rata and the said number of cents and parts of a cent to the hundred dollars, or per centage or rates, shall be collected as other city taxes and shall be city taxes within all the provisions of law applicable to city taxes, and to the collecting and accounting therefor and paying the same; and shall be paid out of the City Treasury according to the original act, which shall be in force to all intents and purposes, except as altered by these amendments. The sum determined to be raised this year for executing the act aforesaid and effectuating its true

Assessments under original act; how to be made.

City Council assessments and apportionment. When made

Taxes on real estate.

On personal, from Hundred assessment

Not published. No appeal allowed.

Council may assess persons not in city assessment.

Colored persons excepted.

Council may fix per centage on the assessment.

Taxes paid out of City Treasury.

This amendment no effect on sums

already determined.

intent and purpose, has been laid upon assessments of persons and estates according to the said act, and the same shall be collected and paid according to the said act, and the said preceding second amendment shall not have any force or effect with respect to the said sum which has been already determined to be raised or the manner of assessing or collecting the same.

SEC. 2. And it appearing to the General Assembly, that in the city of Wilmington there is urgent need of primary schools because of great numbers of children that cannot otherwise be put in a course of useful education; and that the Board of Public Education in Wilmington have felt themselves constrained, by the pressure of this need to resort to a loan in anticipation of funds in order to increase the number of these schools:

Be it therefore enacted as aforesaid, That the right and estate, late of the United School Districts, numbers 10, 11, 12, 13, 14, 15, 16, 17 and 18, in New Castle County, in and to the lot of land and school-house at the corner of French and King streets, in Wilmington aforesaid, and the right that belonged to the school committee of school district number 9, in New Castle County, before the uniting of said district with the rest of the City of Wilmington, under the Board aforesaid, in and to the school house and lot of land in Twelfth street, in Wilmington aforesaid, have passed and shall pass to the said Board of Public Education in Wilmington, and are, and shall be, vested in the said Board; and the said Board shall have the possession and charge of the said school-houses and lots of land, and exercise all acts of ownership for security and preservation of the same; and the said school-house and lot of land at the corner of French and Sixth streets, as well as the lots of land and new school-house of the said Board, in the first ward in Wilmington aforesaid, on Washington street, and all other the land and property which the said Board of Public Education shall acquire, shall be liable for the debts and contracts which the said Board shall incur and make; and further the said Board of Public Education in Wilmington shall have power to grant and convey to any person or corporation in fee simple, by way of mortgage, the said lot of land and School-house at the corner of French and Sixth streets with the appurtenances and the said lots of land and new School-house in the first ward aforesaid, on Washington street with the appurtenances, and any other land or property acquired by said Board, for securing to such person or corporation the payment of any sum or sums not exceeding in the whole six thousand dollars, with interest at such time or in such manner as may be agreed upon. The said Board may bring suit before a Justice of the Peace, or in the Superior Court as the amount claimed may determine the jurisdiction, for damages for any trespass or injury to either of the School-houses aforesaid, or lots of land aforesaid, or the fixtures thereof, or the furniture or books therein, or any property of the Board, and recover double damages with double costs.

Passed at Dover, January 20, 1853.

Title of certain S. districts in N. C. county, to certain school houses, &c., vested in Board of Public Education.

Property liable for debts and contracts of the Board. Board may mortgage property.

Sum not to exceed \$6000.

Board may sue for damages.

CHAPTER VI.

AN ACT to continue in force the act entitled, "*An Act to incorporate the Trustees of the Smyrna Circuit Parsonage.*" Passed at Dover, January 22, 1832.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each 8th vol. 232. branch of the Legislature concurring,) That the act entitled "*An Act to incorporate the Trustees of the Smyrna Circuit Parsonage,*" passed at Dover, January 22, 1833, be, and the same is hereby re-Revised. enacted and the same shall continue in force for, and during the term of twenty years from the day of the passing of this act, and no longer.

Passed at Dover, January 20, 1853.

CHAPTER VII.

AN ACT to authorize the Levy Court of New Castle County to cause to be transcribed certain indexes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Levy Court of New Castle County be, and they are hereby authorized, if, in the judgment of the said Court, it shall be necessary, to cause to be made, by the prothonotary of said county, a true and correct copy or transcript of the Indexes of the Judgments entered or signed in the Superior Court of the State of Delaware, in and for New Castle County, from the year one thousand eight hundred and thirty-two, to the November Term, one thousand eight hundred and fifty-one, in a substantial and well bound book or books, to be by the said prothonotary provided for that purpose.

Levy Court of N. C. county may authorize Prothonotary to transcribe certain Indexes.

SECTION 2. And be it further enacted, That if the said Levy Court shall deem it necessary, that the Indexes aforesaid, should be copied or transcribed, then that James C. Mansfield and Peter B. Vandever, be, and they are hereby appointed Commissioners whose duty it shall be, to examine the said transcript or copy of said judgment Indexes, after the said prothonotary shall have completed it, and if they approve of the execution thereof, they shall certify the same to be a true and faithful transcript, and that then, and after such certificate the said transcript or copy shall become and be the index to judgments entered or signed, in said

Commissioners to examine transcript and certify their approval.

Compensation.

Superior Court, for the time aforesaid, in lieu of the Indexes now used therein; and the said Commissioners shall also certify the completion of said transcript or copy to the Levy court of New Castle County, who shall pay to the said Commissioners and Prothonotary a just and reasonable compensation for their services.

Passed at Dover, January 20, 1853.

CHAPTER VIII.

AN ACT to amend Chapter 20 of the Revised Statutes of the State of Delaware.

2 sec. chap. 20,
R. S., (p. 64)
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met* That the second section of the twentieth Chapter of the Revised Statutes of the State of Delaware, as the same is printed, shall be, and the same is hereby amended, by inserting in the second line of said section, between the words "*first Monday*," and the words "*of the year*," the words "*in the month of November*;" and that in any edition of the Statutes hereafter to be published, the printing thereof shall be conformed to the provisions of this act.

Passed at Dover, January 21, 1853.

CHAPTER IX.

AN ACT proposing an amendment to the Constitution of this State.

Preamble.

WHEREAS, by an act of Congress entitled, an "Act to establish a uniform time for holding elections for electors of President and Vice President in all the States of the Union," passed at the second session of the twenty-eighth Congress of the United States, and approved January 23, 1845, the election for electors of President and Vice President is directed to be appointed in each State, on the Tuesday next after the first Monday in the month of November of the year in which they are appointed; And

whereas, it will be for the convenience of the people of this State, and promote the general economy, that the General Election in this State shall be held on the same day designated by the said act of Congress for the said election for Electors of President and Vice President; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met. (two-thirds of each House deeming it necessary, and by and with the approbation of the Governor,) That the following amendment*

be, and the same is hereby proposed to the first section of the fourth article of the Constitution of this State; that is to say, strike out the first clause of the said first section reading thus: "All elections for Governor, Senator, Representatives, Sheriffs and Coroners, shall be held on the second Tuesday in November, and be by ballot," and in lieu thereof insert and adopt the following, that is to say: "All elections for Governor, Senators, Representatives, Sheriffs and Coroners shall be held on the Tuesday next after the first Monday in the month of November of the year in which they are to be held, and be by ballot."

1st Sec. Consti-
tution to be
amended.

SEC. 2. *And be it further enacted, That the Secretary of State of this State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment, duly to publish the above proposed amendment, and this act, in two or more newspapers of this State, for the consideration of the people of this State, at least three, and not more than six months, before the next General Election for Senators and Representatives in this State.*

Secretary of
State to publish
this act when
approved by Go-
vernor.

Passed at Dover, January 24, 1853.

CHAPTER X.

AN ACT to create an additional School District in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: That John D. Rodney, Phillip C. Jones and William O. Redden, be and they are hereby appointed Commissioners to go upon and view School Districts Numbers forty-two, fifty-three and fifty-four in Sussex County, and if they deem it proper and necessary, locate and lay out from said Districts, one additional School District as to them shall seem just and proper. And when the said Commissioners, or a majority of them, shall have so located and laid out said additional School District, they or a majority of them shall make a return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Sussex*

New School Dis-
trict created in
Sussex county.

Commissioners
to make return.

When—
Copy of, to be
delivered to
Trustee of S.
fund.

Dividends.

How divided.

County, to be by him filed among the records of his office: Said return shall be made on or before the first day of July next; and within ten days thereafter, the said Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School fund. And from and after the first day of July aforesaid, the additional School District to be formed under the provisions of this act, shall become, and be deemed and taken to be, a separate School District, in Sussex County, with the capacity, rights and powers of a School District according to law, and shall be designated and numbered by its proper number succeeding the highest number of the School Districts previously formed in the said county; and the said additional School District shall be entered by the Trustee of the fund for establishing Schools in the State of Delaware, among the School Districts of said County and account opened therewith, and in all dividends hereafter made by said Trustee for establishing Schools in the State of Delaware, the respective dividends which may be due or hereafter may become due, the said original districts numbers forty-two, fifty-two, fifty-three and fifty-four, shall be equally divided annually among the districts number forty-two, fifty-two, fifty-three, fifty-four and the said additional School District to be created under the provisions of this act; and the School voters in said additional School District, and the school committee thereof shall have all the rights and powers of school-voters and a school committee respectively, according to the laws of this State; and all the acts of the General Assembly of this State, for the general regulation, government and benefit of Free Schools within this State shall be extended and applied to the said additional School District to be created under the provisions of this act.

Commissioners
to be sworn or
affirmed.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act, shall, severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity. And for each and every day the said commissioners may be employed in the discharge of their duties under the provisions herein contained, shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeal of Sussex County.

Meeting of S.
voters.

Certificate of
proceedings.

SEC. 3. *And be it further enacted*, That if the additional district be formed as aforesaid, the school voters in the said school district, may meet at the place of meeting in said additional school district, which the said commissioners or a majority of them may deem proper to appoint on the first Saturday of July next, at three o'clock in the afternoon, and appoint a chairman and secretary, and choose a clerk and two commissioners of the district who shall continue in office until the next stated meeting, and until successors are duly elected. The certificate of the proceedings shall be made, signed and delivered according to the provisions of law relating to the certificates of the meetings of school voters; notice

of the meeting may be given by the commissioners first above named, or a majority of them; and a failure to give notice shall not vitiate the proceedings.

Passed at Dover, January 24, 1853.

CHAPTER XI.

A SUPPLEMENT to the act entitled "*An act to divorce Robert Layton and Genette his wife, late Genette Long from the bonds of matrimony,*" passed at Dover, on the 28th day of January, A. D., 1851.

Private Act.

Passed at Dover, January 25, 1853.

CHAPTER XII.

AN ACT to confirm the title of *Nancy Purnell, formerly Nancy Sirman, to certain real estate therein mentioned.*

Private Act.

Passed at Dover, January 25, 1853.

CHAPTER XIII.

AN ACT to prevent swine running at large within certain limits of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the provisions of section four, chapter forty-eight, of the Revised Statutes, shall after the passage of this act, extend to that part of Kent county within the limits of school district number ten.

Swine prevented from running at large within certain limits in Kent county.

Passed at Dover, January 26, 1853.

CHAPTER XIV.

AN ACT to incorporate *Kirkwood Division No. 27 of the Sons of Temperance, located in New Castle, Delaware.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, two-thirds of each House concurring therein,* That Lucian M. Chase, William Herbert, John Gordon, John B. Vining, Thomas Challenger, Andrew Manship, Stephen S. Stradley, David W. Gemmill, John S. King, Edward Collings, James Todd, George V. Hastings, and such other persons as now are members of said division, or who may hereafter become members thereof, agreeable to its constitution, by-laws, rules and regulations, be and they are hereby constituted and made a corporation and body politic in law, by the name, style and title of "*Kirkwood Division No. 27 of the Sons of Temperance, Delaware,*" and by that name, shall continue and have succession for and during the term of twenty years from the time of passing this act.

SEC. 2. *And be it further enacted,* That the said corporation and their successors, during the term of their corporate existence, shall be able and capable in law to purchase, receive and hold any lands, tenements, rents, leases, stocks, goods, chattles, bonds, notes, mortgages, money or any property whatsoever, which may be devised, given or conveyed to them; and also to grant, let, sell, bestow, convey, assign or transfer the same, and to do all matters relating thereto, by the name and title aforesaid; and shall have a common seal with power to break, alter and renew the same as to them may seem fit; may sue and be sued, plead and be impleaded in any court of law or equity in this State, in all manner of suits, complaints, causes and matters whatsoever, and of what nature and kind soever.

SEC. 3. *And be it further enacted,* That the members of this corporation shall have power to appoint or elect such officers as they may deem proper and necessary; and to conduct the affairs of said corporation conformably to this act and to the constitution, by-laws, rules and regulations thereof; and from time to time, to make and establish such constitution, by-laws, and rules and regulations, and to alter and amend the same as they shall deem necessary and proper for the good government of said corporation, provided that the same be not contrary or repugnant to the laws and constitution of this State or of the United States.

SEC. 4. *And be it further enacted,* That it shall not be lawful for the said corporation, and it shall not have power to have, possess or in any manner hold goods, chattels, rights or credits, lands or tenements, or property of any kind, the clear yearly income of which shall exceed two thousand dollars.

SEC. 5. *And be it further enacted*, That this act shall be deemed Public Act. and taken to be a public act, and the power to revoke this act at Revocation. any time is hereby reserved to the Legislature.

Passed at Dover, January 26, 1853.

CHAPTER XV.

A FURTHER ADDITIONAL SUPPLEMENT to the act entitled, "*An act to extend the time for recording of Deeds.*"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That all Deeds or Letters of Attorney concerning lands, tenements or hereditaments, sealed and delivered on or before the first day of January, one thousand eight hundred and fifty-three, first being acknowledged or proved, and the acknowledgment or proof certified according to the laws of this State, in force at the time when such acknowledgment or proof was made, may with the certificate of the acknowledgment or proof, and all endorsements and annexations, be recorded in the office for recording of deeds, in the county wherein such lands, tenements and hereditaments, or any part thereof, are situated, if lodged in such office on or before the first day of January, in the year of our Lord one thousand eight hundred and fifty-five; and the said record of a copy thereof shall be sufficient evidence; and from and after the first day of January, in the year last aforesaid, no deed or letter of Attorney, sealed before the first day of January, in the year of our Lord one thousand eight hundred and fifty-three, shall be recorded.

Passed at Dover, January 26, 1853.

CHAPTER XVI.

AN ACT for the benefit of Caleb Sirman and Benjamin Fooks.

Private Act.

Passed at Dover, January 26, 1853.

CHAPTER XVII.

AN ACT to amend Section 12, of Chapter 24, of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the twelfth section of Chapter 24, of the Revised Statutes of the State of Delaware, as the same is printed, shall be and the same is hereby amended, by inserting in the sixth line of said section, immediately after the words, "*prescribed in section,*" the figure "6," and by expunging from said twelfth section the figure "5;" and that in any edition of the Statutes hereafter to be published, the printing thereof shall be conformed to the provisions of this act.

Sec. 12, Chap.
24, (R. S.) p. 76,
amended.

Passed at Dover, January 28, 1858.

CHAPTER XVIII.

AN ACT to establish the Mount Salem Cemetery.

Preamble.
big of 1829, 450,
R. Stat. 105.

Whereas, "The Mount Salem M. E. Church," a corporation under the provisions of "An act to enable all the religious denominations in the State to appoint Trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations," passed February 8, 1787, have purchased from Rev. Newton Heston, Trustee, and William Law and wife, a certain lot or tract of land of about twelve acres, situate on the North Eastwardly side of Kennett Turnpike, in New Castle County, for the purpose of laying it out and ornamenting it as a public Cemetery for the burial of the dead. *And whereas*, It is reasonable that all who purchase lots in said Cemetery should be fully assured of protection to their property and to the remains of their deceased relatives and friends; *Therefore*,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Mount Salem
Cemetery may
hold certain real
estate and may
exercise corpo-
rate powers over
the same.

SECTION 1. The corporation aforesaid, the Mount Salem M. E. Church shall be deemed and taken to be, and shall be capable in law, of holding the aforesaid lot or tract of land in perpetual succession; and shall and may exercise with respect to the same, all the corporate powers appertaining to it, under and by virtue of the act above recited; and particularly, it may grant and dispose of burial lots and rights, and receive and appropriate the pro-

ceeds thereof; and may borrow money for the purpose of said Cemetery: *Provided*, That the amount to be borrowed for such purposes shall not at any one time exceed two thousand dollars.

May borrow money—amount not to exceed \$2000.

The said Cemetery shall be known by the name or description of "The Mount Salem Cemetery;" but all corporate acts in relation to the same shall be in the name of the aforesaid corporation.

Name.

SEC. 2. The present Trustees of the said "Mount Salem M. E. Church" and their successors in office duly elected according to the provisions of the act above recited, shall be *ex officio* Directors of the said Mount Salem Cemetery—a majority shall constitute a board. They shall keep a true Register of their proceedings and transactions; a copy of which under the seal of the aforesaid corporation, signed by the President and countersigned by the Secretary of the Board of Directors, shall be competent evidence in any Court.

Trustees of Mt. Salem Church, Directors of Mt. Salem Cem.

Register of proceedings.

The Board of Directors shall have power to appoint officers and employ agents and servants; and to take from any officer security for the faithful performance of his duties, in such form as the by-laws shall direct. They shall have the general care and management of the Cemetery; may enclose, lay out and arrange the same; may make by-laws and regulations, and do all proper things for the well ordering of the affairs of said Cemetery.

Directors to appoint officers, &c.

Shall have care of Cemetery.

SEC. 3. All grants and contracts of and concerning burial lots and rights in said Cemetery, shall be made in the name and under the seal of the aforesaid corporation, and signed by the Chairman of the Board of Trustees of the said Mount Salem M. E. Church, and being so made shall confer a valid and sufficient title. A minute of such grants and contracts shall be made in the register of the Board of Directors. An exemplification or copy of such minute under the seal of the said corporation, signed by the President and countersigned by the Secretary of the Board of Directors, shall be a valid title paper, and shall be received in evidence without further proof, in the same manner as the record or office copy of a recorded deed; and transfers under the hand and seal of the party of such title paper, or any right or interest under the same being entered in said register shall be effectual; and a copy or exemplification thereof, as aforesaid, shall in like manner be received in evidence.

Burial lots, how granted.

A minute of such grants to be kept. A copy of, evidence of title.

SEC. 4. The burial lots or rights purchased or held in the said cemetery shall belong to the proprietors in a qualified manner, that is to say: they shall descend as real estate to heirs-at-law, but executors or administrators shall be competent to assign or transfer the same: the said lots or rights shall not be liable to be seized, taken or levied on by execution or any legal process whatever; nor shall be aliened or devised so as to vest any right in the alienee or devisee without the approval of the directors aforesaid. The said lots or rights shall be held subject to such general regulations as the Board of Directors may adopt for the well ordering of the whole. Any person contravening a regulation in any matter or thing done, formed or put to, in or upon the said

Qualified right of proprietors to burial lots descend to heirs-at-law Exempt from execution, &c

Held subject to regulations of Board of Directors.

Cemetery shall be a trespasser *ab initio*; and such matter or thing may be treated as a nuisance and abated or remedied accordingly.

No street, lane or alley to be laid out through Cemetery.

SEC. 5. No street, road, lane or alley shall be opened, made or laid out through or upon the lot or tract of land aforesaid, except by and with the consent of the said corporation and the same shall hereafter be exempt from all taxation.

Persons injuring or trespassing upon grounds, ornaments, &c.

SEC. 6. If any person shall wilfully do any injury to the said cemetery or to any ornament, monument, edifice or fixture, or to any of the trees or shrubbery therein, or shall place any matter therein in contravention of a regulation of the Board of Directors, or shall commit trespass upon the same, every such person so offending shall be liable to pay treble damages, with treble costs, to be recovered by the aforesaid corporation before any Justice of the Peace, if the damages do not exceed one hundred dollars, and if above that sum, in the Superior Court. The Board of Directors shall have power to abate and remove any matter that may be placed in the said cemetery in contravention of any regulation, and to remove anything done contrary to any regulation.

Penalty.

Directors may abate nuisance.

Public Act.

SEC. 7. This is declared to be a public act, and an incorporation for public improvement; and power to revoke this act is reserved to the Legislature.

Trustees of Mt. Salem Church to certify acceptance within 3 months.

SEC. 8. The Trustees of the said "Mount Salem M. E. Church" shall within three months after the passage of this act, certify their acceptance of it, to the Secretary of State, or it shall be void.

Passed at Dover, January 28, 1853.

CHAPTER XIX.

A SUPPLEMENT TO THE "ACT to incorporate the Wilmington Coal Gas Company.

10th vol. 575. Company declared to be incorporated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of each branch of the Legislature,* That the act to incorporate the "Wilmington Coal Gas Company," passed at Dover, March 4th, 1851, was passed and enacted with the concurrence of two-thirds of each branch of the Legislature and that the said "The Wilmington Coal Gas Company" in said

act, by force of the said act become and is a corporation, according to the form of said act, with all the powers and subject to the terms, limitations and reservations in said act contained, and that the said "The Wilmington Coal Gas Company" is here established, and shall be and continue a corporation by the name, with the capacity, franchise and powers expressed and mentioned in said act, and subject to the terms, reservations, and limitations therein contained, and all the acts, matters and things done or transacted by or to said company, and purposes and conveyances by or to them in accordance with the intent and meaning of said act, and the power and capacity expressed therein, shall be and are hereby confirmed and declared valid and effectual. *And further*, that the said corporation shall have power, and authority is hereby granted to the same, to extend the works and operations of said company into New Castle Hundred, and also into Christiansa Hundred, and also into Brandywine Hundred, so as to supply gas light to persons residing in each of said Hundreds, and to houses and establishments therein, and to enter upon any public street, lane, highway, bridge or tenements for the purpose of laying down pipes necessary for conducting said gas, and repairing, altering or inspecting the same, doing as little damage as practicable and repairing the same; and all the provisions of the act aforesaid shall apply to the works of the said company that shall be extended into either of the Hundreds; and said extended works and pipes and operations shall be to all intents and purposes within the purview of the act aforesaid.

Company established.

Name.

Acts, &c., under original act declared valid and effectual.

Company may extend works to New Castle and Christiansa Hundreds. May enter upon public streets, highways, &c.

SEC. 2. *And be it further enacted as aforesaid*, That the dividends of the said company shall be declared on the first Monday of February and August every year, instead of the first Monday of September and March.

Dividends declared. When.

Passed at Dover, January 28, 1853.

CHAPTER XX.

AN ACT to authorize Burton Prettyman to make a certain public Road in Kent County, and for other purposes.

Whereas, it appears to this General Assembly that Beniah Tharp, William Tharp, Samuel Graham, Llewellen Tharp, Joseph Ward, Charles Jones, Eli Wroten, William Atkinson, Charles Wroten, William H. Taylor, David Taylor, James B. R. Powell,

Preamble.

Rhodes S. Hemmons, William Mastin, Noah Scott, Josiah Walcott, John A. Collins, Alexander Johnson, William H. Powell, Moses Harrington, R. A. Merriken, William Shaw, Jonathan Harrington, Peter Calloway, Nathaniel C. Powell, Samuel Hughes, Benjamin Harrington and Burton Prettyman preferred a petition in writing to the Court of General Sessions of the Peace and Gaol Delivery held at Dover, in and for Kent county, at the April term of the said Court, in the year of our Lord one thousand eight hundred and fifty-two, therein praying the location of a certain public road in Kent county, and that thereupon John Hopkins, Stephen Rodden, junior, Josiah Dickerson, William Smith, and Clement Sharp, freeholders of said county, were appointed by the said Court to view the said premises, and to lay out such public road or roads as might produce such change or changes as prayed in said petition, or as they might consider necessary or proper: *And Whereas*, it further appears to this General Assembly, that said freeholders did make report in writing to said Court, at the October term thereof, in the year aforesaid, in which they recommended that certain parts of an old public road therein mentioned, should be vacated; and did therein recommend that a new road therein described should be made, and that the said Burton Prettyman should be allowed to enclose a certain part, or parts of said old public road therein recommended to be vacated; *And Whereas*, it further appears to this General Assembly, that by reason of the omission of the said freeholders to sign the certificates of their qualifications as such freeholders, that the said Court could not affirm their said report and return. *Therefore,*

Report of Freeholders to Court of G. Sessions, confirmed, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the said report and return of the said freeholders now remaining of record in the office of the Clerk of the Peace in and for Kent County, be, and the same are hereby confirmed, made good and valid in law, anything in any law of this State to the contrary notwithstanding.

B. Prettyman authorised to open certain road in Kent County

SEC. 2. *And be it further enacted,* That the said Burton Prettyman be, and he is hereby authorized to open and make such public road as is recommended in said report and return of said freeholders, and to enclose such part or parts of said old public road referred to in said petition or return, as is or are therein recommended to be enclosed.

Certain parts of road vacated.

SEC. 3. *And be it further enacted,* That such part or parts of said old public road as are in said report or return recommended to be vacated, be and the same are hereby vacated.

Passed at Dover, January 28, 1853.

CHAPTER XXI.

AN ACT for the benefit of Robert K. Lane, Rachel Lane, John W. Lane, Luraney Lane, and Kitturah Lane.

Private Act.

Passed at Dover, January 28, 1853.

CHAPTER XXII.

AN ACT for the benefit of Sarah Grinage.

Private Act.

Passed at Dover, January 28, 1853.

CHAPTER XXIII.

AN ACT for the relief of James, Charles and Susannah America, children of Moses America.

Private Act.

Passed at Dover, January 28, 1853.

CHAPTER XXIV.

AN ACT to incorporate the Milford Steamboat Company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

Company incor-
porated.

Name.

Capital stock
\$40,000.

Shares \$25 each.

How employed.

Stock, personal
estate—transfer-
able—how.

Shares in the
Private Compa-
ny.
Stock.
Directors to open
books.

(two-thirds of each branch of the Legislature concurring therein.)

That Curtis S. Watson, Peter F. Causey, Henry B. Fiddeman, Trustin P. McColley, Bethuel Watson, Charles T. Fleming, Manlove R. Carlisle, James R. Lofland, Wm. N. W. Dorsey and Lewis Chamberlain, of the State of Delaware, and Thomas Palmer, of the city of Philadelphia, in the State of Pennsylvania, and all such persons as now are or shall hereafter become stockholders in a company already formed, and which has purchased a steamboat to run between Mispillion Creek, the dividing line between the counties of Kent and Sussex in this State, and Philadelphia aforesaid, and their successors and assigns be and they are hereby created and declared to be a Corporation and body politic, for the purpose aforesaid, and with the power and authority to build, or procure other steamboats, or steam vessels, to run between said places, and to or from any port or ports, place or places, upon any of the waters of, or emptying into the Delaware bay or river, by the name, title and designation of "The Milford Steamboat Company," and by that name may have succession, may make and use a common seal, sue and be sued, plead and be impleaded, in all Courts of Record and elsewhere, and shall have full power and authority to purchase, build, hold, occupy and convey such steamboats, lands, tenements and hereditaments, and real and personal estate, and to do all such other acts and things, as may be necessary to carry into effect the objects of the said Corporation.

SEC. 2. *And be it further enacted,* That the capital stock of the said Corporation shall not exceed the sum of forty thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be employed and vested in the purchase or building of steamboats or steam vessels, with steam engines, boilers and machinery, and all their rigging, furniture, tackle and apparatus, and in the repairs necessary thereto, from time to time, and in the purchase of real estate, and the construction of wharves, docks and landing places for the steamboats or steam vessels of said Corporation, and for such other purposes as may be necessary and convenient for steam navigation, and for the purpose of purchasing stages, wagons, horses, &c., for the conveyance of passengers and merchandise by land; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of said Corporation agreeably to the by-laws for that purpose to be adopted.

SEC. 3. *And be it further enacted,* That the shares now held in the private Company already formed as herein before mentioned, shall be converted into stock, and that the Board of Directors hereinafter named, shall have power and authority to open books, at such time or times, and place or places, as they or a majority of them, shall think proper, giving at least ten days notice of the time and place of their meeting, to receive subscriptions for an increase of said stock, until it shall amount in the aggregate, to the sum of forty thousand dollars, as aforesaid.

SEC. 4. *And be it further enacted*, That the said Company shall be considered as fully organized from the passage of this act, and may proceed to elect their officers, and the Board of Directors shall and may call in the said increased stock, at such times as they shall deem expedient, giving at least thirty days notice before the same shall be payable, by advertisement in at least one newspaper published in the State of Delaware; and at least one published in the city of Philadelphia; but not more than ten dollars on each share shall be called for at any one time; and the said Corporation shall have power to make, ordain and establish such by-laws, rules and regulations for the said Company as to them shall seem expedient, and not inconsistent with the Constitution or laws of this State or of the United States; such by-laws, rules and regulations, may be made, altered or revoked by the stockholders, and by a majority of votes, at any general meeting; and the directors may make such additional rules and regulations as may, from time to time, be deemed necessary, to continue in force until altered or revoked by the stockholders at an annual meeting; *Provided*, That the directors shall not repeal, revoke or alter any by-law, rule or regulation, ordained or established by the stockholders, or make any rule or regulation conflicting therewith, or with the Constitution or laws of the State or of the United States: *And provided, also*, That all rules and regulations made by the directors shall be open to the inspection of the stockholders.

Company organized from passage of this act. May call in increased stock.

By-Laws.

Directors not to alter by-laws, &c.

SEC. 5. *And be it enacted*, That a general meeting of the stockholders shall be held at the Hotel now kept by Mr. Tumlin, in Milford, on the first Tuesday of July next, and annually thereafter, at such time and place as the by-laws shall direct. Ten days notice of the time and place of holding a general meeting shall be given in at least one newspaper published in the State of Delaware, and at least one published in Philadelphia. Special meetings of the stockholders may be called by the President and Directors, or by stockholders, who shall together be proprietors of not less than one half of the capital stock, subscribed and paid in, notice thereof being first given as herein provided in the case of a general meeting.

Meeting of stockholders.

When.

Notice.

Special meetings.

The affairs, property and concerns of said Corporation shall be under the control and management of five directors, to be chosen by the stockholders annually by ballot, either in person or by proxy, and in the choice of directors and upon every other subject coming before the stockholders, each share shall be entitled to one vote: *Provided*, That no letter or power of Attorney for voting by proxy shall continue in force more than one year from its date. The first election for directors shall be held at the general meeting in July next; and subsequent directors shall be chosen annually at the general meetings of the stockholders. At the elections for directors, the stockholders shall choose two of their number to act as Judges. Should a vacancy at any time occur in the Board of Directors, it may be supplied by an appointment

Directors, how chosen.

Proviso.

Vacancy, how filled.

Corporation not dissolved by failure to elect. by the remaining directors until the next election. And if an election of Directors shall not be made at the time when pursuant to this act it ought to be made, the said Corporation shall not for that cause, be deemed to be dissolved, but such election may be held at any time thereafter upon notice as aforesaid, and the directors for the time being shall continue in all cases to hold their offices until new ones shall have been chosen in their stead.

Present Directors.

President, Secretary and Treasurer.

May take bonds from officers.

President to preside at meetings of stockholders.

Directors to fix prices for freight and passage.

Subscriber refusing to pay instalments, Directors may declare stock forfeited, or may sue for instalments.

Delinquents not entitled to vote.

SEC. 6. *And be it further enacted*, That Peter F. Causey, Curtis S. Watson, Thomas Wallace, Henry B. Fiddeman, and James R. Lofland, of the State of Delaware, shall be and they are hereby declared to be, the directors of the said Corporation from the passage of this act, until the election is held as provided for in the foregoing section. The board of directors for the time being, shall have power to elect a President and Secretary from their number, and shall appoint a Treasurer, and all such other officers and agents, and employ such workmen, artificers and laborers, as shall be necessary to carry into effect all the powers by this act granted to the said Corporation; and if they judge it necessary, may exact and take from their officers and agents, bonds for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts.

SEC. 7. *And be it further enacted*, That the President when present shall preside at all meetings of the said Corporation; and if absent, his place may be supplied by the appointment of any one of the directors.

The Directors shall have power and authority to fix, determine and regulate the prices of transportation of passengers, goods, wares and merchandize, wagons, carriages, horses, cattle, stock of every description, or other articles that shall be carried or transported by the said Corporation in their boats or otherwise. And the board of Directors shall, from time to time, declare dividends of so much of the profits of said Corporation as they may deem advisable.

SEC. 8. *And be it further enacted*, That if any subscriber or subscribers to the capital stock of the said Company, shall neglect or refuse to pay any instalment or instalments on the number of shares which he, she, or they, may have subscribed, or be the holders of, for the space of thirty days after the time appointed for the payment thereof, by advertisement, as provided in the fourth section of this act, in such case, the President and Directors may either declare such share or shares forfeited, and sell and dispose of the same for the use of the Company, or they may, in the name of the said Corporation, sue for and recover the sum or sums so remaining unpaid, with costs and interest thereon; and such delinquents during the time that any of the instalments aforesaid shall remain due and unpaid, shall not be entitled to vote at any meeting of the stockholders, or to receive any dividends on the stock standing in their names.

SEC. 9. *And be it further enacted*, That the said Company

shall not use or employ any part of the capital stock, or other funds, for banking or other purposes, not clearly indicated in this act, under the penalties of an immediate forfeiture of their Charter; ^{Banking powers prohibited.} except that the Directors may lend at interest upon bond, mortgage or other security, such funds as they may set apart for the purposes of a contingent fund.

SEC. 10. *And be it further enacted,* That this act shall continue in force and operation twenty years and no longer, without re-enactment, and it shall be lawful for the legislature, at any time hereafter, to alter, amend, or repeal the same. ^{Act in force 20 years. Revocation.}

Passed at Dover, February 1, 1853.

CHAPTER XXV.

AN ACT to incorporate Union Lodge Number Five of the Order of Ancient York Masons, in the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring therein),* That Richard Lockwood, Thomas S. Merritt, John Jones, Joshua Clayton, Cyrus Tatman, Garret Cox, Thomas Naudain, Israel Townsend, Henry P. Baker, William Wollaston, James M. Cox, Benjamin Gibbs, John M. Hunt, Hiram R. Harrold, John A. Eliason, George F. Hitchcock and William H. Barr, and such other persons as now are and may hereafter become members of Union Lodge Number Five of the order of Ancient York Masons in the State of Delaware, situated in the village of Middletown, in accordance with the Constitution, by-laws, rules and ordinances of said Lodge, be by virtue of this act a body politic and corporate in law and in fact, and shall have continuance and succession for twenty years and no longer, by the name, style and title of "Union Lodge Number Five of the Order of Ancient York Masons, of Middletown, in the State of Delaware."^{Incorporation.} ^{Continuance.} ^{Name.}

SEC. 2. *And be it further enacted,* That the said Corporation and their successors shall for the aforesaid term of twenty years, be able and capable in law, by the name, style and title aforesaid, to take, receive and hold, to the amount hereinafter specified, such lands, tenements, hereditaments, rents, leases, stocks, goods, chattels, notes, bonds, mortgages, moneys, and other real and personal property, as may come to them by contract, transfer, devise, bequest, gift, or conveyance, or which may accrue to them from the payment of initiation fees, dues and fines, in accordance with the by-laws, rules and ordinances of said Corporation; and ^{Corporate powers.}

May sue and be
sued.

also to sell, alien, grant, let, bestow, assign, transfer, use or dispose of the same, or any part thereof, and to do all other matters touching the same, which individual owners could in law do; and to make, have and use a common seal, and the same to alter, change and renew at pleasure; and the said Corporation shall also be able and capable in law to sue and be sued, plead and be impleaded, in any courts of Law or Equity in this State, in all manner of actions, suits, complaints, pleas, causes, and matters whatsoever, and of what nature or kind soever.

Officers.

SEC. 3. *And be it enacted*, That the members of said Corporation, shall have power to elect or appoint such officers as they may deem necessary and proper to conduct and manage the business of said Corporation, and from time to time to make and establish such Constitution, by-laws, rules and ordinances not contrary or repugnant to the Laws and Constitution of the State, or of the United States, as they may deem necessary or proper for the good government of the said Corporation, and for the proper management of its affairs and business.

Property, &c.,
limited.

SEC. 4. *And be it enacted*, That the said Corporation shall not have, possess, or in any manner hold goods, chattels, rights, credits, lands, tenements, or property of any kind, the clear yearly income of which shall exceed five thousand dollars, and they shall have no banking powers other than the lending of money on security for investment.

Public act.

SEC. 5. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and that the power to revoke this act is hereby reserved to the Legislature.

Passed at Dover, February 1, 1853.

CHAPTER XXVI.

AN ACT to restrain persons from suffering swine to go at large within certain limits in Murderkill Hundred.

Rev. Statutes,
page 160.
Swine restrained
from running at
large within

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.* That the fourth section of Chapter Fifty-eight of the Revised Statutes, shall extend to and apply within the following limits, in Murderkill Hundred, Kent County, that is to say: Beginning at Robert Lewis' mill dam on the road from Camden to Canterbury, thence down said road to within half a mile of Canterbury, thence through the lands of Jonathan N. Gilderslieve and Barat P. Con-

ner to the road leading from Canterbury to the Willow Grove, ^{Murderkill Hundred.} within half a mile of Canterbury, thence with said road to Willard Dawson's House, thence down the Tidbury branch to the place of beginning.

Passed at Dover, February 1, 1853.

CHAPTER XXVII.

AN ACT to incorporate Magnolia Lodge, No. 13, of the Independent Order of Odd Fellows, in Kent County, Delaware.

Private act.

Passed at Dover, February 1, 1853.

CHAPTER XXVIII.

AN ACT for the relief of a certain non-resident named John Bell.

Private act.

Passed at Dover, February 2, 1853.

CHAPTER XXIX.

AN ACT to divorce Edward L. Ford and Mary Ann Ford, his wife, late Mary Ann Henry, from the bonds of matrimony.

Private Act.

Passed at Dover, February 2, 1853.

May sue and be
sued.

also to sell, alien, grant, let, bestow, assign, transfer, use or dispose of the same, or any part thereof, and to do all other matters touching the same, which individual owners could in law do; and to make, have and use a common seal, and the same to alter, change and renew at pleasure; and the said Corporation shall also be able and capable in law to sue and be sued, plead and be impleaded, in any courts of Law or Equity in this State, in all manner of actions, suits, complaints, pleas, causes, and matters whatsoever, and of what nature or kind soever.

Officers.

SEC. 3. *And be it enacted*, That the members of said Corporation, shall have power to elect or appoint such officers as they may deem necessary and proper to conduct and manage the business of said Corporation, and from time to time to make and establish such Constitution, by-laws, rules and ordinances not contrary or repugnant to the Laws and Constitution of the State, or of the United States, as they may deem necessary or proper for the good government of the said Corporation, and for the proper management of its affairs and business.

Property, &c.,
limited.

SEC. 4. *And be it enacted*, That the said Corporation shall not have, possess, or in any manner hold goods, chattels, rights, credits, lands, tenements, or property of any kind, the clear yearly income of which shall exceed five thousand dollars, and they shall have no banking powers other than the lending of money on security for investment.

Public act.

SEC. 5. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and that the power to revoke this act is hereby reserved to the Legislature.

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ner to the road leading from Canterbury to the Willow Grove, ^{Murderkill Hundred.}
 within half a mile of Canterbury, thence with said road to Wil-
 lard Dawson's House, thence down the Tidbury branch to the
 place of beginning.

Passed at Dover, February 1, 1853.

CHAPTER XXVII.

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Private act.

Passed at Dover, February 1, 1853.

CHAPTER XXVIII.

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 Bell.

Private act.

Passed at Dover, February 2, 1853.

CHAPTER XXIX.

AN ACT to divorce Edward L. Ford and Mary Ann Ford, his
 wife, late Mary Ann Henry, from the bonds of matrimony.

Private Act.

Passed at Dover, February 2, 1853.

CHAPTER XXX.

AN ACT to confirm an Ordinance of the city of Wilmington, vacating part of Madison street.

Preamble.

Whereas, The City Council of Wilmington, on the twenty-eighth day of October, A. D. one thousand eight hundred and fifty-two, passed an ordinance entitled "An Ordinance vacating part of Madison street," which is in the words following, that is say:—"Section 1. Be it ordained by the City Council of Wilmington, That Madison street, as laid down in the plan of the said city, from Twelfth street to the line of the grounds of the Wilmington and Brandywine Cemetery Company, be and the same is hereby vacated; any law or ordinance to the contrary notwithstanding. Section 2. And be it further ordained; That the Honorable the General Assembly of the State of Delaware, be and the same is hereby respectfully requested to pass an Act at its next session confirming and establishing the first section of this ordinance." Now, therefore,

Ordinance of City Council confirmed.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the first section of said ordinance as hereinbefore recited, is hereby confirmed and established, and the same shall be and remain unalterable.

Public act.

SEC. 2. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act.

Passed at Dover, February 3, 1853.

CHAPTER XXXI.

AN ACT for the distribution of the Revised Statutes of the State of Delaware.

Sec. of State to distribute Revised Statutes. To Governor, To Senate and House of Representatives. Clerks of S. Court.

SECTION 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 (in addition to the distribution heretofore provided by law for said Revised Statutes) shall make further distribution as follows:—he shall deliver one copy to the Governor, nine to the Senate, and twenty-one to the House of Representatives; he shall deliver one copy to each of the Clerks of the Superior Court, Clerks of the Peace, Clerks of the Or-

phan's Court and Register of Wills of the several counties of this State, to be retained by them in their respective offices and handed over to their successors; he shall transmit two copies to the Library of Congress, and two to the Executive of each State and Territory of the United States; he shall retain fifty copies in the Secretary's office for interchange agreeably to law; the residue he shall cause to be bound from time to time as the demand requires, and deliver them to the Prothonotaries of the several counties for sale at one dollar per copy; and the said Prothonotaries shall severally account with and pay over to the Secretary of State for the use of the State the amount received from the sales thereof, as well for those heretofore received as those that may be received after passing this act, retaining five per cent. out of the amount as compensation for their trouble; payment to be made once in every three months.

Register of Wills.
Library of Congress.
Executive of States, &c.
International exchange.
Residue to be bound.

Prothonotaries to sell copies.

Pay over proceeds to Sec. of State.

Per centage for selling.

Passed at Dover, February 3, 1853.

CHAPTER XXXII.

AN ACT to prevent Horses and Mules from running at large in the Town of Milton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the owner or keeper of any horse, mare, gelding or mule of the age of twelve months or upwards, who shall suffer the same to be at large, out of such owner's or keeper's inclosed ground, within the limits of the Town of Milton, in Sussex county, shall forfeit and pay to the State for the use of the school fund, the sum of five dollars, to be recovered with costs of suit before any Justice of the Peace for said county.

Horses, mules, &c., prohibited from being at large in Milton. Penalty.

Passed at Dover, February 3, 1853.

CHAPTER XXXIII.

AN ACT for the relief of Absolom Guy, son of Absolom Guy.

Private Act.

Passed at Dover, February 3, 1853.

CHAPTER XXXIV.

AN ACT concerning the division of School Districts numbers twenty-one, thirty-three and thirty-eight, in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Benjamin Caulk, Thomas Baldwin, and Lewis Thompson be and they are hereby appointed Commissioners to visit school district number twenty-one, school district number thirty-three and school district number thirty-eight, in New Castle county, and inquire concerning the extent of said districts, and the number of white children in each who ought to enjoy the benefit of the school with a view to determine concerning the necessity of a division of the said districts. The said Commissioners, before entering upon the inquiry, shall take an oath or affirmation, to be administered by either to the other, or by a Justice of the Peace, to perform their respective duties under this act, with fidelity and impartiality; and they shall have power to examine witnesses upon oath or affirmation; and severally to administer such oath or affirmation. If upon inquiry and careful examination, the said Commissioners shall determine that the aforesaid school districts contain a number of white children entitled to the benefit of the schools, too great for three schools, and sufficient for four full schools, and that there ought to be a division of said districts so as to form four school districts, they shall make such division by laying off by bounds and lines such parts from the said school districts as that the parts included by such bounds and lines, and the respective remainders of said school districts shall be four convenient school districts; the said remainders to continue school districts with their original numbers of twenty-one, thirty-three and thirty-eight respectively, and the said additional district included by said bounds and lines, to be designated by its proper number succeeding the highest number of the school districts previously formed in said County. If such division be made, the said Commissioners shall appoint the place of meeting for the school voters in the additional school districts. A majority of the said Commissioners being met shall have power to proceed and act. If the said Commissioners or a majority of them shall make division as aforesaid of the aforesaid school districts, they, or a majority of them, shall certify the same with their proceedings, under their hands, to the next Levy Court and Court of Appeal of New Castle county; the said Court shall take the same into consideration, shall hear objections, if any, and shall have power to make amendments or alterations in the bounds or lines certified, with the concurrence of two-thirds of the members present; and if the said proceedings as certified as aforesaid, or amended or altered, shall be confirmed by the said Court, with the concurrence of two-thirds of the members present, the said division of the aforesaid

Commissioners
to divide.

To be sworn.

New district to
be laid off.

Nos. of districts
after division.

Duty of Levy
Court.

school districts according to the same shall be established; and the additional school district thereby formed, shall become and be a separate school district in New Castle County, with the capacity, rights, and powers of a school district according to law, and shall be entered by the Trustee of the fund for establishing schools for the State of Delaware, among the school districts of said county, and account opened therewith; and in all dividends hereafter made by said Trustee of the fund for establishing schools in the State of Delaware, the respective dividends which may be due, or hereafter may become due, the said original districts numbers twenty-one, thirty-three, and thirty-eight, shall be equally divided annually among the districts number twenty-one, number thirty-three, number thirty-eight, and the said additional school district; and the school voters in said additional school district, and the school committee thereof, shall have all the rights and powers of school voters, and a school committee respectively, according to the laws of this State; and all the laws of this State concerning free schools are extended to said additional school district. The place of meeting appointed as aforesaid for the school voters in said additional school district shall be the place of holding all their meetings, stated and occasional, until another place shall be determined or appointed according to law. The Levy Court and Court of Appeal of New Castle county, if division shall be made and confirmed as aforesaid of the aforesaid school districts, shall cause a fair transcript of the proceedings (as amended or altered) to be entered upon their minutes, with the entries of school districts; and said entry shall be deemed a record, they designating the said additional district by its proper number, as aforesaid; the respective remainders of the aforesaid school district number twenty-one, the aforesaid school district number thirty-three, and the aforesaid school district number thirty-eight (the said parts being laid off from them respectively as aforesaid) shall continue school districts with their original numbers respectively; but all the white children within the lines of said additional school district shall continue to have the same rights in school districts number twenty-one, number thirty-three, or number thirty-eight as they now have, although a division shall be previously made, until the Saturday preceding the first Monday of October next. The entry of confirmation in the Levy Court shall be sufficient, if made according to the following form, endorsed upon the certificate of proceedings, and therewith recorded: In the Levy Court and Court of Appeal of New Castle county, the day of A. D. 1853, the foregoing proceedings having been examined and considered are confirmed by the Court, two-thirds of the members present concurring.

SEC. 2. And be it further enacted, That the Commissioners aforesaid, or a majority of them, may recommend any other alteration of the School Districts aforesaid; which, if approved by the Levy Court and Court of Appeal, with the concurrence of two-thirds of the members present, shall be effectual, and the said School Districts shall be established in conformity thereto.

Rights and powers of new district.

Dividends—how made.

Place of meeting of school voters.

Confirmation to be recorded.

Form of certificate.

Commissioners may recommend other alterations.

Commissioners
to give notice.

SEC. 3. *And be it further enacted*, That the Commissioners aforesaid shall cause at least ten days previous notice to be given, by advertisements under their hands, posted in at least two of the most public places of each of the aforesaid School Districts, of their meeting in one of the said School Districts, to proceed to the performance of their duties under this act, specifying the day, hour and place of meeting. The said Commissioners may adjourn from time to time; one only, if no other attend, shall have power to adjourn.

Vacancy.

SEC. 4. *And be it further enacted*, That in case of the death, resignation, inability or refusal to act of said Commissioners, or either of them, the Levy Court and Court of Appeal of New Castle county, shall have power to appoint Commissioners, or a Commissioner in his or their place; and the Commissioners or Commissioner so appointed shall have all the powers and be liable to all the duties of the original Commissioners or Commissioner.

Compensation.

SEC. 5. *And be it further enacted*, That the compensation to each Commissioner shall be two dollars a day, for every day's attendance in discharge of the duties of this act, which shall be repaid by the Trustee aforesaid, upon certificate of allowance by the Levy Court, under the hand of the Clerk of the Peace of New Castle county, and the fees of the Clerk shall be paid by the said Trustee, on certificate of allowance by said Court, under the hand of the President, and the amount shall be deducted from the apportionment made to New Castle county of the income of said fund before divided among the districts.

Fees to Clerk of
the Peace.

Meeting of
school voters.

SEC. 6. *And be it further enacted*, That if the additional School District be formed as aforesaid, the school voters in the said School District may meet at the place of meeting appointed as aforesaid, on the first Saturday of May next, at three o'clock in the afternoon, and appoint a Chairman and Secretary, and choose a Clerk and two Commissioners of the District, who shall continue in office until the next stated meeting, and until successors are duly elected. The certificate of the proceedings shall be made, signed and delivered according to the provision of law relating to certificates of the meetings of School voters. Notice of the meeting may be given, by either Clerk or Commissioner of School District number twenty-one, number thirty-three or number thirty-eight. A failure to give notice shall not vitiate the proceedings.

Certificate of
proceedings.

Passed at Dover, February 9, 1853.

CHAPTER XXXV.

A FURTHER SUPPLEMENT to the act entitled "An Act to incorporate the New Castle County Mutual Insurance Company." 10th vol. 276.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Section 6 of the act to which this is a further supplement be, and the same is hereby repealed. Section 6 of original act repealed.

SEC. 2. *And be it further enacted,* That the said act shall be altered, amended and supplied, as follows, viz: By inserting in lieu of said Section 6, hereby repealed, the following: That every person who may apply for insurance shall enter the property to be insured with a fair valuation thereof, on the books of the Company, and when any property so insured, shall be destroyed by fire, the amount insured shall form the basis of a tax to remunerate the loss. And every person so applying for insurance, shall deposit with the Secretary his or her promissory note for a sum, the principal and annual interest on which, at six per centum, shall place such applicant on an equal footing with other members, taking into full consideration the nature of the risk, which is to be determined by the Secretary, in common cases, and by a committee for the purpose appointed, or to be appointed by the directors from among their own number in other cases, whose decision shall control the matter. The said promissory note or notes deposited as aforesaid, shall be payable in part or in whole, whenever the directors shall deem the same requisite for the payment of losses by fire, or for such incidental expenses as shall be required for the purposes of the Corporation, and shall in return receive a policy of Insurance, signed by the President and Secretary and attested by the latter, under the seal of the Company; and for the purpose of raising a contingent fund for the payment of losses and other purposes of the Company, it shall be lawful for the directors to levy a tax on the amount of the promissory notes deposited as aforesaid, not to exceed six per centum on said amount, and to continue the said tax as long as in the judgment of the directors the interests of the Company may require. The said tax shall be paid to the Treasurer or such agent as the directors may appoint, first, on or before receiving the policy, and if continued, annually thereafter; and no insurance shall be continued unless upon the actual payment of the interest or tax laid on the deposit notes by authority of the said directors, within the time which may be required—and every payment so made shall be entered upon the books of the Company, to the credit of the payer; and be applicable, as far as the same may go, to the liabilities of the individual paying and to the Company and shall so remain. Any member can withdraw his or her insurance by giving ten day's notice to the Secretary, in which cases, or the cancelling of, a policy from

Act amended. Valuation of property to be entered on Company's books.

Note of insured to be deposited with Secretary.

Note, how payable.

Policy of Insurance.

Tax on notes. Payment of tax a credit to payers.

Policy cancelled.

Note and tax returned to insured.
Transfer of policy.

Consent of President and Secretary necessary to transfer.

9th section original act amended.

11th section amended.

Original construed according to amendments.

any cause, the deposit note or notes, with all unappropriated tax or interest paid thereon, shall be restored to the depositor; and in case of the sale or assignment of the property insured by the person insured and holding the policy, it shall be lawful for such person to assign and transfer to the purchaser the policy or contract of insurance; and such purchaser or assignee shall enjoy all the rights and be subject to all the obligations of the person to whom the policy was originally given: *Provided*, That the consent of the President or Secretary to such assignment shall be given and endorsed on the policy. The policy will not require renewal, but the insurance shall be subject to adjustment whenever either party shall require it.

SEC. 3. *And be it further enacted*, That the ninth section of the said act shall be altered, amended and supplied as follows, viz: by striking out the word "no" between the words "and" and "member," in the sixth line of said section, and substituting the word "any" in lieu thereof.

SEC. 4. *And be it further enacted*, That the eleventh section of said act be also altered, amended and supplied as follows, viz: by striking out the word "Company" in the fourth line of said section, after the words "but it shall be lawful for the," and inserting in lieu thereof the word "Directors," and by striking out the words "in bond and mortgage," in the sixth line, and inserting in lieu thereof the words "other good security."

SEC. 5. *And be it further enacted*, That the act before mentioned shall be read and construed according to the amendments hereinbefore prescribed.

Passed at Dover, February 9, 1853.

CHAPTER XXXVI.

AN ACT for the Suppression of Nuisances.

Stallions and Jacks not to be exhibited in cities, towns and villages.

Penalty.

How recovered.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That if any person shall exhibit any stallion or Jack upon the public streets, lanes or alleys, or other places, within the limits of any city, town or village in this State, he shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall forfeit and pay to the State of Delaware a fine of not less than ten dollars, and not more than twenty dollars; with costs of prosecution, the same to be recovered by indictment or presentment in the Court of General Sessions of the Peace and Gaol Delivery.

Passed at Dover, February 9, 1853.

CHAPTER XXXVII.

AN ACT to enable Thomas Phillips and Joseph Phillips to locate certain vacant land situated in Dagsboro Hundred, in Sussex County, and to complete their title to the same.

Private Act.

Passed at Dover, February 9, 1853.

CHAPTER XXXVIII.

AN ACT to divorce Eli Donovan and Margaret Donovan, late Margaret Coffin, from the bonds of matrimony.

Private Act.

Passed at Dover, February 9, 1853.

CHAPTER XXXIX.

AN ACT to effect partition of the Real Estate of Thomas Deakyne and Ann Deakyne.

Private Act.

Passed at Dover, February 9, 1853.

CHAPTER XL.

AN ACT exempting from taxation certain Real Estate located in the City of Wilmington, purchased by the United States Government for the purpose of erecting a Custom House thereon.

Whereas, the Congress of the United States, at its last session, *Preamble.* appropriated the sum of twenty-five thousand dollars for the pur-

chasing a site and the construction of a suitable building at the city of Wilmington in this State, for a Custom House, Post Office, Court-rooms and other offices of the United States, and for furnishing the same upon condition that the General Assembly of this State should exempt the said site, or lot and building from city and other taxes: *And whereas*, the Secretary of the Treasury of the United States has agreed with Wellington Grubb, of the said city, to purchase of him a certain lot of ground situate at the south east corner of King and Sixth street, in the said city, upon the condition above recited, which said lot of ground is described as follows, to wit: Beginning at a corner formed by the intersection of the easterly side of King street, with the southerly side of Sixth, thence by the said side of Sixth street, south fifty-eight degrees east one hundred and twelve feet and six inches to a corner, thence south thirty-two degrees west fifty-nine feet to a corner, thence north fifty-eight degrees west three feet to a corner, thence south thirty-two degrees west five feet to a corner, thence north fifty-eight degrees west one hundred and nine feet six inches to the easterly side of King street, thence by the said side of King street north thirty-two degrees east sixty-four feet to the place of beginning. *Now therefore.*

Description of
property ex-
empt.

Property ex-
empt from tax-
ation, when.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That whenever the Government of the United States shall complete the purchase of the said lot of ground situate at the south east corner of King and Sixth streets, the boundaries whereof are particularly described in the preamble to this act, the same together with the buildings and improvements which may thereafter be erected thereon, shall not be subject to city, county or state taxes, but the same shall be held and enjoyed by the United States for the purposes aforesaid, free and exempt from all manner of taxation whatsoever.

Passed at Dover, February 10, 1853.

CHAPTER XLI.

AN ACT to amend the title of the "Farmers' Mutual Fire Insurance Company of Mill Creek Hundred," and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring therein,) and it is hereby enacted by the authority of the same;* That an act

Act amended.

passed at Dover, February 1, 1847, to incorporate the Farmers' Mutual Fire Insurance Company of Mill Creek Hundred, be amended as follows, to wit: strike out the name of said Company, Name changed. in said act, in section 1, the words "Mill Creek Hundred," and insert therein instead thereof the words "State of Delaware," Number of Directors increased. and in section 2 of said act strike out the word "nine," and insert instead thereof the word "seventeen."

SEC. 2. *And be it further enacted,* That the places of the additional managers hereby authorized shall be filled by the present board of managers, until the next annual meeting of the Company, in conformity with the provisions of the second section of said act thus amended; and all contracts, whether in the character of policies of insurance, deposite notes, loans or obligations, by, Contract heretofore made in full force. with, on to the said Corporation, shall be and remain in full force, and virtue the same as if the title before mentioned had not been changed or amended.

Passed at Dover, February 10, 1853.

CHAPTER XLII.

AN ACT for the improvement of the State Road at the south end of the Milford Bridge in Sussex County, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met;* That Peter F. Causey, Manlove R. Carlisle, and John Ratoliff, Commissioners appointed to improve State Road. be and they are hereby appointed Commissioners, and authorized and directed to employ laborers and teams, purchase materials, superintend and make such repairs as in their judgment is necessary to make permanent that part of the State Road in Sussex county, from the Milford Bridge over Mispillion Creek southwardly, till opposite or intersected by Front street of South Milford, in said county, and thence to secure the washings of said road and street, so as to prevent injury to the repairs hereby directed to be made. To defray the expenses of which the Levy Court of Sussex county at their next meeting after the passing of this act, (provided they have notice hereof,) or so soon as they may have notice, is hereby authorized and required to appropriate out of the amount levied upon the assessment of Cedar Creek Hundred, in said county, for roads and direct the Collector thereof to pay over to the said Commissioners the sum of one hundred and fifty dollars. Levy Court of S. county to make appropriation.

Commissioners
to keep account
of moneys re-
ceived and costs.
Shall render ac-
count to Levy
Court.

Their compensa-
tion.

Unappropriated
balance to be
paid to Levy
Court.
How applied.

Commissioners
authorized to
grade and pave
sidewalk.

Expense of pav-
ing, &c., how
paid.

10th vol. 407.

Vacancies—how
filled.

SEC. 2. *And be it further enacted*, That the said Commissioners shall keep a just and true account of money by them received, together with the items of cost of the repairs herein directed to be made, and render the same to the said Levy Court, for settlement at their next meeting after said repairs shall have been finished. The said Levy Court shall allow said Commissioners a reasonable compensation for their services respectively, and on settlement of said account, if any unappropriated balance shall appear in the hands of said Commissioners, the same to be paid over to the said Levy Court, to be applied to the credit of the road account in and for Cedar Creek Hundred.

SEC. 3. *And be it further enacted*, That the said Commissioners (above named) are also authorized and directed to grade, curb with stone, and cause to be paved with hard brick, the side-walk on the west side of the said road from the Milford Bridge aforesaid, southwardly along and with the side of the buildings and fencing thereon, as now erected, such width as they may deem proper till opposite the south side of Front street of South Milford aforesaid. And to enable the said Commissioners to defray the expenses thereof, the provisions of the act entitled, "A supplement to the act entitled 'An act to amend the act entitled An act directing the manner of choosing Commissioners to regulate and repair the streets of Milford, and for other purposes,'" passed at Dover, February 14th, 1851, are hereby extended, and made to apply, and of which the said Commissioners shall have the benefit as to the grading, curbing, and paving herein directed to be done, and the protection and preservation thereof in future, after the same shall have been completed.

SEC. 4. *And be it further enacted*, That in case of vacancy from any cause in the number of Commissioners herein appointed to perform any duty under this act, the Justice of the Peace, for the time being, residing in South Milford, Sussex county, shall have power to fill it by another person or persons, as necessity may require, who shall be subject to the same obligations and duties which are herein enjoined upon his or their predecessor or predecessors; and it shall be the duty of the said Justice on notice of such vacancy to fill the same, by the appointment of some other citizen or citizens of South Milford aforesaid.

Passed at Dover, February 11, 1853.

CHAPTER XLIII.

AN ACT to incorporate *Friendship Lodge No. 22, of the Independent Order of Odd Fellows of the State of Delaware, at Peace and Plenty.*

SECTION 1. *Be 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 branch concurring,) That* Thomas. J. Chandler, Eli Crosson, Matthew Croft, Jacob Craig, Pusey Wilson, William Clark, James Crosson, Isaac S. Crosson, John R. Crosson, James Clark, Ephraim B. Yarnall and George P. Hoopes, and such other persons as now are or hereafter may become members of Friendship Lodge No. 22, of the Independent Order of Odd Fellows, located at Peace and Plenty, in New Castle county, Delaware, shall be by virtue of this act, one body politic and corporate in fact and in law; and shall have continuance and succession for twenty years by the name, style and title of "Friendship Lodge No. 22, of the Independent Order of Odd Fellows, of the State of Delaware, at Peace and Plenty."

SEC. 2. *And be it further enacted,* That the said corporation and their successors, during the term of their corporate existence, shall be able and capable in law to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages or money, or any property whatsoever which may be devised, given or conveyed to them, or received by the payment of fees, dues, and fines, and also to grant, let, sell, bestow, convey, assign or transfer the same, and to do all other matters relating thereto, by the name and title aforesaid; and shall have a common seal, with authority to break, alter, and renew the same at pleasure, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere in any or all manner of actions, suits complaints, pleas, causes and matters whatsoever.

SEC. 3. *And be it further enacted,* That the members of this corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of said corporation, and to properly manage its affairs conformable to the provisions of this act and to the by-laws of said corporation; and from time to time to make and establish such by-laws and rules as they shall deem proper and necessary for the good government thereof: *Provided,* such by-laws and rules be not contrary to the laws and constitution of this State and of the United States.

SEC. 4. *And be it further enacted,* That the said corporation shall have power to hold or possess, in any manner, goods, chattels, rights, credits, lands and tenements, or any other property,

the clear yearly income of which shall not exceed the sum of two thousand dollars, and shall not possess any banking powers other than the lending of money on security, for permanent investment.

SEC. 5. *And be it further enacted, by the authority aforesaid,*
Public Act. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 11, 1853.

CHAPTER XLIV.

AN ACT to incorporate the Indian River and Lewes Creek Canal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch thereof concurring,)* That Manaam Gum, Benjamin Burton, Peter R. Waples, Henry F. Hall, William Hickman, Thomas W. Ware and James F. Burton, are hereby appointed Commissioners to open books for receiving subscriptions to the amount of fifty thousand dollars, in shares of twenty-five dollars each share, for the purpose of cutting and making a Canal to connect the waters of Lewes Creek with Indian River, and perfecting the navigation of said Canal; which said books shall be opened at such times and places, and continue open for such time as said Commissioners shall appoint, who shall give at least twenty days notice, by advertisement in such newspapers as they deem proper, of the times and places of opening said books. A majority of said Commissioners shall have power to act in all respects as if all the said Commissioners were present.

Commissioners to open books for subscription.

Capital \$50,000
—shares \$25 each.

Canal to connect Indian River and Lewes Creek.

Notice of opening books.

SEC. 2. *And be it further enacted,* That a general meeting of the subscribers shall be held at the town of Lewes, in Sussex County, on the third day of May, in the year of our Lord one thousand eight hundred and fifty-four, of which at least twenty days notice shall be given by the said Commissioners, or any three of them, in such newspapers as they may deem proper. And the acting Commissioners at such meeting, shall lay before such of the subscribers as shall attend, the books by them respectively kept, containing the said subscriptions; and if one half of the capital sum aforesaid shall, upon examination, appear not to be subscribed, then the said Commissioners shall have power to receive subscriptions in such manner as they may deem expedient, to make up such deficiency. And in case more than fifty thou-

General meeting of subscribers. Notice.

Com's to lay books before subscribers

said dollars shall have been subscribed, then the subscriptions shall be reduced to that sum by the said Commissioners, or a majority of them, by deducting from the highest subscription or subscriptions until the amount of subscriptions shall be reduced to said sum of fifty thousand dollars.

More than \$50,000 subscribed; amount reduced; how.

SEC. 3. *And be it further enacted,* That in case one-half of the capital aforesaid, or a greater sum, shall be subscribed, or a sum greater than the whole capital aforesaid shall be subscribed, on or before the first Tuesday in January, in the year of our Lord one thousand eight hundred and fifty-five, the subscribers and their successors and assigns from the time of their said first meeting, shall be and they are hereby declared to be a corporation by the name, style and title of "The Indian River and Lewes Creek Canal Company," and shall have perpetual succession, and may sue and be sued as such; and shall have all the rights and privileges incident to a corporation. And such of the subscribers as may be present at the said first meeting are hereby authorized and required to elect seven directors for making and completing said Canal and managing the business of the said Company for and during such term, not exceeding three years, as a majority of said subscribers shall think proper. The said Directors shall at their first meeting elect one of their body to be the President of the Company. Every subscriber at every election shall be allowed one vote for every share of stock held by him or her in said Company. Any stockholder, by writing executed under hand and seal, and attested by two witnesses, may depute any other member or stockholder to vote and act as his or her proxy at any general meeting.

Company incorporated.

Name.

Perpetual succession.

Directors.

Directors to elect President.

Each share one vote.

Proxy.

SEC. 4. *And be it further enacted,* That the President and Directors when so elected, and their successors or a majority of them assembled shall have full power and authority to agree with any person or persons, on behalf of the said Company, to cut such canals and erect such locks and perform all such other works as they may judge necessary for opening, improving and extending the navigation between the waters of Lewes Creek and Indian River, and carry on the same from place to place, and from time to time, and upon such terms and in such manner as they shall think fit; and out of the money arising from the subscriptions and tolls hereinafter mentioned, to pay for the same; and to repair and keep in order the said canals, locks, and all other works necessary thereto; and to defray all incidental expenses; and also to appoint a Treasurer, Secretary, and all such other officers, toll-gathers, agents and servants as they shall deem necessary to carry this into effect; and the same or any of them, in their discretion, to remove or dismiss; and to agree for and settle their salaries, wages, or allowances, and to settle and pass all accounts; to fix the time and place, and direct notice of the election of the President and Directors, and other meetings of the stockholders; and the same from time to time to change; to appoint Judges of all elections; to fill up vacancies which may occur in their own body:

President and Directors may employ persons to cut canal. Their powers & duties.

Treasurer, Secretary, &c.

Their salaries.

Vacancies in Board of Directors.

By-laws.

to make and establish all by-laws, as they may deem necessary for the transaction of all other business and concerns of the said Company; and such by-laws, from time to time, to alter and repeal: *Provided*, that such by-laws shall not be contrary to the laws or Constitution of this State or of the United States.

Treasurer to give bond.

SEC. 5. *And be it enacted*, That the Treasurer shall give bond in such penalty and with such security as shall be directed by the by-laws, for the true and faithful discharge of the trust reposed in him; and shall receive such compensation for his services as the by-laws shall prescribe. No officer in the said Company shall have any vote in the settlement or passing of his own accounts.

No officer to vote on his own account.

President & Directors to draw orders for money—may direct payment of subscriptions

Notice.

Shall direct disbursements. Stock forfeited or sold for non-payment.

SEC. 6. *And be it further enacted*, That the said President and Directors, or a majority of them, shall have full power and authority, from time to time, as money shall be wanted, to make and sign orders for that purpose; and direct at what time, and in what proportion the stockholders shall pay the sums subscribed; of which reasonable notice shall be given in such newspapers as they may order, which said sums shall be paid into the hands of the Treasurer to be disbursed by him as the President and Directors, or a majority of them shall direct. If any stockholder shall neglect or refuse to pay any proportion or instalment within thirty days after the time of payment so ordered and advertised as aforesaid, the share or shares of such stockholder, and all moneys thereon paid, shall be forfeited to the company, and shall be sold by them to any person or persons willing to purchase the same, for such price as can be obtained therefor; and such purchaser or purchasers shall be subject to the same rules, regulations and by-laws in all respects, as if such share or shares had been assigned by the original proprietor. But if the said President and Directors, or a majority of them, shall deem it more beneficial to the interests of said Company, they shall have full power and authority, instead of forfeiting such share or shares to recover from all or any defaulting stockholders, by due course of law, such instalment or instalments as may remain unpaid after the expiration of thirty days from the time of payment so ordered and advertised as aforesaid, together with full costs of suit and interest at the rate of twelve per centum per annum.

Stockholders to elect President and Directors, when.

SEC. 7. *And be it further enacted*, That upon the expiration of the term for which the said President and Directors shall be elected, pursuant to the third section of this act, the stockholders shall meet at such time and place as shall be fixed upon pursuant to the provisions of the fourth section of this act, and either continue the said President or Directors, or any of them, or elect others in their stead. The President and Directors, from time to time, elected pursuant to the provisions of the said fourth section shall continue in office until others shall have been duly elected at such time and place, and in such manner as shall be prescribed by the by-laws.

SEC. 8. *And be it further enacted*, That the presence of the stockholders, either in person or by proxy, who have a majority of the whole number of shares subscribed for, shall be necessary to constitute a general meeting. The President and Directors shall annually, at such general meeting, make report and render distinct and just account of all their proceedings; and shall make such dividend of the nett profits arising from the tolls hereby granted as they may deem proper, to and among all the stockholders of the said Company in proportion to their several shares.

Majority of
stockholders ne-
cessary to act.

SEC. 9. *And be it further enacted*, That for and in consideration of the expenses which the said stockholders will necessarily incur in making and perfecting the works of public improvement in this act contemplated, and in keeping the same in repair, the said canal and all other works with all their profits under the limitations aforesaid, shall be and they are hereby vested in said corporation forever, subject nevertheless to the power of the Legislature to revoke this act of incorporation, which is hereby reserved by the Legislature. And it shall and may be lawful for the said company, after the said canal shall be made navigable, to demand and receive tolls at such place or places on the said canal as the President and Directors may designate for that purpose, not exceeding the following rates; that is to say:

Canal and other
works vested in
corporation.

Power of revoca-
tion reserved.

	\$	cts.	
For every pipe of wine or French brandy,		75	Rates of toll.
For every hogshead of wine, rum or other spirits,		60	
For every hogshead of tobacco,		60	
For every hogshead of beer, rice or molasses,		50	
For every barrel filled with produce or merchandize,		10	
For every keg filled with produce or merchandize,		5	
For every bushel of grain, peas, beans, seed or salt,		2	
For every ton of hemp, flax, or manufactured iron,	1	00	
For every ton of metallic ore, pig iron or castings,		60	
For every ton of stone or coal,		50	
For every chaldron of coal,		20	
For every hundred of pipe or hogshead staves or headings,		5	
For every hundred barrel staves or headings,		3	
For every thousand shingles, two feet long,		50	
For every thousand shingles, less than two feet long,		40	
For every hundred cubic feet of plank or scantling,		25	
For every hundred cubic feet of other timber,		40	
For every cord of wood or bark,		50	
For every gross hundred weight of all other commodities or packages,		5	

and for all other commodities in the same proportion, agreeably to the articles above enumerated. Every boat or vessel not having commodities on board, which will pay the sum of two dollars, shall pay so much as with the commodities on board, will yield the sum aforesaid: and every empty boat or vessel shall pay two dollars,

Proviso.

except an empty boat or vessel returning whose load has already paid tolls according to the aforesaid rates; in which case she shall pass toll free: *Provided*, such boat or vessel shall return within thirty days after paying said tolls. In case of neglect or refusal to pay the toll at the time of offering to pass through the said Canal, and previous to the vessel or boat passing through the same, the Collector or Collectors of said tolls may lawfully refuse passage to such vessel or boat; and if any vessel shall pass without paying said tolls, such Collector or Collectors may seize such vessel or boat, wherever found within the limits of this State, and sell the same at auction for ready money, upon five days notice, and apply such money towards paying said tolls and all expenses of seizure and sale, and the residue, if any, shall be paid to the owner; and the person having the direction of such vessel shall be liable for said toll, if the same be not paid by the sale as aforesaid.

False manifest or statement of cargo.

Shall pay double toll.

How recovered and applied.

SEC. 10. *And be it further enacted*, That if any master, shipper or agent shall falsely or fraudulently present to any collector of tolls or other agent of said company, a false manifest or account of cargo of any vessel or boat passing, or about to pass through the said canal, or give a false statement of the toll thereon, or otherwise attempt to defraud in said tolls, such master, shipper or agent, shall after paying to the said Company the toll due and costs of ascertaining the same, forfeit and pay double the amount of toll so charged, on which such fraud shall be attempted, to be recovered by action of debt, with costs of suit, in any Court of Record in this State or before any Justice of the Peace in and for Sussex county having jurisdiction thereof, in the same manner as debts under one hundred dollars are now recoverable by law; one moiety of which forfeiture shall be for the use of the party suing for the same, and the other moiety thereof shall be for the use of the State.

Canal a public highway.

SEC. 11. *And be it further enacted*, That the said canal, when completed, shall be deemed and taken to be a public highway for the transportation of all goods, commodities or produce whatsoever on the payment of the tolls authorized by this act.

Company may enter upon and survey lands in Sussex.

May contract with owner for such lands.

SEC. 12. *And be it further enacted*, That it shall be lawful for the said Canal Company by their engineers, artists, superintendents, contractors and laborers, with their instruments and implements, from time to time, to enter upon any lands in the county of Sussex, through or near which it may be intended to cut the said canal; and explore and survey such lands for the purpose of determining the best route and location for said canal, and to do whatsoever may be necessary for, or incident to, said exploration or survey; and it shall be lawful for said Company, through its President and Directors, to contract and agree to and with the owner or owners of any lands or tenements, for the purchase of so much thereof as may be necessary for making, digging and perfecting said canal, and for erecting and establishing all the necessary locks, works and devices to such an enterprise belonging, if

such contract or agreement can be come to with such owner or owners; but in case of disagreement or in case the owner or owners of any such lands and tenements be out of the State, or under the disability of infancy, coverture or incompetency of mind, or be otherwise incapacitated or unable to make such contract, or to convey lands, then, in each and every such case it shall and may be lawful to and for said Company to apply to the Superior Court of this State in and for Sussex county in term time, or to the Associate Judge residing in said county, in vacation, first giving at least ten days' notice thereof to such owner or owners, if within the State; and the said Court or Associate Judge is hereby authorized and required to nominate and appoint five fit and impartial freeholders of said county to examine whether such owner will suffer any and what damages by reason of taking such lands or tenements for the use of said canal and the locks and other works thereto belonging, or by any means whatever. And it shall be the duty of the said Company to give at least ten days' notice to such owner or owners of the time and place of meeting of said freeholders; and such notice, or any other notice required by this act, to such owner or owners may be served by the delivery of a copy thereof to him, her or them, or by leaving a copy thereof at their usual places of abode, if living within the State, or if living out of the State, by affixing a copy of such notice in some conspicuous place on the premises. And each of the said freeholders, before proceeding upon the duties required of him by this act, shall take an oath or affirmation, that he will faithfully and impartially, according to the true intent and meaning of this act, and to the best of his skill and judgment, estimate and assess the damages, if any, which such owner or owners will suffer by reason of taking any such lands or tenements for the use of the said canal, and the locks and other works thereto belonging; which oath or affirmation the said freeholders shall severally have authority to administer to each other. And the said freeholders shall proceed to view and examine the premises; and in assessing damages also shall take into consideration the benefits and advantages to be derived from or in consequence of the said canal to the owner or owners of the said lands; and the said freeholders shall certify their finding and award in each case to both parties: *Whereupon*, the said Company, on paying the damages so assessed, shall become entitled to have, use and enjoy the said lands for the purposes by them required forever; and in case any owner or owners of any lands necessary for the purposes of said Company shall be a minor, non-resident, or for any cause incapable of receiving, or unwilling to receive, or shall neglect to receive said damages; or to call on the said Company for the same, the said Company may deposit the same to the credit of such owner or owners, in the Farmers' Bank of the State of Delaware, subject to his, her or their order: *Whereupon*, the said Company shall be entitled to have, use and enjoy the said lands and premises required for the purposes of said Company, for or on account of which damages shall have been so assessed; and in case of death, or refusal to

In case of disagreement, freeholders to be appointed by Court or Associate Judge.

Notice to owner of lands.

Notice, how served.

Freeholders to be sworn.

Shall consider benefits to owners in assessing damages.

On payment of damages company entitled to use lands. In case owners be minors, &c., money may be deposited in F. Bank.

Vacancy in freeholders, how filled.

act, or otherwise, any vacancy shall occur in said Board of Freeholders, said Court or Associate Judge shall have power to fill said vacancy. The expenses of the assessment of said damages shall always be paid by said Company. Every freeholder shall be allowed the sum of three dollars for every day during which he shall be actually engaged in the service required of him by this act.

Compensation to freeholders.

May purchase lands and erect places for receipt of tolls.

SEC. 13. *And be it further enacted*, That the said Company are hereby authorized to agree with any owner or owners of lands or tenements for the purchase of such lands or tenements, at or near convenient places for the receipt of tolls as aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement, or of any of the disabilities aforesaid, or the owner or owners being out of the State, then such land may be valued, condemned and paid for in the same manner and by the same mode of proceeding as directed in the foregoing section; and the said Company shall upon payment of the valuation money of the said land, be seized thereof in fee simple, as fully and effectually as mentioned in said section.

Capital insufficient may be increased to \$100,000.

SEC. 14. *And be it further enacted*, That if the said capital shall prove insufficient to accomplish the beneficial purposes intended by this act, it shall and may be lawful for the President and Directors, or a majority of them, at any stated meeting under the by-laws, to increase the capital stock of the said Company, by the addition of as many shares as they may deem necessary; for which purpose they shall be at liberty, as may appear most advisable for the interests of the said Company, either to open the books and receive subscriptions in such manner as they may deem expedient, or to sell all or any such additional shares for the benefit of said Company, for any sum or sums of money not under the par value of such shares, to wit, not under the sum of twenty-five dollars for each share. And the said President and Directors shall have power to borrow money for effecting the beneficial purposes of this act, and to issue certificates or other evidences of loan, and to pledge the property of the said Company for the payment of the same with interest thereon: *Provided, nevertheless*, that the increase and addition of and to the capital stock of the said Company, to be made as aforesaid shall not exceed one hundred thousand dollars.

President & Directors may borrow money.

Shares shall be personal property and assignable, how.

SEC. 15. *And be it further enacted*, That the shares of the capital stock of said Company shall be personal property, and shall be assignable in such manner as shall be regulated by the by-laws, and subject thereto.

Corporation not dissolved through failure to meet.

SEC. 16. *And be it further enacted*, That the said corporation shall not be dissolved through a failure of the stockholders to hold any meeting as prescribed by this act, or to elect Directors as directed by this act, or by the by-laws, or through a failure of the President and Directors, or a majority of them, to do any act or thing on a particular day or time, or to fill vacancies in their own board.

SEC. 17. *And be it further enacted,* That in case the said canal shall cross any public road, it shall be the duty of said Company, at the proper expense of the same, to make and keep in good order and repair, a good and sufficient bridge or bridges across the said canal, so as to prevent any inconvenience in the using of such road or roads by reason of said canal crossing the same; and that it shall be lawful for the Legislature of this State, at all times hereafter, to enact laws for the erecting and maintaining bridges across the said canal at the expense of the said Company, and to subject the said Company to forfeitures, pains and penalties for not complying with such laws.

Company to erect bridges across canal where it crosses public roads.

SEC. 18. *And be it further enacted,* That if any person or persons shall destroy, damage, or in any manner injure the said canal, locks, works, buildings, or any of them, or any property of said Company, or counsel or abet in so doing, he, she or they shall forfeit and pay to the said Company twice the amount of the actual damages sustained by said Company, to be sued for and recovered with costs of suit before any Justice of the Peace, or in any Court having cognizance thereof, by action of debt, or on the case in the name and for the use of said Company.

Penalty for damage to canal or other works.

How received.

SEC. 19. *And be it further enacted,* That full power and authority are hereby given to said corporation to do all matters and things necessary to the construction and completion of a canal to connect the waters of Indian River with the waters of Assawomin Bay, as though the same were a part of the canal in the first section of this act mentioned, whenever in their judgment it shall become necessary and beneficial to the interests of said corporation, and to the trade and commerce of that part of Sussex county adjacent to the river and Bay.

Company have power to connect waters of Indian River and Assawomin Bay by canal.

Passed at Dover, February 12, 1853.

CHAPTER XLV.

AN ACT for the relief of *Justin Pierae*.

Private Act.

Passed at Dover, February 12, 1853.

CHAPTER XLVI.

AN ACT for the relief of John Eaton.

*Private Act.**Passed at Dover, February 12, 1853.*

CHAPTER XLVII.

A SUPPLEMENT to the act entitled "*An Act for the better regulation of the Streets of Newark, and for other purposes.*"

Town Commissioners to levy and make a tax of two hundred dollars, for making and repairing footways and sidewalks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.* That the Commissioners for the time being of the town of Newark, in New Castle county, and their successors in office, are hereby empowered and directed annually to levy and make by way of tax from the inhabitants of said town, the sum of two hundred dollars, and to apply the same to the making and repairing the footways and sidewalks of said town, and after the said footways and sidewalks have been made and repaired, thereafter annually to levy and make from the inhabitants of said town so much money by way of tax as may be necessary to keep and maintain said footways and sidewalks in good repair.

Taxes, how levied, made and collected.

SEC. 2. *And be it further enacted,* That the money hereby authorized to be levied and made by way of tax, shall be levied and made and collected in the same manner by the said Commissioners of the said town, for the time being, and their successors in office, as county taxes are now collected by law by the several collectors of the several Hundreds in the respective counties of this State.

Passed at Dover, February 14, 1853.

STATE OF DELAWARE.

CHAPTER XLVIII.

AN ADDITIONAL SUPPLEMENT to the act entitled "An act to amend the act entitled 'An act directing the choosing of Commissioners to regulate and repair the streets of Milford, and for other purposes.'"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Town Commissioners shall have power, and it shall be their duty to direct the town assessor in making his assessment of property taxable within the town limits, to include therein all dogs owned or kept within the said town, and the owner or keeper of any dog or dogs so included within said assessment, shall be liable to pay a yearly tax of one dollar for one dog and three dollars for one bitch, and the additional sum of one dollar for each and every dog more than one, and the additional sum of three dollars for each and every bitch more than one. An assessment of dogs shall be made during the present year, and each and every year thereafter; and the collector's powers in the collection of taxes on dogs, shall be the same as those conferred upon him by the act to which this is an additional supplement for the collection of town taxes.

Powers of commissioners to cause dogs to be taxed.

Assessment of dogs to be made.

Power to collect dog tax.

SEC. 2. *And be it enacted,* That the following words beginning at the fortieth line, "And the said Commissioners are hereby authorized to employ some suitable person whose duty it shall be to ring the bell at the hour of ten of the clock P. M., on each and every night, for which a reasonable compensation shall be allowed and paid out of the treasury of said town; and after so ringing said bell," be repealed, and the same are hereby made null and void: and add as an amendment to said first section, immediately before the words, "every negro," in the forty-fourth line of said section, these words, "after the hour of ten o'clock, P. M."

Repeal.

Amendment.

Passed at Dover, February 14, 1858.

CHAPTER XLIX

AN ACT to vest in Obediah Macklin, all the right and title of this State, to certain personal property of which Henry Donovan, late of Cedar Creek Hundred, in Sussex County, deceased, died possessed.

Private act.

Passed at Dover, February 14, 1858.

CHAPTER L.

AN ACT to incorporate Wilmington Division No 1 of the Sons of Temperance at Wilmington, Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met;* That John Boys, John McClung, Garrat McGaw, George Chum-sides, Joel V. Greenman, Henry F. Pickels, Andrew Abels, Israel S. Lea, William M. Horn, Edward Singles, George Kates and James P. Hayes, and such other persons as now are, or hereafter may become members of Wilmington Division No. 1, of the Sons of Temperance, now instituted and located at Wilmington, New Castle county, Delaware, shall be by virtue of this act one body politic and corporate in fact and law, and shall have continuance and succession for twenty years, by the name, style and title of "Wilmington Division No. 1, of the Sons of Temperance."

SEC. 2. The said corporation and their successors during the term of their corporate existence shall be able and capable in law, to purchase, receive and hold, any lands, tenements, hereditaments, rents, leases, stocks, goods, chattels, bonds, notes, mortgages, or money, or any property whatsoever which may be devised, given or conveyed to them; and also to grant, let, sell bestow, convey, assign or transfer the same, and to do all other matters relating thereto by the name and title aforesaid; and shall have a common seal, with power to break, alter and renew the same as to them may seem fit; may sue and be sued, plead and be impleaded in any court of law or equity in this State, in all manner of suits, complaints, causes and matters whatsoever, and of what nature and kind soever.

SEC. 3. *And be it further enacted,* That the members of this corporation shall have power to appoint or elect such officers as they may deem necessary and proper to conduct its affairs conformably to this act and to its by-laws, and from time to time to make and establish such by-laws, rules and regulations not repugnant to the constitution and laws of this State or of the United States as may be deemed necessary and proper for the good government of said corporation.

SEC. 4. *And be it further enacted,* That it shall not be lawful for the said corporation, and it shall not have power to have, possess or in any manner hold goods, chattels, rights, or credits, lands, or tenements, or property of any kind, the clear, yearly income of which shall exceed twenty-five hundred dollars.

SEC. 5. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and the power to revoke this act at any time is hereby reserved to the Legislature.

Passed at Dover, February 14, 1853.

CHAPTER II.

A SUPPLEMENT to an act entitled "*An act for the better regulation of the streets of Delaware City, and for other purposes,*" passed at Dover, March 5, 1851.

SECTION 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 Commissioners of the said town of Delaware City, and they are hereby authorized and empowered whenever they or a majority of them may deem it proper and expedient, from time to time, on the application of any ten resident freeholders of said town, to issue their precept and requisition to any person or persons owning town lots in said town, or in case such owner or owners, on account of absence or otherwise, cannot be served with such precept and requisition, then to the agent or attorney of said owner or owners, requiring him, her or them, as the case may be, to cause the sidewalks and footways extending along and adjoining to any such town lot, or town lots, to be paved to the width of four feet, with brick or stone, or otherwise improved as may be designated in said application, and to fix plank or curbstone to prevent the same from being injured by carriages, &c., agreeably to the true regulations and surveys of streets, lanes and alleys within the limits of said town; and in case any such owner or owners, their agent or attorney as aforesaid, shall omit or refuse, within one month after being served with a copy of such precept and requisition, to cause the work to be done as therein required, it shall be the duty of the said Commissioners to cause the same to be done as soon as convenient thereafter, and for that purpose to purchase material and and procure and pay workmen, and to do whatever else may be necessary and proper to carry on and complete the said work, and if any such owner or owners, their agent or attorney as aforesaid, shall omit within ten days after the completion of the same to pay the said Commissioners their just and reasonable costs and expenses in and about the said work, it shall be competent for the said Commissioners, and they are hereby authorized and empowered, to collect the amount of such costs and expenses from said owner, owners, agent or attorney in the same manner that taxes are now by law recoverable, and further that any property or lots, for which an owner or owners cannot be found, the expenses of paving and curbing shall be considered a just and lawful claim against such property, and the Commissioners shall upon giving ten days notice of their intentions, and posting the same in at least four of the most public places in the town, proceed to lease such property or lots for the shortest period of time that will cover the said expenses of paving and curbing.

Commissioners.

Powers to curb and pave sidewalks and footways.

Precept and requisition.

If owner refuses, Commissioners to cause the work to be done.

Remedy for collection of costs and expenses. When owner cannot be found Com's may lease the property for payment of expenses on giving ten days' notice.

SEC. 2. *And be it further enacted,* That the fund to be raised by way of tax shall not exceed in any one year, the sum of two

Tax not to exceed \$250. hundred and fifty dollars, to be assessed upon the persons residing and the real value of property and real estate located and being in said town.

Ascents and descents of streets, lanes, and alleys, to be fixed by Commissioners. SEC. 3. *And be it further enacted*, That the ascents and descents of all the streets, lanes and alleys of the said town, with their grading and the grading of all the footways, shall be regulated, fixed and done by the said Commissioners at the expense of the corporation.

Commissioners constituted conservators of the peace. Powers of Commissioners.

Executive officer.

His powers.

SEC. 4. *And be it further enacted*, That the Commissioners of the said town being first severally sworn or affirmed to the faithful performance of their duty, shall be and they are hereby constituted conservators of the peace within the limits of the same, and shall have power and authority to order all public nuisances to be removed within a reasonable time from any of the streets, lanes, alleys or any other part of the said town, and from time to time to renew such orders, and to impose a fine not exceeding ten dollars on any person refusing to obey such order. And the said Commissioners for the time being shall appoint one of their number to be the executive officer of the said Commissioners during his continuance in office, who shall be invested within the limits of the said town with all the powers conferred, and shall be subject to all the duties imposed upon Justices of the Peace in their respective counties in criminal cases by the laws of this State, and shall be respected and obeyed as such; and all fines and forfeitures imposed by the said Commissioners or the executive officer thereof shall be for the use and benefit of the town aforesaid.

Commissioners to exhibit yearly accounts of receipts and expenditures.

SEC. 5. *And be it further enacted*, That the said Commissioners shall, and they are hereby directed, to exhibit at least once a year, at some public place in said town an account of their receipts and expenditures.

Commissioners to fill vacancies in office.

Repeal.

SEC. 6. *And be it further enacted*, That the Commissioners or a majority of them shall have power to fill any vacancy in the office of Commissioner, Assessor or Treasurer, occurring by death, resignation or otherwise, and any and all parts of the original act, to which this is a supplement, which are repugnant, to this act, together with the whole of section eleven, be and the same are hereby repealed.

Passed at Dover, February 15, 1853.

CHAPTER LII.

A SUPPLEMENT to the act entitled "*An Act to incorporate a Company to improve the navigation of Duck Creek.*"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the vacancy which has occurred in the Board of Commissioners appointed by the second section of the aforesaid act, by the death of Enoch Spruance, is hereby supplied by the appointment of James R. Clements, who is authorized and empowered to act in all things in his stead, and that if any vacancy in the said Board shall hereafter occur by death, resignation, refusal to serve, or for other cause, the Justice of the Peace residing in the town of Smyrna, at the time the vacancy happens, shall fill it, so that the board shall always be kept full so long as it has any duties to perform.

Vacancy in board of commissioners supplied.

Justice of the Peace in Smyrna to fill by appointment future vacancies.

Passed at Dover, February 15, 1853.

CHAPTER LIII.

AN ACT to divorce James R. Jones and his wife Martha Jones, late Martha McNitt, from the bonds of Matrimony.

Private Act.

Passed at Dover, February 15, 1853.

CHAPTER LIV.

AN ACT to establish a certain road in the county of Sussex, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That David Robbins, junior, Robert Russell, Robert H. Carey, Silas M. Reynolds and Joseph Conwell, be, and they are hereby appointed Commissioners to go to a certain road in Broadkirk Hundred, in the county of Sussex, now open, and commencing at

Commissioners.

Their power and
duty.

a point in the road called Groves' road, and running from thence in a straight line, south twenty-six and a half degrees east, between a tract of land between David Lofland, called Groves' tract, and another tract owned partly by him called the Hoather's tract, and continuing in the same course between lands of James M. Cain, John C. Hazzard, John J. Morris and Thomas Robinson, until it reaches the road over Deep Branch in the aforesaid Hundred, and if they or a majority of them should be of opinion that the said road is necessary, they shall establish the same; and if they or a majority of them are of opinion that any person or persons are damaged by said road, they shall assess the damages sustained by such person or persons, which shall be paid or tendered by the said James M. Cain before the road is established.

Old road vacated

Commissioners
to be sworn or
affirmed.

SEC. 2. The road commencing at the aforesaid Groves' road and running parallel to the road above established across the aforesaid first described lands of the said David Lofland, the said lands of James M. Cain aforesaid, and also of said John J. Morris, to a certain point in said Morris' land, and from thence by another course to another public road across said Morris' land, if said Commissioners establish the road mentioned in the first section, and after the payment or legal tender of the damages, if any assessed, be and the same is hereby vacated, and declared to be no longer a public road.

Compensation.

SEC. 3. The Commissioners before entering upon the duty herebefore mentioned, shall be severally sworn or affirmed to perform the duties imposed upon them by this act faithfully and impartially, according to the best of their skill and judgment; and they shall receive for every day they are engaged in the performance of their duties under this act, the sum of one dollar each, to be paid by the said James M. Cain.

Passed at Dover, February 15, 1853.

CHAPTER LV.

AN ACT to enable Manaan Gum and John T. Long to locate certain vacant land, situated in Baltimore Hundred, in Sussex county, and to complete their title to the same.

Private Act.

Passed at Dover, February 15, 1853.

CHAPTER LVI.

AN ACT to divorce Catharine Wasson, late Catharine Vander, and David Wasson, from the bonds of Matrimony.

Private Act.

Passed at Dover, February 15, 1858.

CHAPTER LVII.

AN ACT to amend the act entitled "An act to incorporate the Market House Company of Smyrna."

SECTION 1. *Be 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 incorporate the Market House Company of Smyrna," passed at Dover, February the nineteenth, eighteen hundred and fifty-two, is hereby amended as follows, to wit: by inserting the word "five," after the word "twenty," in the sixth line of the eighth section of said act. Amendment.

SEC. 2. *And be it further enacted,* That the act to which this is a supplement be and the same is hereby declared to be a public act, and shall be published as hereby amended among the acts of the present session. Original act declared to be a public act.

Passed at Dover, February 16, 1858.

CHAPTER LVIII.

A SUPPLEMENT to an act entitled "An act to provide for the erection of a Public Bridge across Broad Creek, at the town of Laurel in the county of Sussex."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That for the purpose of carrying into effect the provisions of the act to

Levy Court to which this is a supplement, the Levy Court and Court of Appeals make appropriation in and for Sussex County, are hereby authorized, empowered and directed, to make at their next session or as soon thereafter as practicable, an appropriation of a sum of money, not exceeding one thousand dollars, or such sum as may be necessary to carry into effect and complete the purposes of the act aforesaid, which said sum of money shall be paid to the order or orders of the Commissioners named in the first section of the act to which this is a supplement, or their successors.

Repeal.

SEC. 2. *And be it further enacted*, That the sixth section of the act to which this is a supplement, is hereby repealed, made null and void.

Passed at Dover, February 16, 1853.

CHAPTER LIX.

AN ACT to authorize Peter C. Parker to change the course of a road in Broadkiln Hundred, in Sussex County.

Preamble.

Whereas, It has been represented to this General Assembly, that there is a certain road in Broadkiln Hundred, in Sussex county, leading from Cool Spring Branch, and running a west northwest direction with the dividing line of the lands of the heirs of Robert Hunter, deceased, and of the lands of the heirs of Alexander Warrington, deceased, until it comes within about one hundred and twenty-five yards of a certain road that leads from the entrance of Perry's lane to the Draw Bridge; and that the first above mentioned road then leaves the dividing line of the lands aforesaid, and turning in a southwest direction crosses the northwest corner of the said lands of the said heirs of Alexander Warrington, deceased, for about one hundred and fifty yards until it intersects the said road leading from the entrance of Perry's lane to the Draw Bridge as aforesaid, thus cutting off about one and a half acres from the main tract of land formerly belonging to Alexander Warrington, now deceased, and greatly prejudicing the symmetry, shape and convenience of said tract of land: And it being also represented that the road first above mentioned may be so changed as to run in a straight course between the said lands of the heirs of the said Robert Hunter, deceased, and the said lands of the heirs of Alexander Warrington, deceased, until it intersects the said road leading from the entrance of Perry's lane to the Draw Bridge aforesaid, without any disadvantage to the public or prejudice to any individual: And it being further represented,

that the said Peter C. Parker now holds and owns the said tract of land formerly belonging to Alexander Warrington, deceased, in right of his wife, who was one of the daughters and heirs at law of the said Alexander Warrington, deceased, Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the said Peter C. Parker be and he is hereby authorized and empowered to cut, clear and make a new road in Broadkilm Hundred, in Sussex County, of the width of the old road, and with the dividing line between the said lands of the heirs of Robert Hunter, deceased, and the said lands of the heirs of Alexander Warrington, deceased, on the south side of said line to commence at a point in the road leading from Cool Spring Branch about one hundred and twenty-five yards from a certain road that leads from the entrance of Perry's lane to the Draw Bridge, and thence to run in or near a straight course on said dividing line, and between said lands of the heirs of Robert Hunter deceased, and the said lands of the heirs of Alexander Warrington, deceased, until the said new road shall intersect the said road leading from the entrance of Perry's lane to the Draw Bridge as aforesaid.

Peter C. Parker
authorized to
make a new
road.

SEC. 2. *And be it further enacted, by the authority aforesaid,* That so soon as the said new road shall be cut, cleared and opened by the said Peter C. Parker, as herein before mentioned, so as to be fit and in good order for travel, that thereupon that portion of the road first above mentioned, that leaves the dividing line of the lands aforesaid, and turning in a southwest direction, crosses the northwest corner of the said lands of the said heirs of Alexander Warrington, deceased, for about one hundred and fifty yards, until it intersects the said road leading from the entrance of Perry's lane to the Draw Bridge as aforesaid, shall be and the same is hereby vacated, and the said Peter C. Parker is hereby authorized and empowered to enclose the same, and the said new road shall be deemed and taken to be a public road for travel, instead of that part of said road now in use, and which is hereby by this act vacated.

When new road
made old road
vacated.

SEC. 3. *And be it further enacted, by the authority aforesaid,* That in any proceeding for any alleged obstruction by the said Peter C. Parker or by any person or persons in his employment, and acting under his authority in stopping and closing that portion of the said road hereby vacated, or intended so to be, he, she or they may plead his general issue and give this act in evidence, as his, her or their sufficient and complete defence and justification.

In proceedings
for obstructing
old road, may
plead the general
issue and give
this act in evi-
dence.

Passed at Dover, February 16, 1853.

CHAPTER LX.

AN ACT *granting to, and vesting in Jane Faucett, negro, certain real and personal estate of which one Elizabeth Toudle died intestate.*

Private Act.

Passed at Dover, February 17, 1853.

CHAPTER LXI.

AN ACT *to authorize the sale of certain Real Estate, late of Uriah Slack, deceased.*

Private act.

Passed at Dover, February 17, 1853.

CHAPTER LXII.

AN ACT *to authorize the Levy Court of Kent county to adopt a certain road as a county road.*

Levy Court of
Kent Co. may
adopt Mahon Ri-
ver Road as a
public road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Levy Court of Kent county may, in their discretion, adopt as one of the public roads of said county, the whole or any portion of a new road lately made by the Mahon River Road Company, leading from the road from Little Creek Landing to Leipsic to Mahon River; and they shall cause a survey of the same to be made and also a plot, which shall be filed and recorded in the office of the Clerk of the Peace of said county, and the said plot, or a duly certified copy thereof, shall be legal evidence of the limits of the road so adopted; and the said road within said limits shall be a public county road, and be kept and maintained as such at the public expense.

SEC. 2. The said Court shall have power and they are hereby authorized, after deducting two thousand dollars, given by the State to said Company, for constructing said road, to reimburse to the Treasurer of the aforesaid company, for the use thereof, the residue of the expenses the said Company have incurred, in making the road so adopted, or such part of said residue as shall be by them deemed proper.

May reimburse the Co. for expenses in making road.

Passed at Dover, February 17, 1853.

CHAPTER LXIII.

AN ACT to change the location of a certain road in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Nicholas O. Smith, John Fearn, and Elisha Maloney, be, and they are hereby appointed Commissioners under this act, to go upon and view the county road running through the lands of the heirs of Garretson Hardesty, deceased, and if in their judgment the said road can be so altered as to enhance the value of the said lands, without detriment to the public interest, to lay out a new road through said lands, having reference to public convenience as well as to the interest of said heirs.

Commissioners appointed to view an old road, and lay out a new road.

SEC. 2. *Be it further enacted,* That the said Commissioners or a majority of them shall alter or change the location of said road under the authority vested in them by the first section of this act, then the said road so altered and changed, shall be opened and made by the heirs of the said Garretson Hardesty aforesaid, deceased, at their own proper cost and charge, and shall be so kept open for the period of one year before the same shall become a County charge.

The road altered or changed to be opened by heirs of Garretson Hardesty, and kept open for one year at their charge.

SEC. 3. *Be it further enacted,* That after the expiration of one year from the opening of said road, the same shall be deemed and taken to be a public road, and shall be kept up in the same manner as other roads in Kent County, and that part of the old road so altered and changed, shall and the same is hereby vacated, and it shall and may be lawful for the heirs of Garretson Hardesty aforesaid, deceased, to enclose the same.

Public road. Old road vacated.

SEC. 4. *And be it further enacted,* That in any proceedings for any alleged obstruction by the said heirs Garretson Hardesty, deceased, or any of them, or by any person or persons in their

General issue
may be pleaded,
and this act gi-
ven in evidence.

employment, and acting under their authority, in stopping and enclosing that portion of the said road hereby vacated, or intended so to be, he, she or they may plead the general issue, and give this act in evidence, as his, her or their justification and defence.

Passed at Dover, February 17, 1853.

CHAPTER LXIV.

AN ACT to incorporate Asylum Lodge, No. 23, of the Independent Order of Odd Fellows of Wilmington, Delaware.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* John McClung, George Kates, James P. Hays, George Chumside, Elbridge Sibley, Abijah S. Jackson, Charles W. Jones, George Wright, Outten D. Jester and Benjamin Betts, together with all other persons that now are, or shall hereafter become members of Asylum Lodge, No. 23, of the Independent Order of Fellows, now situated and located in Wilmington, Delaware, shall be by virtue of this act one body politic and corporate in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of "Asylum Lodge, No. 23, I. O. O. F., of Wilmington Delaware."

Name.

Corporate powers.

SEC. 2. *And be it further enacted,* That the said corporation and their successors, during their corporate existence, shall be able and capable in law to purchase, receive, and hold any lands, tenements, hereditaments, rents, leases, stocks, goods, chattels, bonds, notes, mortgages, money, or any property whatsoever, which may be devised, given or conveyed to them, and also to grant, let, sell, bestow, convey, assign or transfer the same, and to do all other matters relating thereto by the name and title aforesaid, and shall have a common seal, with power to break, alter and renew the same as to them may seem fit, may sue and be sued, plead and be impleaded, in any court of law or equity in this State, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and of what nature and kind soever.

Officers.

By-laws.

SEC. 3. *And be it further enacted,* That said Corporation shall have power to elect or appoint such officers as they shall deem necessary and proper, and to conduct the affairs of the society conformably to this act, and their by-laws, and from time to time to make and establish such by-laws, rules and ordinances, not con-

trary or repugnant to the laws and constitution of this State or of the United States, as they shall deem necessary and proper for the good government of this Corporation.

SEC. 4. *And be it further enacted*, That it shall not be lawful for this said corporation, to have power to possess or in any manner to hold goods, chattels, rights, credits, lands or tenements, or property of any kind, the clear yearly income of which shall exceed two thousand dollars. Property limited.

SEC. 5. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature. Revocation.

Passed at Dover, February 18, 1853.

CHAPTER LXV.

A FURTHER SUPPLEMENT to the act entitled "*An Act to enable the owners of the marshes, cripple and low grounds situate upon and contiguous to Jamison's Branch in Little Creek and Duck Creek Hundred, to drain and improve the same.*"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That the prongs of the said ditch cut by the aforesaid Company by virtue of the act supplementary to the original act, passed on the 24th day of February, 1851, be and the same are hereby declared to be separate from and are no longer a part of the works of the said Company—and all future proceedings by the said Company shall be confined solely to the main ditch, and shall not embrace any of the lands lying upon either of the aforesaid prongs, which do not also lie upon said main ditch; nor shall the owners of such lands, by virtue of their ownership thereof, have any power or right to participate in any of the business of the said Company, nor be liable to any of the taxes thereof. Part of the lands of said Company separated, and the owners no longer members thereof.

Owners not liable to taxes of original company.

Passed at Dover, February 18, 1853.

CHAPTER LXVI.

AN ACT in relation to Public Roads and Highways in Mill Creek Hundred in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,*
 Road com'rs to sell public roads. That it shall be the duty of the Road Commissioners of Mill Creek Hundred in New Castle county, to sell out or dispose of the public roads and highways in said Hundred, on the second Thursday of April following the passage of this act, for the purpose of keeping them in good and proper repair in the manner and form hereinafter provided.

Time when sold. SEC. 2. That the said public roads or highways, shall be so sold out or disposed of, for a term of not less than three nor more than five years, at the discretion of the said Road Commissioners, but which term shall be uniform for the time being, and shall be designated and published by the said Road Commissioners in their advertisement of sale as is hereinafter authorized and directed.

SEC. 3. That it shall be the duty of the said Road Commissioners within thirty days preceding the day of sale as directed by the first section of this act, (and within the same period of time preceding the expiration of each and every term of years thereafter,) to lay out and divide the public roads and highways in the said Hundred into sections, not exceeding one mile in length, and as near one-half mile as practicable, which they shall number and describe in a book kept by them for the purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate of the amount of money which it will require to improve and keep in repair, each and every section of the said roads respectively, for the term of years approved of and designated as provided for in section 2nd of this act.

Notice of Sale. SEC. 4. And it shall be duty of the said Road Commissioners to give at least ten days' notice by six or more handbills put up in the most public places in the said Hundred, giving the time and designating a place for the taxable inhabitants of the said Hundred to meet, at which time and place it shall be the duty of the said Road Commissioners to attend and sell at public sale, for the term of years approved of and published, to the lowest and best bidder of the taxable inhabitants of the said Hundred, the said sections of the public roads and highways, according to the term therein specified; one section at a time, until they are all disposed of; but no section shall be sold for more than the sum estimated thereon by the Road Commissioners, and if any sections or sections shall then remain unsold, on account of no bid

Sale to taxable inhabitants.
 Estimate of costs not to be exceeded

having been made, or on account of their having been bid for at a higher rate than the account estimated by the Road Commissioners, they shall be again set up and sold to the lowest bidder not exceeding the estimate aforesaid, and if any section or sections shall still remain unsold, the road commissioners shall afterwards let out such section or sections, on private contract; *Provided*, that the said Road Commissioners shall not be allowed, either directly or indirectly, to purchase or contract for any section of road so sold or let out; *Provided* also, that only one annual proportion of the amount of the said sales or contracts, shall be paid to the respective purchasers and contractors in any one year, but such proportion shall be paid by the said road commissioners on or before the expiration of the year, in each and every year, except in such cases as are hereinafter provided for.

If sections not sold to be let on private contract. Com. not to purchase.

Annual payments provided for.

SEC. 5. Any person or persons who shall purchase or contract for a section of road as aforesaid, shall write his, her or their names respectively in the Road Commissioners' book, opposite to the section or section or sections so purchased or contracted for, together with the amount of purchase or contract money, which shall be deemed and taken as sufficient evidences of the contract or contracts so made.

Evidence of contract.

SEC. 6. It shall be the duty of the contractors to keep their sections in good and substantial repair, by keeping open ditches and drains of sufficient depth and width to carry off the water, and in order to hasten the gradual wearing away and reduction of the hills, it shall not be lawful to construct crossways or open drains across the bed of the road, within fifty feet of their tops or summits, nor shall such crossways or drains be constructed on the slopes or sides of hills of less grade than five degrees; strong embankments, at least one foot high, shall be made along the sides of the road at the foot of hills, for the purpose of preventing as far as practicable, the loose earth carried down from being washed away; loose stones shall be carefully removed or covered with earth. Should any person neglect or refuse to make the improvements, and keep his or her section or sections of road in good repair, as purchased or contracted for as aforesaid, upon complaint of any of the citizens of the said Hundred, or of the adjoining Hundreds, made to the Road Commissioners or either of them, it shall be the duty of the said Road Commissioners to examine the section or sections complained of as soon as practicable, and if they deem the complaint well founded, to give notice to the party or parties complained of, to make the improvements, and put his, her, or their section or sections of road in good repair, according to the terms specified therein, within ten days thereafter, and if he, she, or they shall neglect, or refuse to comply with said notice until the expiration of the said ten days, it shall be the duty of the Road Commissioners to have the said section or sections improved and repaired, according to the terms specified, in his, her or their purchase or contract, and the costs of improving and repairing the same, shall be recoverable by the Road Commissioners, of such

Duty of Contractor.

Neglect.

On complaint of citizens that a section or sections is out of repair, notice given contractor to put the same in repair within ten days.

On neglect or refusal to do so, Road com. to repair and improve.

Their remedy against purchaser.

Person or contractor.

person or persons so neglecting or refusing, as other debts of equal amount are by law recoverable, with costs of suit.

Purchaser of contract removing out of the Hundred, may yield up on certain terms his section or sections.

SEC. 7. It shall be lawful for any purchaser, purchasers, contractor or contractors, who may remove out of the said Hundred, to yield up, to the Road Commissioners, the unexpired portion of his, her or their term, by giving due notice thereof to the

To be sold or let.

Road Commissioners in writing, at least thirty days preceding the second Thursday of April, and the unexpired term of such purchase or contract so yielded up, shall be sold at public sale, or let on private contract, and also all new roads to be opened in the said Hundred, in the manner and form provided in the preceding sections of this act: Provided that in case of death or removal out of the Hundred, the Road Commissioners shall pay to the representatives of persons so deceased, and to persons so removing such portions of the money specified in their respective contracts, as they shall believe them justly entitled to.

Proviso in case of death or removal out of the Hundred.

Commissioners to inspect roads.

SEC. 8. The public roads and highways in the said Hundred shall be inspected by one at least of the said Road Commissioners every three months, and if they shall at any time find that

Contractor or purchaser neglecting to keep roads in repair.

any of the purchasers or contractors, have neglected or refused to keep in good repair, any section or sections of road purchased or contracted for by him, her or them, according to the terms

Notice and remedy.

specified, they shall give notice to such purchaser or purchasers, contractor or contractors, as is directed in Sixth Section of this act, and if any of them neglect or refuse to comply with said notice, they shall proceed as is directed in the aforesaid section of this act, and enforce payment in like manner.

How yearly accounts to be stated.

SEC. 9. In the statement of the yearly accounts of the Road Commissioners, which they are required to make out and publish according to Section 13 of Chapter 60, of the Revised Statutes, it shall not be required to make out a list of the orders drawn by the said Commissioners, nor state the persons' names in whose favor they were drawn, but they shall give the aggregate amount of all orders drawn by them, and state on what account they were drawn.

Repeal.

SEC. 10. So much of the laws of this State relating to public roads and highways as is inconsistent herewith, is hereby repealed, so far as relates to Mill Creek Hundred, in New Castle County.

Passed at Dover, February 18, 1853.

CHAPTER XLVII.

AN ACT to revise and continue in force the act entitled "An act authorising William Virden to convey certain lands therein mentioned," passed at Dover, March 5, 1851.

Private Act.

Passed at Dover, February 21, 1853.

CHAPTER XLVIII.

AN ACT to create an additional School District in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.* That Cyrus C. Windsor, Elihu J. Pusey and Daniel Hearn, be and they are hereby appointed Commissioners to go upon and view School Districts numbers fifty and fifty-one in Sussex county, and if they deem it proper and necessary, locate and lay out from said districts one additional school district, as to them shall seem just and proper. And when the said Commissioners or a majority of them, shall have so located and laid out said additional school district, they or a majority of them shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Sussex county, to be by him filed among the records of his office. Said return shall be made on or before the first day of July next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the trustee of the school fund. And from and after the first day of July aforesaid the additional school district to be formed under the provisions of this act, shall become, and be deemed and taken to be a separate school district in Sussex county, with the capacity, rights and powers of a school district according to law; and shall be designated and numbered by its proper number succeeding the highest number of the school districts previously formed in the said county; and the said additional school district shall be entered by the trustee of the fund for establishing schools in the State of Delaware, among the school districts of said county, and accounts opened therewith; and in all dividends hereafter made by said trustee of the fund for establishing schools in the State of Delaware, the respective dividends which may be due, or hereafter may become due, the said origi-

Commissioners.
Powers and duties.

To make return into the office of Clerk of the Peace.

Copy to be made and delivered to the trustee of school fund.

New, or additional school district.

Numbered and entered among the school districts of Sussex county.

Dividenda.

How divided.

nal districts, numbers fifty and fifty-one, shall be equally divided annually among the districts numbers fifty and fifty-one, and the additional school district to be created under the provisions of this act; and the school voters in said additional school district, and the school committee thereof, shall have all the rights and powers of school voters and a school committee respectively according to the laws of this State; and all the acts of the General Assembly of this State for the regulation, government and benefit of free schools within this State, shall be extended and applied to the said additional school district to be created under the provision of this act.

School voters & school committee.

General school laws extended to additional school district.

Oath or affirmation.

Compensation of Commissioners.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act, shall severally before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation, to perform the same with fidelity, and for each and every day the said Commissioners may be employed in the discharge of their duties under the provisions herein contained, shall have and receive the sum of one dollar each, to be allowed by the Levy Court and Court of Appeal of Sussex county.

Meeting of school voters.

SEC. 3. *And be it further enacted*, That if the said additional school district be formed as aforesaid, the school voters in the said school district may meet at the place of meeting in said additional school district, which the said commissioners or a majority of them, may deem proper to appoint, on the first Saturday of July next, at three o'clock in the afternoon, and appoint a chairman and secretary, and choose a clerk and two commissioners of the district.

Passed at Dover, February 21, 1853.

CHAPTER LXIX

A SUPPLEMENT to Chapter 9 of the Revised Statutes of the State of Delaware.

Amendment.

Clerk of the Peace omitting

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That section 23 of chapter 9 of the Revised Statutes of the State of Delaware, be amended as follows, viz: Add at the end of said section immediately after the word "licensed," the following, viz: "and furnish the State Treasurer with a list of the same. And if said Clerk of the Peace shall omit to perform the duties im-

posed on him by this section, he shall be deem guilty of a misdemeanor, and shall be fined not less than one hundred nor more than five hundred dollars;" and said section shall be read and construed according to the foregoing amendment, and in any edition of the laws of this State hereafter to be published, the chapter aforesaid shall be printed as amended by this act. to perform his duty under this act to be fined.

Passed at Dover, February 21, 1853.

CHAPTER LXX.

AN ACT to revive and continue in force an act entitled; "An act for the relief of Rebecca Durham, late Rebecca Dean, and others."

Private Act.

Passed at Dover, February 22, 1853.

CHAPTER LXXI.

AN ACT to authorize Robert B. Houston to locate a certain tract of vacant land in Daysborough Hundred, Sussex county, and complete his title to the same.

Private Act.

Passed at Dover, February 22, 1853.

CHAPTER LXXII.

AN ACT authorizing the sale of certain real estate.

Preamble.

Whereas, It is represented to this General Assembly by Ezekiel N. Woodall, the father of Joshua M. Woodall and Anna Maria Woodall, minors, that his aforesaid children are each entitled to one equal undivided sixteenth part of a tract or parcel of land situated in Murderkill Hundred, in Kent county, adjoining lands of James Green, Thomas S. Millin, Joshua Dunkin and others, subject to his life estate therein, and that it would be greatly to the interest of said children, that their aforesaid interests should be sold and the proceeds thereof invested for their benefit, and the said Ezekiel N. Woodall having prayed the Legislature to pass an act appointing Edward W. Wilson, Trustee, to make sale. Therefore:

Trustee appointed.

Power and duty of trustee.

Money arising from sale to be invested by Orphans' Court.

Proviso.

Release d.

Deed of trustee to transfer title of minors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Edward W. Wilson be, and he is hereby appointed a trustee to sell the aforesaid interests of the said minors in the aforesaid real estate, and he may sell the same at public or private sale, as in his judgment will best promote the interest of said minors, and the money arising from said sale shall be taken by the aforesaid trustee into the Orphans' Court, of Kent county aforesaid, at the term next held after said sale, and the same shall be invested by the said Court for the benefit of said minors, as in other cases of money arising from the sale of minors' land: Provided that no such sale shall be made, unless all the other parties interested in the aforesaid real estate, shall sell their interest at the same time, and unless the said Ezekiel N. Woodall release his aforesaid interest to his aforesaid children.

SEC. 2. The deed of the said Edward W. Wilson to the purchaser, shall convey and transfer to him, all the title of the aforesaid children in and to the aforesaid lands.

Passed at Dover, February 22, 1853.

CHAPTER LXXIII.

AN ACT to authorize the Levy Court of Kent County to make appropriations for the support of streets in the town of Camden.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*

That the Levy Court of Kent County be and they are hereby authorized and directed in making their apportionment of the road tax under section 25 of chapter 8 of the Revised Statutes of this State, to make an order for the payment of such sum as the Levy Court in their judgment may deem just and proper for keeping the streets of said town in good repair, annually to the commissioners of the town of Camden for the support and maintaining in good repair the streets now laid out or hereafter to be laid out in said town.

Levy Court to make an order for money to be paid town commissioners of Camden to keep the streets in repair.

SEC. 2. *And be it further enacted*, That the said Commissioners shall annually settle their accounts for repairs of the streets of said town with the Levy Court as overseers do; and it shall not be lawful for any overseer of any road to exercise any authority or jurisdiction over any of the said streets of said town; but the same shall forever be and remain under the control and management of the Commissioners of said town.

Com'rs to settle accounts with Levy Court.

Overseers of roads not to have jurisdiction over streets of Camden.

Passed at Dover, February 23, 1853.

CHAPTER LXXIV.

AN ACT to vacate a certain road therein mentioned.

Whereas, It has been represented to this General Assembly, That Caleb Smithers, of Murderkill Hundred, in Kent county, is the owner of a tract of land situate in said Hundred heretofore covered with wood, but now wholly or in a great measure cleared by the said Caleb Smithers, the said tract being bounded on one side by the road leading from Frederica to Berrytown; that the said land has been lying unenclosed for a long time, and that in the meantime the public has been accustomed to travel over various parts of the land, so as to form through it a road, to the great detriment of the said Caleb Smithers, who wishes to enclose, cultivate and improve the same.

Preamble.

SECTION 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 Caleb Smithers to enclose the said land, and to shut up and close the said road or roads, in whatever direction it or they may run through or across the said land, not encroaching on the said road from Frederica to Berrytown.

Roads to be shut up and enclosed.

Not to encroach on road from Frederica to Berrytown.

Passed at Dover, February 23, 1853.

CHAPTER LXXV.

AN ACT to effect the sale of the property of certain minors.

*Private Act.**Passed at Dover, February 22, 1853.*

CHAPTER LXXVI.

AN ACT to change the location of a certain public road, in Broad Creek Hundred, in Sussex County.

Commissioners.
Only

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Burton Cannon, John Jones, and John West, Esq., be and they are hereby appointed Commissioners to go upon and view that part of the road leading from a place called the Boiling Spring, in Broad Creek Hundred, Sussex County, to a place called Terrapin Hill, which runs through the woodland of John S. Matthews, and if said Commissioners or a majority of them, after having viewed the road and lands as above directed, shall be of opinion that the course of said road can be changed so as to run along a branch on the north side of the said woodland, without detriment to the citizens of that vicinity, or the public generally, they shall have power to locate the said road accordingly, and shall make return of their proceedings to the Levy Court and Court of Appeal in and for Sussex County aforesaid, at their first session in February, one thousand eight hundred and fifty-four.

Return to be
made to Levy
CourtIf return ap-
proved by Levy
Court, new road
may be made,
old road enclos-
ed

SEC. 2. *And be it further enacted,* That if after return shall have been made to the Levy Court, according to the provisions of the first section of this act, they shall approve the same, then the said John S. Matthews, after having opened, cleared out, and put in good order the new road authorized by the provisions of this act to be laid out, shall have power and authority to enclose and cultivate so much of the said old road, as is superseded by the adoption of the said new road, and shall hold and enjoy the same as fully and effectually as if the same had never been used as a public road, and which said part of said old road hereby authorized to be inclosed, shall upon the opening and completion of said new road, be deemed and taken in law and fact to be vacated.

Vacated

SEC. 3. *And be it further enacted,* That if the said Commis-

sioners or a majority of them shall deem it necessary, they shall have power to call to their aid a skillful surveyor to run out and locate said road. Surveyor.

SEC. 4. *And be it further enacted,* That the said Commissioners and Surveyor before entering upon the duties enjoined upon them by the provisions of this act, shall take and subscribe an oath or affirmation to perform their duty respectively with fidelity, which oath or affirmation may be administered by the said Commissioners, or by any other person who is authorized by the laws of this State to administer an oath or affirmation. Commissioners and Surveyor to be sworn or affirmed.

SEC. 5. *And be it further enacted,* That the said Commissioners shall have for each and every day's attendance under the provisions of this act, the sum of one dollar, and the Surveyor shall have such sum as shall be agreed upon by the said Commissioners, all of which shall be paid by the said John S. Matthews. Compensation to Commissioners & Surveyor.

Passed at Dover, February 23, 1853.

CHAPTER LXVII.

AN ACT to erect and keep in good repair a Drawbridge over a Canal, in Cedar Creek Hundred, in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That for the purpose of carrying into effect the objects of this act, William V. Coulter, Joseph S. Bennett, and George R. Fisher, are hereby appointed Commissioners, with full power and authority for them, or a majority of them to cause to be built, erected and finished of suitable materials and in good workmanlike manner, a pivot or rather drawbridge over and across a canal leading from Cedar Creek to, and emptying into Mispillion Creek, at or near its mouth at the place where the public road leading from Milford to the "Thorn Point House," at Delaware Bay, at or near the bridge on said public road over the said canal where it now stands. And the said Commissioners, or a majority of them, are hereby authorized to make contracts, procure materials, employ workmen, and to do all other things which may be necessary to effect the objects of this act. Commissioners to erect a bridge across canal Location.

SEC. 2. *And be it enacted,* That between the abutments, wings, and other works erected for the use, support and preservation of said bridge, there shall be left the clear space of twenty-eight Description of bridge

Width of draw
or platform.

To be removed
and replaced,
without injury,
by persons pass-
ing through.
Penalty

Appropriation.

Money to be
raised by volun-
tary contribu-
tion

Bridge to be re-
paired and kept
in good order by
Cedar Creek
Hundred.

Common High-
way.

feet for the accommodation of all such persons as shall have occasion to pass and repass with any boat or vessel, through the said bridge; and over the clear space so left as aforesaid, shall be erected and placed a draw or platform, of the full breadth of twenty-seven feet, so made as to be turned off or raised up for the benefit of all such masters or commanders as shall have occasion to pass and repass with any vessel or vessels through the said bridge, who are hereby commanded and required to remove and replace the said draw or platform, so that the same receive no damage thereby, under the penalty of ten dollars for each and every offence against this act committed, to be recovered, with costs of suit, by any person who shall sue for the same, before any Justice of the Peace in Sussex County.

SEC. 3. *And be it further enacted,* That the sum of one hundred and fifty dollars, out of the money now standing to the credit of Cedar Creek Hundred on the books of the Levy Court of Sussex County, shall by the Treasurer of said county on demand, be paid over to the Commissioners appointed by this act, and that such other sum of money as shall be necessary for the completion of said bridge, over and above the amount of money first mentioned in this section, shall be raised by voluntary contribution, and shall be used and applied exclusively in the construction and completion of said bridge authorized by this act.

SEC. 4. *And be it further enacted,* That after the said bridge, shall have been erected and built as aforesaid, the costs of repairing and keeping in good order, shall be a charge upon Cedar Creek Hundred aforesaid, and the Levy Court of said County, after the completion thereof, shall cause the said bridge to be supported, maintained and repaired from time to time, always keeping and maintaining a draw or platform as aforesaid. And the said drawbridge shall be deemed and taken to be a common highway, free for all persons to pass and repass over and across the same free from all toll and pontage of any kind whatsoever.

Passed at Dover, February 23, 1853.

CHAPTER LXXVIII.

AN ACT to amend Sections 6 and 8 of Chapter 8, of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*

That Section 6 of Chapter 8, of the Revised Statutes of the State of Delaware be and the same is hereby amended, by striking out the word "November" in the third line thereof, after the word "and," and inserting in lieu thereof the words, "on the second Tuesday of October," and that section 8 of said Chapter be and the same is hereby amended by striking out the word "November" in the first line thereof, and inserting in lieu thereof the word "October;" and in any edition of the laws of this State hereafter to be published, the said Section shall be printed as hereby amended.

Amendment to
sec. 6, ch. 8, of
Revised Sta-
tutes.

Amendment to
sec. 8 of ch. 8 of
Revised Sta-
tutes.
Hereafter to be
printed as
amended.

Passed at Dover, February 24, 1853.

CHAPTER LXXIX.

AN ACT to enable John Macklin, of Job, to locate certain vacant land, situate in North West Fork Hundred, in Sussex County, and enable him to complete a title to the same, in the name and for the sole use and benefit of the heirs at law, of William Stevens, deceased.

Private act.

Passed at Dover, February 24, 1853.

CHAPTER LXXX.

AN ACT to incorporate the Milton and Steam Mill Rail Road Company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, two-thirds of each branch of the Legislature concurring, That David McConaughey, John Sharp, James Redden, George Dickerson, Covington Reynolds, William W. Wilson, and Aaron Marshall; and all other persons who shall hereafter become stockholders in a company for the constructing a Rail Road from the town of Milton, in Sussex County, commencing at some convenient place or point at or near the town of Milton, on the Broadkill Creek, and thence extending south-westerly to the State road

Incorporation

Route of Road.

leading from Georgetown to Milford, at a point on said road about a mile and a half distant from Georgetown, and extending in the same direction across said State road to such point not exceeding two miles from the place of crossing the same; as the said Company may deem convenient and necessary, and their successors and assigns, be and they are hereby made and declared to be a Corporation and body politic, by the name of the "Milton and Steam Mill Rail Road Company," and by that name may have succession, make, have and use, a common seal, sue and be sued, plead and be impleaded, in all Courts of Record and elsewhere, and shall have full right, power and authority, to purchase, hold, use and dispose of, lands tenements and hereditaments, and any real and personal estate whatsoever, which may be necessary to carry into effect the objects of said Corporation; but the said Company shall not exercise any banking powers.

Name of Company.

Power to hold property.

Not to exercise banking privileges.

Capital.

SEC. 2. The capital stock of said Corporation shall not exceed one hundred and fifty thousand dollars, which shall be divided into shares of twenty dollars each, and shall be personal estate, and assignable upon the books of said Corporation, agreeably to the by-laws thereof.

Commissioners to open subscription books.

Instalments to be paid. When.

SEC. 3. The persons named in the first section of this act are hereby appointed Commissioners to open subscription books, at such times and places as they may deem necessary, giving at least ten days public notice thereof, and when in the judgment of said Commissioners, a sufficient amount of stock is subscribed to authorize them to commence operations, they may call for the payment of the first instalment, which shall not be more than one-fourth the amount of each share, giving at least twenty days notice as aforesaid, of the time and place of payment, and all other instalments may be called for in the same manner.

Meeting of stockholders.

Directors. Election to be by ballot and majority of votes.

SEC. 4. When the first instalment shall be paid, the stockholders shall be called to meet at Milton, on ten days public notice given by said Commissioners at a time to be by them appointed, for the purpose of electing seven directors to continue in office one year, or until others are duly chosen. All such elections shall be by ballot, and a majority of the votes cast shall determine the election.

Annual meeting. Time of.

Vacancy, how filled.

President. Secretary, &c.

Statement of affairs of Co. to be exhibited

SEC. 5. The annual meeting shall be held on the first Monday in March in every year, when seven directors shall be chosen to serve for one year, and until others are chosen; a vacancy may be filled by the remaining directors at any meeting of such directors, and a failure to hold the annual meeting and elect directors shall not dissolve the corporation. The directors shall choose one of their number President, and shall appoint a Secretary and Treasurer, and employ all such persons as they may deem necessary to prosecute the work of building said road. At each annual meeting the directors shall exhibit a statement of the affairs of the Company.

SEC. 6. It shall be lawful for the said Company to enter upon any lands, and use the same for the purposes of said road, upon such terms as may be agreed upon by the parties; but in case any person or persons refuse to allow the said company to use any lands, or the parties cannot agree upon the compensation therefor, then the said Company may apply to the Superior Court of this State in and for Sussex county, and the said Court shall appoint five Commissioners, who shall first be duly sworn to assess the damages fairly and impartially; to go upon and view the lands and shall cause a certificate to be delivered into the office of the Prothonotary of said Court, stating whether it be necessary for said Company to use said lands, and the amount of damage that said Company shall be required to pay for the use and occupation of said lands, whereupon the said Company shall pay the sum so assessed to such person or persons before entering upon and using the same; but in case any such person or persons refuse to receive the said sum so assessed for damages, or be disabled in law to receive the same, then the said Company shall deposit the amount so assessed in the Farmers' Bank of the State of Delaware at Georgetown, to the credit of such person or persons, and such deposit shall operate as a payment of such damages to all intents and purposes, and all the costs incurred under this section shall be paid by the said Company. Each Commissioner shall receive one dollar per day for his service, and in case of a vacancy in said Commissioners, the Associate Judge of this county shall appoint, and the Commissioners shall have power to swear one another.

Company may enter upon lands by agreement.

If parties cannot agree on amount of damages, S. Court to appoint com'rs to assess damages.

Certificate of damages, &c., to be delivered to Pro'ry.

Damages to be paid before entry, or in certain cases deposited in Farmers' B'k.

Costs paid by company. Compensation to com'rs.

SEC. 7. The said Company shall have power to make such by-laws, rules and regulations as they think proper, which are not inconsistent with the constitution and laws of this State, and may establish such rates of toll, as they may deem proper and most conducive to their interest.

By-laws.

Tolls.

SEC. 8. If any person shall injure any of the works of said Company, or obstruct the said road, or the wharf or landings of said Company, constructed in pursuance of this act, such person for every such offence shall forfeit and pay double the costs and damages, to be recovered in the same manner as damages for like injuries in other cases.

Damages

How recovered

SEC. 9. This shall be a public act, and the Legislature reserves the right to revoke this charter, and the same shall not extend for more than twenty years without re-enacting.

Public act.

Revocation.

Passed at Dover, February —, 1853.

CHAPTER LXXXI.

AN ACT to create an additional School District in Kent county.

Commissioners
to divide school
district No. 45.

Powers and du-
ties

Return of pro-
ceedings to Levy
Court.

What to contain.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William Townsend, Daniel C. Godwin and John W. Hall, be, and they are hereby appointed Commissioners under this act, and they or a majority of them are authorized and required, if they deem it necessary, as soon as convenient after the passage of this act, after having first taken to their assistance a skillful surveyor of the county of Kent, to go upon the lands embraced within the limits of School district No. 45 in said county, and divide the lands in said school district into two equal portions or districts, and the said Commissioners, or a majority of them, after the said additional district shall have been so located and laid out, shall make out a correct plot and return of their proceedings under this act, and cause the same to be returned to the Levy Court and Court of Appeal of said county, at its next session after the said plot and return shall have been so made as aforesaid, for confirmation by the said Court; the said return shall be signed by a majority of the said Commissioners. And the said plot shall represent by lines, the form of the said district No. 45, and shall also show the lines of the additional district so to be created out of the said district as aforesaid.

Trustee of the
school fund to
divide the share
of No. 45 into
two equal parts
one half to be-
long to addition-
al district creat-
ed hereby.

SEC. 2. *And be it further enacted,* That the trustee of the school fund, in case the return and proceedings of the said Commissioners be confirmed by the Levy Court as aforesaid, shall in the year eighteen hundred and fifty-four and annually thereafter, at the time of the annual distribution of the said fund, to and among the several districts of this State, divide the share of said district No. 45, into two equal parts so that the share or proportion of said additional district of the distribution of the school fund of this State, shall be composed entirely of the one-half of the share of said district No. 45 out of which the said district is to be formed and created.

Com'rs and sur-
veyor to be
sworn,

Compensation.

SEC. 3. *And be it further enacted,* That the Commissioners and Surveyor before they enter upon the discharge of the duties assigned them under this act, shall be severally sworn or affirmed to do and perform all the matters and things herein required of them, faithfully and impartially, according to the best of their skill and judgment. The said Commissioners and surveyor shall, for their services for each and every day employed in the discharge of the duties under the provisions herein contained, each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeal of Kent county.

SEC. 4. *And be it further enacted,* That the additional school district to be formed under the provisions of this act, shall be deem-

ed and taken to be a school district of Kent county, and numbered in continuation of school districts already established by law in said county. If the return and proceedings be not confirmed as aforesaid, then the whole amount or share of said district No 45, shall be paid over as heretofore; the said plot and return shall be filed among the papers belonging to the Levy Court aforesaid, and if the same shall be confirmed, the said trustee of the school fund shall be notified thereof immediately by the clerk of said Court.

New district to be numbered.

Return to be filed by L. C. Trustee of school fund to be notified if return confirmed.

Passed at Dover, February 24, 1853.

CHAPTER LXXXII.

A SUPPLEMENT to the act entitled an "An act to incorporate the Delaware Railroad Company," passed February 22, 1849.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,)

SECTION 1. That the Delaware Railroad Company shall have power to extend their railroad so as to unite the same with the New Castle and Frenchtown railroad at any point that may be for that purpose selected by the said company, with the consent of the New Castle and Frenchtown Turnpike and Railroad Company; and upon such terms and conditions as shall be agreed upon between the said New Castle and Frenchtown Turnpike and Railroad Company, and the said, the Delaware Railroad Company, which said consent, agreement, terms and conditions shall be in writing, authenticated by the common seals of the said companies; provided, nevertheless, that nothing herein contained shall be in any manner construed to affect or interfere with the third section of an act of the General Assembly of the State of Delaware, entitled "An act to provide for the payment of certain sums of money to the State, by the New Castle and Frenchtown Turnpike and Railroad Company, and for other purposes;" and shall also have power to extend the Milford branch of their said railroad, by the way of Georgetown to the Delaware Bay, at or near Lewis; and all the provisions of the act to which this is a supplement, are hereby extended to the enlarged powers hereby granted, and to the roads contemplated by the same, and all the provisions of any other law relating to the said, the Delaware Railroad Company, and of any subscription or donation on the part of the State to aid the same, are hereby extended and ap-

Delaware R. R. may be extended so as to unite with the N. C. and Frenchtown R. R.

Monies payable to the State by the N. C. and F. T. Turnpike & R. R. Co., 10 vol. D. L. p. 655. Road may be extended from Milford by way of Georgetown to Lewis. Provisions of original act extended.

Del. R. R. Co.
not to form an
union with any
other, wherein
it is not provided
for making road
from Milford to
Lewis.

plied to the Delaware Railroad as hereby extended; and provided further, that nothing contained in the act to which this is a supplement shall authorize or permit the said Delaware Railroad Company, to form any union or connection with any Railroad Company which may hereafter be incorporated by the State of Maryland; in which said Delaware Railroad Company shall not fully provide for making of a railroad from Milford to Lewis, by way of Georgetown, at the same time with the said Peninsular road, provided that two-fifths of the amount necessary to make such road from Milford to Lewis, by way of Georgetown, shall have been raised by subscription or otherwise, and in case the said two-fifths shall not by that time have been so raised, the said companies shall be obliged to make the said road as soon thereafter as it shall be raised.

In case of disagreement Comrs to be appointed, and vacancies to be filled by the Governor.

SEC. 2. And be it further enacted, That in case the company cannot agree with the owner of any land through which the said Delaware Railroad shall be located, upon the compensation for any injury or supposed injury that may be done to said land by such entry and occupation for the purposes of said road, the following persons shall be Commissioners, to assess the damages to such owner in their respective counties, with power in the Governor to fill vacancies, to wit—for New Castle County, Daniel Corbit, John W. Evans, Rathmell Wilson, Jesse Sharpe, and George Z. Tybout; for Kent County, James D. Wilds, William Duhammel, Nathaniel D. Wilds, Benjamin Thistlewood, and James Cahall; for Sussex County, John W. Calloway, Isaac J. Jenkins, Goved Adkinson, Cyrus C. Windsor, and Nathaniel Horsey, of L. C. H.

Names of Commissioners.

Sworn or affirmed.

The said Commissioners shall be sworn or affirmed, and shall proceed in all respects as if appointed under the fourteenth section of the act to which this is a supplement; and on paying, or depositing the damages assessed by the said Commissioners, or a majority of them, as in said sections is required, the Company may enter and proceed to construct the road, and shall have all the rights secured to them by said section; but if either party be dissatisfied with the damages so assessed, such party may on application to the Prothonotary of the County where the land lies, within thirty days after such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff in the usual form, to inquire by twelve impartial men of his bailiwick, of the damages aforesaid; and their report shall be final. The said Jurors shall be sworn or affirmed in the same manner as the Commissioners; and the Company on paying or depositing the amount of damages found by said report, shall have the same right and title in respect to the land so condemned, as in case of a condemnation or assessment of damages by Commissioners appointed under the said fourteenth section. If any increased damages shall be found by the Jury, such increased amount shall be a lien on all the property of the Company; and shall be paid or deposited within sixty days, or the said Company shall have no right to enter or continue upon said land until it is paid; if the damages be reduced, the owner of the land shall pay back the amount diminished; and

Damage to be paid or deposited before entry on lands.

Writ of *ad quod damnum* may be sued out by either party. Jurors sworn or affirmed.

On payment of damages or deposit of amount, the Company to have right and title to lands occupied. Increased damages a lien on Co. To be paid or deposited within sixty days. If damages decreased, to be paid back.

the costs of the inquisition shall be paid as in other cases by the unsuccessful party. The fees of the Commissioners shall be two dollars per day, to be paid by the Company; and of the Jurors one dollar and fifty cents each. The foregoing provisions for a writ of *ad quod damnum*, shall also apply to cases where damages have already been awarded to owners of land under the provisions of the original act; provided the said writ be applied for by an owner, or the said Company, within thirty days of the time when the Governor is notified by said Company of their acceptance of this supplement.

SEC. 3. The Board of Directors of the said Delaware Railroad Company shall consist of thirteen, of whom ten at least shall be residents of this State, viz: at least three from Sussex County, four from Kent County, and three from New Castle County; and five of said directors shall be a quorum to transact business when regularly convened at any place within this State. They shall choose the President from their own body or otherwise; but unless chosen from their body he shall not be a director. The present directors shall have authority to fill up the board until the next annual meeting. So much of the fourth and sixth sections of the act to which this is a supplement, as is hereby altered, is repealed.

SEC. 4. The stock certificates, provided for by section seven, of the said act, to which this is a supplement, may include one or more shares, at the option of the holder.

SEC. 5. Whenever any vacancy shall occur in the board of Commissioners, appointed under the provisions of the fourteenth section of said act entitled, "An act to incorporate the Delaware Railroad Company," by reason of death, refusal to act, or otherwise, the Governor of the State for the time being, shall appoint another, or others, to supply the vacancy.

SEC. 6. The time for holding the annual meetings of the Stockholders of the Delaware Railroad Company, shall from and after the passage of this supplement, be on the second Thursday of January in each and every year.

SEC. 7. And be it further enacted, That as a consideration of the passing of this act, the said Delaware Railroad Company shall semi-annually pay to the State Treasurer for the use of the State, a tax at the rate of one-half of one per centum per annum, on the Capital Stock of the Company actually paid in, whenever the business of the Company shall over and above the expenses of prosecuting it, yield to the Stockholders a profit or dividend upon such Stock equal to the rate of nine per centum per annum.

SEC. 8. And be it further enacted, That any branch of the Delaware Railroad, other than those designated by the original act and this supplement, which the said Company may determine

to construct, may be made of iron rails, plank, gravel or otherwise in their discretion, retaining, however, the right to use iron rails afterwards in lieu of any other material whenever they may choose to do so.

Company to signify to Governor their acceptance of this act.

Otherwise void.

SEC. 9. *And be it further enacted*, That the President and Directors of the said Delaware Railroad Company shall signify their acceptance of this act through their President to the Governor of this State, under the corporate seal of the said Company, within twelve months after the passing of this act, to be by him transmitted to the Legislature, otherwise the same shall be void and of no effect.

Passed at Dover, February 24, 1853.

CHAPTER LXXXIII.

AN ACT to create an additional School District in Sussex county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Manlove Adams, John Kinder and George W. Collins, be and they are hereby appointed Commissioners to go upon and view school districts Nos. 74 and 75 in Sussex county, and if in their judgment the situation of those districts require it, to lay out an additional school district out of the aforesaid school districts Nos. 74 and 75, in such manner and of such size as in their judgment, the circumstances of the aforesaid districts may require. And when the said Commissioners, or a majority of them, shall have so divided and laid off the said original districts into three districts, as above directed, if in their judgment the situation of the aforesaid districts require it, they or a majority of them shall make return of their proceedings, into the office of the Clerk of the Peace of Sussex county, to be by him filed among the records of his office, which said return shall plainly set forth the metes and bounds of each of the districts so laid off, out of the said districts Nos. 74 and 75. Said return shall be made on or before the first day of April next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the trustee of the school fund; and from and after the first day of April, the additional school district formed under the provisions of this act, shall be deemed and taken to be a school district of Sussex county, and numbered in continuation of school districts already established by law in said county, and all the acts of the General Assembly of this State for the regulation, government, and benefit of free schools within this State, shall be extended and applied to said

additional school district, and the trustee of the school fund in the future distribution of the school fund applicable to school districts in Sussex county, shall have due regard to the return of said Commissioners, so made as aforesaid, giving to the said additional school district in Sussex county, an equal proportion of the money in his hands which would have been annually applicable to said school districts Nos. 74 and 75, provided no additional school district had been created under the provisions of this act.

Distribution of school fund.

How to be made.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act shall severally before entering upon the discharge of the duties herein imposed, take and subscribe an oath or affirmation to perform said duties with fidelity, which oath shall be administered by a Justice of the Peace; and the said Commissioners are hereby authorized to take with them a skillful and impartial Surveyor, if they shall deem it necessary, to assist them in the discharge of their said duties, and the Commissioners and Surveyor shall receive such compensation for their services as may be allowed by the Levy Court and Court of Appeal of Sussex County.

Commissioners.

Sworn, and oath how administered.

May take to their assistance a Surveyor.

Compensation to Commissioners & Surveyor.

SEC. 3. *And be it further enacted*, That the said Commissioners shall give public notice, posted in five of the most public places in the additional district so laid off by them, to assemble at some suitable place to be named in the said notice, for the purpose of holding a stated meeting on the first Saturday of April next, agreeably to the laws of this State concerning free schools, and that the School Commissioners elected at the said time and place, shall in connection with the Commissioners of the said school districts Nos. 74 and 75, give ten days notice, and after the expiration of ten days, proceed to sell at public sale for cash, the school houses in districts Nos. 74 and 75, and pay over the same equally to the clerks of the said districts Nos. 74 and 75, and the Clerk of the said additional school district, laid off under the authority of this act, for the use and benefit of the said school districts.

School houses to be sold and proceeds divided among the original districts and new district.

Passed at Dover, February 24, 1853.

CHAPTER LXXXIV.

AN ACT for the benefit of Ann Vandyke, of the City of Washington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.*

Title of State to
property in town
of New Castle
vested in Ann
Vandyke.

That any right or title which the State of Delaware has in or to a house and lot of land situate on the corner of Delaware and Orange streets, in the town of New Castle, being a part of the real estate of which Nicholas Vandyke, the grandfather of the said Ann Vandyke, died seized, to be vested in the said Ann Vandyke.

Passed at Dover, February 25, 1853.

CHAPTER LXXXV.

AN ACT to repeal the Supplement to "An act to improve the navigation of Cedar Creek, in Sussex County."

Supplement re-
pealed.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the supplement to an act entitled "An act to improve the navigation of Cedar Creek," passed at Dover, February twenty-third, eighteen hundred and forty-nine, be and the same is hereby repealed and made null and void.

Passed at Dover, February 26, 1853.

CHAPTER LXXXVI.

AN ACT to amend Chapter 111, of the Revised Statutes of the State of Delaware.

Amendment to
Ch. 111, of the
Revised Sta-
tutes.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Chapter one hundred and eleven of the Revised Statutes of the State of Delaware be and the same is hereby amended, as follows, to wit: insert between the word "Kent" and the word "County," in the last line of the second section, the words "or Sussex."

Passed at Dover, February 28, 1853.

CHAPTER LXXXVII.

AN ACT to enable Joseph Kollock to locate certain vacant land, situate in Daysboro' Hundred, in Sussex County, and complete his title to the same.

Private Act.

Passed at Dover, February 28, 1853.

CHAPTER LXXXVIII.

AN ACT concerning the New Castle and Frenchtown Turnpike and Rail Road Company, and the Philadelphia, Wilmington and Baltimore Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That it shall and may be lawful for the "New Castle and Frenchtown Turnpike and Rail Road Company," and for the "Philadelphia, Wilmington and Baltimore Rail Road Company," or for either of the said Companies, to guarantee the Bonds of the "Delaware Rail Road Company" to such an amount, and on such conditions as may be agreed upon; to hold Stock in the Delaware Rail Road Company, and to contract and agree for the construction, equipment, maintenance, and operating of the Delaware Rail Road, on such terms and condition as may be mutually agreed upon between the said Companies, or either of them and the "Delaware Rail Road Company;" *Provided* that the terms and conditions of the agreement to be made between the said Companies shall be first submitted to the Stockholders of the said Delaware Rail Road Company, at a meeting to be called for that purpose, after at least ten days notice of the time and place of said meeting, published in one or more of the newspapers of this State and in handbills, and approved by a majority of the Stock of the said Delaware Rail Road Company there represented.

New Castle and Frenchtown Turnpike and Rail Road Co., and the Phila. Wilmington and Baltimore Rail Road Co. or either of said Companies may guarantee the bonds of the Delaware Rail Road Company.

Proviso

SEC. 2. *Be it enacted,* That the guaranteed bonds of the said The Delaware Rail Road Company, may be issued in such sums and for such time as may be deemed best for the interests of the said Company, and may be sold at public or private sale for the best price which can be obtained.

When bonds may be issued.

May be sold at public or private sale.

Passed at Dover, February 28, 1853.

CHAPTER LXXXIX.

A FURTHER SUPPLEMENT to the act entitled, "*An act to incorporate the Jordon's Branch Marsh Company.*"

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

SECTION 1. That all that portion of the ditch of said Company, lying below the mouth of what is called and known as the *Turkey Swamp Prong*; be and the same is hereby detached from and declared to be no longer a part of said Company's works; and the lands lying on the part of the ditch so detached, shall no longer be subject to taxation by said Company, unless they lie also upon the said before mentioned prong. The said Turkey Swamp Prong, and all other prongs of the Company's ditch lying above the same, shall still be regarded as part of the said Company's aforesaid works.

Lands detached from Company no longer subject to taxation

SEC. 2. That William Slaughter, William Slay, and James Knight, be and they are hereby appointed Commissioners to go upon and view all the lands embraced within the limits of the aforesaid Company as circumscribed by the foregoing section, and having ascertained all the owners, to make a new appraisement of said lands, having regard in such appraisement to the amount of benefit to be received by each owner from the ditch of said Company; which said appraisement shall be the valuation upon which all taxes to be raised by virtue of the act to which this is a supplement shall be assessed and levied.

Commissioners appointed.

New appraisement of lands.

Taxes to be assessed on appraisement.

SEC. 3. The said Commissioners shall upon the performance of the duties above enjoined upon them, make a certificate under their hands, or the hands of a majority of them, containing the names of the owners of the lands appraised by them, by the authority of this act, the quantity held by each owner, or by joint owners, if any be held undivided, and the appraisement of the several quantities or parcels, and shall return the said certificate to the Recorder's office, of Kent County. The said certificate shall be final and conclusive, and the appraisement therein shall be the true valuation according to which all taxes necessary to carry into effect the provisions of the act to which this is a supplement, and of this act, shall be assessed and levied. The Recorder shall record the said certificate, and deliver it to the Managers of the Company for the time being, to be kept among the papers of the Company; and the record of said certificate, or a copy thereof, duly certified by the Recorder shall be competent evidence.

Certificate to be made and returned into the office of the Recorder of deeds to be recorded.

Valuation upon which all taxes assessed.

Certificates to be delivered to Managers of Co.

Evidence.

SEC. 4. Vacancies in the number of Commissioners by death, resignation, refusal to serve or otherwise, may be filled by the said Company at any annual, adjourned or occasional meeting.

Vacancies filled

The Commissioners aforesaid before they enter upon the discharge of their duties, shall be severally qualified; as provided in the third section of the original act; and their compensation shall be one dollar each per day, for each day's service about the business of the said Company. Com'rs qualified. Their compensation.

SEC. 5. The taxes to be hereafter raised by the said Company, in maintaining in repair the ditch of said company, and for any other purposes or objects, warranted by the act to which this is a supplement, shall be laid upon all the lands included in the certificates to be made by the Commissioners aforesaid, and shall be assessed, borne and collected as provided in said act; and generally all the provisions of the said act applicable to the present condition and affairs of the said Company, except such as are inconsistent with the provisions or effect hereof, are declared to be and shall be in full force and effect. Taxes to be levied upon all lands included in certificate, &c.

SEC. 6. All expenses of procuring this act and of carrying into effect, shall be borne by the aforesaid company, and be reimbursed to those who pay them, by orders on the Treasurer of said Company.

Passed at Dover, February 28, 1853.

CHAPTER XC.

AN ACT in relation to Trustees.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, viz:

SECTION 1. When any person now or hereafter seized of lands, tenements or hereditaments, upon any trust shall be out of the jurisdiction of, or not amenable to the process of the Court of Chancery, or shall be insane, or it shall be uncertain where there were several trustees, which of them was the survivor, or it shall be uncertain whether the trustee last known to have been seized as aforesaid be living or dead, or if known to be dead, it shall not be known who are his heirs at law, or if any trustee seized as aforesaid, or the heirs at law of any such trustee shall neglect or refuse to convey such lands, tenements or hereditaments to the person entitled to receive such conveyance, for twenty days next after a proper deed for making such conveyance shall have been tendered for his or their execution, by the person so entitled or his agent or attorney, the Court of Chancery for the county Trustees. When out of jurisdiction of Court of Chancery. If by neglect or refusal to convey trust estate to person entitled, Court of Chancery may appoint a person to make the conveyance.

Such Convey-
ance good and
effectual.

wherein such lands, tenements or hereditaments are situated, shall have power to appoint a person to convey the same to such person and in such manner as the Court shall direct; and any conveyance so made shall be as effectual to all intents and purposes, as if the same had been executed by the trustee or his heirs at law.

Trustee for a
term of years.

SEC. 2. When any person possessed of lands, tenements or hereditaments for a term of years upon trust, shall be out of the jurisdiction or not amenable to the process of the Court of Chancery, or it shall be uncertain whether the trustee last known to have possessed as aforesaid shall be living or dead, or if any trustee as aforesaid, or the executor of any such trustee, shall neglect or refuse to assign such term as aforesaid, to the person entitled to receive such assignment, for twenty days next after a proper legal instrument for making such assignment shall have been tendered for his execution by the person so entitled, or his agent or attorney, the Court of Chancery for the county wherein such lands, tenements or hereditaments are situate, shall have power to appoint a person to make such assignment, to such person and in such manner as the Court shall direct, and any assignment so made shall be as effectual to all intents and purposes, as if the same had been made by the said trustee or his executor.

Executor neglecting or refusing to assign,
Court of Chancery may appoint a person to make assignment.

Trustee or other person holding stock for another out of the jurisdiction of Court of Chancery, Court may appoint a person to make transfer or to receive and pay over dividends.
Transfer, receipt and payment of stock.

SEC. 3. When any person in whose name as trustee or executor, (either alone or together with the name of any other person,) or in the name of whose testator, (whether as trustee or beneficially,) any stock shall be standing, or any other person who shall otherwise have power to transfer, or join with any person in transferring any stock to which some other person shall be beneficially entitled, shall be out of the jurisdiction or not amenable to the process of the Court of Chancery, or it shall be uncertain whether such person be living or dead, or if any such trustee or executor, or other person shall neglect or refuse to transfer such stock, or receive and pay over the dividends, thereof, to the person entitled to such stock or dividends, for twenty days next after request in writing by such person so entitled, the Court of Chancery shall have power to appoint a person to transfer such stock, or to receive and pay over such dividends to the person entitled to the same as aforesaid; and such transfer, receipt or payment shall be as effectual to all intents and purposes as if made by such trustee, executor or other person.

Court of Chancery may make an order.

SEC. 4. The Court of Chancery shall make any appointment or direction under this act by an order made in any case depending in said Court, or upon petition of the person entitled to such conveyance, assignment, transfer or payment as aforesaid: *Provided*, That when the title of the person claiming such conveyance, assignment, transfer or payment may require investigation, or it may otherwise appear improper to make an order for the same on petition, the Court may direct a Bill in Equity to be filed to establish the right.

Proviso

SEC. 5. When any person who, having been discharged or removed from any trust aforementioned, by an order or decree of the Court of Chancery, shall neglect or refuse as aforesaid to convey, assign or transfer the subject matter of such trust to the person who shall have been appointed by such Court, to be the trustee in lieu of the person so discharged or removed, the said Court may upon petition of the person appointed, order a conveyance, assignment or transfer of the subject matter of such trust to be made by a person by such order appointed for that purpose; and any conveyance, assignment or transfer so made shall be as effectual, to all intents and purposes, as if the same were made by the trustee so discharged, or his heirs or executors.

Trustees discharged or removed, another may be appointed for such purpose, and his acts shall be good and effectual.

Passed at Dover, March 1, 1853.

CHAPTER XCI.

AN ACT to divorce Mary Fredd from her husband Isaac Fredd.

Private Act.

Passed at Dover, March 1, 1853.

CHAPTER XCII.

AN ACT to prevent swine from running at large within certain limits in Little Creek Hundred, in Kent County.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That all the provisions of Section 4, of Chapter 58, of the Revised Statutes of the State of Delaware, shall extend to and apply to the following limits in Little Creek Hundred, Kent County, to wit: Beginning at Cloak's or Green's Mill, and running down the road leading from said Mill to Dinah's cross-roads, to the point where the southern boundary of Joel Scattergood's and Henry Genker's land cross said road, thence west by the boundary of

Provisions of Sec. 4, ch. 58, extended to certain limits in Little Creek Hd.

said Scattergood's and Genker's land to a branch of Little Duck Creek, separating lands of James Green and John Numbers; thence by said branch and Little Duck Creek to the place of beginning; being portions of school districts No. 9 and 49 in said County.

Passed at Dover, March 1, 1853.

CHAPTER XCIII.

AN ACT to empower the Levy Court Commissioners of Broad Creek and Little Creek Hundreds in the County of Sussex to erect and keep in good repair a Bridge over a small prong of Broad Creek, near the town of Laurel.

Levy Court Com-
missioners of
Broad Creek and
Little Creek
Hundreds may
erect a bridge at
the charge of
said Hundreds.

SECTION 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 Levy Court Commissioners of Broad Creek and Little Creek Hundreds, in the county of Sussex to make and keep in good repair a good and sufficient bridge over a small prong of Broad Creek, at or near the town of Laurel, on a road leading from Meshack Elliott's grist mill to what is called the Plank Landing, and that the expenses of making, erecting and maintaining the said bridge shall be raised and borne by the Hundreds of Broad Creek and Little Creek aforesaid, Provided said bridge shall not obstruct the passage of the waters of said Creek.

Proviso.

If Levy Court
Comrs upon
view deem such
bridge unneces-
sary, not to be
built
Comrs deter-
mine expense.

SEC. 2. And be it further enacted, That if the Levy Court Commissioners of the Hundreds aforesaid, on viewing the place where the said bridge, if the provisions of the first section of this act directed to be made, shall deem said bridge unnecessary, then they shall not erect the said bridge, or if they shall be of opinion the expenses of the said bridge ought to be borne exclusively by Little Creek Hundred, then the expenses shall be so borne.

Passed at Dover, March 1, 1853.

CHAPTER XCIV.

AN ACT to vacate a certain Road in Broadkiln Hundred, Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the road passing through a certain farm owned by John Collins in Broadkiln Hundred, Sussex county, running from the main road, leading from Georgetown to Laurel, to another road leading from Georgetown into the forest, commonly called Prettyman's road shall after the passage of this act, be no longer considered a public highway, and the same shall be vacated. And the said John Collins is hereby authorized and empowered to shut up and enclose the same within the limits of his farm aforesaid.

Road described.

Vacated.
John Collins
may close and
shut up road
within his farm.

Passed at Dover, March 1, 1853.

CHAPTER XCV.

AN ACT to authorize Isaac Betts to erect certain gates across a public road in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Isaac Betts be and he is hereby authorized and empowered to erect two gates across the road leading through his farm, on which Cloudsberry Sharp now lives, in Cedar Creek Hundred, Sussex County, and when erected to keep the same in good repair and any person wilfully injuring or destroying the said gates, shall be liable for the damage done the same, to the said Isaac Betts in an action for the trespass, before any Justice of the Peace residing in the said county.

Passed at Dover, March 1, 1853.

CHAPTER XCVI.

AN ACT in relation to the *Recorders of Deeds.*

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Rec-
orders of Deeds in this State shall not be required or bound to
record any instrument of writing proper to be recorded in their
respective offices for persons not residing in the counties where the
record is to be made, unless the fee therefor is first paid or ten-
dered by the party presenting such paper for record.

Passed at Dover, March 1, 1853.

CHAPTER XCVII.

AN ACT *levying a tax on Dogs in South Milford, in Sussex County.*

SECTION 1. Be it enacted by the Senate and House of Repre-
sentatives of the State of Delaware in General Assembly met,
That it shall be the duty of the Assessor elect and the Assessors
hereafter appointed for Cedar Creek Hundred, and they are here-
by required to assess as is hereinafter mentioned with other per-
sonal property, all dogs owned by any person or persons residing
within the distance of one mile in Sussex county in every direc-
tion from the Bridge over Misspillion Creek at Milford, and every
such Assessor shall be required to make such assessment accord-
ing to such valuation with the public assessment.

SEC. 2. The taxes assessed as aforesaid against each and every
person residing within said limits owning a dog, shall be fifty
cents for the first dog, and one dollar for the second dog, and two
dollars for every additional dog, and the Clerk of the Peace for
Sussex county, is hereby required according to the return made
by the Assessor to name all such persons owning dogs residing in
said limits, in every duplicate issued by him to the Collector for
said Hundred with the amount of such taxes, and the Collector
for said Hundred shall have power by virtue of his warrant to
levy and make all such taxes and shall be chargeable with and
responsible together with the sureties in his bond, for the amount
he may be required under this act to collect.

SEC. 3. It shall be the duty of said Collector to pay over to the

School Committee for School District No. 2, in Sussex county, on or before the first day of February in each and every year hereafter, the full amount of all such taxes collected by him under this act, subject to a commission of eight per centum and such delinquents as may be allowed by said School Committee, for the support of the public school in said district.

Tax to be paid
School Com. No.
2, in Sussex Co.

SEC. 4. The Levy Court Commissioners of Sussex county are hereby required to cause an accurate return to be made biennially by the Assessors for said Hundred of all dogs over six months old, owned or possessed by any person or persons residing within the limits prescribed in the first preceding section.

Return to be
made.

SEC. 5. The term dog in this act shall be construed to apply to both the masculine and feminine genders.

Passed at Dover, March 1, 1853.

CHAPTER XXVIII.

AN ACT to incorporate a Bank in the town of Newark, under the name of the Bank of Newark:

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, two-thirds of each branch of the Legislature concurring therein, That James S. Martin, Frederick A. Curtis, William McClelland, James L. Miles, Benjamin Caulk, John Miller, John A. Reynolds, Solomon Seche and Joseph Hossinger, be and they are hereby appointed Commissioners to do and perform the things hereinafter mentioned, that is to say, they, or any three of them, shall on or before the first Monday in June next, procure a sufficient number of suitable books, one of which shall be opened in the town of Newark, and the others; if it shall be deemed advisable by the said Commissioners, at such other place or places as they shall think proper, in each of which books they shall enter as follows, viz: "We whose names are hereto subscribed do promise to pay to the Bank of Newark the sum of Fifty Dollars for each and every share of Stock set opposite our respective names, in such manner, sums, and at such times as shall be directed by the President and Directors of the said Bank," and shall thereupon give notice in two newspapers printed in New Castle county, and in such other papers as they may deem proper, at least twenty days, of the time and place or places when and where the said books

Commissioners
to open books.

When and
where.

Notice to be gi-
ven.

Manner of sub-
scribing.

Books to be kept
open, how long.

shall be opened to receive subscriptions for the capital stock of the said Bank, at which time and place or places, two or more of the said Commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the manner following, that is to say, on the first day on which the said books are opened no person shall subscribe for more than twenty shares, either in his own name or as attorney for another; and on the second day on which the said books are open the same restrictions shall apply, and if at the expiration of the second day the whole number of two thousand shares shall not have been subscribed, then on the third, or any following day, during which the said books shall be open, it shall be lawful for any person or persons, in his or their own name or names, or as attorney for another or others to subscribe for any number of shares of the said Stock until the whole number of two thousand shares shall have been taken. The said Commissioners shall keep the books open at least three days, and at least six hours in each of said days, unless the whole number of two thousand shares shall have been taken and subscribed for before that time; and upon ascertaining at any time that said whole number of shares are taken they may close the said books. And if it should so happen that more than two thousand shares shall have been taken, then the said Commissioners, or a majority of them, are hereby authorized and directed to deduct from the highest subscription or subscriptions until the number of shares shall have been reduced to two thousand.

Cap. Stock.

SEC. 2. *And be it enacted*, That the capital stock of the said Bank shall not exceed the sum of one hundred thousand dollars, divided into two thousand shares of fifty dollars each.

Subscription mo-
ney, how paid.

SEC. 3. *And be it further enacted*, That each subscriber to the stock of said Bank shall pay to the Commissioners aforesaid, at the time of subscribing for the same, the sum of five dollars on each share subscribed, and it shall be lawful for the Directors of the said Bank, appointed in the manner hereinafter directed, to call in and demand of the Stockholders respectively, all such sums of money as are by them subscribed, by instalments, not exceeding ten dollars on each share, upon giving thirty days previous notice to the Stockholders, in two newspapers printed in the County of New Castle, and in such other newspapers as the said Directors shall deem proper; and in case of failure in payment, of all or any part of said instalments, at the time or times so required, every share on which such failure shall have occurred, and the interest or dividends on all moneys previously paid may be forfeited by the said Directors for the benefit of the Corporation, or in case they shall not elect to forfeit the said share or shares, it shall and may be lawful for the said Corporation to sue either at law by action of debt or assumpsit, or in equity, for the recovery of any sum or sums of money due, or to become due, as aforesaid from any subscriber; and in all suits either at law or in equity in the courts of this State, by or against the said Cor-

poration, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings or given in evidence. This act to be a public act.

SEC. 4. *And be it further enacted,* That as soon as the whole amount of two thousand shares shall be subscribed, the subscribers, their successors and assigns shall be, and they are hereby declared to be, a body politic and corporate, by the name, style and title of "The Bank of Newark," and by that name shall have succession for the period of twenty years from the date of the passing of this act, and no longer; and by that name may sue and be sued, plead and be impleaded, in all courts of law and equity; and may purchase and receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods and chattels, rights, credits and effects of whatsoever nature, quality or kind, and may grant, demise, alien, convey, transfer, assign or dispose of the same, as to said Corporation may seem meet and right; and the said Corporation may have and use a common seal, and may break, alter or renew the same at their pleasure. Subscribers incorporated. Name. Continuance. Powers.

SEC. 5. *And be it enacted,* That the said Bank may commence business as soon as the sum of thirty thousand dollars shall have been paid in and deposited in its vaults, and not before, one-half of which sum shall be in specie, and the other half in notes of Banks of this State, or of Philadelphia paying specie, and it shall be the duty of the Directors to make a statement under their oaths or affirmations respectively, of the description and amount of such deposits, and transmit the same to the Governor of this State, previous to the going into operation of the said Bank. May commence business, when.

SEC. 6. *And be it enacted,* That for the proper management of the business and affairs of the said Bank, there shall be seven Directors, who shall be elected by the Stockholders, in the manner and at the times hereinafter directed, and who shall choose a President from among their number. Three of the said Directors shall not be eligible for more than two years in succession. They shall be Stockholders at the time of their election, and also during their term of service, and a majority of them shall be residents of this State. Directors and President.

SEC. 7. *And be it further enacted,* That the Commissioners aforesaid as soon as conveniently may be, after the capital stock shall have been subscribed as aforesaid, shall give ten day's notice in two newspapers printed in the County of New Castle, and in such other newspapers as they may deem advisable, of the time and place in the town of Newark, at which the subscribers shall meet in order to organize the said Bank, and the said Commissioner or any two of them may hold the election, at which time and place the said subscribers shall choose by a majority of the votes present, to be given in person or by proxy, seven Directors; and the said Directors at their first meeting after their election, Meeting of Stockholders to organize company. Election of Directors.

- President.** shall choose one of their number for President, and shall manage and conduct the business affairs of said Bank until the first Monday in July, in the year of our Lord one thousand eight hundred and fifty-four; and there shall be another meeting of the Stockholders on the first Monday in July, in the year of our Lord one thousand eight hundred and fifty-five, and on the same day in every year thereafter, in the town of Newark, of which twenty days' notice shall be given as aforesaid; at which meeting and meetings, the Stockholders shall choose by a majority of all the votes present, given in person or by proxy, seven Directors; who shall continue in office for one year, or until others shall have been chosen; and the said Directors shall at their first meeting after the election choose a President from among their number; and in case of any vacancy or vacancies occurring in the Board of Directors, by death, resignation or otherwise, the remaining Directors shall have power to fill the same by election from among the Stockholders. Special meetings of the Stockholders, of which notice shall be given as aforesaid, shall be called by the Directors upon the request in writing of Stockholders owning two hundred shares of stock, or whenever the Directors may deem it necessary; and on all occasions of voting, each Stockholder shall be entitled to one vote for each share held by him for three calendar months prior to the day of said voting. At every election of Directors, two Stockholders, not being Directors, shall be appointed Judges of said election by the Stockholders present, which said Judges shall decide upon the qualification of voters, and declare the state of said election, and certify the same to the existing Board of Directors. But in case it should happen at any time, that an election of Directors shall not be made on the day above mentioned, the Corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the Directors, according to the provisions of this act.
- Annual meeting of Stockholders.**
- Special meeting.**
- Voting**
- Corporation not dissolved by failure to elect Directors.**
- SEC. 8. And be it enacted,** That all the corporate powers of the said corporation shall be exercised by the Directors and such officers and agents as they shall appoint. The Directors shall have power to make all by-laws, rules and regulations, necessary and proper for the government of the corporation, and not repugnant to the constitution and laws of this State or of the United States; but no by-law shall be enacted or repealed unless by a vote of two-thirds of all the Directors; on all questions before the Board the President shall vote as a Director. Meetings of the Directors either special or stated shall be held and called as the by-laws may prescribe, and five Directors shall constitute a quorum for the transaction of business. The Directors shall allow such salaries to the President and other officers as they may deem reasonable, but no Director shall be entitled to any salary, unless the same shall have been allowed by the Stockholders.
- Corporate powers exercised by whom.**
- By-laws.**
- Meetings of Directors.**
- Quorum.**
- Salaries of officers.**

Banking powers **SEC. 9. And be it further enacted,** That the said corporation is hereby vested with Banking Powers, and that in the exercise of

the same, the following shall be the fundamental articles of its government, that is to say,—1st. The said corporation shall hold no lands, tenements or hereditaments, except such as may be required for the convenient transaction of its business, or as may be bona fide mortgaged or pledged to it, as security for debts, or purchased at sales on judgments which shall have been obtained for such debts. 2nd. The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans or discounts. 3d. All bills and notes not under the corporate seal of the Bank, shall be signed by the President and by such other officer as the Directors may appoint for that purpose. 4th. The said corporation shall keep their Banking House in the town of Newark, and their notes shall be made payable there; in reference to which the said corporation is hereby expressly declared to be subject to section 6 of chapter 71 of the Revised Statutes of the State of Delaware. 5th. The stock of said Bank shall be assignable and transferable in such manner as may be prescribed by its by-laws. 6. The total amount of debts which the said corporation shall at any time owe, whether by note, bill or otherwise shall not exceed double the amount of capital actually paid into the bank. 7th. The Directors shall require from the Cashier and accounting officers of the Bank such bond and security for the faithful performance of their duties as may be prescribed by the by-laws.

SEC. 10. *And be it further enacted,* That the said corporation shall semi-annually pay into the Treasury of this State for the use of the State, a tax of one-eighth of one per centum on the amount of capital stock actually paid in.

SEC. 11. *And be it further enacted,* That the said corporation shall pay to the State Treasurer for the use of the State within thirty days from the time of its organization, the sum of five hundred dollars, and a like sum of five hundred dollars on the first day of January in each of the two succeeding years thereafter.

SEC. 12. *And be it further enacted,* That the stockholders of the said corporation shall be individually liable to the amount of their respective shares of stock, for the payment in specie of all the notes issued by the said Bank. And for the purpose of ascertaining who are the stockholders liable as aforesaid, and the extent of their respective liability and the mode of enforcing said liability, it shall and may be lawful for any holder of any note of said Bank to present the same for payment and demand the same during the usual hours of business at the said Bank, and if the said Bank shall fail or refuse to redeem such note or notes in lawful money of the United States, the said holder may require the President and Cashier of said Bank to furnish a true and correct list of all the Stockholders of said Bank at the time when such demand and failure or refusal may be made, which list shall be verified by the oath or affirmation of said President and Cashier and recorded in the office of the Recorder of Deeds in and for New Castle county, within ten days after such demand

Fundamental articles.
What lands may be held by corporation.

Rate of interest.

Bills and notes, by whom signed.

Banking House to be kept at Newark.

Corporation subject to provisions of sec. 6 ch. 71 Revised Statutes.
Stock assignable.

Amount of debts limited.

Bonds of security from Cashier, &c.

Semi-annual tax to State.

Bonus.

Individual liability of Stockholders for notes of Bank.
Mode of ascertaining who are Stockholders.

List to be furnished under oath of President and Cashier, & recorded in Recorder's office in New Castle co.

Mode of enforcing liability of Stockholders.

and failure or refusal, and said list or a certified copy thereof shall be evidence to prove who were stockholders at the time of said demand and refusal and the amount of stock owned by him; and no transfer of stock after the time of such demand and refusal shall exonerate any such stockholder from his individual liability. The mode of enforcing such liability shall be as follows: After the assets of said Bank applicable by law to the redemption and payment of its notes of circulation shall have been exhausted, which shall be evidenced by a judgment against the said corporation, and a return thereon; then it shall be lawful for any person holding any note issued by said Bank, to present the same to any stockholder for payment, and if the same or such part thereof as by said list it shall be shown said stockholder ought to pay, shall not be paid within five days from the day of presentation and demand, such holder may proceed to recover from such stockholder the amount of the said note or notes, as though the same had been issued by him individually, in the same mode as debts of a like amount are by law recoverable: *Provided*, that no stockholder shall be liable to a greater extent than is hereinbefore provided for, and provided that if any noteholder shall fail to recover the whole or any part of such note or notes from any stockholder on account of the inability of such stockholder to pay the same or any part thereof, or because the liability of such stockholder shall have been exhausted to the extent of his stock, such holder may proceed against another or other stockholders: No person holding stock in said Bank, bona fide, in trust for another, shall be liable under this section as an individual, any stockholder paying more than his share, may be entitled to contribution from the others. Nothing in this act shall be construed to render any stockholder individually liable for a temporary suspension of payments in specie, at a time when all other Banks in this State shall have temporarily suspended specie payments, but such corporation shall in such case be subject to the same laws, to which the Banks in this State heretofore chartered are subject.

Proviso.

Holder in trust for another not individually liable

Not liable when all Banks of State temporarily suspend specie payments.

Two-fifths of capital stock held by non-residents.

If majority of stock be held by non-residents, excess to be forfeited.

SEC. 13. *And be it further enacted*, That the said Commissioners in receiving subscriptions to the said Capital Stock, shall not suffer or permit more than two-fifths of the said capital stock to be subscribed for by persons not residing in this State, either personally or by attorney, and in case it should so happen, that more than two-fifths of said stock shall have been subscribed for by non-residents as aforesaid, then the said Commissioners shall deduct from said subscriptions last subscribed by such non-residents, until the aggregate amount so subscribed for by them shall be reduced to two-fifths; and if at any time after the Bank hereby established shall have commenced business and during the continuance of the said Corporation, it should so happen, that by subscription or sale, a proportion of said stock, greater than a majority shall be held or owned by persons not residing in this State, either in their own names or the name of any other person as attorney, then the share or shares constituting such majority or

overplus, and last subscribed, or sold and transferred on the books of the said Corporation, shall be forfeited by the Directors for the benefit of the said Corporation, and in case of the removal of any stockholder from the State, so that he ceases to be a citizen, if the amount of stock held or owned by him shall increase the amount of stock held or owned out of the State, to a proportion greater than a majority, it shall be incumbent on such Stockholder to sell and transfer his said stock, or as much thereof as will reduce the amount so held or owned out of the State, to less than a majority, to some persons or persons resident within this State, within three months from the time of such removal, or the same shall be forfeited by the said Directors for the benefit of the corporation.

Removal of Stockholders out of State shall sell excess within 3 months.

SEC. 14. *And be it further enacted*, That the power of revoking and repealing this act is hereby expressly reserved to the Legislature.

Revocation or repeal.

SEC. 15. *And be it further enacted*, That if said the Corporation shall not be fully organized according to the provisions of this act, on or before the first day of January, one thousand eight hundred and fifty-five, then and in that case this act shall be null and void and of no effect.

If not organized by 1st of Jan. 1855, this act null and void.

Passed at Dover, March 1, 1853.

CHAPTER XCIX.

AN ACT to revive and continue in force the act entitled "An act to authorize John Day to locate a certain tract of vacant land in Nanticoke Hundred, in Sussex County, and complete his title to the same."

Private Act.

Passed at Dover, March 2, 1853.

CHAPTER C.

AN ACT *granting to Roman Catholic Societies of this State all the franchises, rights and powers vested in other Religious Societies in this State.*

May appoint
Trustees, &c.

Certifying name,
& corporation,
under sec. 1, ch.
39, Revised Sta-
tutes.

SECTION 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 each society of the Roman Catholic Church of this State, to elect or appoint Trustees to attend to the temporalities of their respective congregations; and on their certifying their name and style, as provided by section 1 of chapter 39, of the Revised Statutes of the State of Delaware, shall be a corporation, with all the franchises, rights and powers vested in Trustees of other religious societies in this State.*

Passed at Dover, March 2, 1853.

CHAPTER CI.

A SUPPLEMENT to the act entitled "*An act to incorporate the Cape Henlopen Sea Bathing and Steamboat Company.*"

Directors, seven
instead of five.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the number of Directors of said Company, to which this act is a supplement, shall be seven instead of five, from and after the first Saturday of May next, a majority of whom shall always reside in this State.

Passed at Dover, March 2, 1853.

CHAPTER CII.

AN ACT to open a public road in Milford Hundred, in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Caleb

Smithers, James P. Cullin, and Daniel C. Goodwin, be and they are hereby appointed Commissioners to open a public road in Milford Hundred, Kent County, beginning at James S. Buckmaster's gate in the old road leading from Frederica to Bennett's landing on the Delaware Bay, and thence from said gate across the lands of Joshua Bennett about three-quarters of a mile, to where the same will intersect the Main road from Milford to Bennett's landing, as aforesaid; and the said Commissioners, or a majority of them, shall have authority, and they are hereby required, to cause the same to be surveyed and opened as aforesaid; and to assess any damages which may accrue to the owner or owners of any land through which the said public road shall pass.

Com'rs to open public road.

Route of road.

The expenses and damages, if any, attending the opening and making of the said road shall be defrayed by the voluntary subscription of such persons as may be interested in opening the said road; and when opened and accepted by the Levy Court of said County, the same shall be kept in repair as other public roads in said County.

Damages to be paid by voluntary contribution.

When accepted by Levy Court to be kept up by County.

Passed at Dover, March 2, 1853.

CHAPTER CIII.

A FURTHER ADDITIONAL SUPPLEMENT to the act entitled "An act for establishing the boundaries of the town of Dover, and for other purposes therein mentioned."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the limits of the town of Dover be and the same are hereby extended up St. Jones' Creek or River from the present North Eastern boundary of said town to the point where the said Creek or River is crossed or intersected by the present graded line of the Delaware Railroad, and thence with the north-western side of said Railroad to the point where the said Railroad intersects or crosses the line of West street extended northward; and thence with said line of West street, extended to the present terminus of said West street as now opened.

Town of Dover

Limits extended.

SEC. 2. *And be it further enacted,* That the Commissioners of the town of Dover shall have power to lay a tax on the assessable property and persons within the limits of said town as hereby extended, not exceeding two hundred dollars in any one year, ex-

Commissioners tax not exceed- ing 200 dollars,

exclusive of dog tax. 9 vol. Del. laws 340. exclusive of the dog tax, provided for in the fourth section of the act not entitled a further additional supplement to the act "for establishing the boundaries of the town of Dover, and for other purposes therein mentioned," passed at Dover February 11, 1841. The town Collector shall be allowed and receive ten per centum for the collection of all taxes by him collected, instead of five per centum as heretofore.

Town Commissioners compensation.

Town Constables.

Duty.

Power and protection.

May arrest without protest in certain cases. Alderman, his authority. Constables compensation to be fixed by Commissioners.

SEC. 3. *And be it enacted*, That the said town Commissioners shall each receive for each day's actual service, the sum of one dollar, and for each half day's service the sum of fifty cents; but they shall not have any compensation for a less fraction than half a day. They shall have power to appoint town Constables, not exceeding five in number; who shall constitute the police of said town; and it shall be the duty of said Constables to execute all the lawful orders of said Commissioners; and they shall have all the power and protection in the execution of said orders, or in the execution of any process to them directed by said Commissioners, which Constables of Kent County now have by law; but they shall not have power to execute any other process than such as may be issued to them by said Commissioners or the Alderman of said town. It shall be their duty to prevent the violation of any ordinance passed by the authorities of said town; and they shall have full authority to arrest any person engaged in the violation of such ordinance, without waiting for process to be issued for that purpose, and take such person forthwith before the Alderman of the town, who shall thereupon immediately proceed to try and determine the matter. The said Constables shall receive such compensation for their services as may be allowed them by the town Commissioners.

Only one copy of assessment to be made out. Posted in Alderman's office.

SEC. 4. *And be it further enacted*, That instead of three or more copies of the assessment as made and returned to the said Commissioners by the Assessor by them appointed, it shall only be necessary that one copy of said assessment shall be made out, which said copy shall be posted in the office of the Alderman of the town, giving notice of the time when and the place where the said Commissioners will hear and determine upon all appeals from the said assessment.

Commissioners. Power and duty.

Levy Court to make appropriation for support of roads and streets in Dover to be paid to Commissioner.

SEC. 5. *And be it further enacted*, That the said Commissioners shall by virtue of their office have the superintendence and oversight over all the roads and streets now opened or hereafter to be opened within the limits of said town of Dover, as hereby extended and as heretofore laid out, and no overseer of any of said roads or streets shall be appointed by the Levy Court of Kent County, but the said Levy Court shall annually appropriate for the repairs of said roads and streets a sum of money not less than fifty nor more than one hundred dollars, and shall make an order for the payment to the said Commissioners of the sum which may by them be so appropriated; and the said Commissioners shall account to the said Levy Court as other overseers of roads in said county.

SEC. 6. *And be it further enacted,* That from and after the passage of this act, the territory embraced within the boundaries and limitations as above described in section 1st of this act, shall be known and designated by the ancient and honorable name of Dover, and by none other.

The territory of Dover not known by any other name.

SEC. 7. *And be it further enacted,* That the principal street of said town, with its extension to Ezekial Cowgill's mill pond, shall forever hereafter be called by its original name of King street, and shall not be known by any other name or designation.

King st. not to be known by any other name.

SEC. 8. *And be it further enacted,* That the said Commissioners are hereby authorized and empowered to appropriate any money that is or may be in the Treasury of said town for the purchase of public lamps, and for lighting the streets thereof.

Com'rs may purchase lamps and light the streets.

Passed at Dover, March 2, 1853.

CHAPTER CIV.

AN ACT to authorize a gate to be erected across a public road therein mentioned.

SECTION 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 owners of marshes in Milford Hundred, Kent county, which lie near and are contiguous to the new road lately laid out, leading to Bennett's Landing, to erect a gate across said new road, at or near where said road crosses the Baucumbridge Ditch.

Gate may be erected across road.

SEC. 2. *And be it further enacted,* That the owners of marshes who may erect such gate, shall keep such gate in good repair for the convenience of travellers on said road, and if they neglect or refuse to do the same they shall forfeit and pay one dollar to any person who may sue for the same, to be recovered as debts of like amount are recoverable.

Gate to be kept in good order.

Penalty for neglect.

SEC. 3. *And be it further enacted,* If any person or persons shall wilfully injure the said gate or leave the same open, he, she or they, so offending, shall forfeit and pay the sum of five dollars, to be recovered as debts of like amount are recoverable.

Injury to, or leaving open gate; penalty.

Passed at Dover, March 2, 1853.

CHAPTER CV.

AN ADDITIONAL SUPPLEMENT to an act entitled, "*An act providing for the draining of certain marshes and low grounds, in Slaughter Neck,*" passed 1st day of February, 1823.

Preamble

Whereas it has been represented to this General Assembly, That a certain Thomas Jefferson, one of the managers appointed under and by virtue of an act entitled, "A supplement to an act entitled, '*An act providing for the draining of certain marshes and low grounds, in Slaughter Neck,*'" passed at Dover, February 28, 1849, has since his said appointment, departed this life; Therefore,

Vacancy in Board of Managers filled.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That Thomas R. Wilson, be and he is hereby appointed to fill the vacancy caused by the death of the said Thomas Jefferson, in the Board of Managers appointed under and by virtue of the act last aforesaid.

Manager under this act His power and authority.

SEC. 2. *And be it further enacted,* That the said Thomas R. Wilson, shall have all the right, privilege and authority to act as one of the said board of Managers, as though he had been originally appointed a Manager, under and by virtue of the act last aforesaid, to which this is an additional supplement.

Vacancies.

How filled.

SEC. 3. *And be it further enacted,* That if any vacancy should hereafter occur in the aforesaid board of Managers, by death, resignation or otherwise, the Levy Court Commissioner of Cedar Creek Hundred, shall have power to appoint some suitable person or persons to fill such vacancy.

Passed at Dover, March 2, 1853.

CHAPTER CVI.

AN ACT taring dogs in New Castle County, and for other purposes.

Assessors of Taxes in N. C.

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 the duty of the several Assessors in the Hundreds

of New Castle County, (Wilmington excepted,) to make out an accurate list or statement of the names of all persons in their several Hundreds, owning, harboring or having dogs, on or about their premises, showing the number of the male and female kind belonging to each person, which said list the said Assessors shall be sworn or affirmed to, with a certificate endorsed thereon, according to the following form: "I, ———, Assessor of ——— Hundred, in said County, do hereby certify, that this list is a true and accurate statement of the names of all persons owning dogs in said Hundred, of the number and kind of each as far as I could ascertain from personal knowledge or inquiry. Witness my hand, this — day of ———, A. D. ———." And the said list so certified shall be delivered over by said Assessors to the Road Commissioners of said Hundreds, on or before their meeting in April, in each and every year.

County, shall make out a list of persons owning dogs, under oath or affirmation.

Certificate.

To be delivered to Road Commissioners.

SEC. 2. *And be it further enacted*, That the said Road Commissioners shall lay and cause to be collected from the several persons aforesaid, on said list, the sum of one dollar for every male, and two dollars for every female dog, and they shall severally appoint the collectors of road tax, or any other person in said Hundreds to collect the same, with all the power and authority they have to collect other taxes, taking bond and security in double the amount so to be raised, for the faithful performance of their duties. And the several collectors shall pay over the amount so collected to orders drawn on them by said Commissioners, subject to such errors and commissions as the said Commissioners may allow, not exceeding that allowed for collecting road tax in said Hundreds.

Road Commissioners to levy and cause to be col. dog tax.

Collectors, their power. To give bonds.

Amount col. to be paid to orders drawn by R. Com'rs.

Compensation.

SEC. 3. *And be it further enacted*, That the money so collected as aforesaid, shall be constituted and set apart, and be called the "Sheep Fund for ——— Hundred," for which they shall provide books to keep an account of the receipts and expenditures concerning the same, and shall at the time of publishing their road accounts, publish also an account of the "Sheep Fund."

Money col. set apart, and called "The Sheep Fund."

Amount of said fund to be pub. when.

SEC. 4. *And be it further enacted*, That whenever any person in any of the Hundreds aforesaid, shall have any sheep or lambs killed, injured or destroyed by dogs, such person shall immediately notify any three disinterested farmers in the school district where the same occurs, who shall view and examine such sheep or lambs, and make such allowance as they may deem just, not exceeding two dollars for each lamb, and four dollars for each and every sheep, and shall certify the same as follows: "To the Road Commissioners of ——— Hundred. We the undersigned farmers, of School District No. —, in said Hundred, certify that we have allowed — the sum of — dollars for — sheep or — lambs, which we believe were killed or injured by dogs. Witness our hands, this — day of ———, A. D. ———," and upon the presentation of such certificate, the said Commissioners shall draw an order in favor of the person entitled to the same, on the collector, or on the

Mode of ass. damages done to sheep or lambs, by dogs. Amount to be allowed to owners.

Certificate of assessment for damages.

Order drawn.
How and when
paid.

Bank where the fund may be deposited; and if there be not sufficient funds to pay the same, orders to take precedence in payment according to their dates.

Com'rs to re-
ceive balance &
deposit the
same in Bank.

SEC. 5. *And be it further enacted*, That if upon settlement with the collectors, there shall be any balance undrawn, the said Commissioners shall receive the same and deposit it in some Bank to the credit of the Sheep Fund of that Hundred, and the same shall only be subject to the draft of the Road Commissioners for the time being, of that Hundred; and the Commissioners shall be allowed five per cent. on all disbursements, for their trouble, and shall make a reasonable and just compensation to the Assessors for their duties under this act.

Compensation to
Commissioners
and Assessors.

SEC. 6. *And be it further enacted*, That the Secretary of State be and he is hereby required to furnish, as soon as this act shall have passed, a copy thereof, under the seal of the State, to the Road Commissioners of the several Hundreds in said County.

Passed at Dover, March 2, 1853.

CHAPTER CVII.

AN ACT regulating the sale of intoxicating liquors.

Keepers of ta-
averns and public
houses, not al-
lowed to sell in-
tox. liquor, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That it shall not be lawful for any person having license to retail intoxicating liquors under the provisions of this act, or for any keeper of a Tavern or Public House of Entertainment hereafter licensed, to sell or dispose of any wine, rum, brandy, gin, whiskey or other spirituous liquor, or any punch or mixed liquor, or any beer, ale, porter, cider or other fermented liquor, on the Lord's Day, commonly called Sunday, and any such person who shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall, for the first offence, forfeit and pay to the State a fine of twenty-five dollars, and for the second offence shall forfeit and pay to the State a fine of fifty dollars, and shall also forfeit his license, and the same by force of such conviction shall be annulled. On an indictment for a second offence under this section, it shall be no objection to a conviction that the sale for which a former conviction was obtained, was made under a different license, nor shall any conviction of a person for a violation of this section, prevent an indictment against him for every violation previous to that conviction. The term Lord's Day, or Sunday, in this sec-

Penalty

First and second
offence.

License annul'd
by force of 2d
conviction

tion, shall be deemed and construed to embrace the space of time included between the hour of twelve o'clock of the night preceding, and the hour of twelve o'clock of the night succeeding the day commonly called Sunday.

The space of time embraced.

SEC. 2. *And be it further enacted,* That on and after the first day of June next, it shall not be lawful for any person to sell by retail, any spirituous or fermented liquor within the limits of any School District in this State, unless a majority of the qualified school voters of said District shall have signed a paper distinctly expressive of their wish that such liquor should be sold within said District, and shall also have signed a petition recommending that license for the sale thereof should be granted to the person petitioning as hereinafter provided. Such a recommendation shall be considered as existing for only one year. This section shall not apply to Tavern Keepers.

After 1st day of June, no license to retail liquor, except on recommendation of a majority of Sch'l voters, &c.

Not apply to Tav. Keepers.

SEC. 3. *And be it further enacted,* That all licenses for the sale of liquor aforesaid, shall be separate from and unconnected with any other matter, and shall be granted by the Governor on the recommendation of the Judges of the Court of General Sessions of the Peace and Jail Delivery, and any person wishing to obtain such license, may prefer a petition to the said Court, held in and for the county in which he intends to sell such liquor, at any regular term thereof; whereupon the Judges of the said Court, being satisfied that the petitioner is recommended by a majority of the qualified voters of the School District wherein he intends to retail such liquor, may recommend such person to the Governor for such license, and such license shall specify the School District for which it was granted, and in which only it shall have any force. The fee therefor, shall be twenty-five dollars and the fee to the Clerk shall be the same as is now paid for filing petitions for and issuing tavern licenses: *Provided*, that no such license shall be granted to any negro or mulatto.

License to sell liquor, unconnected with other matter. To be granted by the Governor.

Fees for license. Clerk's fee.

Proviso.

SEC. 4. *And be it further enacted,* That in order that the aforesaid Judges may act understandingly in making their recommendation aforesaid to the Governor, it shall be the duty of the School Committees of the School Districts in each county, to make return under their hands of the names of all the qualified voters of their respective Districts, to the said Judges on the first day of the spring term of the aforesaid Court, and such return shall be evidence of the number and names of the qualified voters of said Districts respectively.

School Com. to make return of all qualified voters to the Judges, &c.

SEC. 5. *And be it further enacted,* That if any person shall sell by retail any spirituous or fermented liquor without a valid and subsisting license therefor under this act, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall for every such offence, forfeit and pay to the State, a fine of twenty dollars, and in case such per-

Offenders to be fined 20 dollars, on failure to pay fine and cost, imprisonment.

not more than
three months.

son so convicted shall fail to pay the fine and costs, the Court may in their discretion, imprison such person for a term of not more than three months.

Liquor, to be
drank and con-
sumed in Tavern
where purchased.
Penalty for suf-
fering liquor to
be carried out of
Tavern.

SEC. 6. *And be it further enacted,* That it shall not be lawful for any person having license to keep a Tavern or Public House of Entertainment, to sell or dispose of spirituous or fermented liquor in any other way, except only to be drank and consumed at the time, and within such Tavern or Public House of Entertainment, and any keeper of a Tavern or Public House of Entertainment, who shall sell or dispose of any such liquor, and suffer or permit the same to be carried without such Tavern or House, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall forfeit and pay to the State for every such offence a fine of twenty dollars.

Suffering riot-
ous or disorder-
ly conduct.

Penalty.

SEC. 7 *And be it further enacted,* That if any person having license to retail such liquor, shall suffer or permit any riotous or disorderly conduct in his store, or upon any premises used and occupied by him as connected therewith, such person shall be deemed guilty of a misdemeanor, and upon conviction by indictment, shall forfeit and pay to the State a fine of twenty dollars, and shall also forfeit his license, and such license shall not be again granted except on the recommendation as aforesaid.

No Ale House to
be licensed.

SEC. 8. *And be it further enacted,* That no license shall hereafter be granted to any person to keep any Ale House within this State.

What is neces-
sary to be proved
on an indictment
for selling li-
quor without li-
cense.

SEC. 9. *And be it further enacted,* That in any indictment under this act, it shall not be necessary for the State to allege or prove the precise kind of liquor sold by the defendant, but only to allege generally the sale of intoxicating liquor, and such allegation shall be sustained, and the offence deemed sufficiently proved, by proof of a sale of any such liquor, although the particular kind sold may not be able to be shown.

Clocks of the
Peace to keep a
record of all ap-
plications for li-
cense, and
whether recom-
mended or not,
and the day when
granted.

SEC. 10. *And be it further enacted,* That the Clerks of the Peace of the respective counties are hereby required to keep a record of all applications at each term of the Court of General Sessions of the Peace and Jail Delivery in such county, for recommendation for license to retail liquor under the provisions of this act, and of all applications for license to keep a tavern or Public House of Entertainment, in a book to be provided by them respectively for that purpose, therein distinctly stating whether the applicant shall have been recommended to the Governor for license or not, and the day on which the recommendation was granted; and in case of applications for Tavern license, whether the recommendation was for license with or without the privilege to sell liquor; and in all proceedings by indictment,

In case of Tavern
license.

under this act, such record of recommendation shall be evidence competent, and prima facie sufficient to prove the allegation in such indictment, of the defendant being licensed as a retailer or tavern keeper, and such fact having been thus prima facie established, the burden of proof shall be thrown on the defendant to shew that such license was not in fact issued to him, and upon the trial of any person on an indictment for selling without license, it shall not be incumbent on the State to shew that such person had not such license, but the fact of such license must be shewn by the defendant.

Record—prima facie evidence.

Burden of proof on defendant.

SEC. 11. *And be it further enacted*, That the Secretary of State shall cause this act to be published in all the newspapers of this State, for the space of three months from the passage thereof.

This act to be published 3 months.

Passed at Dover, March 2, 1853.

CHAPTER CVIII.

AN ACT to incorporate a Bank in Cantwell's Bridge, under the name of the New Castle County Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring),* That Richard Lockwood, Henry Davis, Charles T. Polk, John Janvier, John Whitby, John Appleton, Charles Tutman, Robert T. Cochran, Charles Beaston, Joshua B. Fennimore and Edward Thomas, be and they are hereby appointed Commissioners to do and perform the things hereinafter mentioned, that it is to say, they or any five of them shall on or before the first Monday in June next, procure a sufficient number of suitable books, one of which shall be opened in Cantwell's Bridge, and the others, if it shall be deemed advisable by the said Commissioners, at such other place or places as they shall think proper, in each of which books they shall enter as follows: "We whose names are herunto subscribed do promise to pay to the New Castle County Bank, the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such manner, sums, and at such times as shall be directed by the President and Directors of said Bank," and shall thereupon give notice in two newspapers printed in New Castle county, and in such other papers as they may deem proper, at least twenty days, of the time and place or places, when and where the said books will be opened to receive subscriptions for the capital stock of the said Bank, at which time and place or places, two or more of the said Commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the manner following, that is to say,

Commissioners to open books.

When and where.

Notice to be given.

not more than
three months.

son so convicted shall fail to pay the fine and costs, the Court may in their discretion, imprison such person for a term of not more than three months.

Liquor, to be
drank and con-
sumed in Tavern,
where purchased.
Penalty for suf-
fering liquor to
be carried out of
Tavern.

SEC. 6. *And be it further enacted*, That it shall not be lawful for any person having license to keep a Tavern or Public House of Entertainment, to sell or dispose of spirituous or fermented liquor in any other way, except only to be drank and consumed at the time, and within such Tavern or Public House of Entertainment, and any keeper of a Tavern or Public House of Entertainment, who shall sell or dispose of any such liquor, and suffer or permit the same to be carried without such Tavern or House, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall forfeit and pay to the State for every such offence a fine of twenty dollars.

Suffering riot-
ous or disorder-
ly conduct.

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Penalty.

No Ale House to
be licensed.

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What is neces-
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quor without li-
cense.

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Clerks of the
Peace to keep a
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plications for li-
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& the day when
granted.

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In case of Tavern
license.

under this act, such record of recommendation shall be evidence competent, and *prima facie* sufficient to prove the allegation in such indictment, of the defendant being licensed as a retailer or tavern keeper, and such fact having been thus *prima facie* established, the burden of proof shall be thrown on the defendant to shew that such license was not in fact issued to him, and upon the trial of any person on an indictment for selling without license, it shall not be incumbent on the State to shew that such person had not such license, but the fact of such license must be shewn by the defendant.

Record—*prima facie* evidence.

Burden of proof on defendant.

SEC. 11. *And be it further enacted*, That the Secretary of State shall cause this act to be published in all the newspapers of this State, for the space of three months from the passage thereof.

This act to be published 3 months.

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Commissioners to open books.

When and where.

Notice to be given.

Manner of sub-
scribing.

on the first day on which the said books are opened, no person shall subscribe for more than twenty shares, either in his own name or as Attorney for another, and on the second day on which the said books shall be opened, the same restriction shall apply, and, if at the expiration of the second day, the whole number of one thousand shares shall not have been subscribed, then on the third day, or any subsequent day, on which the said books shall be opened, it shall be lawful for any person in his own name, or as Attorney for another, to subscribe for any number of shares of the said stock, until the whole number of one thousand shares shall be subscribed. The Commissioners shall keep the books open at least three days, and at least six hours in each day, unless the whole number of one thousand shares shall have been before that time subscribed, upon ascertaining which they may close the books. If it should so happen that more than one thousand shares shall be subscribed, then the Commissioners or a majority of them are hereby authorized and directed to deduct from the highest subscription or subscriptions until the shares be reduced to the proper number.

Books to be kept
open, how long.

Not more than
25 of capital
stock to be sub-
scribed for, or
held by non-resi-
dents.

SEC. 2. *And be it further enacted*, That the said Commissioners, in receiving subscriptions to the said capital stock shall not suffer or permit more than two-fifths of the said capital stock to be subscribed for by persons not residing in this State, either personally or by Attorney, and in case it should so happen that more than two-fifths of said stock shall have been subscribed for by non-residents as aforesaid, then the said Commissioners shall deduct from said subscriptions last subscribed by such non-residents, until the aggregate amount so subscribed for by them, shall be reduced to two-fifths.

If after the bank
has commenced
business, more
than a majority
of stock is held
by non-residents
overplus may be
forfeited for ben-
efit of corpora-
tion.

And if at any time after the Bank hereby established shall have commenced business, and during the continuance of the said Corporation, it should so happen that by subscription or sale, a proportion of said stock greater than a majority shall be held or owned by persons not residing in this State, either in their own names, or in the name of any other person as Attorney, then the share or shares constituting such majority or overplus, and last subscribed or sold and transferred on the books of the said Corporation, shall be forfeited by the Directors for the benefit of the said Corporation, and in case of the removal of any Stockholder from the State, so that he ceases to be a citizen, if the amount of stock held or owned by him, shall increase the amount of stock held or owned out of the State to a proportion greater than a majority, it shall be incumbent on such Stockholder to sell and transfer his said stock, or so much thereof as will reduce the amount so held or owned out of the State to less than a majority, to some person or persons resident within this State, within three months from the time of such removal, or the same shall be forfeited by the said Directors for the benefit of the Corporation.

Stock over a ma-
jority, held by
non-residents.
When must be
sold.

Cap. Stock

SEC. 3. *And be it further enacted*, That the capital stock of the said Company shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each.

SEC. 4. *And be it further enacted,* That each subscriber to the stock of said Company shall pay to the Commissioners aforesaid at the time of subscribing for the same, the sum of five dollars on each share subscribed. It shall be lawful for the Directors of the said Company appointed in the manner hereinafter directed, to call in and demand of the Stockholders respectively, all such sums of money as are by them subscribed, by instalments not exceeding ten dollars per share, upon giving thirty days previous notice to the Stockholders in two newspapers printed in New Castle county, and in such other newspapers as the said Directors shall deem proper, and in case of failure in the payment of all or any part of the said instalments, at the time or times so required, every share on which such failure shall have occurred, and the interest or dividends on all moneys previously paid, may be forfeited by the said Directors for the benefit of the Corporation, or in case they should not elect to forfeit the said share or shares, it shall and may be lawful for the said Corporation to sue, either at law by action of debt or assumpsit, or in equity, for the recovery of any sum or sums of money due or to become due as aforesaid from any subscriber; and in all suits either at law or in equity in the Courts of this State, by or against the said Company, this shall be deemed and taken to be a public act, and need not be set forth in the pleadings or given in evidence. Subscription money, how paid.

SEC. 5. *And be it further enacted,* That as soon as the whole amount of one thousand shares shall have been subscribed, the subscribers, their successors and assigns shall be, and they are hereby declared to be incorporated by the name, style and title of "The New Castle County Bank," and by that name shall have continuance and succession for the term of twenty years from the date of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of law and equity, to purchase, take, receive, have, hold and enjoy to them and their successors, lands, tenements, goods, chattels and effects of whatsoever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of, and also to have a common seal, and the same to break, alter or renew at their pleasure. Subscribers incorporated.

SEC. 6. *And be it further enacted,* That the said Bank shall have power to commence business as soon as the sum of twenty thousand dollars shall have been actually paid in and deposited in its vaults, and not before, one-half of which shall be in specie, and the other half in notes of the Banks of this State, or of Philadelphia, paying specie, and it shall be the duty of the Directors to make a statement under oath or affirmation of the description and amount of such deposits, and transmit the same to the Governor of this State, previous to the Bank going into operation. Name. Continuanee. Powers.

SEC. 7. *And be it further enacted,* That for the proper management of the business and affairs of the said corporation, there shall be nine Directors, who shall be elected by the Stockholders in the manner and at the times hereinafter directed, and who shall May commence business, when.

Directors and President.

choose a President from among their number. They shall be Stockholders at the time of their election, and also during the term of service, and a majority of them shall be citizens of this State residing in New Castle county.

SEC. 8. *And be it further enacted,* That the Commissioners aforesaid, as soon as conveniently may be, after the capital stock has been subscribed as aforesaid, shall give ten days notice in two newspapers printed in New Castle county, and in such other newspapers as they may deem advisable, of the time and place in Cantwell's Bridge, at which the subscribers shall meet in order to organize the said Company, and the said Commissioners, or any two of them may hold the election, at which time and place the said subscribers shall choose by a majority of the votes present, to be given in person or by proxy, nine Directors; and the said Directors shall, at their first meeting after the election, choose one of their number to be President, and shall manage and conduct the business and affairs of the Company until the second Wednesday in May in the year one thousand eight hundred and fifty-four, and there shall be another meeting of the Stockholders on the said second Wednesday in May, in the year one thousand eight hundred and fifty-four, and on the same day in every year thereafter, in Cantwell's Bridge, of which twenty days notice shall be given as aforesaid, at which meeting and meetings the Stockholders shall choose by a majority of votes present, given in person or by proxy, nine Directors, who shall continue in office for one year, and until others be chosen, and in case of a vacancy or vacancies in the Board of Directors by death, resignation or otherwise, the remaining Directors shall have power to fill such vacancy or vacancies by election from among the Stockholders of the said Bank, and the said Directors shall, at the first meeting after the election, choose a President from among their number. Special meetings of the Stockholders, of which notice shall be given as aforesaid, shall be called by the Directors, upon the request in writing of of Stockholders owning five hundred shares of stock, or whenever the Directors shall deem it necessary; and on all occasions of voting each Stockholder shall be entitled to one vote for each share held by him, which has been so held by him three Calendar months before the day of voting. At every election of Directors two Stockholders, not being Directors, shall be appointed Judges of the said election by the Stockholders present, who shall decide upon the qualification of voters and declare who has been elected, and certify the same to the existing Board of Directors. In case it should happen at any time that an election of Directors shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the Directors according to the provisions of this act.

SEC. 9. *And be it further enacted,* That all the corporate powers of the said Company shall be exercised by the Directors and such officers and agents as they shall appoint. The Directors

Meeting of
Stockholders to
organize Compa-
ny.

Election of Di-
rectors

President.

General meeting
of Stockholders.

Special meet-
ings

Voting.

Corporation not
dissolved by fail-
ure to elect Di-
rectors.

Cor. Powers.
to be exercised
by whom.

shall have power to make all by-laws, rules and regulations necessary and proper for the government of the Company, and not repugnant to the Constitution and laws of this State or of the United States, but no by-law shall be enacted or repealed unless by a vote of two-thirds of all the Directors. On all questions before the Board the President shall vote as a Director. Meetings of the Directors, either stated or special, shall be called or held as the by-laws shall prescribe, and three Directors shall constitute a quorum for the transaction of business. The Directors shall allow such salaries to the President and other officers as they shall deem reasonable; but no Director shall be entitled to any salary unless the same shall have been allowed by the Stockholders.

SEC. 10. *And be it further enacted,* That the said Corporation is hereby vested with banking powers, and that in the exercise of the same, the following shall be fundamental articles of its government, that is to say: First. The said corporation shall hold no lands, tenements or hereditaments, but such as shall be required for the convenient transaction of its business, or such as shall be bona fide mortgaged or pledged to it, as security for debts, or purchased at sales upon judgments or decrees which shall have been obtained for such debts. Second. The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans and discounts. Third. All bills and notes not under the corporate seal of the Company, shall be signed by the President and by such officer of the Bank as shall be appointed by the Directors for that purpose. Fourth. The said Company shall keep their Banking House in Cantwell's Bridge, and their notes shall be made payable there; in reference to which it is hereby declared to be subject to the operation of section 6 of chapter 71 of the Revised Code entitled "of Banks." Fifth. The stock of said Corporation shall be assignable and transferable in such manner as shall be prescribed by the by-laws. Sixth. The total amount of the debts which the said corporation shall at any time owe, whether by note bill or otherwise shall not exceed double the amount of capital actually paid in, under the penalty of all the Directors constituting the Board being individually liable for all deposits, circulation or debts, whatsoever, over the amount above restricted. Seventh. The Directors shall require from the Cashier and accounting officers of the Bank such bond and security for the faithful performance of their duties as shall be prescribed by the by-laws.

SEC. 11. *And be it further enacted,* That the said Corporation shall pay into the Treasury of the State for the use of the State, the sum of fifteen hundred dollars as a consideration for the granting of this act, which sum shall be paid in three annual instalments, viz: five hundred dollars, on the first Tuesday in November, A. D., one thousand eight hundred and fifty-three, and the like sum on the first Tuesday in November in each of the two succeeding years.

SEC. 12. *And be it further enacted,* That the Stockholders of

individually re-
sponsible.

the Corporation created by this act, in addition to said Stock, shall be individually reponsible to the amount of their respective share or shares of stock; for the payment and redemption of all circulating notes made and issued by the said Corporation.

Mode of ascer-
taining the indi-
vidual liability
of Stockholders.

SEC. 13. *And be further enacted*, That for the purpose of determining who are the stockholders liable, the extent of liability of each, and the mode of its enforcement, it shall and may be lawful for any holder of any circulating note or notes; made and issued by the said Corporation, to present the same for payment and demand payment thereof, during the usual hours of business, at the place where such note or notes is or are made payable, and if the said Corporation shall fail or refuse to redeem such note or notes in the lawful money of the United States, the holder of such note or notes making such presentment and demand, may require of the President and Cashier of the said Corporation, a true and correct list of all the stockholders of such Corporation, at the time when such demand and refusal shall be made, which list shall be made out and verified by the oath or affirmation of the said President and Cashier, and recorded in the office of the Recorder of Deeds, of New Castle County within ten days after such demand and refusal, and such list or a certified copy thereof, shall be evidence in any suit against a stockholder, to prove the fact that such person was a stockholder at the time of such demand and refusal, and of the amount of shares owned by him, and no transfer of stock after the time of such demand and refusal shall exonerate or discharge any such stockholder from liability on account of such stock, but he shall notwithstanding such transfer be deemed and taken for the purpose of such liability to be still the owner of the amount of stock stated in such list, to be owned by him, at the time of such demand and refusal aforesaid. The mode of the enforcement of such liability shall be as follows: After assets of the said Corporation applicable by law to the redemption and payment of the said circulating notes issued by the said Corporation shall have been exhausted, which shall be evidenced by a judgment against the said Corporation, and a return thereon, then it shall and may be lawful for any person holding any note or notes so issued, to present the same to any stockholder for payment, and if the same or such part thereof as he shall be shewn by the said list to be liable to pay, in case the said note or notes be for a greater amount than his liability, shall not be paid within five days after such presentment and demand, such holder may proceed to recover from such stockholder, the amount of the said note or notes as though the same had been made by him individually, in the same mode and manner as debts of a like amount and character are recoverable by the laws of this State: *Provided* that no stockholder shall be liable to any greater extent than is provided in the foregoing section, and provided that if any such holder shall fail to recover the whole of any such note or notes from any stockholder on account of the inability of such stockholder to pay the same, or because

President and
Cashier to certi-
fy under oath or
affirmation a list
of Stockholders,
and the amount
of Stock held by
each.

Mode of enforce-
ing individual
liability.

Provided.

Trustees not in-
dividually re-
sponsible.

the liability of such stockholder has been exhausted to the extent of the share or shares owned by him; then such holder may proceed to recover the balance from any other Stockholder in the same manner. No person who holds any such stock bona fide in trust for another, shall be deemed or taken to be, in any manner liable individually on account of such stock. The stockholders who shall pay more than their pro-rata share, shall be entitled to contribution from the others.

Stockholders paying over their share, entitled to contribution, &c.

SEC. 14. *And be it further enacted*, That nothing in this act shall be deemed or construed to render any Stockholder individually liable for a failure of the said Corporation to redeem any such note in money of the United States, at any time when all other Banking Corporations in this State shall have temporarily suspended payment of their notes in specie, but in such case the Corporation created by this act shall be subject to the same laws which govern other Banking Corporations now existing.

Saving, when all the Banks of State suspend specie payments.

SEC. 15. *And be it further enacted*, That the said Corporation shall semi-annually pay into the Treasury of this State, for the use of the State, a tax of one-fourth of one per centum per annum on the sum of fifty thousand dollars, the amount of capital stock authorized by section 3 aforesaid, and if at any time hereafter the capital stock shall be increased as provided for in section 16 of this act, then the said Corporation shall further pay semi-annually a tax of one-fourth of one per centum per annum on the amount of said increased capital stock, actually paid in.

Tax to be paid by Corporation.

SEC. 16. *And be it further enacted*, That the stockholders of the said Company shall have the power to increase the capital stock of the said Bank to one hundred thousand dollars, and the number of shares to two thousand: *Provided*, That at any general or special meeting of the stockholders the consent of the owners of two-thirds of the capital stock is given so to do.

Capital stock may be increased to \$100,000. When.

SEC. 17. *And be it further enacted*, That the power of revoking this act is hereby reserved to the Legislature.

Revocation.

SEC. 18. *And be it further enacted*, That if the said Corporation shall not be fully organized, according to the provisions of this act, on or before the first day of January, one thousand eight hundred and fifty-five, then, and in that case, this act shall be null and void, and of no effect.

To be organized, or not void, when.

Passed at Dover, March 2, 1853.

CHAPTER CIX.

A SUPPLEMENT to chapter 34 of the Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

SECTION 1. That Section 1 of Chapter 34 of the Revised Statutes of the State of Delaware, be and the same is hereby amended, by striking out the word "two" in the eleventh line thereof, after the word "County" and before the word "in," and insert in lieu thereof the word "three."

Passed at Dover, March 3, 1853.

CHAPTER CX.

A SUPPLEMENT to an act entitled, "An act to divorce Mary Fredd from her husband Isaac Fredd," passed at Dover, March 1, 1853.

Private Act.

Passed at Dover, March 3, 1853.

CHAPTER CXI.

AN ACT relating to arrests in civil cases in the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That from and after the passage of this act, it shall not be lawful to arrest and hold to bail on mesne process any person who may be a non-resident of this State at the time of issuing such process against such person or persons for any debt contracted without the limits of this State. If any such non-resident shall be so arrested he may apply by petition in writing to any Judge of this State, setting forth his residence and the State in which said debt was contracted, and it shall be the duty of said Judge on the production of satis-

Hereafter not
lawful to arrest
and hold to bail
non-residents,
for debts con-
tracted in an-
other State.
Remedy.

factory proof, that the petitioner is a non-resident of this State, and that the debt on which said petitioner was arrested was not contracted in this State, to discharge said petitioner from custody. But this act shall not be construed as affecting in any degree the law of attachment.

Passed at Dover, March 3, 1853.

CHAPTER CXII.

AN ACT to prevent Hores, Mules and Colts from running at large in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the owner or keeper of any horse, mare, colt, mule or gelding of the age of twelve months or upwards, who shall suffer the same to be at large out of such owner's or keeper's enclosed grounds, shall forfeit and pay double the amount of all damages caused thereby, one moiety to go to the person injured, and the balance to the School District where the damage shall occur, with costs of suit, upon the information of any person who may reside in said School District to any Justice of the Peace in the County where such owner or keeper shall reside.

Horses, &c., not to run at large.

Double amount of damages caused by a breach of act to be paid, &c.

Passed at Dover, March 3, 1853.

CHAPTER CXIII.

AN ACT to amend Chapter 24 of the Revised Statutes of the State of Delaware, entitled "General Provisions respecting Public Officers."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the first section of the twenty-fourth chapter of the Revised Statutes of the State of Delaware, be and the same is hereby repealed, made null and void.

Repeal of 1st sec. ch. 24 of Revised Statutes.

Passed at Dover, March 3, 1853.

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Double amount of damages caused by a breach of act to be paid, &c.

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Repeal of 1st sec. ch. 24 of Revised Statutes.

Passed at Dover, March 3, 1853.

CHAPTER CXIV.

AN ACT concerning the sales of Real Estate by the Sheriff's on execution process.

Sheriffs, on sale of real estate, to exhibit certificates of liens thereon.

Also certificate tracing back title of defendant in execution twenty years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That whenever the Sheriff of either County in this State shall sell any real estate, by virtue of execution process to him directed it shall be the duty of said Sheriff before proceeding to cry the said sale, to exhibit a certificate from the Prothonotary of the Superior Court in and for the county in which the said lands are situate, and also a certificate from the Recorder of said County, and also a certificate from the Clerk of the Orphans' Court and Register in Chancery, exhibiting what liens, or incumbrances, if any, there are against the said real estate, and also to exhibit a statement certified by the said Recorder and the Register for the Probate of Wills, the Clerk of the Orphans' Court and Register in Chancery and the Prothonotary if necessary, tracing back the title of the defendant or defendants in the execution process twenty years prior to the day of sale by said Sheriff.

Passed at Dover, March 3, 1853.

CHAPTER CXV.

AN ACT to appropriate the moneys in the Treasury of the State.

Money in Treasury of State. How appropriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the moneys now or hereafter to be paid into the Treasury of this State, shall be applied in the following manner, that is to say, so much thereof as is necessary shall be applied to the payment of the salaries due and to become due, to the Governor, Chancellor, Judges of the Superior Court, Attorney General, Secretary of State, State Treasurer and Auditor of Accounts, up to the first Tuesday of January, eighteen hundred and fifty-five; and so much thereof as may be necessary shall be applied to the payment of the daily allowance of the members of the Legislature, their Clerks and other expenses, and for printing the Laws and Journals of the Senate and House of Representatives, and the residue thereof to the payment of any sums of money for which provision shall be made by law.

Passed at Dover, March 3, 1853.

CHAPTER CXVI.

AN ACT for the benefit of the owners of lands on Wright's Marsh in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,) That the owners of lands on and contiguous to what is called prong No. 2. of the main ditch of "The Jamison's Branch Company," and which said prong has been detached from said Company's works by an act passed at this present session, shall compose a distinct Ditch Company, and be called and known by the name of "The Wright's Marsh Ditch Company," and shall hold a meeting on the third Saturday in April in the present and every year hereafter, at the place where the aforesaid Jamison's Branch Company holds its annual meetings, and at such meeting the said Wright's Marsh Ditch Company shall choose by ballot and a plurality of votes, one Treasurer, and three Managers, and may do and determine all such matters and things as the said Company may deem necessary for effectually draining and reclaiming the said lands lying upon and contiguous to said prong. Such annual meeting may be adjourned from time to time, and occasional or stated meetings may from time to time be called by the Managers for the time being, or the survivors of them, if any be dead, at such times and places as the said Managers or a majority of them, or the survivors of them, may appoint by giving ten days' public notice by advertisements posted up in at least five of the most public places in the neighborhood of said prong; and if the Managers and Treasurer shall not all or any of them be chosen at the stated annual meeting in any year, or if any Manager or Treasurer shall die, resign or refuse or neglect to act, vacancies thus happening may be filled at an adjourned or occasional meeting by ballot and plurality of votes as aforesaid, and all the Managers and every Treasurer elected under this act shall continue in office until the annual meeting next succeeding their election, and until successors be duly chosen, except that if any Manager or Treasurer shall after his election remove from the neighborhood of said lands, the said Company may at any of its meetings declare his place vacant and elect another in his stead; And further said owners at any adjourned or occasional meeting, may do all such acts or things as may or might be done at a stated meeting, and at all the meetings of the said Wright's Marsh Ditch Company, every white owner of lands within the Companies' boundaries, or who pays a tax to said Company, and the guardian of every infant owner may vote; and every female owner, and every owner residing out of Kent County, and negro and mulatto owners may vote by proxy constituted by a note in writing under their hand.

Owners of lands on Wright's Marsh to compose a Ditch Company, &c.

Name.

Annual meeting. Where and when held.

Treasurer and Managers elected.

Thier power.

Vacancies—how supplied.

Who shall vote and how at all meetings of owners.

SEC. 2. It shall not be necessary to make any new valuation of the lands hereinbefore referred to, but the valuation thereof

Not necessary to make new valuation, &c.

Provisions of
Jamison's
Branch Com-
pany's act to be
applied to this
Company.

made by authority of the supplement to the original act of the aforesaid "Jamison's Branch Company" passed at Dover February 24, 1851, (10 vol. Del. Laws, page 539) shall be the valuation upon which all taxes for maintenance in good repair of the works of the Company created by this act, and for other purposes conducive to the welfare of said Company, shall be laid and assessed; and generally all the provisions of the original act concerning the said Jamieson's Branch Company, passed at Dover, February 11, 1841, (9 vol. Del. Laws, page 352,) which can be applied to the Company created by this act except such as are inconsistent with the provisions of this act, be and the same are hereby enacted and declared to be as much the law for the government of the Wright's Marsh Ditch Company, as if they were re-enacted and embodied in this act.

SEC. 3. The aforesaid Wright's Marsh Ditch Company, shall have the right and privilege to discharge the waters of their ditch into the ditch of the aforesaid "Jamison's Branch Company."

Company incor-
porated.

Name.

SEC. 4. The aforesaid owners of the lands on and contiguous to the aforesaid prong No. 2 of the said "Jamison's Branch Company," and their successors are hereby declared to be incorporated for the purposes contemplated by this act, by the name and style of "The Wright's Marsh Ditch Company," and by that name shall have succession and may bring and prosecute suits upon any bond given or debt due to said Company, or for any damage for injury or obstruction to said Company's works. The power to revoke this act is reserved to the Legislature.

Revocation.

Passed at Dover, March 3, 1853.

CHAPTER CXVII.

AN ACT for carrying into effect in the City of Wilmington the provisions of the act entitled, "An act regulating the sale of intoxicating liquors."

The words sch'l district to refer to original sch'l district in Wilmington before enacted in one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the words school district occurring in the act entitled, "An act regulating the sale of intoxicating liquors," passed March 2, 1853, shall as far as the provisions of the said act, and the said words, have reference to, and are applicable to the City of Wilmington, be deemed and taken to mean both in law and in fact,

and to have reference to the several school districts heretofore existing in the said City of Wilmington, and which were subsequently united into one school district:

SEC. 2. *And be it further enacted*, That the Certificate of the names of the several school voters in each of said school districts, heretofore existing in said City of Wilmington, and which under the provisions of the act aforesaid is required to be delivered to the Judges of the Court of General Sessions of the Peace and Jail Delivery, shall be made and delivered to said Court in each and every year by the City Council of the aforesaid City. To enable the said Council to make and deliver such certificate, they shall appoint some suitable person, to make a list of all such voters and return the same to the said Council with his affidavit written thereon and signed by him, stating that it is, to the best of his knowledge and belief, a true list of all such voters. The said Council shall pay to the said person compensation for his services not exceeding five cents for each person named on said list.

Mode of ascertaining names of School voters, and delivered to Judges of Court of Gen. Sessions, &c.
Person to be appointed to make list of votes. Affidavit.
Compensation.

Passed at Dover, March 4, 1853.

CHAPTER CXVIII.

A FURTHER SUPPLEMENT to the act entitled, "An act to amend the act entitled, 'An act directing the manner of choosing Commissioners to regulate and repair the Streets of Milford, and for other purposes.'"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the Levy Court of Kent County be and they are hereby directed, in making the apportionment of the sum of the Road taxes to be paid to the overseers of roads, annually, to make an order for the payment to the Commissioners of the town of Milford such sum as they shall deem necessary for the repair of the streets of said town, to be by them expended in repairing and maintaining in proper order the roads and streets within the limits of said town; and the said Commissioners shall have the sole supervision of said roads and streets, and shall settle with the said Levy Court as other overseers of public roads.

Levy Court of Kent County.
To make an order in favor of Comrs of Milford for repairs of roads and streets, &c.

Passed at Dover, March 4, 1853.

CHAPTER CXIX.

AN ACT to promote the education of the deaf and dumb, and the blind:

Judges of Superior Court ex-officio Trustees of the blind, deaf & dumb.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Judges of Superior Court shall be *ex-officio* Trustees for the indigent blind, and the indigent deaf and dumb children of this State, to whom application may be made for the admission of any such into the Pennsylvania institution for the instruction of the deaf and dumb, and the Pennsylvania institution for the instruction of the blind.

May recommend to Governor such applicants as they deem proper

SEC. 2. *And be it further enacted,* That the said Trustees shall recommend such of the applicants as they shall deem proper, to the Governor, who shall cause the persons recommended to be admitted accordingly; Provided that not more than three indigent pupils from each County shall be at the said time in each of said institutions.

Governor may draw on Trustee of School fund, &c.

SEC. 3. *And be it further enacted,* That the Governor is hereby authorized and empowered to draw his warrant on the Trustee of the school fund in favor of the President of either of the said institutions, for such amount for each indigent pupil of this State, taught therein, as shall be paid by the State of Pennsylvania for indigent pupils of that State, taught in such institutions; Provided that no such pupil from this State shall be taught in such institution at the expense of the State, for a longer period than five years, except as hereinafter provided, and that no more than fourteen hundred dollars shall be paid to each of said institutions in any one year.

Time pupil shall remain in institution for the blind, deaf and dumb.

On certificate &c, Governor may prolong term of pupils to eight years.

SEC. 4. *And be it further enacted,* That whenever the Principal of the Institution for the instruction of the blind, or the Principal of the Institution for the instruction of the deaf and dumb, shall represent in writing to the Governor of this State, that any indigent blind, or deaf and dumb pupil from this State whose term has expired, is capable of making further improvement and recommending their re-admission, the Governor shall have power to extend the period of such pupil to any time not exceeding eight years.

Governor's warrant.

Trustee to deduct from the County apportionment of S. fund.

SEC. 5. *And be it further enacted,* That the Governor's warrant shall specify the name and residence, to wit: the County of each pupil for whose benefit it is drawn; and the Trustees of the school fund shall charge the sum paid for each pupil, upon the income of the school fund distributable to such County, and shall deduct it therefrom at the next apportionment.

Trustees to make annual

SEC. 6. *And be it further enacted,* That the said Trustees shall communicate to the Legislature the annual reports received

from said institutions with the details respectively, the indigent pupils from this State, their number, names, residence, and the expenditures in their behalf, reports to Legislature.

Sec. 7. *And be it further enacted,* That chapter fifty of the Revised Statutes of the State of Delaware concerning the "deaf and dumb; and the blind" be and the same is hereby repealed.

Repeal.

Passed at Dover, March 4, 1853.

CHAPTER CXX.

AN ACT for the payment of claims against the State.

SECTION 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 directed to pay the following claims: to Porter and Eckel, for printing, eighty dollars and fifty cents; to Daniel Hully & Co., for printing, thirteen dollars; to Johnson and Chandler, for printing, one hundred and twelve dollars and fifty cents; to Evans and Vernon, sixty-four dollars and twenty-five cents; to Francis Vincent, forty-six dollars and fifty cents; to William Campbell, for the Zephyr Company, nineteen dollars and sixty-nine cents; to William Cannon, for postage and stationery, twenty-three dollars; to Thomas Hawkins, for serving a requisition on the Governor of Pennsylvania for a fugitive from justice, fifty dollars; to John Moore, for do. do., fifty dollars; to Sparks and Bates, for three coal stoves, forty-five dollars and eighty-seven and a half cents; to Joseph Stayton, for bill of weights and measures, twenty-three dollars and fifty cents; to John Mansfield, for hauling, two dollars and fifty cents; to John McDowell, for hat crape, three dollars and sixty-one cents; to Joseph B. Nickerson, for postage for Auditor of Accounts, thirteen dollars and sixty-eight cents; to Samuel C. Leatherbury, for attendance on Court of Errors and Appeals, &c., eighteen dollars and twenty-nine cents; to H. Stubbs, for hauling paper for Revised Code, twelve dollars and twelve and a half cents; to Samuel C. Leatherbury, as Librarian for two years, forty dollars; to Samuel C. Leatherbury, for fitting up the Library, Senate and House of Representatives for 1851, which was not allowed in the settlement for that year, twenty-five dollars; to Dudley B. Tinker, for superintending printing Journal of House of Representatives for 1852, and making index thereto, two hundred dollars; to Alfred P. Robinson, Secretary of State, for superintending printing and publication of laws of 1852, and making index and marginal notes thereto, one hundred and fifty dollars; to Samuel Brown, for taking care of the two Halls, cleaning and fitting up the same, sixty dollars; to Martin

State Treasurer to pay Porter & Eckel.
Daniel Hully & Co.
Johnson and Chandler.
Evans and Vernon.
F. Vincent.
W. Campbell.
Wm. Cannon.
T. Hawkins.
John Moore.
Sparks and Bates.
Jos. Stayton.
J. Mansfield.
J. McDowell.
Joseph B. Nickerson.
Samuel C. Leatherbury.
Alfred P. Robinson, Secretary of State.
Sam. Brown.

CHAPTER CXIX.

AN ACT to promote the education of the deaf and dumb, and the blind.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.*

Judges of Superior Court *ex-officio* Trustees of the blind, deaf & dumb.

That the Judges of Superior Court shall be *ex-officio* Trustees for the indigent blind, and the indigent deaf and dumb children of this State, to whom application may be made for the admission of any such into the Pennsylvania institution for the instruction of the deaf and dumb, and the Pennsylvania institution for the instruction of the blind.

May recommend to Governor such applicants as they deem proper

SEC. 2. *And be it further enacted,* That the said Trustees shall recommend such of the applicants as they shall deem proper, to the Governor, who shall cause the persons recommended to be admitted accordingly; Provided that not more than three indigent pupils from each County shall be at the said time in each of said institutions.

Governor may draw on Trustee of School fund, &c.

SEC. 3. *And be it further enacted,* That the Governor is hereby authorized and empowered to draw his warrant on the Trustee of the school fund in favor of the President of either of the said institutions, for such amount for each indigent pupil of this State, taught therein, as shall be paid by the State of Pennsylvania for indigent pupils of that State, taught in such institutions; Provided that no such pupil from this State shall be taught in such institution at the expense of the State, for a longer period than five years, except as hereinafter provided, and that no more than fourteen hundred dollars shall be paid to each of said institutions in any one year.

Time pupil shall remain in institution for the blind, deaf and dumb.

SEC. 4. *And be it further enacted,* That whenever the Principal of the Institution for the instruction of the blind, or the Principal of the Institution for the instruction of the deaf and dumb, shall represent in writing to the Governor of this State, that any indigent blind, or deaf and dumb pupil from this State whose term has expired, is capable of making further improvement and recommending their re-admission, the Governor shall have power to extend the period of such pupil to any time not exceeding eight years.

On certificate &c., Governor may prolong term of pupils to eight years.

Governor's warrant.

Trustee to deduct from the County apportionment of S. fund.

SEC. 5. *And be it further enacted,* That the Governor's warrant shall specify the name and residence, to wit: the County of each pupil for whose benefit it is drawn; and the Trustees of the school fund shall charge the sum paid for each pupil, upon the income of the school fund distributable to such County, and shall deduct it therefrom at the next apportionment.

Trustees to make annual

SEC. 6. *And be it further enacted,* That the said Trustees shall communicate to the Legislature the annual reports received

from said institutions with the details respectively, the indigent pupils from this State, their number, names, residence, and the expenditures in their behalf. reports to Legislature.

SEC. 7. *And be it further enacted*, That chapter fifty of the Revised Statutes of the State of Delaware concerning the "deaf and dumb; and the blind" be and the same is hereby repealed.

Repeal.

Passed at Dover, March 4, 1853.

CHAPTER CXX.

AN ACT for the payment of claims against the State.

SECTION 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 directed to pay the following claims: to Porter and Eckel, for printing, eighty dollars and fifty cents; to Daniel Hully & Co., for printing, thirteen dollars; to Johnson and Chandler, for printing, one hundred and twelve dollars and fifty cents; to Evans and Vernon, sixty-four dollars and twenty-five cents; to Francis Vincent, forty-six dollars and fifty cents; to William Campbell, for the Zyplicer Company, nineteen dollars and sixty-nine cents; to William Cannon, for postage and stationery, twenty-three dollars; to Thomas Hawkins, for serving a requisition on the Governor of Pennsylvania for a fugitive from justice, fifty dollars; to John Moore, for do. do., fifty dollars; to Sparks and Bates, for three coal stoves, forty-five dollars and eighty-seven and a half cents; to Joseph Stayton, for bill of weights and measures, twenty-three dollars and fifty cents; to John Mansfield, for hauling, two dollars and fifty cents; to John McDowell, for hat crape, three dollars and sixty-one cents; to Joseph B. Nickerson, for postage for Auditor of Accounts, thirteen dollars and sixty-eight cents; to Samuel C. Leatherbury, for attendance on Court of Errors and Appeals, &c., eighteen dollars and twenty-nine cents; to H. Stubbs, for hauling paper for Revised Code, twelve dollars and twelve and a half cents; to Samuel C. Leatherbury, as Librarian for two years, forty dollars; to Samuel C. Leatherbury, for fitting up the Library, Senate and House of Representatives for 1851, which was not allowed in the settlement for that year, twenty-five dollars; to Dudley B. Tinker, for superintending printing Journal of House of Representatives for 1852, and making index thereto, two hundred dollars; to Alfred P. Robinson, Secretary of State, for superintending printing and publication of laws of 1852, and making index and marginal notes thereto, one hundred and fifty dollars; to Samuel Brown, for taking care of the two Halls, cleaning and fitting up the same, sixty dollars; to Martin

State Treasurer to pay Porter & Eckel.

Daniel Hully & Co.
Johnson and Chandler.
Evans and Vernon.
F. Vincent.
W. Campbell.

Wm. Cannon.

T. Hawkins.

John Moore.

Sparks and Bates.

Jos. Stayton.

J. Mansfield.

J. McDowell.

Joseph B. Nickerson.

Samuel C. Leatherbury.

D. B. Tinker.

Alfred P. Robinson, Secretary of State.

Sam. Brown.

Wm. Hurlington's assignees

A. Poulson.

J. H. Conrad, deceased.

A. J. Taylor.

L. Swiggott, Auditor of Accounts.
J. S. Kersey.

G. B. Dickson.

W. Bates and Saxagotha Laws, assignees of William Hurlington, one hundred and fifty dollars, for superintending the printing the Journal of the Senate of 1852, and making index; to A. Poulson, for printing, forty-eight dollars; to Josiah H. Conrad, deceased, for printing, sixty-four dollars; to Alexander J. Taylor, fifty-four dollars, for taking care of papers for the Senate and House of Representatives, two years, and attendance in Court of Appeals; to Luther Swiggott, Auditor of Accounts, for extra attendance, stationery, &c., fifty-five dollars; to John S. Kersey, late Sheriff, for fees, nineteen dollars and fifty cents; to George B. Dickson, for stationery, oil, coal, candles, wood, &c., furnished by him, per vouchers, five hundred and nineteen dollars and forty-one cents.

Passed at Dover, March 4, 1853.

CHAPTER CXXI.

AN ACT to incorporate the Market House Company of Smyrna.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring,) That a Company shall be established, for the purpose of erecting and maintaining a Market House and Town Hall in the town of Smyrna. The capital stock of said Company shall be eight thousand dollars, divided into shares of twenty dollars each.*

SEC. 2. *And be it further enacted, Thomas B. Lockwood, William Denney, Francis Wilds, James L. Bewley, and Thomas Carrow, be, and they are hereby appointed Commissioners to receive subscriptions to said capital stock, and to open a book or books for that purpose, in the town of Smyrna, at such times, at such place or places in said town, and under such regulations as they or a majority of them shall deem proper, giving at least ten days notice of the time and place of their meeting to receive subscriptions.*

SEC. 3. *And be it further enacted, That the subscribers to the capital stock aforesaid, their successors and assigns, shall be, and they are hereby created and declared to be a corporation and body politic, by the name of "The Market House Company of Smyrna," and by that name shall have continuance and may make and have a common seal, and shall be able to sue and be sued, plead and be impleaded in Courts of law or equity.*

Name, style and title.

SEC. 4. *And be it further enacted,* That the business and concerns of the said Corporation shall be managed by five Directors. The Directors shall be elected by the stockholders from among their number, and whenever a Director ceases to be a stockholder, his office shall be vacated. They shall choose one of their number to be President. Whenever a vacancy in the office of Director shall happen from any cause, the remaining Directors shall, by a majority of votes, choose a Director to fill such vacancy. The Directors shall make by-laws for the government of said Company. There shall be an annual meeting of the stockholders on the first Monday of April in each and every year during the continuance of this Corporation. An election of Directors shall be held at the annual meeting before mentioned in each and every year. If said meeting shall not take place on the day appointed, the said Corporation shall not for that reason be dissolved, but the Directors then in office shall continue to perform all their duties and retain all their powers until such annual meeting shall take place. Occasional meetings of the stockholders may be called in a manner to be provided by the by-laws. In all meetings of the stockholders regularly held, those assembled may proceed to business. All elections of Directors shall be by ballot, and shall be decided by plurality of votes given: and all other questions shall be determined by a majority of the votes given. The stockholders respectively shall be entitled to as many votes as they shall respectively hold shares, one vote for each share. But there shall be no voting by proxy. The shares of the capital stock aforesaid shall be personal property, and shall be assignable, subject to the regulations of the by-laws. The Directors shall from time to time make dividends of the clear profits of the business of the Corporation, or such parts thereof as may be deemed advisable.

SEC. 5. *And be it further enacted,* That in ten days after the books aforesaid shall have been opened, if two thousand dollars of the said capital stock, shall then have been subscribed or as soon thereafter as the said sum of two thousand dollars of the capital stock shall have been subscribed, the Commissioners aforesaid or a majority of them shall give notice thereof in such manner as they may deem advisable, and the said subscribers after such notice may on the first Monday of April Anno Domini one thousand eight hundred, and fifty-two, or on any other day after such notice which may be designated by the Commissioners, hold a meeting and proceed to elect Directors who shall serve until the first Monday of April next following the day of their election or until successors be duly chosen.

SEC. 6. *And be it further enacted,* That on the day of the first meeting of the subscribers to be held as aforesaid, the subscribers respectively, shall pay to the directors who shall then be chosen, five dollars upon each and every share which they respectively have subscribed to the capital stock aforesaid, and the residue of the amount so subscribed for, in such manner, in such instalments, and at such times as the President, and Directors shall appoint.

And the President and Directors shall give ten days notice of the manner and time which they shall appoint for the payment of the remaining instalments of capital stock.

SEC. 7. *And be it further enacted*, That if no payment shall be made upon a share or shares, at the time of the first meeting or the subscribers aforesaid, or if any of the instalments, which may be called for as aforesaid by the President and Directors as shall not be paid within sixty days next after the time in said call appointed for the payment thereof, the said President and Directors may either declare such share or shares forfeited, in which case they may be disposed of at the pleasure of the Corporation, or they may in the name of the Corporation, sue for, and recover the sum so as aforesaid payable at the first meeting of the subscribers, and also the instalment, or instalments, or part, or parts, so called; and no stockholder who shall refuse or neglect to comply with any call so made as aforesaid, during the time of said refusal or neglect shall be entitled to vote at any meeting, or receive any dividends. And it shall and may be lawful for the President and Directors, and they shall have full power and authority to dispose of all the shares of the capital stock aforesaid, which shall not be subscribed in the books to be opened by the Commissioners aforesaid, and all the shares which may be forfeited as aforesaid for the interest of the Corporation, in such manner as they may deem advisable, and the person or persons who shall become proprietors of such shares shall be members of the Corporation as fully and effectually as the original subscribers, entitled to the same privileges and subject to the same liabilities and restrictions.

Stock forfeited, when.

President and Directors to dispose of shares.

Market House to be built in centre of street.

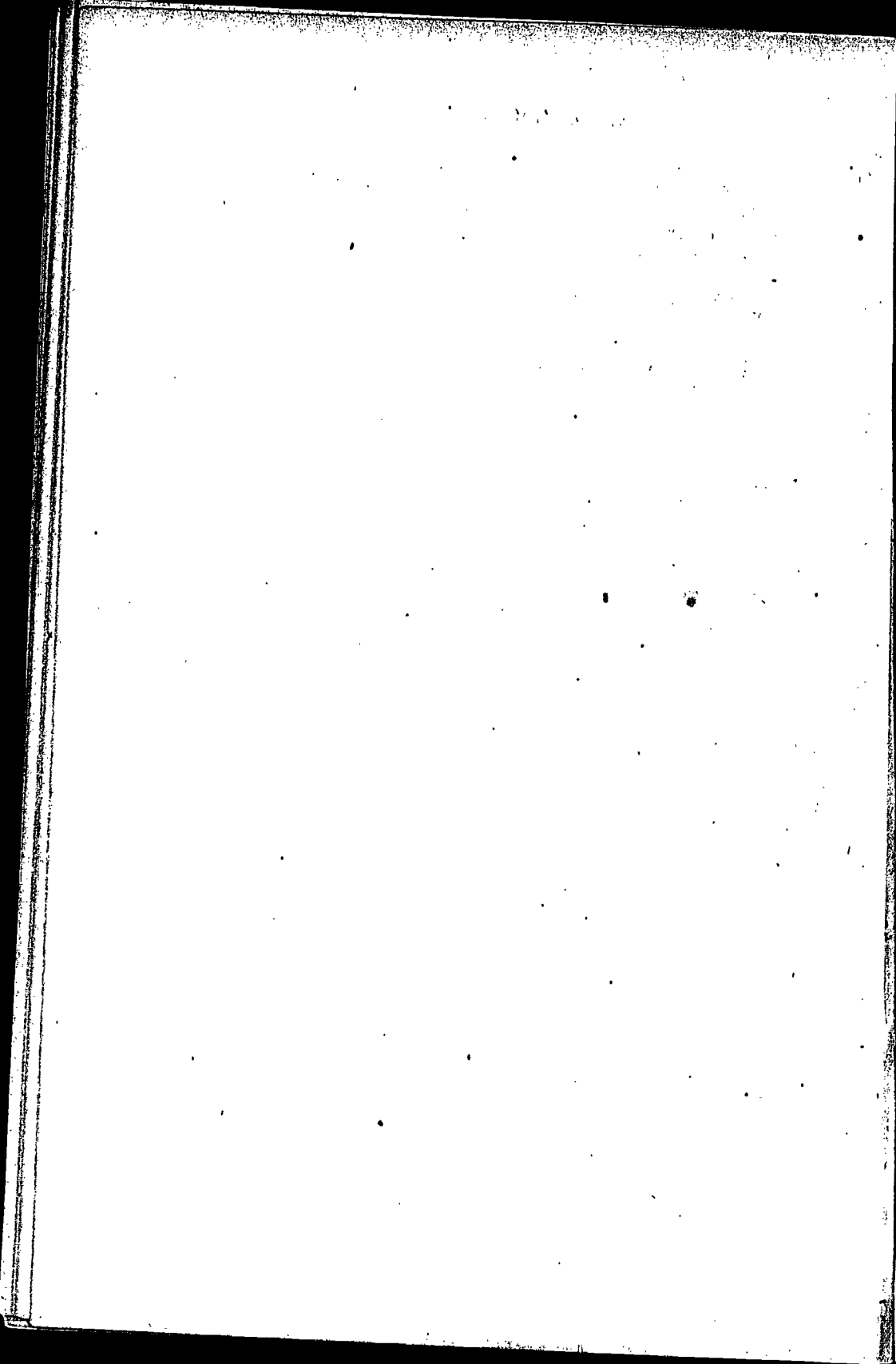
SEC. 8. *And be it further enacted*, That the said Corporation may erect or cause and procure to be erected in Market street, in said town of Smyrna, at such place as the Commissioners of said town may direct, a Market House and Town Hall with all the fixtures and appurtenances, necessary for the proper use, maintenance and enjoyment thereof: The said Market House and Hall shall be built in the centre of said street, and no part thereof shall exceed twenty feet in width, and when so built and erected, the said Corporation may hold, own, occupy, maintain, and enjoy the same; may let the said Hall, and the stalls, stands, or places, in the said Market House, or any or either of them, and demand, collect, and receive the rents thereof, and generally may have in all respects entire control and management thereof: Provided that nothing in this contained shall be construed to authorize said Corporation, to engage in buying or selling produce or merchandise of any description; and provided also that the Town Commissioners of the town of Smyrna, may make and enforce suitable and proper police regulations in and around said Market, and its appurtenances.

No banking privileges.

SEC. 9. *And be further enacted*, That the said Corporation shall not exercise any banking powers; but it shall and may be

lawful for the said Corporation to borrow money and secure the same by judgment, bond, mortgage or otherwise to an amount not exceeding Five Thousand Dollars, and also to loan any surplus funds, and have the same secured to an amount not exceeding Five Thousand Dollars as aforesaid.

Passed at Dover, February 19, 1852.



RESOLUTIONS.

CHAPTER CXXII.

Resolution directing the State Treasurer to pay certain moneys to William Chandler, Thomas Smith and John Jones.

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 pay to William Chandler the sum of one hundred and forty-five dollars, to Thomas Smith the sum of thirty dollars, and to John Jones the sum of seventy-five dollars, for money by them expended in procuring and causing to be placed in the Monument now in course of erection at the City of Washington, to the memory of Washington, a granite block, in the name and on behalf of the State.

State Treasurer to pay to Wm. Chandler \$145, to Thomas Smith \$30, and to John Jones \$75, for granite block furnished for Washington Monument.

Adopted at Dover, January 11, 1853.

CHAPTER CXXIII.

Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That William Cannon be and he is hereby appointed State Treasurer.

Wm. Cannon appointed State Treasurer.

Adopted at Dover, January 12, 1853.

CHAPTER CXXIV.

Dr. Luther Swiggett appointed Auditor of Accounts

Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That Dr. Luther Swiggett be and he is hereby appointed Auditor of Accounts.

Adopted at Dover, January 12, 1853.

CHAPTER CXXV.

Joint Resolution directing the State Treasurer to pay to William T. Jeandell and Francis Vincent, Two Hundred Dollars, being the amount of a fine heretofore paid by them to the State.

Preamble.

WHEREAS, it appears to the Senate and House of Representatives of the State of Delaware, in General Assembly met, that a fine of Two Hundred Dollars was imposed at the November Term of New Castle County for the year 1849, on William T. Jeandell and Francis Vincent, for a libel on Zenas B. Glazier, they at the time being supposed to be the authors thereof: And whereas it subsequently appeared that the said libel was written by another, who was indicted at a subsequent Term of the said Court, and who made compensation to the party aggrieved and libelled (the said Zenas B. Glazier:) And whereas petitions numerously signed were presented to the last Legislature, before all of the above facts were made known, for the remission of said fine: *Therefore,*

State Treasurer to pay W. T. Jeandell and F. Vincent \$200

Be it Resolved by the Senate and House of Representatives in General Assembly met, That the State Treasurer be and he is hereby directed to pay to William T. Jeandell and Francis Vincent, the sum of Two Hundred Dollars out of any moneys in the Treasury of the State; the same being the amount of a fine heretofore paid by the said William T. Jeandell and Francis Vincent to the State.

Adopted at Dover, January 27, 1853.

CHAPTER CXXVI.

Joint Resolution authorizing James L. Miles, Treasurer of Delaware College, to take charge of minerals belonging to this State, and deposit the same in Delaware College.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That James L. Miles, Treasurer of Delaware College, be, and he is hereby authorized and directed to cause all minerals, shells and geological specimens, now in the room of the Capital Building, used as a State Library Room, to be packed in a box or boxes, and to have the same conveyed to Delaware College, there to be deposited and kept until called for by authority of the Legislature of this State, when the same shall be promptly delivered by the authorities of said College to the person authorized by the Legislature to receive the same.

Minerals, &c., of
State to be deliv-
ered to Jas. L.
Miles, Treasurer
of Del. College

Adopted at Dover, January 28, 1863.

CHAPTER CXXVII.

WHEREAS, it is represented to the General Assembly that a Preamble.
negro boy belonging to James L. Bewley, was kidnapped on the twenty-fourth day of December, one thousand eight hundred and fifty, in one of the public streets in the town of Smyrna; and for the purpose of apprehending said kidnappers, and preventing their escape, the said James L. Bewley was induced by a number of respectable citizens of said town to offer a reward of fifty dollars in advance of a reward which was subsequently offered by the Governor of the State of one hundred dollars: And whereas said kidnappers were arrested under the reward offered by the said Bewley, prior to the reward offered by the Governor; and which amount of fifty dollars, together with ten dollars for information in regard to said kidnappers were paid by said Bewley, thereby saving to the State the sum of forty dollars; and whereas said amounts were not included in the allowance to said Bewley in carrying out the requisition of the Governor, passed February 27th, 1852, *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 authorized and directed, to pay to the said James L. Bewley, the sum of sixty dollars, being the amount paid by said Bewley for the information and apprehension of said kidnappers.

State Treasurer
to pay James L.
Bewley \$60 for
apprehension of
kidnappers.

Adopted at Dover, February 11, 1853.

CHAPTER CXXVIII.

Joint Resolution for the appointment of a Legislative Committee.

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John A. Reynolds, Benjamin Burton and Eli Saulsbury, of the House of Representatives, and William Smith and William Temple, of the Senate be, and they are hereby appointed a Committee on the part of this General Assembly, whose duty it shall be to meet at Dover on the third Tuesday of January, Anno Domini, 1854, for the purpose of settling the accounts of the State Treasurer, and receiving the report of the Auditor of Accounts for the current year.

Legislative Committee appointed.

Duties.

Resolved, That it shall be the duty of the said Committee, after their settlement with the State Treasurer, as aforesaid, to cause a statement of such settlement, under their hands, or the hands of a majority of them, to be published in two of the newspapers printed in this State, for the space of one month from the time of effecting the same.

Settlement with State Treasurer to be published.

Committee to audit accounts for superintending printing of Journals, &c.

Accounts of Secretary of State for printing laws, &c.

Paid by orders on State Treasurer.

Compensation to members of Committee. How allowed & paid.

Resolved, That the said Committee have full power and authority to audit the accounts of the Clerk of the House of Representative and the Clerk of the Senate, for superintending the printing of Journals of the two Houses of the Legislature during the present session, and for making indices thereto, also the accounts of the Secretary of State for superintending the printing of the acts of the present session, and for making index to the same; and to make such allowance for said services as they may think just and proper; which said allowance shall be paid by the State Treasurer, upon orders drawn by the chairman of the Committee in favor of said Clerks.

Resolved, That said Committee shall receive the same compensation as is by law allowed to members of the General Assembly, to be paid by the State Treasurer upon orders drawn by the chairman of said Committee, out of any money in the hands of said State Treasurer not otherwise appropriated, and the chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee, to be paid in like manner.

Adopted at Dover, February 12, 1853.

CHAPTER CXXIX.

Joint Resolutions concerning the distribution of the Public Lands.

WHEREAS, there is now pending before the Senate of the United States a bill entitled "An act making grants of lands to aid in the construction of Railroads and for other purposes," which act has passed the House of Representatives, and provides that there shall be severally granted to the States herein named, the following parcels or quantities of land for school and other improvement purposes, viz:

To Missouri, three million acres; to Alabama, two million five hundred thousand acres; to Iowa, three million acres; to Michigan, two million five hundred thousand acres; to Wisconsin, two million five hundred thousand acres; to Louisiana, two million five hundred thousand acres; to Mississippi, two million acres; to Florida two million acres; to Arkansas, three million acres; to California, three million acres; to Illinois, one million acres; to Indiana, all the public lands not sold, located or reserved, lying within her limits, and one million acres in addition thereto; to Ohio, all the public lands not sold, located or reserved, lying within her limits, and two million acres in addition thereto; and to each of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, Georgia, Maryland, Virginia, Kentucky and Tennessee, at the rate of one hundred and fifty thousand acres, for each Senator and Representative in the thirty-second Congress from said States respectively; and to each of the organized Territories and the District of Columbia, one hundred and fifty thousand acres: And whereas the public domain of the United States is regarded by this General Assembly as an inheritance acquired by the patriotism and revolutionary sacrifices of the original thirteen States, or subsequently purchased by the treasure of the whole nation, and which they are ever ready to see dispensed for the common benefit of all, including the new States and Territories: And whereas public improvements of various kinds are necessary to the full development of the resources of this State, particularly the construction of a Railroad passing immediately down the Peninsula, thereby connecting the upper and lower counties of the State, *Therefore,*

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all grants of the public domain by the government of the United States, all grants of Public Domain should be general in character. either for internal improvement or for other purposes, should be general in their character, and not for the special benefit of individual States or Corporations.

Resolved further, That our Senators in Congress be, and they are hereby instructed to use all proper and honorable means Senators instructed.

CHAPTER CXXVIII.

Joint Resolution for the appointment of a Legislative Committee.

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John A. Reynolds, Benjamin Burton and Eli Saulsbury, of the House of Representatives, and William Smith and William Temple, of the Senate be, and they are hereby appointed a Committee on the part of this General Assembly, whose duty it shall be to meet at Dover on the third Tuesday of January, Anno Domini, 1854, for the purpose of settling the accounts of the State Treasurer, and receiving the report of the Auditor of Accounts for the current year.

Legislative Committee appointed.

Duties.

Resolved, That it shall be the duty of the said Committee, after their settlement with the State Treasurer, as aforesaid, to cause a statement of such settlement, under their hands, or the hands of a majority of them, to be published in two of the newspapers printed in this State, for the space of one month from the time of effecting the same.

Settlement with State Treasurer to be published.

Committee to audit accounts for superintending printing of Journals, &c.

Accounts of Secretary of State for printing laws, &c.

Paid by orders on State Treasurer.

Compensation to members of Committee How allowed & paid

Resolved, That the said Committee have full power and authority to audit the accounts of the Clerk of the House of Representatives and the Clerk of the Senate, for superintending the printing of Journals of the two Houses of the Legislature during the present session, and for making indices thereto, also the accounts of the Secretary of State for superintending the printing of the acts of the present session, and for making index to the same; and to make such allowance for said services as they may think just and proper; which said allowance shall be paid by the State Treasurer, upon orders drawn by the chairman of the Committee in favor of said Clerks.

Resolved, That said Committee shall receive the same compensation as is by law allowed to members of the General Assembly, to be paid by the State Treasurer upon orders drawn by the chairman of said Committee, out of any money in the hands of said State Treasurer not otherwise appropriated, and the chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee, to be paid in like manner.

Adopted at Dover, February 12, 1853.

CHAPTER CXXIX.

Joint Resolutions concerning the distribution of the Public Lands.

WHEREAS, there is now pending before the Senate of the United States a bill entitled "An act making grants of lands to aid in the construction of Railroads and for other purposes," which act has passed the House of Representatives, and provides that there shall be severally granted to the States herein named, the following parcels or quantities of land for school and other improvement purposes, viz:

To Missouri, three million acres; to Alabama, two million five hundred thousand acres; to Iowa, three million acres; to Michigan, two million five hundred thousand acres; to Wisconsin, two million five hundred thousand acres; to Louisiana, two million five hundred thousand acres; to Mississippi, two million acres; to Florida two million acres; to Arkansas, three million acres; to California, three million acres; to Illinois, one million acres; to Indiana, all the public lands not sold, located or reserved, lying within her limits, and one million acres in addition thereto; to Ohio, all the public lands not sold, located or reserved, lying within her limits, and two million acres in addition thereto; and to each of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, Georgia, Maryland, Virginia, Kentucky and Tennessee, at the rate of one hundred and fifty thousand acres, for each Senator and Representative in the thirty-second Congress from said States respectively; and to each of the organized Territories and the District of Columbia, one hundred and fifty thousand acres: And whereas the public domain of the United States is regarded by this General Assembly as an inheritance acquired by the patriotism and revolutionary sacrifices of the original thirteen States, or subsequently purchased by the treasure of the whole nation, and which they are ever ready to see dispensed for the common benefit of all, including the new States and Territories: And whereas public improvements of various kinds are necessary to the full development of the resources of this State, particularly the construction of a Railroad passing immediately down the Peninsula, thereby connecting the upper and lower counties of the State, *Therefore,*

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all grants of the public domain by the government of the United States, All grants of Public Domain should be general in character. either for internal improvement or for other purposes, should be general in their character, and not for the special benefit of individual States or Corporations.

Resolved further, That our Senators in Congress be, and they are hereby instructed to use all proper and honorable means Senators instructed.

their power to procure the passage of said bill, now pending before the Senate of the United States, generally known as the land bill.

Resolved, That a duly authenticated copy of these Resolutions be forwarded immediately by the Governor of this State, to each of our Senators in Congress, and to the President pro. tem. of the Senate of the United States, to be laid before that body.

Adopted at Dover, February 18, 1853.

CHAPTER CXXX.

Joint Resolution directing the State Treasurer to pay a certain sum of money to Hunn Jenkins, administrator of Henry M. Temple, deceased.

Preamble.

WHEREAS, it appears to this General Assembly that Henry M. Temple, deceased, late of Kent county, was at the time of his death entitled to the service of one James Harman, negro, and that in pursuance of the sentence of the Court of General Sessions of the Peace and Jail Delivery in and for Kent county in that behalf, the said James Harman was sold as a servant for the period of fourteen years, and purchased by one Marcy Fountain, for the sum of three hundred and ninety-three dollars, and that after the payment of all costs, there remains a balance of three hundred and twenty-six dollars: And whereas it appears further that the appraisers of the personal estate of the said Henry M. Temple, appraised and estimated the said James Harman at the sum of one hundred and seventy-five dollars, *Now 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 authorized and required, to pay to Hunn Jenkins, administrator of Henry M. Temple, deceased, the sum of one hundred and seventy-five dollars, to be accounted for by him in the settlement of the estate of said deceased.

State Treasurer
to pay H. Jen-
kins, adminis-
trator, &c. \$175.

Adopted at Dover, February 18, 1853.

CHAPTER CXXXI.

Joint Resolution authorizing the State Treasurer to borrow a certain sum of money.

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 authorized, to borrow any sum or sums, not exceeding in the whole amount thirty thousand dollars, to be applied and used towards the payment of the current expenses of the State until the next session of the Legislature, and that the faith of the State be and the same is hereby pledged for the payment of the said sum or sums of money, not exceeding in the whole the amount aforesaid, with interest at six per centum per annum, and that the Treasurer shall receive for his services one-eighth of one per centum out of the money so obtained.

State Treasurer may borrow not exceeding \$30,000 at 6 per cent.
his compensation.

Adopted at Dover, February 18, 1853.

CHAPTER CXXXII.

Joint Resolutions providing for repairs to the Senate Chamber.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Lemuel Bancroft be, and he is hereby authorized and requested, to cause the wood work of the Senate Chamber to be painted and the walls and ceiling thereof to be papered; and the drapery in said Chamber re-arranged, or renewed, as in his judgment may seem proper; and also to arrange the upper sash of the windows so that they can be lowered.

L. Bancroft to repair Senate Chamber.

Resolved, That the State Treasurer be and he is hereby authorized and directed, at any time after the first of July, one thousand eight hundred and fifty four, to pay to the said Lemuel Bancroft, on his order, the sum of one hundred dollars, to carry into effect the foregoing resolution, and that the said Lemuel Bancroft, shall present his accounts and vouchers, for the expenses incurred in that behalf, for settlement, and also a bill for his services for allowance, to the next Legislature.

Treasurer to pay to his order \$100.
Accounts etc., to be presented to next Legislature.

Resolved, That the Honorable Isaac Jump be, and he is hereby authorized and requested, to superintend the work aforesaid, in connection with the said Lemuel Bancroft.

Hon Isaac Jump to superintend the work.

Adopted at Dover, February 19, 1853.

CHAPTER CXXXIII.

Joint Resolution in relation to the Pea Patch Island.

Preamble.

WHEREAS, by an act of the General Assembly of the State of Delaware passed on the 27th day of May, 1813, all the right, title and claim which this State had to the jurisdiction and soil of the island in the Delaware, commonly called "The Pea Patch," was ceded to the United States of America for the purpose of erecting "forts, batteries and fortifications, for the protection of the River Delaware," upon condition nevertheless "that the said forts, batteries and fortifications should be erected and kept up, at the expense of the United States: And whereas, more than twenty years have elapsed since the fort first built on said island was burned down and destroyed, and no fort hath been since erected and kept up at the expense of the United States on the said Island, although they still retain possession thereof: And whereas, by reason of the premises, the whole country on both sides of the river, including the cities of Philadelphia and Wilmington, and many towns, railroads, canals and tributary streams, as well as the river aforesaid, have remained during all that period, and still remain without any sufficient protection in the event of a war with any foreign power, *Now therefore,*

Senators and Representative in Congress requested to urge an appropriation for forts on Pea Patch Island

Be it Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That our Senators and Representative in Congress, be and they are hereby requested to urge upon Congress the passage of an adequate appropriation to rebuild the said fort, and to comply with the condition of the grant under which the United States hold their title to and possession of said Island.

Should Congress to build forts.

And be it further Resolved by the authority aforesaid, That in the event of the refusal or omission of Congress to make such appropriation, they ask in the name of the State of Delaware for a retrocession to her of the said Island.

And be it further Resolved by the authority aforesaid, That a duly certified copy of these Resolutions be forthwith transmitted to our Senators and Representative in Congress, to be by them laid before their respective Houses.

Adopted at Dover, February 28, 1853.

CHAPTER CXXXIV.

Resolution to cede Reedy Island to the United States for the purpose of a harbor thereat.

WHEREAS, the Congress of the United States did, at the first session of the thirty-second Congress, grant an appropriation for the construction of a harbor at Reedy Island, in the river Delaware, *Therefore,*

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That so much of Reedy Island, in the river Delaware, as may be necessary for the purpose of the construction of a harbor by the Government of the United States, be, and the same is hereby ceded and granted to the United States forever, and it shall and may be lawful for the Government of the United States to exercise the right of jurisdiction over so much of said Island as may be required for the purpose of the construction of said harbor. Provided, That if said harbor be not constructed and finished by the said Government within ten years from the adoption of this resolution, or being so constructed and finished, shall afterwards be suffered or permitted to go to decay, and remain unrepaired for the space of five years, then and in such case this resolution and everything herein contained, shall be and become void, and all the right, title, estate and jurisdiction hereby ceded, shall become and be again vested in the State of Delaware, in the same manner as if this resolution had not been adopted.

Reedy Island ceded to the U. S. for harbor, with jurisdiction over such part as is necessary for that purpose.

Proviso avoiding such cession if work not done & kept in repair.

Adopted at Dover, March 1, 1853.

CHAPTER CXXXV.

Resolution in relation to the State Library.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That George P. Fisher be, and he is hereby authorized and directed to cause a sufficient number of boxes to be made, in which he shall place all duplicate copies of books now in the State Library, and to place the said in the State House garret.

G. P. Fisher to cause certain books to be boxed up, &c.

Resolved, That the State Treasurer be, and he is hereby authorized and directed to pay to the said George P. Fisher, or his or-

State Treasurer to pay to his or-

der twenty dol- der, the sum of twenty dollars to enable him to carry into effect
 Jars. the foregoing resolution, and to compensate him for his services
 To exhibit ac- in that behalf, and the said George P. Fisher is hereby required
 counts to Legis- to present his accounts and vouchers for the services hereby im-
 nature, posed upon him to the Legislature, at the next session, for their
 allowance.

Adopted at Dover, March 1, 1853.

CHAPTER CXXXVI.

Joint resolution authorizing the Secretary of State to distribute certain copies of the Revised Statutes.

Secretary of
 State.
 How to distri-
 bute copies of
 Revised Sta-
 tutes.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Secretary of State in fulfilling the provisions of the act entitled "An act for the distribution of the Revised Statutes of the State of Delaware," passed at the present session of the Legislature, be, and he is hereby authorized and required to use and distribute the copies of the Revised Statutes, which he may hereafter have bound, in the manner and for the purposes specified in said act, as though the said copies had been bound prior to the passage of the said act.

Adopted at Dover, March 2, 1853.

CHAPTER CXXXVII.

Joint Resolution for the appointment of Bank Directors.

Bank Directors
 in Farmers'
 Bank appointed
 on part of State.

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the following persons be, and they are hereby appointed Directors of the Farmers' Bank of the State of Delaware and its branches, on the part of the State, agreeably to the act of the General Assembly in such case made and provided: For the principal Bank at Dover, Robert W. Reynolds, Garrett Luff and Hunn Jenkins: For the Branch at Wilmington, John P. Garesche, Henry Hicks and Spencer D. Eves: For the Branch at New Castle, Elihu Jef-

person, Nathaniel Young and William D. Ocholtree: For the Branch at Georgetown, Benjamin Fooks, Matthew Rensch and Lewis West.

Adopted at Dover, March 2, 1853.

CHAPTER CXXXVIII.

Resolution to declare a certain act therein mentioned, a public act, and to print the same.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the bill entitled, "An act to incorporate the Trustees and Proprietors of the Smyrna Union School," passed at Dover, February 20, 1852, shall from henceforth be deemed and taken to be a public act, and the Secretary of State is hereby directed to have the same printed with the acts passed at the present session.

A certain act declared a public act.

To be printed among acts of present session.

Adopted at Dover, March 2, 1852.

CHAPTER CXXXIX.

Joint Resolution providing for binding Laws and Journals.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Secretary of State be, and he is hereby authorized and directed to close the tenth volume of the Laws of this State, with the acts passed at the last session of the General Assembly.

Secretary of State to close 10th volume Del. Laws.

Resolved by the authority aforesaid, That the Secretary of State be, and he is hereby directed to make out a table of private acts, and a general index to the said tenth volume, and that he cause two hundred copies of the said table of private acts and general index to be printed for the purpose of being bound with the said tenth volume.

To make table of private acts and general index to same.

Resolved by the authority aforesaid, That the Secretary of State
 200 copies of vol. 10 to be bound. *cause to be bound so as to correspond with the other bound volumes of the laws, as many copies of the said tenth volume, with the said table of private acts and general index to the same, as are to be found in his office, and as can be procured from the offices of the different Prothonotaries in the State, and from the cases of the Senate and House of Representatives, provided the whole number of copies so to be bound, shall not exceed two hundred.*

Resolved by the authority aforesaid, That when the aforesaid
 Mode of distribution of 10th volume. *volume shall have been bound, the Secretary of State shall retain in his office ten copies, and deliver to the Senate five copies, to the House of Representatives ten copies, and to the following officers in each County one copy for the use of their respective Courts, viz: To the Register for the Probate of Wills and granting Letters of Administration, Register in Chancery, Clerk of the Orphans' Court, Prothonotary and Clerk of the Peace, and the remainder he shall equally divide between the respective Counties, placing them in the hands of the different Prothonotaries, who are hereby authorized to sell the same at one dollar per copy, and make return thereof as the law directs.*

Resolved by the authority aforesaid, That the Secretary of
 50 copies of Journals of each House to be bound and deposited in library. *State be, and he is hereby authorized and directed to have bound fifty copies of each of the Journals of the Senate and of the House of Representatives remaining unbound, to be deposited in the Library for the use of the State, and for international exchange.*

Adopted at Dover, March 3, 1853

CHAPTER CXL.

Joint Resolution concerning the adoption or rejection by the people of the proposed Revised Constitution.

Resolved by the Senate and House of Representatives of the
 The Leg advise Convention to submit the revised Constitution to a vote of the people for adoption or rejection. *State of Delaware in General Assembly met, That if the Convention about to assemble shall deem it proper and expedient to revise the Constitution of this State, they, in the opinion of this General Assembly, should submit such revised Constitution to a vote of the people of this State, for their adoption or rejection.*

Adopted at Dover, March 3, 1853.

CHAPTER CXLI.

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 requested to ascertain whether copies of portraits of those citizens who have exercised the office of Governor of this State may be procured, and that he make report of his inquiries to the next session.

Sec. of State to inquire whether portraits of citizens who have been Governors can be procured.

Adopted at Dover, March 4, 1853.

CHAPTER CXLII.

Joint resolution directing the State Treasurer to pay to the Secretary of State the sum of one hundred and fifty dollars for the contingent expenses of his office.

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 authorized and directed to pay to Alfred P. Robinson, Esq., Secretary of State, one hundred and fifty dollars, to be applied by him to the payment of the contingent expenses of his office, an account of which shall be submitted to the General Assembly at the next regular session thereof.

State Treasurer to pay Sec'y of State \$150 for expenses of his office. To be accounted for at next session of General Assembly.

Adopted at Dover, March 4, 1853.

CHAPTER CXLIII.

An act to incorporate the Trustees and Proprietors of the Smyrna Union School.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring,) That a corporation shall*

be established for the purpose of erecting a suitable building or buildings in the town of Smyrna, and maintaining a good and sufficient school therein, for the education and instruction of youth. The capital stock of the said Company shall be fifteen thousand dollars, divided into shares of fifty dollars each.

Commissioners
to give notice.

SEC. 2. *And be it further enacted*, That George Davis, James R. Clements, Ayres Stockley, Samuel Catts, Benjamin L. Collins, William Temple, John G. Black, George W. Cummins, and John H. Bewley, be, and they are hereby appointed Commissioners to receive subscriptions to the said capital stock, and to open a book or books for that purpose in the town of Smyrna, at such times and at such place or places in said town and under such regulations as they, or a majority of them, shall deem proper, giving at least ten days notice of the time and place of their meeting to receive subscriptions.

Continuance.

SEC. 3. *And be it further enacted*, That the subscribers to the capital stock aforesaid, their successors and assigns, shall be, and they are hereby created and declared to be a body corporate and politic by the name of "The Trustees and Proprietors of the Smyrna Union School," and by that name shall have continuance and succession for twenty years, with power to sue and be sued, plead and be impleaded in Courts of law or equity, to make and use a common seal, to purchase, receive and hold any lands, tenements, rents, goods or chattels, which shall be given, conveyed or devised thereto, for the purpose mentioned in the first section of this act, and alien, transfer, and dispose of the same, and generally to have all the rights, incidents and franchises usually belonging to a corporation aggregate.

May employ
teachers.

SEC. 4. *And be it further enacted*, That the business and concerns of the said corporation shall be managed by nine Trustees. The Trustees shall be elected by the Stockholders from among their number, and whenever a Trustee ceases to be a Stockholder his office shall be vacated. The said Trustees, or a majority of them, shall have power to make, alter and repeal all laws, ordinances and regulations which they may deem necessary for the good government of the said school. They may appoint, engage and employ such tutors, teachers and other officers or persons as they may deem requisite for such school, under such rules and stipulations, and for such pecuniary or other compensation as they may deem right and proper, and may remove and dismiss them at pleasure. They shall have power to appoint a President and Treasurer, who shall be Trustees, and all other such officers and agents as shall be necessary to carry into effect and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed on, and if they judge it necessary, to exact and take from their officers and agents bonds for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts. They shall also have power to obtain subscriptions for tuition in said school,

and to sue for, collect and receive the respective sums, so subscribed, and generally to do all things necessary for carrying into effect the objects of this act of incorporation.

SEC. 5. *And be it further enacted,* That there shall be an annual meeting of the Stockholders, on the first Monday of March in each and every year during the continuance of the corporation. An election of Trustees shall be held at the annual meeting before mentioned in each and every year. The nine Trustees to be first elected shall be divided by lot into three classes; the seats or places of the first class shall be vacated at the expiration of one year thereafter; the seats or places of the second class at the expiration of two years thereafter, and the seats or places of the third class at the expiration of three years thereafter, so that one-third may be chosen annually, on the first Monday of March in each and every year thereafter. If said meeting shall not take place on the day appointed, the corporation shall not for that reason be dissolved, but the Trustees then in office shall continue to perform all their duties and retain all their powers, until such annual meeting shall take place, when the class whose seats or places would have been vacated had there been no failure to elect, shall go out, and three Trustees shall be elected in lieu thereof, as if there had been no such failure. If any vacancy shall occur in said board of Trustees otherwise than by the regular expiration of the term, the remaining Trustees shall elect another or others until the next annual meeting, when the Stockholders shall fill such vacancy by election, and the Trustee or Trustees so elected, shall take the same place in the respective classes, as those in lieu of whom they were elected respectively. All elections of Trustees shall be ballot, and shall be decided by plurality of votes given, and all other questions shall be determined by a majority of votes given. The Stockholders respectively shall be entitled to as many votes as they shall respectively hold shares, one vote for each share. There shall be no voting by proxy. Occasional meetings of the Stockholders may be called in a manner to be prescribed by the by-laws. In all meetings of stockholders regularly held, those assembled may proceed to business. The shares of the capital stock aforesaid, shall be personal property, and shall be assignable subject to the regulations of the by-laws.

Trustees divided
into classes.

Vacancy.

SEC. 6. *And be it further enacted,* That in ten days after the books aforesaid shall be opened, if two thousand dollars of the said capital stock shall then be subscribed, or as soon thereafter as the said sum of two thousand dollars of the said capital stock shall be subscribed, the Commissioners aforesaid, or a majority of them, shall give notice thereof in such manner as they may deem advisable, and the said subscribers after such notice may on the first Monday of May A. D. one thousand eight hundred and fifty-two, or on any other day after such notice, which may be designated by Commissioners hold a meeting and proceed to elect Trustees as hereinbefore provided, who shall hold their offices, until the

May elect Trustees.

annual meeting on the first Monday of March next after their election when their places shall be vacated, and nine Trustees shall be elected, who shall be classified as hereinbefore provided.

SEC. 7. *And be it further enacted*, That on the day of the first meeting of the subscribers to be held as aforesaid, the subscribers respectively, shall pay to the Trustees who shall then be chosen, five dollars upon each and every share which they respectively have subscribed to the capital stock aforesaid, and the residue of the amount so subscribed for, in such manner, in such instalments, and at such times as the Trustees shall appoint. The Trustees shall give thirty days notice of the manner and time which they shall appoint for the payment of the remaining instalments of said capital stock.

Payment not
made.

Stock forfeited.

SEC. 8. *And be it further enacted*, That if no payment shall be made upon a share or shares at the time of the first meeting of the subscribers aforesaid, or if any of the instalments which may be called for as aforesaid shall not be paid within sixty days next after the time in said call appointed, the said Trustees may either declare such share or shares forfeited, in which case they may be disposed of at the pleasure of the corporation, or they may in the name of the corporation sue for and recover the sum so as aforesaid payable at the first meeting of the subscribers, and also the instalment or instalments, or part or parts so called; and no Stockholder who shall refuse or neglect to comply with any call so made as aforesaid during the time of such refusal or neglect shall be entitled to vote at any meeting, or receive any dividends. It shall and may be lawful for the Trustees, and they have full power and authority to dispose of all the shares of the capital stock aforesaid, which shall not be subscribed in the books to be opened by the Commissioners aforesaid, and all the shares which may be forfeited as aforesaid for the interest of the institution in such manner as they may deem advisable. The person or persons who shall become proprietors of such shares shall be members of the corporation as fully and effectually as the original subscribers, entitled to the same privileges; and subject to the same liabilities and restrictions.

May erect build-
ings.

SEC. 9. *And be it further enacted*, That the said corporation may erect, or cause and procure to be erected in the town of Smyrna all such buildings, improvements and fixtures as may be necessary and proper for carrying into effect the purpose for which it was created, and may hold, own, occupy maintain and enjoy the same, and may let the said buildings or any part thereof, and demand, sue for, collect, and receive the rents thereof. Trustees shall from time to time declare such dividends of the clear profits or such parts thereof as they may deem advisable.

SEC. 10. *And be it further enacted*, That the said corporation shall not exercise any banking powers, but it shall and may be

lawful for the said corporation to borrow money and secure the same by judgment, bond, mortgage or otherwise to an amount not exceeding five thousand dollars, and also to loan any surplus funds and have the same secured to an amount not exceeding five thousand dollars as aforesaid.

Passed at Dover, February 20, 1852.

SECRETARY'S OFFICE,

Dover, June 8th, 1853.

In obedience to the directions of an act of the General Assembly of the State of Delaware, entitled, "An act concerning the keeping of the papers belonging to the Executive Department, and the acts of the General Assembly, and the printing and disposal of the Laws and Journals," I have collated with and corrected by the original rolls now in this office, and caused to be published this edition of the laws of the said State, passed by the General Assembly, at its late session, which commenced on Tuesday the fourth day of January, and closed on Friday the fourth day of March, in the year of our Lord, one thousand eight hundred and fifty-three.

ALFRED P. ROBINSON,

Secretary of the State of Delaware.

L A W S

OF THE

STATE OF DELAWARE,

PASSED AT A

SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE SECOND DAY OF JANUARY,

IN THE YEAR OF OUR LORD

One Thousand Eight Hundred and Fifty-Five,

AND OF THE

INDEPENDENCE OF THE UNITED STATES

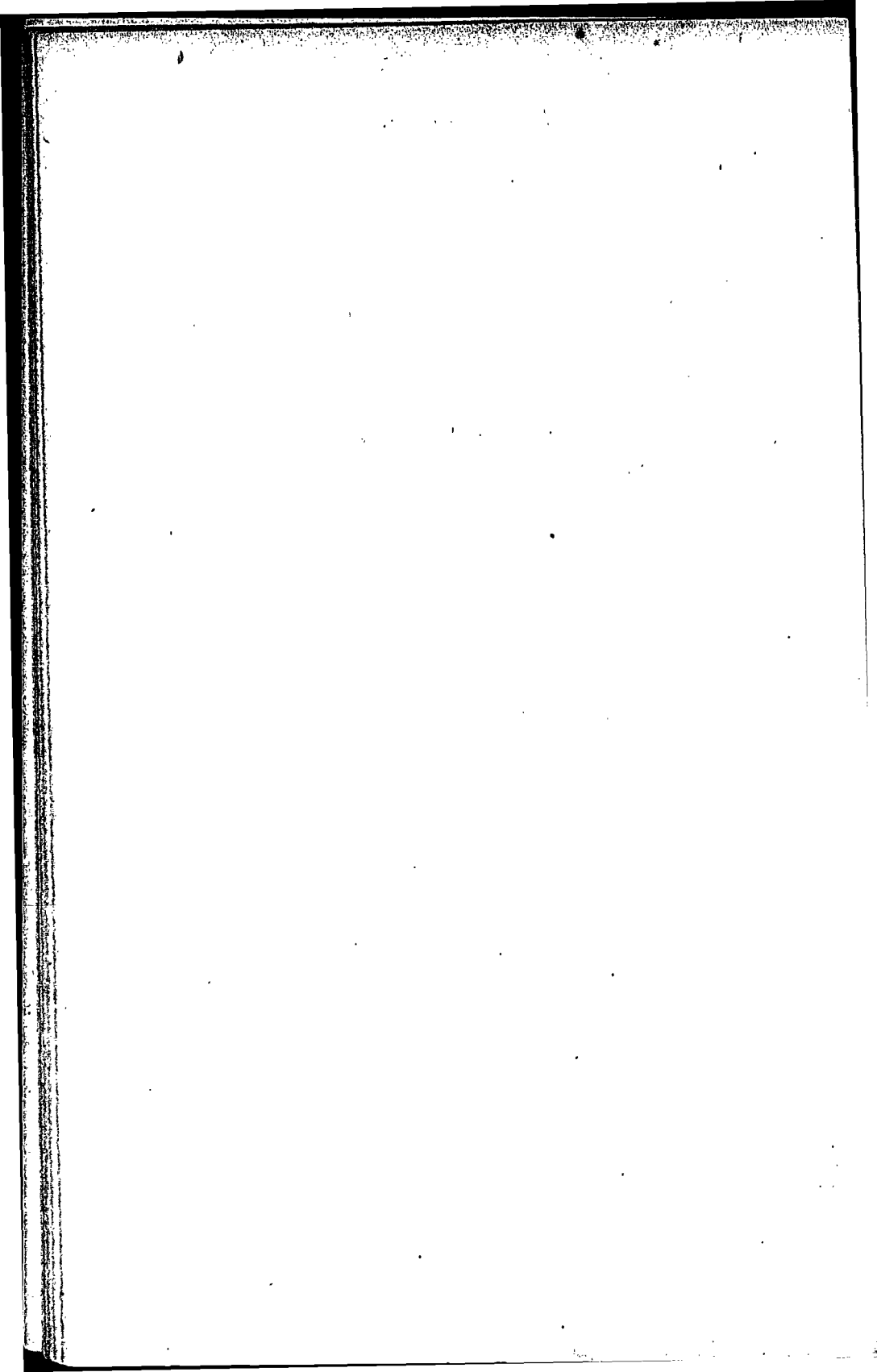
THE SEVENTY-NINTH.

BY AUTHORITY.

DOVER, DELAWARE:

PRINTED BY WILLIAM SHARP,

1859.



L A W S.

OF THE

STATE OF DELAWARE.

CHAPTER CXLIV.

A Further Additional Supplement to the act entitled "An act to extend the time for recording of Deeds."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.* That all deeds or letters of attorney concerning lands, tenements or hereditaments, sealed and delivered on or before the first day of January, one thousand eight hundred and fifty-five, first being acknowledged or proved, and the acknowledgment or proof certified according to the laws of this State in force at the time when such acknowledgment or proof was made, may, with the certificate of the acknowledgment or proof, and all endorsements and annexations, be recorded in the office for the recording of deeds in the county wherein such lands, tenements and hereditaments, or any part thereof, are situated, if lodged in such office on or before the first day of January, in the year of our Lord one thousand eight hundred and fifty-seven; and the said record, or a copy thereof, shall be sufficient evidence; and from and after the first day of January, in the year last aforesaid, no deed or letter of attorney sealed before the first day of January, in the year of our Lord one thousand eight hundred and fifty-five, shall be recorded.

Time for recording deeds extended to 1st Jan. 1857.

Passed at Dover, January 12, 1855.

CHAPTER CXLV.

AN ACT to aid in the erection of a monument commemorative of the Declaration of American Independence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* as follows: For the purpose of uniting with the others of the thirteen original States in the necessary measures for the construction and maintenance in the public square adjoining Independence Hall in the city of Philadelphia, of a monument to commemorate the Declaration of American Independence, the

Governor authorized to appoint a suitable person as Trustee or Agent on the part of the State. Duties and powers of the Board of Trustees.

Governor of this State is authorized to appoint a suitable person as Trustee or Agent, to represent this State in the Board of Trustees that may be appointed by the said States respectively, for the same purpose, with like powers. It will be the duty of the said Board of Trustees, when nine or more shall have been appointed by as many of the said thirteen States, to determine the design, plan, materials and expense of the said monument, and to prepare a statement exhibiting the proportion to be contributed by each of the original thirteen States, to defray the said expenses, assuming as a rule for said proportion the numerical representation at this time of each such State in the House of Representatives of the Congress of the United States, and the periods when, in their judgment, the instalments of the said contributions will be required. In determining the said design, an appropriate place on the exterior of such monument shall be provided for each contributing State, to contain such inscription as the State shall direct, commemorative of some citizen or citizens of her own, who took part in the responsibility of the Declaration of the Independence of the said States. The said Trustees are to report to such of the States represented by them, with all reasonable expedition, the design, plan and expense of said monument as proposed by them, and the said statement of proportionate contributions. When the said States shall have made provisions for contributing their respective quotas of said expense, the said Board of Trustees shall be authorized to proceed and construct the said monument and a sufficient railing around the same, and shall receive and expend the moneys appropriated for that purpose by the different States. They will appoint the necessary superintendants and agents, and may authorize a committee of their body to receive and take charge of all moneys contributed. When the said monument shall be finished, the Board of Trustees shall render an account to their respective States of the moneys received and expended by them, or under their directions, which shall be verified by the oaths of the Principal Superintendent and one or more of the Financial Committee of the board, and shall be certified by the Mayor of the city of Philadelphia, and the Presidents of the Select and Common

Board of Trustees to render an account to their respective States.

Councils of the said city, or any two of them, to have been compared with the original vouchers and entries, and found correct.

SEC. 2. The person so appointed Trustee shall hold and exercise said trust during the pleasure of the Governor of this State, and in case of vacancy, by death, resignation or otherwise, in the said trust, the Governor shall appoint successors from time to time, as occasion may require. No part of the fund contributed by the State shall be applied to compensate any Trustee for his services, but the actual expenses of the Trustees appointed on the part of this State will be defrayed by the General Assembly thereof.

Term of office of Trustee.
Vacancy.
Expenses to be defrayed by the General Assembly.

SEC. 3. Upon receiving the report of the Board of Trustees of the design, plan and material, and expense of said monument, and an estimate of the proportion to be contributed by this State, as herein provided, the General Assembly will make provision for the payment of the same, in such instalments as the said Board of Trustees shall have declared to be necessary.

General Assembly to make provision to pay the proportion of this State toward said monument.

Passed at Dover, January 12, 1855.

CHAPTER CXLVI.

AN ACT to vacate a part of Tenth Street in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

SECTION 1. That that part of Tenth street on the map of the city of Wilmington, entitled "A plan of the city of Wilmington compiled from surveys by George Read Riddle, C. E., 1847," lying between the westerly side of Tatnal street, and the easterly side of West street, be, and the same is hereby vacated.

Part of Tenth street vacated.

SEC. 2. *And be it further enacted,* That a certain ordinance of the City Council of the city of Wilmington, passed at the City Hall June 23d, 1853, entitled "An ordinance relating to a part of West Tenth street," vacating said Tenth street, between Tatnal and West streets, be and the same is hereby confirmed, established and approved.

Ordinance of City Council confirmed.

Passed at Dover, January 12, 1855.

CHAPTER CXLVII.

AN ACT to vacate Dock street in the city of Wilmington.

Dock street vacated. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Dock street, as laid down on the plan of the said city of Wilmington, so far as the same extends from the westerly side of Thorn street, westwardly to its intersection with the Philadelphia, Wilmington and Baltimore Railroad, be and the same is hereby vacated.

Passed at Dover, January 12, 1855.

CHAPTER CXLVIII.

AN ACT to enable James Steen to locate certain vacant lands situate in Dagsborough Hundred, Sussex County, and to complete his title to the same.

Private act.

Passed at Dover, January 13, 1855.

CHAPTER CXLIX.

Ante p. 7 A supplement to the act entitled "An act to authorize the Levy Court of New Castle County to cause to be transcribed certain indexes."

Commissioner to supply the place of one deceased. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Edward Williams, Esq., be, and he is hereby appointed one of the Commissioners provided for in section second of the act to which this is a supplement, in the place of James C. Mansfield, deceased; and that William Janvier be, and he is hereby appointed an additional Commissioner under said section.

Additional Commissioner added.

Passed at Dover, January 15, 1855.

CHAPTER CL.

AN ACT to divorce Ann S. McGee and Peter McGee of
(Thomas) her husband from the bonds of matrimony.
Private Act.

Passed at Dover, January 16, 1855.

CHAPTER CLI.

AN ACT to prevent Swine from running at large in a certain
part of New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* Sections 4, 6 and 7, of chapter 68, to apply to certain limits in Appoquinimink Hundred.
That the provisions of Section 4, 6 and 7 of Chapter 58 of the Revised Code, shall apply and extend to the following limits in Appoquinimink Hundred, in New Castle County and be in force within the said limits, viz: Beginning at the Mill, late of Auley Lore, deceased, and running thence with the public road to Field's corner, thence with the road leading to the head of Sassafras until it reaches the road leading from said road to Lore's Mill aforesaid, thence with said road to the place of beginning. Limits designated.

Passed at Dover, January, 17, 1855.

CHAPTER CLII.

A SUPPLEMENT to the act entitled "An Act to incorporate the Wesleyan Female Collegiate Institute."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows to wit: (two-thirds of each branch of the Legislature concurring herein.)

SECTION 1. That the name and style of the corporation created by the act to which this is a supplement, be, and the same is

heroby changeil, from that of "The President and Board of Council of the Wesleyan Female Collegiate Institute of Wilmington, Delaware," to that of "The Wesleyan Female College," by which last mentioned name, the said corporation, shall continue to have succession, and shall be capable in law, to take, purchase, hold, sell, grant, mortgage, demise, or otherwise dispose of lands, tenements, and hereditaments, goods, chattels, and effects, to sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity, or elsewhere, to make and use a common seal, and the same to change, and generally to have all the privileges and franchises incident to a corporation; the purpose of said incorporation, shall continue to be the establishment and maintenance of an institution for Female education in Wilmington, Delaware.

SEC. 2. The Board of Council as it is now composed shall continue under the name of the Board of Trustees of the said Wesleyan Female College. The term of office of a Trustee shall be three years. At the first annual meeting after the passage of this act, the Trustees shall increase their number to eighteen, exclusive of the President of the College; and at said meeting, the whole number of Trustees, exclusive of the President of the College, shall be divided by lot, into three classes, numbered one, two and three. The places of the first class shall be vacated at the expiration of one year, of the second class, at the expiration of two years, and of the the third class, at the expiration of three years from the said annual meeting, so that six vacancies shall occur at every annual meeting hereafter. The Philadelphia Annual Conference of the Methodist Episcopal Church, may at its annual session preceeding every annual meeting of the board, elect Trustees to fill one-third of the number of vacancies to occur by the expiration of the term of office at such annual meeting of the Board, such election to be evidenced by a certificate thereof, signed by the President of the Conference; countersigned by the Secretary, and recorded upon the Journal of the Board of Trustees. The remaining vacancies occurring by expiration of the term of office at such annual meeting of the Board of Trustees, shall be filled by the Board; vacancies happening otherwise than by the expiration of the term of office of a Trustee, shall be filled in the same mode, by which such Trustee whose place becomes vacant was elected, that is to say, if such Trustee was elected by the said Conference, the Conference shall fill the vacancy, or if he was elected by the Board, the Board shall fill the vacancy. A Trustee elected to fill a vacancy happening otherwise than by the expiration of a term of office, shall hold only during the residue of the term of his predecessor. The President of the college for the time being, shall be *ex officio*, a member of the Board, in addition to the number above provided for.

SEC. 3. There shall be a stated annual meeting of the board at the time of the annual commencement. Special meetings may

be called, as by the by-laws shall be provided. Ten days notice of every meeting, except adjourned meetings, shall be given by the President of the College, to each member of the board; a notice mailed to the address of members not residing in Wilmington, ten days previous to the meeting, shall be sufficient; seven members shall form a quorum for all business, except the election or removal of a President of the College for which the concurrence of a majority of the whole number of members shall be requisite.

Stated meetings of board.
Special meetings.
President to give notice.
Time and manner of notice.
Quorum.

The Board shall elect from its body a President, Secretary, Treasurer, and such other officers as it may deem necessary.

Board to elect officers.

SEC. 4. The Board of Trustees shall elect, and may at any time remove the President of the College, and the other members of the faculty; the President of the College having power to nominate said members. It may appoint and remove, or by its by-laws provide for the appointment and removal, of any and all other officers (Trustees excepted) deemed necessary for the service of said corporation, for their continuance in office, their number, names and style of office, and their duties and compensation; it shall direct the government and discipline of the institution, the number of pupils, the terms and ages of admission; shall provide for the management and investment of the corporate funds, property and estate, and for conducting all the affairs of said institution, so as to carry into full effect the objects and purposes of the incorporation in all particulars, whether herein enumerated or not, provided that no part of the funds of the said corporation shall be used or applied except for the benefit of the said institution, and for enlarging and improving its facilities for female education; and provided also, that no religious test shall be required of any one connected with the College.

Elect and remove President and faculty.

Provide by-laws.

Direct the discipline.

Provide for management of the funds, &c.

Application of funds.

No religious test required.

SEC. 5. The faculty shall be composed of the President of the College, and such professors and teachers as shall be elected by the Board. It shall have the care, government and instruction of the pupils, subject to the by-laws, and with the advice of the Board of Trustees, may confer degrees and grant diplomas.

The faculty.

May confer degrees and diplomas.

SEC. 6. This shall be deemed and taken to be a public act. It shall be construed most beneficially for the objects herein contemplated, nor shall any non-user of the privileges herein granted, work any forfeiture of the same; and no misnomer of the corporation in any deed, will, testament, gift, grant, demise, contract or other instrument, shall avoid or vitiate the same, provided there be sufficient to ascertain the intent of the parties.

Public act.
And construed most beneficially for the objects contemplated.

SEC. 7. The act to which this is a supplement, entitled "An act to incorporate the Wesleyan Female Collegiate Institute," passed at Dover, A. D. 1841, is hereby repealed: Provided, that all the debts and obligations binding on or due to, or property

Former act repealed.
But not to effect prior debts or obligations.

Acceptance of
this act to be
certified to Se-
cretary of State.

Revocation

or other things of value now belonging to said corporation, shall remain equally binding on or due to, and be the property and right of, and vested in the said corporation under this charter; and any estate, right or title whatsoever vested or acquired under the provisions of any act hereby repealed, shall remain wholly unaffected by such repeal; and provided also, That if the said Board of Trustees shall not, within ninety days after the passage of this act, certify under its corporate seal to the Secretary of State their acceptance of this charter, the same shall be void, and the act to which this is a supplement shall remain in full force; such certificate, if made, shall be filed in the Secretary's office.

SEC. 8. The General Assembly reserves the right to alter or revoke this charter. It shall continue in force for term of twenty years, and no longer.

Passed at Dover, January 17, 1855.

CHAPTER CLIII.

Auto p. 111-

AN ACT to repeal the act entitled "*An act concerning the sales of real estate by the Sheriffs, on execution process.*"

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the act entitled "*An act concerning the sales of real estate by the Sheriffs on execution process,*" passed at Dover March 3, 1853, be, and the same is hereby repealed.

Passed at Dover, January 17, 1855.

CHAPTER CLIV.

AN ACT prescribing a certain duty of Prothonotaries in entering or taking judgments.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. On and after the first day of March next, each

Prothonotary on entering a judgment on bond with warrant of attorney, or in taking a judgment by confession other than by virtue of such warrant, shall set down on the docket, under such judgment, the precise hour and minute of the day when the same was entered or taken; and such judgment shall operate and take effect as liens, at and from the time so noted or entered on the record as aforesaid.

Prothonotary to note the precise hour and minute of the day when a judgment is taken.

SEC. 2. The Secretary of State be, and he is hereby directed to send a copy of this act, certified under his hand and seal of office, to each of the Prothonotaries of the State.

Sec'y of State to send a copy of this act to each Prothonotary in the State

Passed at Dover, January 23, 1855.

CHAPTER CLV.

AN ACT to cede to the United States the jurisdiction over certain pieces of land therein mentioned.

WHEREAS, Congress having made appropriations for building Light-Houses on Reedy Point, Delaware Bay, Bower's Beach, between Murderkill and Jones' Creek, and at or near the mouth of old Duck Creek, on the west side of Delaware Bay, and application being made to this General Assembly by Jesse Sharpe, Esq., superintendent of lights at Wilmington, under instructions from that branch of the Treasury Department of the United States charged with the general supervision of light-houses in the United States, praying an act ceding to the United States the jurisdiction of this State over such tract or parcels of land as may be selected for the purpose aforesaid. Therefore,

Preamble, reciting the application of the U. States for the cession of the jurisdiction of the State over certain parcels of land, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the jurisdiction of this State be, and the same is hereby ceded to the United States, over so much land at the several localities above mentioned, as may be required for the purpose of erecting light-houses and the needful buildings for the keepers thereof, as shall be necessary, not exceeding ten acres at each of said places.

Jurisdiction of the State ceded for certain purposes.

SEC. 2. *And be it further enacted,* That concurrent jurisdiction with the United States, over the said several sites, so far as the execution of any process of law, issued by any officer of this

Concurrent jurisdiction reserved for the

execution of any State, may become necessary, be, and the same is hereby reserved
process of law. and retained to the State.

Passed at Dover, January 23, 1855.

CHAPTER CIVL

AN ACT for the relief of the New Castle County Bank.

Preamble recit-
ing complaint.

WHEREAS, It appears to this General Assembly by the memo-
rial of the directors and stockholders of "The New Castle Coun-
ty Bank," and it is manifest by examination of its charter that by
the sixth article of section 10, the said corporation is subject to
a condition not imposed on similar institutions in this State, in
making the directors individually responsible for deposits in case
of an excess of indebtedness above double the amount of capital
actually paid in, and whereas it is just that the said corporation
should be placed on the same footing with other banking institu-
tions in this respect. Therefore,

Amendment.

SECTION 1. *Be it enacted by the Senate and House of Repre-
sentatives of the State of Delaware in General Assembly met,
(two-thirds of each branch concurring therein,) That the act enti-
tled "An act to incorporate a Bank in Cantwell's Bridge, under
the name of "The New Castle County Bank," passed at Dover
March 2d, A. D. 1853, be, and the same is hereby amended by
striking out the following words in the tenth section, after the
word "sixth," to wit: "the total amount of the debts which the
said corporation shall at any time owe, whether by note, bill, or
otherwise, shall not exceed double the amount of capital actually
paid in under the penalty of all the directors constituting the
Board being individually liable for all deposits, circulation or debts
whatsoever, over the amount above restricted," and inserting
the following words in lieu thereof, to wit: "The total amount
of debts which the said corporation shall at any time owe, whe-
ther by bond, bill, note or other contract, shall not exceed double
the amount of capital actually paid in, unless a greater amount
of indebtedness be authorized by a law of this State. Money
deposited in said Bank for safe keeping shall not be consid-
ered as debts within the meaning of the above clause. In
case of excess the directors under whose administration it shall
happen, shall be individually and in their private capacities liable
in an action of debt, for such excess; but any director or direc-
tors who may have been absent when the said excess was con-*

Amount of debts.

Deposits not to
be debts.

In case of excess
the directors un-
der whose admi-
nistration it hap-
pens to be indi-
vidually liable.

tracted or created, or who may have dissented from the resolution or act whereby the same was contracted or created, may be exonerated from such liability by forthwith giving notice of the fact, and of such absence, or dissent, to the stockholders at a general meeting, which said director or directors shall have power to call for that purpose, and the said tenth section shall hereafter be read and construed as hereby amended.

May be exonerated by giving notice.

Passed at Dover, January 25, 1855.

CHAPTER CLVII.

A SUPPLEMENT to the act entitled "An act to incorporate the Wilmington Gas Company, in the City of Wilmington."

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring herein, and the power of revoking this act by the Legislature being hereby expressly reserved,)* That the charter of "The Wilmington Gas Company," with all its present powers, rights, privileges, and immunities is hereby extended and continued, for the term of twenty years, from the passing of this act, and that their act of incorporation entitled "An act to incorporate the Wilmington Gas Company, in the City of Wilmington," passed at Dover, February 2d, 1835, be, and the same is hereby re-enacted with all its provisions, to be and remain in full force and virtue, during the said term of twenty years. This act shall be taken and deemed to be a public act.

Revocation.

Charter extended and continued.

Re-enacted.

Public act.

Passed at Dover, January 25, 1855.

CHAPTER CLVIII.

AN ACT *impowering the Chancellor to authorize the Trustees of Eliza Ann Gordy to sell under the direction of the Chancellor, the lands, tenements and hereditaments of the said Eliza Ann Gordy.*

Private act.

Passed at Dover, January 25, 1855.

CHAPTER CLIX.

AN ACT *to incorporate St. Peter's Beneficial Society of Wilmington, Delaware.*

SECTION 1. *Be 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 branch concurring That Patrick Fay, John Russell, Henry Bleyer, John Gareshe, John Miller, John O'Neil, Farrell Gallagher, and James McManus, and such others as now are, or hereafter may become members of St. Peter's Beneficial Society of Wilmington, New Castle County, and State of Delaware, shall be, and they are hereby ordained and declared to be a body politic and corporate in fact and in law; and shall have continuance and succession for twenty years under the name and title of St Peter's Beneficial Society, of Wilmington, Delaware.*

Incorporation.

Name.

SEC. 2. *And be it enacted, That the said corporation and their successors, shall now and for twenty years hereafter, be able and capable to sue or be sued, implead or be impleaded, in any court of law or equity in this State, in all manner of cases, actions, suits, complaints and matters whatsoever, and shall be capable in law to purchase, receive, take, hold and enjoy any lands, tenements, hereditaments, rents, leases, stocks, goods, chattels, or money, which may be devised, given or conveyed to them, or which may come to their hands, by or from the payment of fees, fines or dues, from the members of the said corporation, and also to grant, alien, let, sell, bestow, convey, and assign or transfer the same, and to do all acts concerning the same which an individual owner thereof could do in law, by the name and title afore-*

Corporate Powers.

said; and shall have a common seal, with power to break, alter and renew the same as to them shall seem fit.

SEC. 3. *And be it further enacted,* That the members of said corporation shall have power to appoint or elect such officers as they may deem proper and necessary, to conduct the affairs and manage the business of the said corporation, and to preside over the same, and from time to time make, establish and put in execution, agreeable to the provisions of this act, such by-laws, rules and ordinances as they shall deem convenient or proper for the good government of the said corporation and its proper business: Provided, that such by-laws, rules and ordinances, be not contrary or repugnant to the laws and Constitution of this and the United States.

SEC. 4. *And be it further enacted,* That the said corporation shall have power to hold and possess, in any way, lands, tenements, goods, chattels, rights or credits, or any other property, the clear yearly income of which shall not exceed the sum of one thousand dollars, and provided that nothing in this act shall be construed to authorize this corporation to use any banking privileges other than the lending of money on security for the purpose of permanent investment.

SEC. 5. *And be it further enacted,* That this act shall be taken and deemed to be a public act: Provided, That power is hereby reserved to the General Assembly to revoke this act of incorporation.

Passed at Dover, January 25, 1855.

CHAPTER CLX.

AN ACT concerning Public Roads in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That whenever the freeholders appointed by the Court of General Sessions of the Peace and Goal Delivery, upon petition for laying out a new public road, or changing the course of an old one, in New Castle County, shall make return that they deem such new public road, or the change in the course of an old one necessary; and whenever the said Court shall have confirmed such return, it

Upon the return and confirmation of a road, the L. Court to approve on what condition

Proviso.

Inconsistent acts repealed.

shall be the duty of the Levy Court of said County, upon the application of at least twenty taxables, residents in the hundred in which the said new public road is laid out, or old one changed, a majority of whom shall be freeholders, to approve said new public road, or change in the course of an old one, and to make the necessary order for opening and changing the same: Provided, this act shall not prevent the Levy Court of the said County from proceeding without the aforesaid application as heretofore.

SEC. 2. *Be it further enacted*, That so much, and such parts of any acts, heretofore passed by the General Assembly of this State, as are inconsistent or contradictory to the provisions of this act, be and the same are hereby repealed, made null and void.

Passed at Dover, January 26, 1855.

CHAPTER CLXI.

AN ACT to Incorporate the Dover River Steamboat Company.

Company incorporated.

Name.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein),* That James L. Heverin, Charles M. Wharton, Charles H. B. Day, McElroy McIlvaine, Solomon T. Warren, James Grier, and Joseph Burchinal, of Kent County and State of Delaware, and all such persons as now are, or shall hereafter become stockholders in a company already formed, and which has purchased a steamboat to run between St. Jones' Creek and Philadelphia, and their successors and assigns, be and they are hereby created and declared to be a corporation and body politic, for the purpose aforesaid, and with the power and authority to build or procure other steamboats, or steam vessels to run between said places, and to or from any port or ports or places, upon any of the waters of, or emptying into the Delaware Bay or River, by the name, title and designation of "The Dover River Steamboat Company," and by that name may have succession, may make and use a common seal, sue and be sued, plead and be impleaded, in all Courts of Record and elsewhere, and shall have full power and authority to purchase, build, hold, occupy and convey, such steamboats and real and personal estate, and to do all such other acts and things as may be necessary to carry into effect the objects of said corporation.

SEC. 2. *And be it further enacted,* That the Capital Stock of the said corporation shall not exceed fifty thousand dollars, which shall be divided into shares of twenty-five dollars each. And shall be employed and invested in the purchase of steamboats or steam vessels, with steam engines, boilers and machinery, and all their rigging, furniture, tackle and apparatus, and in the expenses necessary thereto from time to time, and in the purchase of real estate, and construction of wharves, docks and landing places; for the steamboats or steam vessels of said corporation, and for such other purposes as may be necessary and convenient for steam navigation, and for the purpose of purchasing stages, wagons, horses, &c., for the conveyance of passengers and merchandize by land; and that the said capital shall be deemed personal estate, and shall be assignable and transferable, upon the books of said corporation, agreeably to the by-laws for that purpose to be adopted.

Capital Stock
\$50,000.

Shares \$25 each.
How employed.

Capital, personal
estate, trans-
ferable—how.

SEC. 3. *And be it further enacted,* That the shares now held in the private company already formed as hereinbefore mentioned, shall be converted into stock, and that the Board of Directors hereinafter named, shall have power and authority to open books, at such time or times, and place or places, as they or a majority of them shall think proper, giving at least ten days notice of the time and place of their meeting, to receive subscriptions for an increase of said stock, until it shall amount in the aggregate to the sum of fifty thousand dollars as aforesaid.

Shares in the
private comp.
Stock.
Directors to
open books.

SEC. 4. *And be it further enacted,* That the said Company shall be considered as fully organized from the passage of this act, and may proceed to elect their officers, and the Board of Directors shall and may call in the increased stock, at such time and times as they may think proper or expedient, giving at least thirty days notice before such call or calls shall be made payable, by advertisements in at least one newspaper published in the State of Delaware; and not more than ten dollars on each share shall be called for at any one time; and the said corporation shall have power to make, ordain and establish such by-laws, rules and regulations, for the said company, as to them shall seem expedient; and not inconsistent with the constitution and laws of this State, or of the United States. Such by-laws, rules and regulations as may be made, may be altered or revoked by the stockholders, and by a majority of votes at any general meeting; and the said directors may make such additional rules and regulations as may from time to time be deemed necessary to continue in force, until altered or revoked by the stockholders at any annual meeting: *Provided*, that the Directors shall not repeal, revoke or alter any by-law, rule or regulation, ordained or established by the stockholders, or make any rule or regulation conflicting therewith, or with the constitution or laws of the State or the United States; and *Provided*

Company organi-
zed from pas-
sage of this act.

May call in in-
creased stock.

By-Laws.

Directors not to
alter By-Laws.
&c.

also, that all rules and regulations made by the directors shall be open to the inspection of the stockholders.

Meeting of
Stockholders.

When.

Notice.

Special meet-
ings.

Directors, how
chosen.

Proviso.

Vacancy, how
filled.

Corporation not
dissolved by
failure to elect.

SEC. 5. *And be it further enacted*, That a general meeting of the stockholders shall be held in the school house at Magnolia, on the first Saturday in February next, and annually thereafter at such time and place as the by-laws shall direct. Ten days notice of the time and place of holding a general meeting shall be given in at least one newspaper published in the State of Delaware. Special meetings of the stockholders may be called by the President and Directors, or by Stockholders, who shall together be proprietors of not less than one-half of the capital stock subscribed and paid in, notice thereof being first given as herein provided in case of a general meeting. The affairs, property and concerns of said corporation, shall be under the control and management of seven Directors, to be chosen by the stockholders annually by ballot, either in person or by proxy, and in the choice of directors, and upon every other subject coming before the stockholders, each share shall be entitled to one vote: *Provided*, That no letter or power of attorney, for voting by proxy, shall continue in force more than one year from its date. The first election for directors after the granting of this charter, shall be held at the general meeting in February next; and subsequent directors shall be chosen annually at the general meetings of the stockholders. At the elections for directors, the stockholders shall choose two of their number to act as Judges. Should a vacancy at any time occur in the board of directors, it may be supplied by the remaining directors until the next election; and if an election of directors shall not be made, at the time pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid, and the directors for the time being shall continue in all cases to hold their offices until new ones shall have been chosen in their stead.

Improvement in
navigation of
Creek provided
for.

Superior Court
or Chief Justice
to appoint Com-
missioners, three
in number, to be
sworn and make
plot and esti-
mate the cost.

SEC. 6. And whereas it may be important for the said Company to make some improvement in the navigation of St. Jones' Creek or Dover River, by cutting canals between different points on said Creek, and straightening and widening the same: *Therefore be it further enacted*, That it shall and may be lawful for the Superior Court, at any term thereof to be holden at Dover, or for the Chief Justice in vacation, on the application of said Company, by attorney or otherwise, to appoint three judicious and disinterested Commissioners, who after being sworn or affirmed, faithfully and impartially to perform the duties enjoined upon them by this act, shall view the premises and direct what canal or canals shall be cut by the said company, and the minimum width and depth thereof, and locate the same, and make or cause to be made a plot,

showing the courses and distances thereof, and shall direct what other improvements may be made in the navigation of said creek or river, and shall also estimate the probable cost of the whole work, and assess or award the person or persons, on or through whose land or marsh such canal or canals may pass, or the said improvements be made, such damages if any, as they shall judge such person or persons will suffer by reason of such canal or canals or other improvements, taking into consideration the advantages as well as disadvantages which in their judgment, will accrue to such person or persons in the premises, which damages shall be paid or tendered to the person or persons entitled to the same, before the said cutting or improvement shall be commenced; and the said Commissioners shall, within ten days after completing said proceedings, make return thereof in writing, under their hands or the hands of a majority of them, into the office for recording of deeds in and for Kent County to be there recorded; and shall deliver a copy of said return, under their hands to the President of said Company. The expense of obtaining and executing said commission to be paid by said Company. The proceedings of the said Commissioners or a majority of them, shall be conclusive; and after such return shall have been made and recorded as aforesaid, and such damages if any, as shall have been assessed or awarded, shall be paid or tendered as aforesaid, the said corporation shall be and are hereby authorized to cut, open, make and complete, such canals or other improvements, as the said commissioners shall have directed as aforesaid. Any person or persons who shall obstruct, or injure any such canal or canals or other improvements of the navigation of said creek or river, made in pursuance of this act, shall be liable to indictment, in the Court of General Sessions of the Peace and Goal Delivery in Kent County, and on conviction thereof, shall incur the same penalty which by law is, or at the time shall be, provided against nuisances in any public road or common highway; and shall also be liable to the said corporation in damages, to be recovered by an action on the case. The said canals or improvements when completed, shall be free and open to the use of the public, to the same extent, and in the same manner as the said St. Jones' Creek or Dover River now is: Provided, that the said company shall not commence any of the canalling or improvements directed by the said commissioners, until an amount of money equal to one-half the amount which the said commissioners, shall estimate as the probable cost of the whole work as aforesaid, together with one-half of all such damages, if any, as shall be assessed or awarded as aforesaid, shall be raised by other means than from the funds of said Company, and paid or secured to be paid, to the Directors, to be by them applied, towards the expenses of making and completing said canals and improvements.

To assess or award damages.

Damages to be paid or tendered before the improvement to commence.

Commissioners to make return of their proceedings into the Recorder's office for Kent County, and deliver a copy to the President of the Company.

Proceedings to be conclusive.

Corporation authorized to cut canals, &c.

Penalty for obstructing the canals so entitled to indictment and in damages to the corporation.

Canals to be free.

Proviso. Work not to commence until when.

Sec. 7. And be it further enacted, That James L. Heverin,

Present Directors Charles M. Wharton, Charles H. B. Day, McElroy McIlvane, Solomon T. Warren, James Grier, and Joseph Burchinal, shall be, and they are hereby declared to be the directors of the said Company, from the passage of this act until the election as provided for in the foregoing section. The board of Directors for the time being, shall have power to elect a President and Secretary, from their number and shall appoint a Treasurer, and all such other officers and agents, and employ such workmen, artificers and laborers, as shall be necessary to carry into effect all the powers of this act granted to the corporation, and if they judge it necessary may exact and take from their officers and agents bonds for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts.

President, Secretary and Treasurer.

May take bonds from officers.

President to preside at meetings of stockholders. Directors to fix prices for freight and passage.

SEC. 8. *And be further enacted*, That the President when present, shall preside at all meetings of said corporations, and if absent, his place may be supplied by any one of the Directors. The Directors shall have power and authority to fix, determine and regulate the prices of transportation of passengers, goods, wares and merchandise, wagons, carriages, horses, cattle, stock of every description, or other articles that shall be carried or transported by the said corporation, by their boats or otherwise. And the Board of Directors, shall from time to time declare dividends of so much of the profits of the said corporation as they may deem advisable.

Subscriber refusing to pay instalments directors may declare stock forfeited, or may sue for instalments.

Delinquent not entitled to vote.

SEC. 9. *And be it further enacted*, That if any subscriber or subscribers to the capital stock of said company, shall neglect or refuse to pay any instalment on the number of shares which he, she or they may have subscribed or be the holders of for the space of thirty days after the time appointed for the payment thereof, by the advertisement as provided in the fourth Section of this act, in such case the President and Directors may either declare such share or shares forfeited and sell and dispose of them for the use of the Company, or they may in the name of the said corporation, sue for and recover the sum or sums so remaining unpaid, with costs and interests thereon; and such delinquents during the time that any instalments aforesaid shall remain due and unpaid shall not be entitled to vote at any meeting of the stockholders or to receive any dividends on the stock standing in their names.

Banking powers prohibited.

SEC. 10. *And be it further enacted*, That the said Company shall not use or employ any part of the capital stock, or other funds for banking or other purposes not clearly indicated in this act, under a penalty of an immediate forfeiture of their charter; except that the Directors may loan at interest upon bond, mortgage or other security, such funds as they may set apart for the purpose of contingent fund.

SEC. 11. *And be it further enacted,* That this act shall continue in force and operation twenty years and no longer without re-enactment, and it shall be lawful for the Legislature at any time hereafter to alter, amend, or repeal the same. Act in force 20 years.
Revocation.

Passed at Dover, January 27, 1855.

CHAPTER CLXII.

AN ACT *vacating certain streets on the south side of the canal adjoining Delaware City.*

WHEREAS, one Daniel Newbold, being the owners of the tract of land lying south of the Chesapeake and Delaware Canal, adjacent to Delaware City in the county of New Castle, surveyed and laid off a certain portion of the said lands into lots and streets, for the purpose of disposing of the same to his advantage, and caused a plot to be made and recorded in the Recorder's office of New Castle county aforesaid; and Whereas, all the land embraced within the said plot, and lying to the south of said canal, has since by sundry conveyances been vested in, and become the property of the Chesapeake and Delaware Canal Company and John J. Henry, respectively; and the said John J. Henry, being desirous of vacating the said streets so far as they lie south of the said canal, and so far as the same are included within the deeds of conveyance to him, except the street marked on said plot as East Canal street, and believing that he has the right so to do irrespective of any act of this General Assembly in that behalf, but to avoid any question which may arise on that account, and the said Chesapeake and Delaware Canal having testified their consent thereto. Now, Therefore, Preamble

SECTION 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 John J. Henry to use, have, occupy and enjoy the land included within the bounds or limits of any and every the streets, lanes and alleys, marked and laid down on the plot aforesaid, so far as the same lie and are laid down south of the said Chesapeake and Delaware Canal, and are included and comprehended in any deed or deeds of conveyance, conveying the said lands or any part thereof to the said John J. Henry, East Canal street only excepted, and to hold, possess, and use the same and every part thereof in the same manner, as though the said streets, lanes and alleys had never been laid out; Empowering
John J. Henry to
use and occupy
certain land, &c.

East Canal street
excepted

and the said streets, lanes and alleys, are for this purpose vacated and declared to be as though they had never existed or been contemplated.

Passed at Dover, January 27, 1855.

CHAPTER CLXIII.

AN ACT vacating a part of Washington street in the city of Wilmington.

WHEREAS, the City Council of Wilmington on the thirtieth day of October, A. D. one thousand eight hundred and fifty-four, passed an Ordinance entitled "An Ordinance vacating Washington street, between Front street and the Philadelphia, Wilmington and Baltimore Railroad." Now, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the said ordinance is hereby confirmed and established, and the same shall be and remain unalterable, and that Washington street, as laid down on the plan of the said City of Wilmington, between Front street and the Philadelphia, Wilmington and Baltimore Railroad be, and the same is hereby vacated, any ordinance or law to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, January 17, 1855.

CHAPTER CLXIV.

AN ACT to amend section 14 of Chapter 128 of the Revised Statutes of the State of Delaware.

cc. 11, Chap.
28, R. S. p. 478,
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the fourteenth section of Chapter 128 of the Revised Sta-

tutes of the State of Delaware, shall be, and the same is hereby amended as follows: these words "shall be whipped with not more than twenty lashes" contained in the sixteenth and seventeenth lines of said fourteenth Section, and these words "and for six months next after his discharge from prison shall wear a convict's jacket as an outer garment for a badge of his crime" contained in the seventeenth, eighteenth and nineteenth lines of said fourteenth Section, shall not be deemed and taken to apply to the case of any female convicted of the crime of larceny.

Penalty of whipping not to apply to females

Passed at Dover, January 27, 1855.

CHAPTER CLXV.

AN ACT to incorporate the Female Bible Society of Wilmington.

SECTION 1. *Be it, enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,)* That Mrs. Julia Lee, Miss Maria C. Smith Mrs. Harriet Sparks, Mrs. Young, Mrs. Rebecca Gibbons, Mrs. Anna Maria Jones, Mrs. Harriet Prichard, and Mrs. McClees, and others being at this time members of the Female Bible Society which was formed on the twenty-second day of December, in the year of our Lord one thousand eight hundred and twenty-one, and called the Female Bible Society of the Borough of Wilmington and Christiana and Brandywine Hundreds, auxilliary to the American Bible Society, shall be and they are hereby constituted a corporation by the name of the Female Bible Society of Wilmington, with capacity and power to sue and be sued, and take and hold by conveyance, contract, devise, bequest or donation, goods and chattels, money and property, real or personal, and to alien, transfer, use and employ the same, and to enjoy the franchises incident to a corporation, upon the following terms and articles, hereby declared fundamental principles of said corporation, to wit:

Incorporation

Fundamental principles

1. The property of said corporation shall not exceed ten thousand dollars.
2. The Corporation shall exercise no banking powers, or powers incident to traffic, but it shall be restricted to the circulation of the Scriptures of the Old and New Testament, without note or comment or portions of said Scriptures, and the funds of said Society shall be appropriated to said purpose, or to objects connected with and promotion of the said circulation.

3. The said corporation shall be auxilliary to the American Bible Society, incorporated by a statute of the State of New York, passed March the twenty-fifth, eighteen hundred and forty-one, and all donations and appropriations to the said Society, for the purchase of Bibles or Testaments, or in aid of the objects of said Society, shall be lawful.

4. There shall be an annual meeting of the members of this corporation, at which the officers shall be elected, and these officers shall be a President, Vice President, Recording Secretary, Corresponding Secretary, Treasurer, and as many Directors as the annual meeting shall deem proper to elect. The Board of Directors shall appoint the time and place of every annual meeting.

5. The Constitution and By-Laws heretofore formed and ordained by the said Female Bible Society, shall remain in force until repealed or altered by said Society, which shall have power to make By-Laws and use a common seal.

6. All Female subscribers to the funds of the said corporation, according to the Constitution, or other regulation thereof now being such, or hereafter to become such, shall be members of said corporation.

Revocation

SEC. 2. *And be it further enacted*, That this act shall remain in force twenty years and no longer, subject to the power of the General Assembly to revoke this Charter if they shall deem it their duty at any time to do so.

Passed at Dover, January 27, 1855.

CHAPTER CLXVI.

AN ACT to prevent swine from running at large in certain parts of St. Georges, Pencader, and Red Lion Hundreds, in New Castle County.

Provisions of
Sec. 4, 6 & 7,
Chap. 58, R. S.
extended to cer-
tain limits in St.
Georges, Pencader
and Red
Lion Hundreds

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That the provisions of section 4, 6 and 7, of chapter 58, of the Revised Code, shall apply and extend to the following limits in St. Georges, Pencader, and Red Lion Hundred, in New Castle County, and be in force within the said limits, viz:

Beginning at a corner of land of the late Gen. Mansfield upon the road leading from Bohemia manor to 'Thomas' mill, thence with said road until it is intersected by the Chesapeake and Del-

aware Canal, thence with said canal until it reaches the boundary line between Red Lion and Pencader Hundreds, thence with said line until it reaches a certain run or creek, being the boundary line between Red Lion and New Castle Hundreds, thence with the several courses of said creek until it reaches the Delaware river, thence along the shore of said river till it reaches St. George's Creek, being the boundary line between Red Lion and St. George's Hundreds, thence along said boundary line to the Delaware Railroad, thence with said road until it intersects the road leading from St. George's to the Glasgow road, thence with said road to the Glasgow road, thence with said road to Cooch's Bridge, thence with the turnpike to the Maryland line, thence with said turnpike to said State line, thence with said State until it intersects the road from Bohemia or Murphy's mill to Middletown, thence with the road leading from Middletown to Summit Bridge to the place of beginning.

Passed at Dover, January 30, 1855.

CHAPTER CLXVII.

- AN ACT ratifying a proposed amendment to the Constitution of Ante, p. 8.
this State.

WHEREAS, the General Assembly of this State, by an act Preamble passed at Dover, January 24, 1853, entitled "An act proposing an amendment to the Constitution of this State," did propose to amend the first section of the fourth article of said Constitution, by striking out the first clause of said first section, reading thus: "All elections for Governor, Senators, Representatives, Sheriffs and Coroners, shall be held on the second Tuesday in November and be by ballot," and inserting instead thereof, the words: "All elections for Governor, Senators, Representatives, Sheriffs and Coroners shall be held on the Tuesday next after the first Monday in the month of November of the year in which they are to be held, and be by ballot." And whereas the Governor did approve the said amendment, which was, after said approval, duly published in two or more newspapers of this State for the consideration of the people, at least three and not more than six months before the last general election of Representatives after the passage of said act of January 24, 1853; Therefore,

Be it enacted by the Senate and House of Representatives of

the State of Delaware, in General Assembly met, (three-fourths of each branch of the Legislature concurring,)

Amendment en-
titled. SECTION 1. That the amendment proposed by the said act, en-
titled "An act proposing an amendment to the Constitution of
this State," passed at Dover January 24, 1853, be, and the same
is hereby ratified and confirmed, and said amendment shall be
valid to all intents and purposes, as part of the Constitution of
this State.

Passed at Dover, January 30, 1855.

CHAPTER CLXVIII.

10 vol Del. L.
p. 247 Chap
CLXVIII

*A supplément to an act entitled "An act to incorporate the
Franklin Manufacturing Company.*

Day of annual
meeting changed
to

SECTION 1. *Be it enacted by the Senate and House of Repre-
sentatives of the State of Delaware, in General Assembly met.*
That the act to which this is a supplément be, and the same is
hereby amended in the following particular, to wit: That the an-
nual meeting of stockholders be held hereafter on the second
Tuesday in May, instead of the first Tuesday of January.

Passed at Dover, January 30, 1855.

CHAPTER CLXIX.

*AN ACT to incorporate the Female Society of Wilmington for
the relief and employment of the poor.*

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met, two-thirds of
each branch of the Legislature concurring herein as follows, viz :*

Incorporation

SECTION 1. That Hannah E. Gilpin, Sarah Bringham, Rebec-
ca Gibbons, Eliza T. Canby, Mary Betts, Sarah R. Mendenhall,

Martlia Cochran, Elizabeth Kean, Mary Latemer, Sarah T. Seal, Lydia Webb, Elizabeth P. Grubb, Hannah Bailey, Mariann Chandler, Martha Jones, Fanny E. Askew, Maria Busby, Elizabeth Clark, Oliva Cannon, Henrietta O. Jones, and Mary Jack, together with such other persons as are, or hereafter shall become members of said society in accordance with the by-laws thereof, be and they are hereby made and declared to be a body corporate, under the name of "The Female Society of Wilmington for the relief and employment of the poor," and by that name shall be capable in law, to have, take, purchase, receive, possess and enjoy, to them and their successors, lands tenements and hereditaments, goods, chattels, and effects, and the same to sell grant, demise, mortgage, alien or dispose of, to sue or be sued, defend or be defended, to make have and use a common seal, and the same to change at pleasure, and generally to have and exercise all the franchises privileges incident to a corporation. The Object of this corporation shall be, to adopt and carry into effect suitable measures to afford relief and employment to indigent females in the city of Wilmington.

SEC. 2. The members of said society shall have power from time to time, to elect all such officers as may be deemed expedient and to make and ordain such by-laws, rules and regulations, not contrary to the laws of this State, as they are a majority of them shall judge necessary or proper, for prescribing the terms of membership, for defining the duties of officers, for the holding of annual and special meetings, for securing the funds of the society and applying them to their proper objects; and generally for promoting the order and efficiency of the society, and for accomplishing in the best manner, the benevolent purposes of its organization.

SEC. 3. The books, acts and minutes of said society, shall be received as competent evidence in all Courts of Justice of the accounts, matters, things and transactions, which they impart on the face of them, touching the affairs and business of the said corporation.

SEC. 4. If at any time the said society, should by a vote of two-thirds of its members determine that it is inexpedient to continue to prosecute the objects of this incorporation, it shall have power to convey, assign, and transfer its property and effects to such other benevolent association, as it shall for that purpose select.

SEC. 5. This shall be a public act. The Legislature reserves the right to revoke or alter this charter.

Passed at Dover, January 30, 1855.

CHAPTER CLXX.

AN ACT to incorporate the "Nautilus Pearl Fishing Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,) That Joseph Bringham, Mahlon Betts, Jacob Pusey, Joseph C. Gilpin, Edmund A. Harvey, John A. Duncan, Charles Warner, Simeon L. Spafford, Henry B. Sears, George Richardson, William Chandler, Joshua T. Held and George Bush, and such others as are or hereafter may be associated with them, for the purpose of conducting the business of gathering pearls, pearl shells, sunken treasures, or other property or valuables, from or in the waters on the Pacific coast or elsewhere; shall be and are hereby ordained and declared to be a body politic and corporate by the name of the "Nautilus Pearl Fishing Company," and by that name they and their successors, and assigns, shall and may have continued succession for twenty years, and no longer, and be capable to sue and be sued in courts of law and equity; to purchase, take, enjoy, sell and alien, lands, tenements and hereditaments, goods chattels, vessels, machinery, and effects of every nature, which may be connected with or conducive to the purpose for which the said Company is established, and to have a common seal, to ordain by-laws for their own government, not repugnant to the Constitution or laws of the United States nor of this State, and to enjoy the franchises incident to a corporation, Provided, always, that the said corporation shall not have, nor exercise any banking powers whatever; and that their capital stock shall not exceed three hundred thousand dollars.*

Company incorporated.
Name.

Banking powers prohibited.
Capital stock

SEC. 2. *And be it further enacted, That the business and concerns of said corporation shall be managed by nine Directors, who shall be stockholders, five of whom shall be citizens of Wilmington, Delaware, and shall be elected at each annual meeting of the stockholders, which shall be held at Wilmington, Delaware, on the second Monday, of June, in every year, and shall continue in office until the next successive annual meeting, and until successors to them be duly chosen. The directors shall be elected by ballot by the stockholders in person or by proxy, who shall have a vote for every share of stock, and a majority of votes given in shall be necessary to a choice; and such ballot shall be made from time to time until the requisite number of directors shall have a majority. If any director cease to be a stockholder and if any vacancy or vacancies shall occur therein by death, resignation, refusal to serve, or from any other cause, the remaining directors or director shall choose one or more directors to serve until the next election in course, or until successors shall be duly*

Directors chosen.

Annual meeting—when and where.

Directors how chosen.

Vacancy How supplied

chosen, but if vacancies shall exist at any time in all the offices of directors, or if such directors shall not be chosen at the time appointed herein, this corporation shall not thereby cease, but in the former case such persons shall manage the business and concerns of the said corporation as may be provided by its by-laws, and in the latter case the directors shall continue in office until successors shall be actually chosen and enter on the duties of their office. The directors shall choose from among their number a President who shall have such powers and duties as shall be provided by the by-laws. The directors, until the first annual meeting after this act shall go into operation, and until others shall be appointed and shall act, shall be Joseph Bringham, Mahlon Betts, Jacob Pusey, Joseph C. Gilpin, Edmund A. Harvey, John A. Duncan, Charles Warner, Simeon L. Spafford and Henry B. Sears.

Failure to elect directors not to effect a dissolution.

Present directors.

SEC. 3. *And be it further enacted,* That the by-laws shall be made by the directors of said company subject to alteration or amendments, at any time by consent of two-thirds of the directors.

SEC. 4. *And be it further enacted,* That the directors shall keep, or cause to be kept, proper books of accounts in which shall be regularly entered the transactions of the said corporation, which books shall at all times be subject to the inspection of the stockholders, and the directors shall cause to be exhibited to the stockholders, at their annual meeting, a statement of the affairs and doings of the company, and no director shall have any emolument except such as shall be allowed by the stockholders at their annual meeting.

Powers and duties of directors

SEC. 5. *And be it further enacted,* That the shares of the capital stock shall be one hundred dollars each, and be personal property, and shall be created, certified, held, arranged and assignable according to the provisions of the by-laws.

Capital shares \$100 each and be personal property

SEC. 6. *And be it further enacted,* That the capital stock shall be paid in such manner, and in such instalments, and at such times as the directors shall appoint, and the same shall be liable to be forfeited according to the provisions of the by-laws.

Capital stock, how paid in.

SEC. 7. *And be it further enacted,* That the stated meetings of the directors shall be held at the office of the Treasurer, which said office shall be located in the city of Wilmington, Delaware.

Stated meetings, where held.

SEC. 8. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Public act

Passed at Dover, January 30, 1855.

CHAPTER CLXXI.

7 sec. chap. 77 *AN ACT to amend Chapter 77 of the Revised Statutes of the State of Delaware.*
 Revised Code, p. 241, amended.

Amendment.

To be published
 as amended in
 any future edi-
 tion of laws.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the seventh section of chapter seventy-seven, of the Revised Statutes of the State of Delaware, as the same is printed, shall be, and the same is hereby amended by inserting in the ninth line of said section immediately after the word "saine," the words "and also shall pay five dollars to the physician who attended the mother during her delivery," and that in any edition of the Statutes hereafter to be published the printing thereof shall be conformed to the provisions of this act.

Passed at Dover, January 30, 1855.

CHAPTER CLXXII.

AN ACT appointing Trustees for a certain Church therein named.

Trustees ap-
 pointed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Thomas Barton, Joseph Griffith, Alexander Coulter, Joseph Swarnsly and Josiah Dance, are hereby constituted Trustees of the Baptist Church, commonly known as Ebenezer, situated in Christiana Hundred, New Castle County, Delaware, with the power of continuing their successors in office, under the name and title of Ebenezer Church.

Incorporation.

Chap. 30 of R.
 Code extended to
 this act.

SEC. 2. *And be it further enacted,* That the said Trustees and their successors, shall be a corporation, by the name and title aforesaid, and shall have all the rights, powers, capacities, incidents and franchises mentioned and conferred on the trustees of religious societies in this State, in and by the provisions of chapter thirty nine, of the Revised Statutes entitled "Of Religious Societies," so far as the same are applicable to the corporation created by this act.

Passed at Dover, January 31, 1855.

CHAPTER CLXXIII.

AN ACT to amend Section 2, of Chapter 8, of the Revised Statutes of the State of Delaware, and for other purposes. R. Code, 10

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Section 2, of Chapter 8, of the Revised Statutes of the State of Delaware, Title. "of the Levy Court," be, and the same is hereby amended by adding after the word "years," at the close of the first paragraph of said Section 2, the following, to wit: If at any election for Levy Court Commissioners, two or more persons shall have an equal, and at the same time the highest number of votes for Levy Court Commissioner of the same hundred, the Governor shall appoint a suitable person residing in the hundred where a vacancy is thus occasioned, to supply said vacancy. The appointment thus made shall continue until the next General Election. Chapter amend-
ed.

SEC. 2. And Whereas, John Eaton and John Green, at the General Election held on the second Tuesday of November, eighteen hundred and fifty-four, received an equal, and at the same time the highest number of votes for Levy Court Commissioner for Duck Creek Hundred, in Kent County, *Therefore,*

Be it enacted by the authority aforesaid, That the Governor of this State be, and he is hereby authorized to commission a suitable person residing in said Duck Creek Hundred, to supply the vacancy so occasioned until the next General Election. Governor authorized to supply present vacancy.

Passed at Dover, February 1, 1855.

CHAPTER CLXXIV.

AN ACT to change the name of William Hazel.

Private Act.

Passed at Dover, February 1, 1855.

CHAPTER CLXXV.

AN ACT for the relief of Isaac G. Sheward.

*Private act.**Passed at Dover, February 1, 1855.*

CHAPTER CLXXVI.

AN ACT to incorporate the New Castle and Octorarra Railroad Company.

Powers and pri-
vileges of Com-
pany as to loca-
tion and uniting
with other roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That it shall and may be lawful for the Company incorporated by this act, to lay out, locate and construct a Railroad, with one or more tracks, from some point at or near the town of New Castle on the Delaware River, thence to the Northern line or the North-western line of the State, in a direction towards Columbia, Lancaster County, Pennsylvania, via Newark, Delaware, with privilege to cross the Christiana at some eligible point above the site of the Wilmington bridge; also with privilege to unite with the Philadelphia, Wilmington and Baltimore Railroad, at or near the town of Newark, with the assent of the Board of Directors of the Philadelphia, Wilmington and Baltimore Railroad Company, and also to unite with the New Castle and Frenchtown Railroad, at or near the point on the said road at which the Delaware Railroad unites with the said New Castle and Frenchtown Railroad, with the assent of the Directors of the New Castle and Frenchtown Turnpike and Railroad Company.

Capital Stock.

SEC. 2. *And be it enacted,* That the capital stock of the said Company shall not exceed nine hundred thousand dollars, divided into eighteen thousand shares of fifty dollars each.

Commissioners
powers and du-
ties.

SEC. 3. *And be it enacted,* That James Couper, M. D., and Samuel Biddle, of the town of New Castle, J. Watson Evans, and Nathaniel Wilson, of the town of Newark, S. M. Felton, of the city of Philadelphia, and Charles L. Dupont, be and they ar

hereby appointed Commissioners to receive subscriptions to the capital stock of said company, and for that purpose to open a book or books, at such times, at such places, and under such regulations as they or a majority of them may deem proper; reasonable public notice thereof being first given, in two or more newspapers in the cities of Wilmington and Philadelphia.

SEC. 4. *And be it enacted*, That the subscribers to capital stock, their executors, administrators and assigns, shall be, and they are hereby created and declared to be a corporation and body politic, by the name and title of the "New Castle and Octoparra Railroad Company," and by that name shall have continuance, may make and have a common seal, and alter or renew the same at pleasure, shall be able to sue and be used, implead and be impleaded in courts of record and elsewhere; and to purchase, have, hold, possess and enjoy to them; their successors and assigns, lands, tenements, hereditaments, goods, chattels and effects of any kind, nature and quality which may be necessary or convenient for effecting the purposes for which the said company is incorporated, and for carrying on the business of the company, and the same from time to time to sell, grant, demise, alien, or dispose of at pleasure, to make by-laws, ordinances and regulations, not contrary to the Constitution and laws of this State or of the United States. And also to appoint such officers and agents as may be necessary to accomplish the objects of this act, and to allow them such compensation as shall be right and proper; which, with all other expenses, shall be defrayed out of the funds of the corporation. And this corporation shall not be dissolved through a failure of the stockholders to hold any meeting as prescribed by this act, or to elect a President and Directors as directed by this act, or by the by-laws, or through a failure of the President and Directors, or a majority of them, to do any act or thing, on any particular day or time, or to fill vacancies in their own board.

Company incor-
porated.
Name and corpo-
rate powers.

SEC. 5. *And be it enacted*. That the shares of, the capital stock of this company shall be personal property, and be assignable in such manner as the by-laws may prescribe.

stock to be per-
sonal property.

SEC. 6. *And be it enacted*, That when the whole of the capital stock of this company, or such part of it as may be deemed sufficient by a majority of the Commissioners, shall have been subscribed, then the said Commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, to be held at such time and place as the said Commissioners, or a majority of them, shall designate, and shall give notice of such, and the time and place thereof, at least ten days before the time of such meeting, in two or more newspapers published in the cities of Philadelphia and Wilmington, and the subscribers who shall assemble in such meeting, and the proxies of such as shall

Meeting of the
subscribers.

Time and place.

Notice

Directors, how
elected.

Term.

be absent, shall elect seven directors by ballot and plurality of votes given and the directors so elected shall be stockholders, and shall continue in office until the first annual meeting of the stockholders, and until successors to them shall be duly chosen. The Commissioners, or any two of them, shall act as Judges of the aforesaid election.

Annual meet-
ings.

Election of di-
rectors.

SEC. 7. *And be it enacted*, That there shall be an annual meeting of the stockholders on the first Tuesday in May, of each and every year, for the purpose of electing seven directors, who shall be stockholders, and for transacting such other business as may be brought before them. In all meetings of the stockholders, regularly held, those assembled may proceed to business. The election of directors shall be determined by plurality of votes. On all other questions a majority of votes shall be necessary. Each stockholder shall be entitled to one vote for every share of stock he or she may hold, and absent stockholders may vote by proxy. Occasional meetings of the stockholders may be called by the directors.

President.
Quorum.
Powers of direc-
tors

SEC. 8. *And be it enacted*, That the directors elected aforesaid shall choose one of their own number to be President of the Board. Any four of them shall constitute a quorum. The directors are hereby authorized to appoint or remove all such officers, agents, laborers and workmen as they shall deem necessary, and fix and pay the salaries and compensation of such officers, agents, laborers and workmen, and if necessary or expedient, to take bond, with security from them, or any of them, for the proper and faithful performance of their duties or contracts. They shall also have power to purchase and employ such buildings, materials, steam and other machines and carriages as may be requisite to the execution of such plan or plans as they may deem most advantageous for the interests of the corporation. They shall have full power to do all acts that are necessary to effect the purposes for which the company is established; and, to this end, to use the capital stock and funds of the said company; to bind by their contracts, under the seal of the corporation and hand of the President, all the property, estate, common stock and joint funds of the corporation. They may make and alter the by-laws, prescribe the officers of the corporation, other than the President and directors; the bonds to be taken from any of the officers, and the mode of assigning the shares of the capital stock.

SEC. 9. *And be it enacted*, That the said directors shall be, and they are hereby authorized to contract for, purchase and hold all such lands as they may deem necessary for the purposes of the said Railroad; and in case such lands as may be necessary for the location and use of said Railroad cannot be obtained by purchase, the company may apply by petition to the

Superior Court, or to any Judge thereof, residing in New Castle County, in vacation, first giving the other party five days notice in writing of such application, if within the State. And the said Court or Judge shall appoint five judicious and impartial freeholders to view the premises, which the said company may require for the use and construction of the said railroad, and assess the damages, if any, that the owner or owners thereof will sustain by reason of the said railroad passing through the same. The said five freeholders shall be sworn before some Judge, Justice of the Peace or Notary Public, faithfully and impartially to perform the duty assigned to them. They shall give ten days written notice to the owner or owners of the property, if he or they be within the State and to the President of the Company of the time of their meeting, for the discharge of their duty, which meeting shall be held on the land required for the use of said railroad; and they shall make report in writing under their hands or the hands of a majority of them, to the term of the Superior Court in New Castle County, next after their appointment, and the said Court may either confirm the said report, or on good and sufficient reasons refer the matter back to the same persons, or appoint five other judicious and impartial freeholders to perform the said duty in manner aforesaid. When judgment of confirmation is rendered by the said Court, on any report made as aforesaid; and upon the payment by the said Company of the amount of damages assessed to the owner or owners of the said property, or upon the payment of the same into Court for his or their use, whether such owner or owners be or be not under any of the disabilities of infancy, coverture, or incompetency of mind, or be in or out of the State, the title to the land and premises, mentioned and described in the said report, shall be absolutely vested in the said company their successors and assigns. The fees to the referees and Prothonotary on any such proceedings, shall be determined by the said Court, and be paid by said Company,

Authority to position the Superior Court or any Judge thereof in N. Castle co.

Appointment of freeholders to view the premises, and assess damages.

Freeholders to be sworn.

Notice of their meeting; how given.

Where held.

Report how made

Judgment of confirmation.

Effect of.

SEC. 10. *And be it enacted*, That the said railroad, shall be so located and constructed as to do the least damage to private property, having due regard to public convenience, the interests of the stockholders, and to the situation and nature of the ground, and of the buildings thereon. And where it shall be necessary in the construction of the said road to cross, or intersect any established road or way, it shall be the duty of the Directors of the said Company so to construct the said railroad across such established way or road as not to impede the passage or transportation of persons or property along the same; and when it shall be necessary to pass thorough the land of any individual, it shall also be the duty of the said Directors to provide for such individual proper wagon ways across the said railroad.

Location and construction.

Crossings.

Tolls.

SEC. 11. *And be it enacted*, That the Directors of the said Company may procure and use, on the railroad to be constructed by this act, all machines, cars, carriages and other vehicles which they may deem proper and necessary for the purposes of the said road, and they shall have power to demand and receive for the conveyance of passengers, and transportation of merchandize, such sum or sums of money, or such tolls as they shall from time to time think reasonable, but they shall not charge more than five cents per mile for any passenger, including customary baggage of not more than one hundred pounds weight. And it shall not be lawful for any other company, or any person or persons whatsoever, to travel upon or use any part of the said railroad, or transport persons or property of any description thereon, without the license or permission of the Board of Directors.

Instalments of
stock; when and
how paid.

SEC. 12. *And be it enacted*. That the subscribers to the capital stock of the said Company shall respectively pay to the aforesaid commissioners an instalment of five dollars on each share of stock so subscribed for at the time of subscription; and the said commissioners, or a majority of them, are hereby authorized to to receive and issue certificates or receipts for the said sum of five dollars, on each share of stock, and are required to pay the same over to the Treasurer immediately upon his election by the Board of Directors, chosen as aforesaid. The residue of the amount subscribed for shall be paid in such manner and in such instalments, and at such times as the President and Directors shall appoint, who shall give at least twenty days notice by advertisement in two or more newspapers in the cities of Philadelphia and Wilmington, of the manner and time which they shall appoint for the payment of the remaining instalment of said capital stock, and shall also give such notice to the stockholders by circulars addressed to each of them.

Notice.

Neglect to pay
instalments
when called;

shares to be for-
feited or Direc-
tors may sue.

SEC. 13. *And be it enacted*, That if any of the instalments which may be called for by the President and Directors shall not be paid within twenty days next after the time appointed in said call, for the payment thereof, the said President and Directors may either forfeit such share or shares, or may in the name of the corporation sue for and recover the sum or sums so due as aforesaid; and no stockholder who shall refuse or neglect to comply with any call so made as aforesaid, shall during the time of such neglect or refusal be entitled to vote at any meeting of the stockholders, nor shall he demand or receive any dividends. Forfeited shares may be disposed of for the benefit of the corporation.

Dividend.

SEC. 14. *And be it enacted* That the said President and Directors shall from time to time make dividends of the clear profits of the business of the Company, or parts of such profits as they may deem advisable. The time of making dividends shall be fixed

by the by-laws, and public notice thereof shall be given by the President and Directors.

SEC. 15. *And be it enacted*, That this act shall be held in all courts of law and equity in this State as a public act, and shall be considered as evidence, without setting it forth in pleading. Public Act

SEC. 16. *And be it enacted*, That the power to revoke this act, is hereby reserved by the Legislature. Revocation.

SEC. 17. *And be it enacted*, That nothing contained in this act shall be in any manner construed to effect or interfere with the third section of an act of the General Assembly of the State of Delaware, entitled "An act to provide for the payment of certain sums of money to the State by the New Castle and Frenchtown Turnpike and Railroad Company, and for other purposes." And further, that this act shall not take effect until the said New Castle and Frenchtown Turnpike and Railroad Company shall signify their assent thereto, with a declaration that this act shall not in any wise effect any contracts or obligations existing between this State and the said Company, or be construed to release the said Company from such payments to the State of Delaware as they are now required to make by the aforesaid act of the General Assembly of the said State. Such assent and declaration shall be in writing, under the common seal of the said New Castle and Frenchtown Turnpike and Railroad Company, attested by the signature of the President and delivered to the Governor of this State, and recorded in the office of the Secretary of State. Not to interfere with the provisions of a certain act named.
Act not to take effect until New Castle and Frenchtown T. & R. R. Co. assent.
Such assent to be in writing.

SEC. 18. *And be it enacted*, That the President and Directors of the said Company are hereby authorized and empowered to form an union with such Company as is incorporated in the State of Pennsylvania, for the purpose of constructing a Railroad in the said State, to unite with the Railroad contemplated by this act, so that the capital of the said Companies respectively, shall constitute a common stock, and the respective Companies shall constitute one Company, and be entitled to all the rights, privileges and immunities which each and all of them possess, have and enjoy under and by virtue of their respective charters; or this Company may contract with any such Company or Companies on any other terms, for the conveyance of passengers, and any articles whatsoever, or with any individuals whatsoever, provided such contracts be not prohibited by the laws of Pennsylvania or Delaware. Union with company in Pennsylvania

SEC. 19. *And be it further enacted*, That as a further consideration of the passing of this act, the said Railroad Company shall semi-annually, after the said Railroad shall be in complete operation, Payment to State Treasurer

tion, pay to the Treasurer of this State, for the use of the State, at the rate of one-fourth of one per centum per annum on their stock actually paid in.

Passed at Dover, February 2, 1855.

CHAPTER CLXXVII.

AN ACT to create an additional School District in Sussex County.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

That William Ellegood, Levin B. Day and Eli Walls, be and they

are hereby appointed Commissioners to go upon and view School

Districts number fifty-four, sixty-two and sixty-three, in Sussex

County, and if they deem it proper and necessary, locate and lay

out from said Districts, one additional School District, as to them

shall seem just and proper, and when the said Commissioners or

a majority of them shall have so located and laid out said addi-

tional school district, they or a majority of them shall make re-

turn of the same, describing plainly the metes and bounds there-

of, into the office of the Clerk of the Peace of Sussex County, to

be by him filed among the records of his office. Said return shall

be made on or before the first day of July next, and within ten

days thereafter, the said Clerk of the Peace shall make a copy

thereof and deliver the same to the Trustee of the School Fund;

and from and after the first day of July aforesaid, the additional

School district, to be formed under the provisions of this act, shall

become, and be deemed and taken to be a separate school district

in Sussex County, with the capacity, right and powers of a school

district according to law, and shall be designated and numbered

by its proper number, succeeding the highest number of the school

districts, previously formed in the said county; and the said ad-

ditional school district shall be entered by the Trustee of the

school fund for establishing schools in the State of Delaware,

among the school districts of said County, and an account opened

therewith, and in all dividends hereafter made by said Trustee,

for establishing schools in the State of Delaware, the respective

dividends which may be due, or hereafter may become due; the

said original districts, numbers fifty-four, sixty-two, sixty-three,

shall be equally divided annually among the districts numbers

fifty-four, sixty-two and sixty-three, and the said additional school

district to be enacted under the provisions of this act. And the

Commissioners
to view the Dis-
tricts, and lay
off new district.

Return to Clerk
of the Peace.

Copy to be certi-
fied to Trustee
of school fund.

School funds
now made.

school voters in said additional school district, and the school committee thereof shall have all the rights and powers of school voters and a school committee respectively, according to the laws of this State; and all the acts of the General Assembly of this State, for the general regulation, government and benefit of free schools within this State, shall be extended and applied to the said additional school district, to be created under the provisions of this act.

School laws extended to new district

SEC. 2. *And be it further enacted,* That the Commissioners appointed by this act shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity; and for each and every day the said Commissioners may be employed in the discharge of their duties under the provisions herein contained, shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeals of Sussex County.

Commissioners to be qualified.
Their compensation; how paid.

SEC. 3. *And be it further enacted,* That if the additional school district be formed as aforesaid, the school voters in the said additional school district may meet at the place of meeting in said additional school district, which the said Commissioners or a majority of them may deem proper to appoint, on the first Saturday of July next, at 3 o'clock in the afternoon, and appoint a Chairman and Secretary, and choose a Clerk and two Commissioners of the district, who shall continue in office until the next stated meeting, and until successors are duly elected. The certificate of the proceedings shall be made, signed and delivered, according to the provisions of law relating to the certificates of the meetings of school voters. Notice of the meeting may be given by the Commissioners first above named, or a majority of them; and a failure to give notice shall not vitiate the proceedings.

School voters to meet where;
and when.
Clerk and Commissioners.
Notice of meeting.

Passed at Dover, February 2, 1855.

CHAPTER CLXXVIII.

AN ACT to change the name of the Village of Cantwell's Bridge.

Name changed
to Odessa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the village of Cantwell's Bridge, in St. George's Hundred, County of New Castle, shall, from and after the first day of April next, be called and known by the name of "ODESSA," which shall be its proper designation.

Existing con-
tracts to remain
unimpaired.

SEC. 2. *And be further enacted,* That all contracts and agreements, and all and every matter and thing to be done and performed at or in the village of Cantwell's Bridge, shall be and remain unimpaired and in as full force and effect to all intents and purposes, as if this act had not been passed.

Passed at Dover, February 2, 1855.

CHAPTER CLXXIX.

AN ACT to prevent Swine running at large within certain limits in New Castle County.

Provisions of
Sec. 4, Chap. 58,
of R. Code, ex-
tended to cer-
tain S. District.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the provisions of Section four, chapter fifty-eight of the Revised Statutes of the State of Delaware, after the passage of this act, extend to that part of New Castle County within the limits of school district number seventy-one.

Passed at Dover, February 6, 1855.

CHAPTER CLXXX.

AN ACT to incorporate "Fidelity Lodge No. 25 of the Independent Order of Odd Fellows," of the State of Delaware, at the Baltimore Mills.

SECTION 1. *Be 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 branch concurring,)* That Wol-^{incorporation.}sey Burton, John S. Waples, Edward C. D. Kirkpatrick, Henry Mealoy, Thomas Dukes and Ezekial C. Williams, and such other persons as now are or hereafter may become members of Fidelity Lodge No. 25 of the Independent Order of Odd Fellows, located at Baltimore Mills, in Sussex County, Delaware, shall be, by virtue of this act, one body politic and corporate, in fact and in law, and shall have continuance and succession for twenty years; by the name, style and title of "Fidelity Lodge No. 25 of the In-^{Name}dependent Order of Odd Fellows, of the State of Delaware, at Baltimore Mills."

SEC. 2. *And be it further enacted,* That the said corporation, ^{Powers.} and their successors, during the term of their corporate existence, shall be able and capable in law to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages, or money, or any property whatsoever, which may be devised, given or conveyed to them, or received by the payment of fees, dues, fines, and also to grant, let, sell, bestow, convey, assign or transfer the same, and to do all other matters relating thereto by the name and title aforesaid, and shall have a common seal, with authority to break, alter and renew the same at pleasure, may sue and be sued, plead and be impleaded, in any court of law or equity in this State, and elsewhere, in any or all manner of actions, suits, complaints, pleas, causes and matters whatsoever.

SEC. 3. *And be it further enacted,* That the members of this ^{Officers.} corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of said corporation, and to properly manage its affairs, conformable to the provisions of this act and to the by-laws of said corporation, and from time to time to make and establish such by-laws ^{By-laws.} and rules as they shall deem proper and necessary for the good government thereof: *Provided* such by-laws and rules be not contrary to the laws and Constitution of this State and of the United States.

SEC. 4. *And be it further enacted,* That the said corporation

Property limited. shall have power to hold or possess in any manner, goods, chattels, rights, credits, lands and tenements, or any other property, the clear yearly income of which shall not exceed the sum of two thousand dollars, and shall not possess any banking powers other than the lending of money on security for permanent investment.

Banking powers prohibited.

Public act.

SEC 5. *And be it further enacted, by the authority aforesaid, That this act shall be deemed and taken to be a public act.*

Passed at Dover, February 6, 1855.

CHAPTER CLXXXI.

AN ACT to regulate the building of Wharves in the city of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, as follows, to wit:

Commissioners appointed.

Duties.

Shall make return.

Plot

Where filed.

SECTION 1. That Evan C. Stotsenburg, Calvin Taggart, John M. Turner, Jesse Sharp and Jacob Rice, be, and they are hereby appointed Commissioners, whose duty it shall be to view the river Christiana, where the same fronts the city of Wilmington, and thereupon to adjust and determine a certain limit on each side of the river Christiana, to which wharves may be hereafter extended out into the said river; such limits to be ascertained by certain fixed distances to be computed and measured from such land marks as the said Commissioners may for that purpose adopt. The said limits shall extend from a point at which the southwesterly boundary of the city crosses the river Christiana, to the junction of the said river with the Brandywine Creek. And the said Commissioners, as soon as conveniently may be after adjusting and determining such limits as aforesaid, shall make return of their proceedings in the premises, under their hands, or the hands of a majority of them, to the City Council of Wilmington aforesaid, together with a plot of the said river Christiana, showing distinctly the said limits, with such distances and land marks as may be adapted for ascertaining the same. The said return and plot shall be filed and preserved in the office of the Clerk of the City Council. The said Clerk shall also cause to be recorded in the office for recording deeds, in and for New Castle County, and the record of the same, or a duly certified copy thereof, shall be competent evidence in all courts of law and equity in this State.

SEC. 2. From and after the filing of the return of the above

named Commissioners in the office of the Clerk of the City Council, it shall not be lawful for any purpose whatsoever, to construct or cause to be constructed on either side of the said river Christiana, between the point where the southwesterly boundary of the said city crosses the river and its junction with the Brandywine Creek, any wharf, platform, landing-place, marine railway, pier, piles, abutment, or other obstruction to the current of the said river, extending into the river beyond the limits adjusted and determined in and by the said return.

no one allowed
to extend a
wharf beyond
the limits fixed
by Commiss'rs.

SEC. 3. From and after the expiration of one year from the passage of this act, it shall not be lawful to construct or cause to be constructed, or to have or keep on either side of said river, between the points where the southwesterly boundary of the city crosses the river, and its junction with the Brandywine Creek, and within the limits to be adjusted and determined as aforesaid, that is to say, between either one of said limits and the shore, with respect to which such limits shall be fixed,) any wharf or platform supported on piles, piers or abutments, so fixed as to leave spaces between them open to said river, or to construct or cause to be constructed, have or keep between the aforesaid points and within the limits to be adjusted and determined as aforesaid, any sluice-way or sluice-ways, in any wharf built or to be built on said river.

Wharf separate
from the main
land not allow-
able.

Sluice-ways not
allowed.

SEC. 4. The City Council of Wilmington, upon complaint by one or more inhabitants of said city that any wharf, platform, landing-place, marine railway, pier, pile, abutment, or other obstruction of the said river Christiana has been constructed, and is held or kept in or upon the said river contrary to the provisions of this act, shall upon giving at least ten days notice to the owner or occupier of the same, hear and determine such complaint, and if necessary view and examine the matter or thing complained of; and if the City Council shall, upon such hearing, adjudge that the matter or thing so complained of, is held or kept contrary to the provisions of this act, the Clerk of the City Council shall forthwith deliver to the owner or occupier of any such wharf, platform, landing-place, marine railway, pier, pile, abutment, or other obstruction, a certified copy of the judgment of the City Council respecting the same. And if the said wharf, platform, landing-place, marine railway, pier, pile, abutment, or other obstruction be not removed or conformed to the provisions of this act, within ninety days after the delivery of such certified copy, the person or persons, or corporation holding the same as the owner or owners thereof, shall forfeit and pay to any person who will sue for the same the sum of five hundred dollars, to be recovered with costs of suit as debts of like amount are by law recoverable, one-half of said penalty to be for the use of the person suing therefor, and the residue thereof to be for the use of the city of Wil-

City Council to
hear and deter-
mine com-
plaints.

City Council to
deliver to owner
occupier a certi-
fied copy of the
judgment.

Penalty for not
removing the ob-
struction within
90 days after
such certified
copy.

Half the penal-
ty to the person

sueing, the real-
due to the city.
Duty of Mayor
in case the ob-
struction is not
removed in nine-
ty days.

City Commis's'r;
his duty.

Expenses, how
allowed and paid.

mington. And it shall further be the duty of the Mayor of the said city, if any such wharf, platform, landing place, marine railway, pier, pile, abutment or other obstruction be not removed or conformed to the provisions of this act, within ninety days after the delivery of such certified copy as aforesaid, without delay to issue a warrant under his hand and seal of office, directed to the City Commissioner, commanding him to abate such wharf, platform, landing place, marine railway, pier, pile, abutment, or other obstruction, or to conform the same to the provisions of this act; whereupon the City Commissioner shall forthwith proceed to abate the same or to conform the same to the provisions of this act. The expenses incurred in carrying into effect this provision shall be such as the City Council shall allow, and the same having been paid out of the City Treasury the amount thereof may be recovered in the name of the corporation of the city from the owner or occupier of the matter or thing abated as debts of like amount are by law recoverable. A tenant who shall pay any sum for expenses incurred by proceedings under this act in respect to property held by him, shall be allowed to retain the same out of his rent.

Powers and du-
ties of Commis-
sioners under
this act.

Certificate of
qualifications to
be annexed to
their return.

SEC. 5. The Commissioners shall have power to take to their aid a competent civil engineer or a surveyor, and to contract with him in respect to a compensation for his services, and may also employ, upon such terms as they may contract for, such other assistance as may be necessary. The Commissioners and the civil engineer or surveyor before proceeding to view the River Christiana, for the purpose of executing the foregoing provisions, shall be severally sworn or affirmed to perform all the duties to which they may be called under this act, faithfully and impartially, to the best of their skill and judgment; such oath or affirmation may be administered by either of the said Commissioners to any other, and also by any Commissioner to the civil engineer or surveyor. A certificate of these qualifications shall be annexed to their return, to be made as above provided, and recorded therewith. The acts of a majority of the Commissioners shall be valid as the acts of the whole; any vacancy occurring in said commission shall be filled by the Commissioners.

Compensation of
Commissioners;
what and how
paid.
Engineer or Sur-
veyor—what

SEC. 6. The compensation of the Commissioners shall be such as the City Council may allow, and upon such allowance shall be paid by the City Treasurer. The compensation of such civil engineer or surveyor and other assistants as the Commissioners may employ, shall be paid by the City Treasurer, upon certificate by the Commissioners that the same is according to the stipulations of their contract, and that the service for which such compensation is claimed has been duly performed.

SEC. 7. Nothing herein contained shall be construed to pre-

vent the City Council from constructing, erecting or providing proper sluices, culverts and waste-ways for the drainage of the city, or to prevent the present drains or gutters from being emptied into the Christiana river, City Council to have power to construct proper sluices, &c.

Sec. 8. The 29th and 30th sections of the act entitled "An act for the better regulating of the wharves, public streets, buildings, party walls and partition fences in the borough of Wilmington, in the county of New Castle upon Delaware, and for raising money on the inhabitants of the said borough for the public use and benefit thereof," passed June 13, 1772, are hereby repealed. Sections 29 & 30 of an act therein named repealed.

Passed at Dover, February 6, 1855.

CHAPTER CLXXXII.

AN ACT for the relief of Mary Milnes.

Private act.

Passed at Dover, February 6, 1855.

CHAPTER CLXXXIII.

AN ACT to incorporate the Farmers' Corn Trade Company of Sussex County.

SECTION. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,) That James Martin, Levin B. Day, John W. Wharton, John B. Waples and Jacob D. Kimmey, be, and they are hereby appointed Commissioners to provide and open books for subscription to the capital stock of the Farmers Corn Trade Company of Sussex County, and any one or more of them shall have authority to receive subscriptions to said stock at such times and places as a majority of said Commissioners may determine. The capital stock of said company shall not exceed twenty-five thousand dollars, and shall be divided into two hundred and fifty shares of one Commissioners to open books to receive subscriptions. Capital stock.

Commissioners
to call a meeting,
when and where.
Notice, how gi-
ven.

hundred dollars each, and as soon as fifty shares of said capital stock shall have been subscribed, it shall be the duty of the said Commissioners, or a majority of them, to call a meeting of the stockholders of said company at the Court House, in Georgetown, after ten days notice given thereof to each of said stockholders, and by public advertisement posted at the door of said Court House, for the purpose of organizing the said company, and choosing, by a majority of the votes of the said stockholders, to be given in person or by proxy, five directors, one of whom shall be appointed by the board for the time being, President of said company, and all of whom shall be residents of the said county of Sussex.

Incorporated.

SEC. 2. *And be it further enacted, as aforesaid,* That when forty shares of said capital stock shall have been subscribed as aforesaid, the subscribers, their successors and assigns, shall, and they are hereby declared to be incorporated by the name of "The Farmers' Corn Trade Company of Sussex County," and by the said name the subscribers of the said capital stock shall have succession, and may sue and be sued, plead and be impleaded in all courts of law and equity, and shall have a common seal, and full power and authority to purchase and receive, have, hold and enjoy to them and their successors, real and personal estate, not to exceed of the former kind of property at any one time fifty acres, and to build and construct wharves, granaries, store-houses and other needful buildings and improvements for the storing of grain and other produce at some suitable and convenient place or places as the said company shall deem advisable, on Broadkirk Creek in said county, and to buy or build and own one or more vessels suitable for navigation of the said Creek, and to employ persons to sail or run the same in the shipment of grain and other produce from said Creek, and to charge, receive and collect just and reasonable storage and freight for the storing and shipment of grain and other produce as aforesaid, and to do whatever else may be essential and proper to the due execution and enjoyment of the powers and privileges herein granted, and to grant, alien, mortgage and dispose of the real and personal property of said company, and to borrow money on the credit and security of the same, and to make, ordain and establish by-laws and regulations for the government of the said company, not inconsistent with the laws and Constitution of this State and of the United States, and to declare dividends of such portion of the profits of said company as it may deem advisable. But nothing herein contained shall confer upon said company any banking power or privileges whatsoever.

No banking pow-
ers conferred

Directors, when
chosen.

SEC. 3. The business of the said company shall be managed and conducted by a board of five directors, who shall be stockholders, and who shall be chosen at every annual meeting of the said company, the time and place of which shall be appointed by

the by-laws, after the first meeting herein before provided for. They shall all be chosen and be residents of the said county as aforesaid, and immediately after their election they shall appoint one of their number to be a President of the said Company, and they may appoint a Treasurer and Secretary, and such other officers and agents of the company as they may deem necessary, and may take bond and security from them in the name of the company for the faithful performance of the duties of their office, and of the trusts reposed in them. They, and all officers appointed by them shall continue in office one year, and until their successors shall be chosen and appointed, and the bonds and obligations of the latter shall in all cases have the same duration. The said board shall have authority to call in and collect the subscriptions of the stock in such shares or instalments, at such times and on such notice as they may consider proper, and any subscriber failing to pay the same, or any instalment thereof, shall be liable therefor with interest from the time of payment, in an action at the suit of said company, or any instalment or instalments previously paid in may be declared forfeited for the use of the company by the said directors. They shall have the power to prescribe the by-laws, rules and regulations for the conduct and management of the business and affairs of said company, and to procure subscriptions to the remaining and full amount of the said capital stock of said company. They shall submit to the stockholders at every annual meeting a written report on the transactions, profits and losses, state and condition of said company. All questions before the said board, shall be determined by a majority of the directors; and in all elections by the said company each share of stock shall confer the right to one vote on the person owning it or his proxy.

Officers.

Board to call in instalments.

Subscribers failing to pay penalty.

By-laws.

Board to submit report annually to stockholders

Vacancies.

Shares to be personal property.

SEC. 4. *And be it further enacted as aforesaid,* That in case of the death, resignation or removal from the said county, of any director or officer of said company, the vacancy may be filled by the Board of Directors to continue until the next annual meeting, and until a successor shall be duly chosen as aforesaid. And if at any time an election of directors should not be made as aforesaid, the said company shall not thereby be dissolved, but it shall be lawful at any time thereafter to make such election on the notice given as aforesaid.

SEC. 5. *And be it further enacted as aforesaid,* That the shares of capital stock in said company shall be deemed and taken to be personal property, and shall be assignable and transmissible as such in all cases pursuant to the by-laws.

SEC. 6. *And be it further enacted as aforesaid,* That if any person shall willfully injure, damage or destroy any of the real

Persons destroy-
ing or damaging
any property of
the company.
Penalty.

or personal property of said company, or shall aid abet, counsel, or advise the same, he shall be guilty of a misdemeanor and liable to indictment, and on conviction shall forfeit and pay a fine of not more than five thousand dollars, and shall also be liable to the said company in a civil action for the full amount of the damages sustained.

Public act.

SEC. 7. *And be it further enacted as aforesaid,* That this act shall be deemed and held to be a public act, and may be pleaded and given in evidence, in all cases as such, that the same shall continue in force twenty years and no longer, without the re-enactment of the Legislature, and that the power to revoke the same in the meanwhile is hereby reserved to that body.

Revocation.

Passed at Dover, February 7, 1855.

CHAPTER CLXXXIV.

A FURTHER SUPPLEMENT to the act entitled "*An Act to authorize the owners and possessors of the marsh and low grounds commonly known and called by the name of the Culbreath's marsh, situate in the forest of Murderkill and Dover Hundreds, in Kent County, to cut a ditch or drain through the same.*"

Preamble.

WHEREAS it has been represented to this General Assembly that the main ditch and lateral ditches or prongs of the Culbreath's Marsh Ditch Company stand in need of certain improvements, that they may better answer the purposes for which they were originally intended, and that the provisions of the act incorporating the said Culbreath's Marsh Ditch Company, and of the supplementments thereto are inadequate for the accomplishment of the improvements, *Therefore,*

Commissioners
appointed; their
duties prescribed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John Gruwell, Merritt Scotten and William Nickerson be, and they are hereby appointed Commissioners, whose duty it shall be to go to, and view and examine the main ditch and lateral ditches or prongs of the Culbreath's Marsh Ditch Company, and also the marshes and low grounds adjacent to the said main ditch and lateral ditches or prongs and intended to be drained there-

by, and to consider what ought to be done to the said main ditch and the said lateral ditches or prongs, and what improvements ought to be made thereto; so that the said main ditch and lateral ditches, or prongs, may, in the best manner, answer the purposes for which they were originally intended; and after carefully viewing and examining the same, and considering what ought to be done to the same, and what improvements ought to be made to the same, so that they may, in the best manner, answer the purposes for which they were originally intended, and estimating the probable cost of doing the work and making the improvements, the said Commissioners, or a majority of them, shall make report shall make report in writing to managers of company. in writing, under their hands, to the managers for the time being of said company, directing what in their opinion, or the opinion of a majority of them, ought to be done to the said main ditch and lateral ditches, or prongs, and what improvements ought to be made thereto, so that they may, in the best manner, answer the purposes for which they were originally intended, and also containing an estimate of the probable cost of doing the work they shall direct to be done and of accomplishing the improvements they shall direct to be made on the premises; which said report shall be recorded by the Secretary for the time being of said company and filed of record among the papers of said company. Report to be recorded by the Secretary of said company. Commissioners authorized to locate new ditches. And the said Commissioners, or a majority of them, are hereby further authorized and empowered to locate and lay out such new or additional lateral ditch or ditches as in their opinion, or the opinion of a majority of them, ought to be cut and opened for the better draining the marshes and low grounds of any one or more of the members of said company, and if any such new or additional lateral ditch or ditches shall be located and laid out by the said Commissioners they shall make a certificate under their hands containing a description of the new or additional lateral ditch or ditches, (if more than one,) which they shall locate and lay out under this act, showing the length, width, courses and distances thereof; which certificate shall be delivered to the Secretary for the time being of said company, to be by him recorded. Certificate of the same to be made to the Secretary of the company to be recorded. And if the person or persons into whose land any such new or additional lateral ditch or ditches may be located and laid out by the Commissioners as aforesaid, and the person or persons to be benefited thereby, or any one or more of them, shall, at his, her or their individual expense, cut and open such new or additional lateral ditch or ditches, then the lateral ditch or ditches so cut and opened shall become a part of the improvements of the Culbreath's Marsh Ditch Company, and shall be kept open and in good order at the common expense of the company, but the original cost of cutting and opening such new or additional lateral ditch or ditches as the said Commissioners may locate and lay out shall not be borne by the company, and the same shall not be cut and opened unless the person or persons, or any one or more of them to be benefited thereby shall choose, at his, her or their individual expense, to cut and open the same. Owners of the land to cut them in the first place. If either of the said

Commissioners shall die, resign, remove from Kent County, or refuse, neglect or become incompetent to act before all the duties of the said Commissioners shall have been completed; the said company may, at any annual, adjourned or occasional meeting, elect by ballot and a plurality of votes a Commissioner or Commissioners to fill such vacancy or vacancies, and so from time to time until all the duties of the said Commissioners under this act shall have been completed.

Vacancy in the
commission, how
filled.

Managers of the
company, their
duty.

SEC. 2. *And be it further enacted*, That the managers for the time being of the said Culbreath's Marsh Ditch Company are hereby authorized and required, after having received the report of the Commissioners as aforesaid, to perform or cause to be performed all and every the directions of the said Commissioners as contained in said report, and to make, or cause to be made, all and every the improvements therein directed to be made, and to do, or cause to be done, all the work therein directed to be done. And for the purpose of raising the necessary sums of money to enable the managers for the time being of said company to perfect and execute the duties herein required of them, they, or a majority of them, are hereby authorized and empowered to lay and assess upon the value of the marshes and low grounds of the members of said company according to the last appraisement or valuation thereof, which may have been made by Commissioners elected under and in pursuance of the provisions of the act entitled "A further 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 Culbreath's Marsh situate in the forest of Murderkill and Dover Hundreds, in Kent county, to cut a ditch or drain through the same,'" passed at Dover, February 20th, 1849, such sums of money as the said Commissioners, or a majority of them, shall have estimated and judged to be necessary for the performing and accomplishing the directions and improvements contained and mentioned in their said report; which sum of money shall be apportioned and collected under the provisions of the act to which this is a further supplement.

Funds, how
raised.

Commissioners
hereafter to be
elected—how.

SEC. 3. *And be it further enacted*, That the Culbreath's Marsh Ditch Company shall at the annual meeting of said company to be held in the year of our Lord one thousand eight hundred and fifty-six, and at every annual meeting of said company thereafter to be held, elect by ballot and a plurality of votes three Commissioners, who shall be freeholders of Kent county, and not members of the said company, whose duties shall be the same as the duties required of the Commissioners appointed under this act.

SEC. 4. *And be it further enacted*, That the managers for the time being of the said company, or a majority of them, are hereby

authorized and required to perform, or cause to be performed in all respects, the directions contained in any report which may be received by them from the Commissioners elected under the preceding section; and the sum or sums of money which any set of Commissioners elected under the preceding, shall have established and judged to be necessary to enable the managers for the time being to perform the directions contained in any report shall be levied, apportioned and collected in the same manner as the sum of money estimated and judged to be necessary for the performing and accomplishing the directions and improvements contained and mentioned in the report of the Commissioners appointed under this act; provided that in laying and assessing the sum or sums of money upon the value of the marshes and low grounds of the marshes of said Company, the said managers shall always take the value of said marshes and low grounds from the last appraisalment or valuation of the same which may at that time have been made.

Managers required to be governed by the report of the Commissioners.

Value of marshes to be taken from the last appraisalment.

SEC. 5. *And be it further enacted,* That each of the Commissioners before he enters upon the duties required of him by this act, shall be sworn or affirmed by some Judge of the State, or Justice of the Peace in and for Kent County, to perform the said duties faithfully and impartially, according to the best of his skill and judgment. Two of the Commissioners agreeing, their acts shall be good and available, and shall be deemed and taken as the acts of the whole, touching the duties herein required of them.

Commissioners to be sworn.

Acts of two good and valid.

SEC. 6. *And be it further enacted,* That every Commissioner and manager shall be entitled to receive for each and every day's service in performing the duties herein before required of them, the sum of one dollar, to be paid by the Company. The Treasurer shall be allowed a commission of five per centum upon all moneys by him collected. And for recording the reports and certificate of the Commissioners as aforesaid, the Secretary shall be paid by the Company one cent for every twelve words by him recorded.

Compensation.

Treasurer.

Secretary.

SEC. 7. *And be it further enacted,* That the expense of procuring this act shall be borne by the Company, and shall be repaid by the said Company, by order on the Treasurer, to the person or persons who may in the first instance pay for the same.

Passed at Dover, February 7, 1855.

CHAPTER CLXXXV.

AN ACT to enable Nathaniel Conway to locate certain vacant land situated in Nanticoke Hundred, in the County of Sussex, and to complete his title to the same.

Private Act.

Passed at Dover, February 9, 1855.

CHAPTER CLXXXVI.

AN ACT to provide a sinking Fund for the payment of the city debt of Wilmington.

Preamble

WHEREAS, The city Council of Wilmington on the twenty-third day of November, A. D. 1854, appointed a special committee to take into consideration the subject of the extinguishment of the city debt, and make a report thereon to the Council, and the said committee having so considered the subject, did, on the seventh day of December, in the year aforesaid, present a report to the Council, which, on the twenty-first day of December, was approved and adopted, and the said committee were instructed by a resolution framed by the Council, to cause a bill to be drawn up embodying the plan and principles of the said report, and to apply to the Legislature at the present session thereof to enact the said bill into a law: and the enactments hereinafter contained, or the tenor thereof having been approved by the said Council: *Therefore,*

Investment in bond Act, under sale for establishment of a sinking fund to be disposed of by the Finance Committee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,) That all investments in Bonds, Mortgages and other securities for the payment of money, which have been made by the city of Wilmington, under and by virtue of former acts of the Legislature of this State, for the establishment of a Sinking Fund, shall be disposed of by the Finance Committee of the City Council, by sale, whenever the sale thereof can be made at par, and without recourse, and the proceeds of such sales shall be applied to the payment of bonds which have heretofore been issued by the*

Passed at Dover,
April 1, 1855.

city of Wilmington, and the payment of which is not hereinafter provided for.

SEC. 2 *And be it further enacted*, That the City Council of Wilmington shall appropriate the sum of one thousand dollars on or before the first day of April in the year eighteen hundred and fifty-five, and one thousand dollars on or before the first day of October, in the year eighteen hundred and fifty-five, and a like and equal sum on or before the first day of April and the first day of October in every year thereafter to be paid to the commissioners of the Sinking Fund, said commissioners to be appointed in the manner hereinafter expressed, and the City Council shall, on or before the first day of October in the year eighteen hundred and fifty-five, and on or before the first day of April and the first day of October in every year thereafter, in addition to the sums aforesaid, appropriate a sum equal to the interest money which shall have accumulated on the bonds to be cancelled in the manner hereinafter provided for; said interest to be paid to the said commissioners of the sinking fund; and the semi-annual appropriation aforesaid shall continue to be paid until the whole debt of the city shall have been paid.

City Council to appropriate \$1000 semi-annually to Commissioners of Sinking Fund.

Also to appropriate a sum equal to the interest which shall have accumulated on the bonds to be cancelled.

SEC. 3. *And be it further enacted*, That the commissioners of the Sinking Fund shall, on or before the first day of April next, after the passage of this act, out of the money to be appropriated according to the foregoing provisions, pay and cancel a bond or bonds of the city then due and unpaid to the amount of one thousand dollars.

Commissioners of Sinking Fund to pay and cancel a bond or bonds to the amount of \$1000 on April 1st, 1855.

SEC. 4. *And be it further enacted* That the Finance Committee of the City Council and the Commissioners of the Sinking Fund, shall, on or before the first day of April in the year eighteen hundred and fifty-five, cause new bonds of the city of Wilmington to be issued, (and the Mayor and City Council of Wilmington are hereby authorized to issue the same,) bearing interest at the rate of six per centum per annum in lieu and stead of city bonds heretofore issued, which shall then be due and unpaid. And further, the said Finance Committee and Commissioners of the Sinking Fund, shall on or before the days and times when any other bond or bonds of the City of Wilmington heretofore issued, shall fall due and become payable, and the payment of which is not herein before provided for, cause other new bonds to be issued in like manner as aforesaid, to be made due and payable after the payment of the bonds next before re-issued, all the bonds which shall be so re-issued, to be made payable in the amounts and at the times specified as follows: that is to say, one or more bonds for the sum of one thousand dollars to be due and payable on the first day of October, in the year eighteen hundred and fifty-five: one or

Finance Committee and Commissioners of Sinking Fund to cause new bonds to be issued: when Mayor and Council authorized to issue the same.

more bonds for the sum of one thousand and fifty dollars to be due and payable on the first day of April, A. D. 1856; one or more bonds for the sum of eleven hundred dollars to be due and payable on the first day of October, A. D. 1856.

SEC. 5. *And be it further enacted,* That all interest on any bond or bonds, which shall be issued under and by virtue of this act, shall cease from and after the day on which said bond or bonds shall be made due and payable.

City Council to choose by ballot Commissioners of Sinking Fund.

SEC. 6. *And be it further enacted,* That the City Council shall at its first stated meeting in the month of March, in the year one thousand eight hundred and fifty-five, choose, by ballot, from the citizens of Wilmington having a right to vote at the city election, and owners of real estate in the city to the assessed value of not less than one thousand dollars, three Commissioners of the Sinking Fund. Immediately after their election, the said Commissioners shall draw lots for their respective terms of office, and the said terms to expire in one, two and three years from the day of their election. The Council shall at its first stated meeting in the month of March, in the year one thousand eight hundred and fifty-six, and in every year, thereafter elect from the citizens as aforesaid, one Commissioner of the Sinking Fund for the term of three years and until a successor is elected. The said Commissioners shall receive no compensation.

Number and qualifications.

Terms how determined.

Commissioners to receive no compensation.

Commissioners to give bond.

SEC. 7. *And be it further enacted,* That each Commissioner shall give bond to the city of Wilmington in such amount and with security to be determined and approved by the City Council, and the said commissioners shall faithfully pay all moneys which shall come into their hands under and by virtue of any of the foregoing provisions, towards the liquidation and cancelling of any bond or bonds which shall be issued under the provisions of this act, as the same shall fall due and be payable. On the liquidation and payment of any bond by the Commissioners they shall cause to be written across the face of such bond the word "cancelled," and the date when cancelled, and the bonds thus cancelled shall be retained by the Commissioners until the whole debt of the city shall be paid. The Commissioners shall keep a record of their proceedings under the act, which shall at all times be opened for the inspection of the City Council.

Liquidation of city bonds; disposition of.

Record to be kept.

SEC. 8. *And be it further enacted,* That the City Council shall have authority to pass ordinances, when the same may be necessary, for the purpose of executing the provisions of this act, and carrying out the objects thereof: Provided such ordinances shall in no case conflict with the spirit of this act, nor suspend the efficient operation thereof.

City Council to have authority to pass ordinances to carry into effect the provisions of this act.

SEC. 9. *And be it further enacted,* That so much of any acts or parts of acts as are inconsistent with, or repugnant to, any of the foregoing provisions, be; and the same are hereby repealed: Acts inconsis- tent with this act repealed Provided that nothing herein contained shall be construed to increase or extend the funded debt of the city of Wilmington, as the same is now limited by law.

Passed at Dover, February 9, 1855.

CHAPTER CLXXXVII.

AN ACT for the relief of David W. Segars and his wife Annie Segars.

Private act.

Passed at Dover, February 9, 1855.

CHAPTER CLXXXVIII.

AN ACT to prevent Swine from running at large within certain limits in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the provisions of sections 4, 6 and 7 of Chapter 58 of the Revised Code of this State, shall apply and extend to the following limits in Murderkill Hundred, Kent county, as follows, to wit: Beginning at a corner on the public road leading from Camden to Canterbury, whereon stood James Anderson's house, now burned down, and running with the State road to Mrs. Lofland's farm, where now stands a large locust tree in the east corner or forks of the road, thence following the Berrytown road until the land of Truston D. Mason is intersected by the aforesaid last mentioned road, thence, including the said Truston D. Mason's land, to the head of a prong in Pratt's Branch, thence down said prong and branch to Murderkill Creek, thence down said Creek

Sections 4, 6 and 7 of R. Code, extended to certain limits therein named.

to a prong or inlet where the old Cooper mill stream empties in said Creek, thence up said stream to the bounds of a section of a hundred, where a law is now in force to prevent swine from running at large, and with said bounds to the place of beginning.

Passed at Dover, February 9, 1855.

CHAPTER CLXXXIX.

AN ACT to enable Benjamin Shepard, of Worcester County, State of Maryland, to work his slaves in this State.

Private act.

Passed at Dover, February 9, 1855.

CHAPTER CLXC.

AN ACT to amend Chapter 48 of the Revised Statutes of the State of Delaware.

Revised Statutes, page 132, chap. 48, sec. 11. Sta.

Amendment. Trustees of poor to pay reasonable compensation to physicians who may attend.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the eleventh section of the forty-eight chapter of the Revised Statutes of the State of Delaware, as the same is printed, shall be, and the same is hereby amended, by inserting in the sixth line of said section, between the word "removal" and the word "and," the words "and when a poor person receiving said relief shall require medical or surgical treatment, the trustees of the poor of the county may pay a just and reasonable compensation to the physician who may attend said poor person," and that in any edition of the Statutes hereafter to be published the printing thereof shall be conformed to the provisions of this act.

Passed at Dover, February 9, 1855.

CHAPTER CXCI.

AN ACT for the relief of Catharine Nelson, widow of George Nelson, deceased.

Private Act.

Passed at Dover, February 9, 1855.

CHAPTER CXCLII.

AN ACT making additional provision for the service of original process.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That whenever suit shall be brought against any person or persons not residing in this State, but doing business therein either by a branch establishment or agency, it shall be sufficient service of a writ of summons to leave a copy thereof with any agent, or at the usual place of business of such person or persons, or his or her, or their agent ten days before the return thereof.

Writ of summons left at the usual place of business sufficient.

Passed at Dover, February 10, 1855.

CHAPTER CXCLIII.

AN ACT for the relief of the heirs of James Price, deceased.

Private Act.

Passed at Dover, February 10, 1855.

to a prong or inlet where the old Cooper mill stream empties in said Creek, thence up said stream to the bounds of a section of a hundred, where a law is now in force to prevent swine from running at large, and with said bounds to the place of beginning.

Passed at Dover, February 9, 1855.

CHAPTER CLXXXIX.

AN ACT to enable Benjamin Shepard, of Worcester County, State of Maryland, to work his slaves in this State.

Private act.

Passed at Dover, February 9, 1855.

CHAPTER CLXC.

AN ACT to amend Chapter 48 of the Revised Statutes of the State of Delaware.

Revised Statutes, page 132, chap. 48, sec. 16, Sta.

Amendment.
Trustees of poor to pay reasonable compensation to physicians who may attend.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the eleventh section of the forty-eight chapter of the Revised Statutes of the State of Delaware, as the same is printed, shall be, and the same is hereby amended, by inserting in the sixth line of said section, between the word "removal" and the word "and," the words "and when a poor person receiving said relief shall require medical or surgical treatment, the trustees of the poor of the county may pay a just and reasonable compensation to the physician who may attend said poor person," and that in any edition of the Statutes hereafter to be published the printing thereof shall be conformed to the provisions of this act.

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Writ of summons left at the usual place of business sufficient.

Passed at Dover, February 10, 1855.

CHAPTER CXCIH.

AN ACT for the relief of the heirs of James Price, deceased.

Private Act.

Passed at Dover, February 10, 1855.

CHAPTER CXCIV.

AN ACT to amend Chapter 34 of the Revised Statutes of the State of Delaware.

Section amend-
ed.

Provisions of
Sec. 5 extended
to the city of
Wilmington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Section 1, of Chapter 34, of the Revised Statutes, be and the same is hereby amended, by striking out in the third line of said section 1, the word "two," and inserting in lieu thereof the word "three," and further, that section 5 of the same chapter, shall be and the same is hereby amended by adding these words to said section 5, "nor shall this restriction apply to the city of Wilmington; and in every edition of the laws hereafter to be published, said chapter 34 shall be printed as herein amended.

Passed at Dover, February 10, 1855.

CHAPTER CXCV.

AN ACT concerning the payment of promissory notes, checks; and bills of exchange.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, as follows:

Notes, checks,
&c. falling due
on Christmas or
the Fourth of
July to be
deemed as be-
coming due on
the secular day
next preceding
said days

SECTION 1. From and after the passage of this act, payment of all notes, checks or other instruments negotiable by the laws of this State, and becoming payable on Christmas day, or the fourth day of July, shall be deemed to become due on the secular day next preceding the afore mentioned days respectively; on which said secular days, demand of payment may be made, and in case of non-payment or dishonor of the same, protest may be made and notice given in the same manner as if such note, check, bill of exchange, or other instrument, fell due on the day of such demand, and the rights and liabilities of all parties concerned therein, shall be the same as in other cases of like instruments legally proceeded with: Provided that nothing herein contained shall be so construed as to render void any demand, notice, or protest made or given, as heretofore at the option of the holder, nor shall the same

be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed.

Passed at Dover, February 10, 1855.

CHAPTER CXCVI.

AN ACT to amend section 5 of Chapter 34 of the Revised Statutes of the State of Delaware. R. Code, 96.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 5 of chapter 34 of the Revised Statutes of the State of Delaware, be, and the same is hereby amended by adding thereto the words, "or to Duck Creek Hundred." Provision extended to D. C. Hundred, Kent county.

Passed at Dover, February 10, 1855.

CHAPTER CXCVII.

AN ACT confirming an ordinance of the city of Wilmington vacating a part of Orange street.

WHEREAS the City Council of Wilmington, on the eighth day of July, A. D. one thousand eight hundred and fifty-two, passed an ordinance entitled "An ordinance relating to a part of Orange street" which is in the words following, to wit: Preamble.

"SECTION 1. *Be it ordained* by the City Council of Wilmington, that Orange street, as laid down on the plan of the said city between Fourteenth street and Brandywine Creek, be, and the same is hereby vacated, any law or ordinance to the contrary thereof notwithstanding; Ordinance recited. Provided, nevertheless, that the said city hereby expressly reserves to itself the right to have and maintain for all time to come a sufficient sewer, trunk or gutter, in the line or direction of said Orange street, through the lands

of Alfred Lee, D. D., to carry off the water from said Orango and Fourteenth streets to the Brandywine Creek aforesaid."

"SECTION 2. *And be it further ordained*, That the Honorable the General Assembly of the State of Delaware, be, and the same is hereby requested to pass an act at its next session confirming and establishing the first section of this ordinance."

Ordinance confirmed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the first section of the ordinance of the city of Wilmington, as herein before recited, be and the same is hereby confirmed and established, and the same shall be and remain unalterable, and that so much of the said street thereby declared vacated, shall be and remain vacated.

Passed at Dover, February 10, 1855.

CHAPTER CXCVIII.

Chap 78, 3 vol. A
170, and 4 vol.
348.

A FURTHER ADDITIONAL SUPPLEMENT to an act entitled "*An act to incorporate a company for the purpose of cutting and making a Canal between the Chesapeake Bay and Bay or River Delaware and the waters thereof.*"

Company authorized to execute a mortgage to secure the principal and interest of loans and debts hereafter to fall due, and of such as shall be hereafter contracted for.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring herein,)* That the Chesapeake and Delaware Canal Company shall have full power and authority, and it shall and may be lawful for the said Chesapeake and Delaware Canal Company to execute a mortgage of all the franchises, works, estate and property of the said corporation for the purpose of securing the payment of the principal and interest of all or any part of the loans and debts of said corporation or company now or hereafter to become due, and the principal and interest of all loans and debts that shall hereafter be taken or contracted by said corporation or company.

Mortgage to whom delivered and where recorded.

SEC. 2. *And be it further enacted*, That any mortgage to be executed for the purpose aforesaid, may be executed and delivered to a Trustee or Trustees for the holders of loan to be named by the said company, and shall be recorded in the office for recording deeds at New Castle in and for the county of New Castle.

SEC. 3. That unless the said Chesapeake and Delaware Canal Company, shall signify to the Governor of this State, by an instrument of writing under the corporate seal of the Company within one year from the passage of this act their acceptance of the same, this act shall be null and void.

Passed at Dover, February 10, 1855.

CHAPTER CXCIX.

A SUPPLEMENT to the act for the benefit of public schools in Wilmington.

WHEREAS a part of School District No. 18, in New Castle county lies without the city of Wilmington, the lines of said school district beginning at the intersection of Second and Market streets, on the west side of Market and running up Second street to Tatnal street, and down Tatnal street to Front street, and up Front street to the Lancaster turnpike, and up the turnpike to the one mile stone, and thence south thirty-two degrees west through the lands of Jacob Crips and of the late Col. Samuel B. Davis about six perches, on the south of the buildings to a corner of said Davis, in the line of the heirs of Joseph Robinson, deceased, now of James T. Bird, thence southerly with the line of said lands late of Davis and Robinson to a corner for the Widow Warner, and with her line and line of said land late of Robinson, passing West of the buildings of Mrs. Warner and east of the buildings late of Robinson, to the Newport turnpike, thence with the line of Mrs. Warner and Nancy Stidham to the end of their line, and thence continuing the same course to the Christina Creek, and down the creek to Wilmington bridge, and thence up Market street on the west side to the beginning; and the persons residing on the said part without the city limits not having the benefit of the act aforesaid are included from school privileges; to remedy this and make equitable provision for the case:

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of each branch,* That the persons residing in the said part of said school district lying without the limits of the city of Wilmington shall have and enjoy the benefits of the act aforesaid in the same manner and as fully as if the said part were within the limits of said city, and for school

*Preamble.
Reciting that
part of school
District No. 18
is without the
city limits.*

*Benefit of the
act extended to
the part lying
within the city
limits.*

Said part added to the first ward of the city for all school purposes. Board of Education empowered to assess and levy tax upon said part.

May appoint an Assessor.

Rates how ascertained.

Notice for hearing appeals.

List to stand how long.

Per centage estimated and laid.

Notice of tax being laid.

Person paying tax within thirty days of notice; effect of. Board to issue warrant to the city collector for the taxes unpaid in first ward.

purposes, and the rights of the persons residing in said part of said school district without said city, of school voters and their capacities to be elected members of the board of public education in Wilmington, the said part shall be and hereby is added to the first ward of the said city, and shall be deemed parcel thereof; and in order for raising money for school purposes in said part of said school district without the limits of said city, as shall be just and equitable, the Board of Public Education in Wilmington are empowered and authorized to assess and levy upon the persons and property within said part such amount of money as they shall deem just and equitable in the present year, and from year to year hereafter. For this purpose the said board shall have power at any meeting in the present and every year, to appoint an Assessor to make an assessment list of the persons and property in said part, by taking the rates of persons and of personal property from the hundred assessment list in force at the time, and the clear rental value of the real estate within said part, and when the said assessment list shall be returned, the board shall cause notice thereof to be given with the day and hour by them appointed for hearing appeals; and after the time of hearing appeals shall be passed and corrections if any made, said list shall stand until the next general assessment of personal property in the county; but every year there shall be any proper additions, alterations or omissions. And when the said board, in the present or any year, shall have determined the amount which justly and equitably ought to be raised in the said part without the city of said School District, they shall estimate and charge the per centage necessary to raise said amount upon the assessment made as aforesaid, so as to proportion and lay the said amount upon the person and property within said part according to their respective assessments, at a specified rate, on every hundred dollars thereof, and pro rata on a less sum. Notice shall be given by the board, by advertisements in four or more public places in the said first ward, of the tax being laid, and every person paying his tax to the treasurer of the board within thirty days after such notice, shall have a discount of ten per cent. for prompt payment, and for levying sums remaining unpaid after the expiration of the said thirty days, the said board are empowered to issue their warrant to the collector of the city of Wilmington, having the collection of the city taxes in said first ward, under the seal of the board, and the hand of the President with a duplicate certified by the Secretary of the Board of the assessment list, showing the taxes paid and the taxes unpaid; which warrant may be according to the form prescribed by section twelve, chapter forty-two of the Revised Statutes of this State, varying therefrom by substituting for "County School District No. —," the words "the City of Wilmington," and also by substituting for the last clause, beginning with the word "given," the words witness the seal of the Board of Public Edu-

cation in Wilmington, and the hand of the President, the ——— day of ——— 18—." Colored persons and their property are excepted from this section. The proceedings of the board aforesaid in the premises shall be final and conclusive, and the assessment list shall not be drawn in question except before the said board as aforesaid, and when a list has passed the time of appeal it shall be conclusive; and the collector to whom warrant shall be delivered under the preceding provision, shall have, for executing said warrant, and collecting all the rates or taxes thereon unpaid, all the powers which a hundred collector has or can exercise under the laws of this State. And it shall be the duty of every such collector to receive every such warrant that shall be issued to him and execute the same, and to pay over the money collectable thereon, within sixty days from the time of the issuing of the same, and the bond given by every such collector shall extend to the faithful performance of his duties in the execution of such warrant and paying over the money collectable thereon as aforesaid, and shall bind the sureties in such bond to answer for such collector's faithful performance as aforesaid; and furthermore, if any collector shall refuse to receive any such warrant, or to execute the same faithfully, he shall forfeit and pay to the aforesaid board the sum of fifty dollars, to be recovered with costs before any Justice of the Peace as debts of that amount are recoverable.

Colored persons excepted. Proceedings of the Board to be final.

Collector to have all the powers which a hundred collector can exercise.

Duty of collector.

Force of his bond.

Collector refusing to receive or execute the warrant; penalty.

SEC. 2. *And be it further enacted, as aforesaid,* That the City Council of Wilmington shall have authority to pass an ordinance for borrowing any sum or sums from any person or persons not exceeding two thousand dollars for purchasing or otherwise procuring a lot of land, and building and furnishing a school house to enable the board aforesaid to provide school accommodation for the part of the city in the neighborhood of the aforesaid part of the school district aforesaid as well as for said part; and in such ordinance the rate of interest and the times of payment thereof, and the time and payment of the sum or sums borrowed may be prescribed, and the faith of the city pledged to make such payments. And the Mayor and City Council of Wilmington, pursuant to such ordinance when passed, shall have power and authority to borrow the amount specified therein, not exceeding two thousand dollars, in one or more sum or sums; and the money so borrowed shall be paid and advanced to the board aforesaid, and shall by the said board be faithfully applied to the purchasing or other procuring of a lot in the neighborhood aforesaid, and the building and furnishing of a school house with the appurtenances.

City Council authorized to pass an ordinance for borrowing money; what amount and for what purpose.

Rate of interest and time of payment.

Mayor and Council to borrow not exceeding two thousand dollars.

Passed at Dover, February 10, 1855.

CHAPTER CC.

R. Code, sec. 18, AN ACT to amend the eighteenth section of the ninety-sixth
page 327. Chapter of the Revised Code.

Amendment to
said sec. 18.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the eighteenth section of the ninety-sixth chapter of the Revised Code, be and the same is hereby amended, by adding to the said section, at the end thereof, the following provisions: If in any case a guardian shall not be able to settle with and pay to his or her ward, on the termination of his or her guardianship, the money due from said guardian to said ward, in consequence of the absence of said ward from this State, and the place of his or her residence being unknown to said guardian, it shall be lawful for said guardian to settle and pay said money into the Orphans' Court in and for the county in which he or she was appointed such guardian, and it shall be the duty of the said Court in which such settlement and payment shall be made as aforesaid to invest the said money for the use and benefit of said ward, and thereupon the said guardian and his or her surety or sureties, shall be discharged from all liability for or on account of the said money so paid into said Court as aforesaid, and of any interest thereon from the date of said payment into said Court as aforesaid.

Passed at Dover, February 12, 1855.

CHAPTER CCI.

AN ACT to divorce *Emily P. White* from her husband *Ebenezer White*.

Private act.

Passed at Dover, February 12, 1855.

CHAPTER CCII.

AN ACT to amend the Charter of Delaware College.

R. Code, Chap.
43, page 120.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.* That Section 2d, Chap. 43 of the Revised Statutes of the State of Delaware, be and is hereby amended by striking out the word "thirty-three," in the second line of said section, and inserting in lieu thereof the word "thirty-four," and also by adding after the word "institution" in the sixth line of said Section 2d the following: "The Governor of the State shall be, ex-officio a member of the Board of Trustees," and that in all editions of the laws published hereafter, said Section 2 of Chapter 53 shall be printed as herein amended.

Section 2
amended.The Governor to
be ex-officio a
member of the
Board of Trustees.*Passed at Dover, February 13, 1855.*

CHAPTER CCIII.

A SUPPLEMENT to the act for the benefit of the Public Schools in Wilmington.

10 vol. p. 644,
Chapter
DCXXXVI.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch,)* That the Mayor and Council of Wilmington shall be, and are hereby authorized and empowered to borrow on the credit of the city of Wilmington, from any person or persons in any sum or sums, the amount of fifteen thousand dollars for increasing the accommodations of the Public Schools in said city, and to be advanced and paid to the Board of Public Education in Wilmington to be applied to that object; and that the City Council of Wilmington shall have full power, and they are hereby authorized to pass an ordinance or ordinances directing the said borrowing, prescribing the rate of interest and the times of payment thereof, and the time of payment of principal, and pledging the faith of the said city for said payments and also prescribing all other matters deemed proper to be prescribed in the premises.

Mayor and City
Council author-
ized to borrow
\$15,000; for
what purpose.Council to pass
an ordinance
prescribing the
rate of interest,
&c.*Passed at Dover, February 13, 1855.*

CHAPTER CCIV.

6 vol., p. 97.
Chap. LXXXIII.

AN ACT for the renewal of the Charter of the Bank of Smyrna.

Corporation and
acts of the Gen-
eral Assembly
relating thereto
extended twenty
years from the
passage of this
act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Corporation and body politic, which was enacted and made by the name and style of "The President, Directors and Company of the Bank of Smyrna," by the Act of the General Assembly of this State, entitled "An Act to establish a Bank and to incorporate a Company under the name of the Bank of Smyrna," passed at Dover 5th of February, 1821, and renewed and continued by a further additional supplement to said act, passed at Dover, February 17th, 1857, shall be again renewed and continued, by the same name, for and unto the end and term of twenty years from the day of the passing of this act inclusive; and the capacity of the said corporation and body politic, and all the powers, privileges and franchises belonging to or vested in the same by an act of the General Assembly of this State, shall be, and hereby are re-enacted and extended for the said term.

Tax of the bank
hereafter to be
one-half instead
of one-quarter
per cent. per
annum.
Stock for benefit
of School Fund
to be exempt.

SEC. 2. The tax to be hereafter paid by the said Bank, shall be *one-half* instead of *one-quarter* of one per cent. per annum: *Provided*, That no tax shall be required on any stock held for the benefit of the school fund.

Passed at Dover, February 13, 1855.

CHAPTER CCV.

AN ACT to enable Manan Short and Hiram Short to locate certain vacant land in Sussex County.

Private Act.

Passed at Dover, February 13, 1855.

CHAPTER CCVI.

A FURTHER ADDITIONAL SUPPLEMENT to the Act entitled "An Act to incorporate a Bank in the City of Wilmington, under the name of the Union Bank of Delaware,"

Vol. 9, p. 245.
Chap. CCVII.

SECTION 1. *Be 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 incorporate a Bank in the city of Wilmington under the name of the Union Bank of Delaware," passed the fifteenth day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and the supplement to the said act passed the fourth day of February, in the year of our Lord, one thousand eight hundred and forty-one, and the further supplement to the said act passed the twenty-third day of January, in the year of our Lord one thousand eight hundred and forty-three, and the additional supplement to the said act passed on the first day of February, in the year of our Lord one thousand eight hundred and fifty-one, or so much of them as is now in force, shall continue and be in full force, and the same is hereby extended and continued for the term of twenty years from the passage of this act, and the said corporation and body politic created or established by the said recited acts or any of them, with all the rights, powers, privileges, franchises and immunities which are now vested in the said corporation by any law of this State, are hereby continued, extended and shall be held in full force and operation for the term of twenty years from and after the passing of this act, except what is herein altered.

Original acts and
supplements
thereto extend-
ed twenty years

SEC. 2. *And be it further enacted,* That from and after the first day of January, A. D., eighteen hundred and fifty-seven the tax to be paid by the said Bank, shall be one-half instead of one-quarter of one per cent. per annum; but no tax shall be required on any of its stock held for the benefit of the School Fund.

After January 1,
1857, the tax
paid by the bank
to be one-half
instead of one-
quarter of one
per cent. per an-
num.
Stock for the be-
nefit of the
School Fund to
be exempt.
Public Act.

SEC. 3. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, February 13, 1855.

CHAPTER CCVII.

Vol. 4, p. 87,
Chap. XXXIX.

AN ADDITIONAL SUPPLEMENT to the act entitled "*An Act to establish a Bank and incorporate a Company under the name of the Farmers' Bank of the State of Delaware.*"

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, as follows:

Original Charter and the supplements thereto (except as hereinafter altered,) extended for twenty years from the passage of this act.

SECTION 1. Every part of the original charter of said Bank and of the various supplements thereto now in force (except as hereinafter altered,) as well all and every the provisions of all and every the acts of the General Assembly of this State as are now in force, whereby any right, power, franchise, privilege or immunity is granted to or vested in the said corporation, be and the same are hereby extended and continued in force for the space of twenty years from and after the passage of this act, and that the said corporation shall have, hold, enjoy and possess all and every the franchises, powers, rights, privileges and immunities which are now vested in said corporation by any law of this State.

Day of holding the annual meeting: Thursday next after the first Tuesday in January.

SEC. 2. The annual meeting of the Directors of said Bank shall hereafter be held on the Thursday next after the first Tuesday of January, and the annual meeting of the Stockholders shall be held on the same day.

Second fundamental article of the act of incorporation repealed.

SEC. 3. The second fundamental article of the original act of incorporation of said Bank is hereby repealed.

Tax hereafter paid by the bank to be one-half of one per cent., but stock for benefit of School Fund to be exempt.

SEC. 4. The tax to be hereafter paid by said Bank, shall be one-half of one per cent. provided that no tax shall be required on any of its stock held for the benefit of the School Fund.

Passed at Dover, February 13, 1855.

CHAPTER COVIII.

AN ACT to enable Mrs. Mary A. Nichols, wife of James Nichols, a lunatic, to sell and convey in her own right, and as Trustee for her husband, a certain tract of land in Mispillion Hundred, Kent County, and State of Delaware.

Private act.

Passed at Dover, February 13, 1855.

CHAPTER CCIX.

AN ACT to incorporate the Wilmington and Brandywine Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch thereof concurring.)* That David C. Wilson, John Wales, Samuel Wollaston, John H. Price, Evan C. Stotsenburg, T. Jenifer Adams, William S. Hilles, Joseph T. Price, or any two of them, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall at such time or times as they may deem expedient procure two books, one of which shall be opened in the city of Wilmington, and one at such other place or places as the said Commissioners shall deem proper and necessary, and in each of which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the President and managers of the Wilmington and Brandywine Railroad Company the sum of fifty dollars for every share of stock 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 an act of the General Assembly of this State, entitled an 'An act to incorporate the Wilmington and Brandywine Railroad Company.' Witness our hands this day of in the year of our Lord one thousand eight hundred and :'' and shall thereupon give notice in two of the newspapers printed in the city of Wilmington, and in one newspaper printed in such other place or places as they may deem it proper and necessary to

Commissioners.

Duties.

Notice of opening books

Who may subscribe.

Books to be kept open; how long.

open books in, three weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places, one or more of the Commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in the said books in their own names or the name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open at least six hours in every juridicial day, for the space of six days, or until there shall have been subscribed two thousand five hundred shares; and if, at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid, therein subscribed, the said Commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of two thousand five hundred shares shall be subscribed, of which adjournment and transfer the Commissioners aforesaid shall give such notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed.

Company incorporated.

Corporate power.

SEC. 2. *And be it further enacted by the authority aforesaid,* That when and as soon as one-fourth of the whole number of shares shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be incorporated by the name, style and title of the "Wilmington and Brandywine Railroad Company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and all real estate, and estate personal and mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish and enforce such by-laws and regulations as shall be deemed necessary and convenient for the government of the said corporation, not being repugnant to the Constitution and laws of this State and of the United States, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well-being and ordering the affairs of the same: *Provided*, that nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and proper management of the said Railroad.

Banking power prohibited.

SEC. 3. *And be it further enacted,* That the Commissioners aforesaid, as soon as conveniently may be after one-fourth the

whole number of shares shall be subscribed as aforesaid, shall give notice in two of the Wilmington newspapers, and in such other newspapers as they shall deem proper, at least twenty days of the time for the said subscribers to meet in the City of Wilmington, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot to be given in person or by proxy, one president and eight managers, a majority of whom shall be residents of this State, a treasurer, and such other officers as shall be deemed necessary; and the president and managers aforesaid, shall conduct the business of the said company until the second Monday of January next ensuing their election, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations, as are not inconsistent with the Constitution and laws of the United States or of this State, that may be necessary for the well governing of the affairs of said company.

Meeting of subscribers.

Officers; their powers.

SEC. 4. *And be it further enacted,* That the stockholders shall meet on the second Monday of January, in each and every year after the number of shares of stock mentioned in the first section of this act shall have been subscribed, at the City of Wilmington, of which notice shall be given at least twenty days by the secretary in the newspapers before mentioned, and choose by a majority of votes present their officers for the ensuing year as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the directors in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting 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 and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, each share entitling him to one vote; but no share shall confer a right of suffrage, which shall not have been held three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use, or benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person; and in all voting by proxy the attorney shall be legally constituted under the hand and seal of the party, and the authority properly authenticated, when according to the laws of this State, such authentication is necessary.

Annual meeting of Stockholders.

Officer's term of office.

Voting.

By Proxy.

SEC. 5. *And be it further enacted,* That the election of officers

Elections for officers how conducted

provided for in the preceding section shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders not being managers, to be judges of the said election and to conduct the same, after having severally taken and subscribed an oath or affirmation before a judge or justice of the peace well and truly and according to law to conduct such election; and the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes and declare who has been elected; and if it shall at any time happen that

In case of failure to elect.

an election of president, managers, treasurer or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold and make such election of president, managers, treasurer, or other officer, on the same day or on any day thereafter, by giving at least ten days' notice signed by the president or secretary, in the newspapers before mentioned of the time and place of holding said election, and the president, treasurer and other officers of the preceding year, shall in that case continue to act and be invested with all the powers belonging to their respective stations, until another election shall take place. In case of the death, resignation or removal from the State of any president, manager, treasurer or other officer, his place shall be filled by the Board of Directors until the next annual election: *Provided*, that the removal of a manager from this State shall not operate to vacate his place, should there be a majority of managers still residing in the State.

Vacancies

Proviso

SEC. 6. *And be it further enacted*, That the said president and managers shall hold their meetings in the City of Wilmington, and when met, five shall be a quorum, who in the absence of the president may choose a chairman; and the said managers shall annually appoint a secretary who shall keep minutes of their transactions fairly entered in a book, and a quorum of the said managers being formed they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended work; and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts matters and things, as by this act and by the by-laws and regulations of the company they are authorized to do.

Meetings, where held.

Quorum

Secretary to be appointed

Managers; powers

Certificates of stock

SEC. 7. *And be it further enacted*, That the President and managers first chosen shall procure certificates or evidence of stock for all the shares 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; which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney duly authorized in the presence of the President or Treasurer, each of whom shall keep a book for that purpose (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 a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid shall be entitled to one share of the capital stock, and of all estates and emoluments of the company incident to one share, and to vote as aforesaid at the meeting thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Transferable.
and how.

Assignee.

Rights and liabilities of.

SEC. 8. *And be it further enacted*, That if, after thirty days notice in the public papers aforesaid, 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, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and 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 such shares, the same shall be forfeited to the said company and may be sold to such person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, the President and managers may, at their election, cause suit to be brought before any Justice of the Peace, Mayor of the city of Wilmington, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: Provided, that no stockholder, whether original subscriber or assignee, shall be entitled to vote any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previous to the said election or meeting.

Neglect to pay instalments.

SEC. 9. *And be it further enacted*, That the President and managers of the said company shall demand and require of the said Treasurer, and all and every other the officers and other persons by them employed, bond in sufficient penalties and with such

bond.
to give

sureties as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties or trusts to them or any of them committed.

Dividends.

SEC. 10. *And be it further enacted,* That dividends of so much of the profits of the company as shall appear advisable to the managers, shall be declared at least twice a year in every year, and be paid to the stockholders on demand at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be thereby impaired: if the said managers shall make any dividends which shall impair the capital stock of said company, the managers consenting there-
to shall be liable in their individual capacities to said company for the amount of stock so divided; and each manager present when such dividend shall be made shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend.

Not to exceed net profits.

Managers liable for excess.

Triennial abstract of affairs to be presented to the Legislature.

SEC. 11. *And be it further enacted,* That at the end of the third year after the opening of the road, and of every third year thereafter, there shall be furnished to the Legislature an abstract of the account of the company, showing the whole amount of their capital actually paid into the funds of the company and the amount of dividend declared in each year or the losses sustained, as the case may be: which abstract shall be verified by the oath or affirmation of the President of the company for the time being.

Company to locate road.

Route.

Provisions to be made for the Powder Mills.

SEC. 12. *And be it further enacted,* That the President and managers of the said railroad company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for such road, beginning at some point on the Christiana river within or near the city of Wilmington, and extending to the line of this State, in the direction of Parkersburg, in the State of Pennsylvania, having due regard to the situation or nature of the ground and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property: Provided, that the said route shall not be fixed nor laid down, nor shall the main road nor any lateral road hereby authorized to be located and constructed, be made, located and constructed so that the same or any part thereof shall run or be laid down within the distance of one-half of a mile of any powder mill, powder yard or powder magazine, or any building used for the making or storing of gunpowder, and which may now, or at the time of the location and construction of the said main or lateral road belong to the firm of E. I. du Pont, de Nemours and company; and the said road shall not

be more than four rods wide, and shall not pass through any ^{w/ath.} burying ground or place of public worship, nor any dwelling-house without the consent of the owner thereof; and the said ^{Not to pass thro' grave yard, dwelling, &c.} president and managers shall, within one year after ascertaining the exact route of the railroad, cause an accurate map or platt of said road, to be made and filed in the secretary's office of this ^{Map to be filed in office of Secretary of State.} State, which map or platt, or a certified copy thereof, shall be sufficient evidence of the course of said road which may then be opened and all the expenses incurred thereby shall be defrayed by said company.

SEC. 13. *And be it further enacted,* That it shall be lawful for the president, managers and company of the said railroad company and their agents and all persons employed by or under them for the purpose contemplated by this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purpose of searching for stone, sand, gravel or wood for constructing said road; but no stone, sand, gravel or wood shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same ^{Entry upon land for stone, &c.} be ascertained and paid; which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed as to the compensation for lands over which said road may be laid. ^{Compensation to owner.}

SEC. 14. *And be it further enacted,* That it shall and may be lawful for the said company to make, construct and establish a railroad on the route laid out as aforesaid, to be constructed so that the said railroad in its progress shall in no part of it rise above one-half of an inch to a foot; and said company are also hereby empowered to erect, make and establish all works, edifices and devices to the said railroad, as may by the said company be deemed expedient for the purposes of carrying into effect the objects of their incorporation; and also to contract or agree with the owner or owners for the purchase of any lands or tenements ^{Company to construct road, works, &c.} which may be necessary for the purpose of erecting the said railroad. ^{To purchase land.}

SEC. 15. *And be it further enacted,* That whenever it shall be necessary for the president, managers and company of the said railroad company to enter in and upon and occupy for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the par- ^{Occupation of land for road.} ties to appoint five suitable and disinterested persons to estimate ^{Appraisers of damage to be chosen}

such damage, if any, who shall be under oath or affirmation fairly and impartially to estimate the same, taking into consideration all and every advantage which will grow out of the construction of said road and shall reside within the County of New Castle; and the expenses incurred by the said appraisers shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition upon him for that purpose, made, or if such owner shall be a feme-covert, under age, non compos mentis, out of the State, or unknown, then it shall be lawful for the Superior Court of said county, on application of either party and at the cost and charge of said company to appoint five disinterested men of said company, to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury and damage, if any (taking into consideration the advantages as aforesaid,) that in their apprehension will be sustained as aforesaid by reason of said railroad, and report the same under their oaths or affirmations to the said Court, the agreement of any three of them to the said report being sufficient; which report being confirmed by the said Court, judgment shall be entered thereon; and in such assessment of damages, whether by persons agreed upon by the parties themselves or appointed by the Superior Court on the application of either party, it shall be the duty of the said appraiser to estimate and allow as damages, in addition to the sum allowed for erecting fences, such sum of which the interest in their opinion, will be sufficient to keep and maintain the same in good repair, which shall thenceforward be kept and maintained by the owners of the land, and the company shall be at no charge in relation thereto, and the viewers shall be entitled to two dollars per diem for their services, to be paid by said company; and it shall be the duty of the appraisers or viewers in estimating such injury or damage, to take into consideration the advantages that will be derived to the owners of the said lands from the said railroad: Provided, That either party may appeal to the said Court, within thirty days after such report may have been filed in the Prothonotary's office of said county, and have the matters in issue decided in the same manner in which appeals from the judgment of Justices of the Peace are decided and such decision shall be final; and upon the coming in of such report and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same; and they and all who act under them shall be acquitted and freed from all responsibility for and on account of such injury: Provided, that the

On failure to
choose S. Court
to appoint.

Report.

Judgment there-
on.
Damages, how
estimated.

Provide
Granting appeal.

Upon final judg-
ment, land to
be vested in
company, after
damages paid.

payment of damages aforesaid for land through which the said road may be made, shall be made before the said company or any person under their direction or in their employ shall be authorized to break ground in the premises, or enter upon them except for the purpose of surveying and laying out said road, unless the consent of the owner of such land be first obtained.

SEC. 16. *And be it further enacted*, That the said railroad shall be so constructed by the said company, as not to obstruct or impede the free use or passage of any public road or public roads which may cross or enter at the same, being now laid out or hereafter to be laid out; and in all places where the said railroad may cross or in any way interfere with any public road, it shall be the duty of the said company to make or cause to be made a good and sufficient causeway or causeways to enable all persons passing or traveling such public road to cross and pass over or under the said railroad, which causeway or causeways shall be made by the said company and maintained by them; and if the said company shall neglect or refuse to make such causeway or causeways, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made, to be recovered by the road commissioners of the hundred, with costs for the use of the hundred, as debts of like amount are by law recoverable; and shall moreover, be liable to an action or actions at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of said company shall be as good and available in law as if served upon the president himself.

Railroad not to obstruct other roads.
Causeways to be made.
Penalty for neglect.
Service of process on Company.

SEC. 17. *And be it further enacted*, That for the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconvenience to such person in crossing or passing over the same, it shall be the duty of the said company when required, to make or cause to be made, a good and sufficient causeway or causeways, whenever the same be necessary to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts, and implements of husbandry as occasion may require: Provided, That the said company shall in no case be required to make or cause to be made more than one such causeway through each plantation or tract of land for the accommodation of any one person owning or possessing land through which the said road may or shall pass; and where any public road shall cross said railroad, the person owning or possessing land through which the said road shall pass, shall not be entitled to make such requisition on said company, and the said causeway or causeways when so made shall be maintained and kept in repair by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when so made to keep the same in good repair, then said

Crossings.
Proviso.
Causeways to be kept in repair.
Damages for neglect.

company shall be liable to pay any person aggrieved thereby all damages sustained by such persons in consequence of such refusal or neglect, to be sued for and recovered before any Justice of the Peace, or any court having cognizance thereof; and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof.

Service of process.

Actions; limitations of.

SEC. 18. *And be it further enacted,* That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless suit or action shall have been commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued; 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 this act.

General issue.

Lateral railroad.

SEC. 19. *And be it further enacted,* That from time to time, whenever it may be necessary, the president and managers are hereby authorized to lay out or cause to be laid out and constructed in manner as above prescribed, such lateral railroads as occasion may require; and that the Legislature reserves the right, if the said company unreasonably neglect or refuse to lay out and construct such lateral railroads as the public wants may demand and require, to authorize any person or persons, company or companies, to construct the same, subject to such reasonable terms and regulations as the Legislature may prescribe.

Road a public highway.

Tolls.

SEC. 20. *And be it further enacted,* That on the completion of a section of two miles of the principal railroad, beginning at the Christiana river, and from time to time of the lateral railroads, the same shall be esteemed a public highway, free for the transportation of all commodities; and the said company may charge and receive tolls, and for freight on and for transportation of goods, wares and merchandize, at the following rates; that is to say: on each ton of salt, five cents per mile; on each ton of coal, gypsum, brick, lime, iron ore and sand, three cents per mile; on wood for fuel, three cents per cord, per mile; on lumber, square and round, per the hundred feet solid, two cents per mile; on boards, plank, scantling, or other sawed stuff reduced to inch stuff, two cents per one thousand feet per mile; on staves and headings for barrels and other vessels of less size, two cents per mile, per thousand; on all carriages conveying passengers, one cent per mile for each passenger; on pig iron, three cents per ton, per mile; on manufactured iron, four cents per ton, per mile; on all articles not enumerated, passing southward, two cents per ton, per mile; and on all articles not enumerated, passing northward, four cents per ton, per mile: on all single and detached articles weighing less than a ton, it shall

be lawful to charge and receive on the transports thereof, an advance of twenty per centum on the rates as above established: *Provided* always, and it is hereby declared and enacted, that the rate of toll chargeable on articles of any kind whatsoever passing northward, may be one-third more than the tolls hereby established, and chargeable on similar articles passing southward: *Pro-* Higher tolls on articles passing northward.
vided also, that from the line of the city of Wilmington to any Tolls at Wilmington.
and every part of said city, when the said railroad may be located, the tolls shall be the same as is charged for one mile on the several articles before mentioned and no more: And provided further, that every person or persons, who may be permitted to use the said road, shall only use those carriages, wagons and conveyances Carriages, &c., what kind to be used.
which shall be adapted thereto; which said carriages, wagons and conveyances to be used thereon for the transportation of persons or commodities, shall be of such kind as the said company shall prescribe: And provided further, that if the net proceeds of the Tolls, when may be increased
tolls, according to the rates hereinbefore established, shall not amount to six per centum, per annum, on the capital stock of said company, the President and managers shall have power, and they are hereby authorized to increase said rates, so far as that the said net proceeds shall amount to six per centum per annum on said capital stock.

SEC. 21. *And be it enacted*, That if any person or persons shall wilfully and knowingly break, injure or destroy the railroad or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company, in pursuance of this act, he, she or they shall forfeit and pay to the said company three times the actual damage so sustained, to be sued for and recovered, with costs of suit, before any Justice of the Peace, or in any court having cognizance thereof, by action of debt, in the name and for the use of the said company. Penalty for injuring road, &c.

SEC. 22. *And be it further enacted*, That if an increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, it may be lawful for the President, managers and company, at a stated meeting convened for that purpose, to increase the number of shares so that the capital stock of said company shall not exceed two hundred and fifty thousand dollars, and to demand and receive the moneys for shares so subscribed in like manner, and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws. Increase of capital stock.

SEC. 23. *And be it further enacted*, That if at any time a company incorporated by the Legislature of Pennsylvania for the purpose of constructing a railroad from Parkersburg, Contesville or Downingtown in that State to the line of this State, should wish to unite with the railroad contemplated by this act, and it shall Union with company in Pennsylvania

be desired by the President and managers of the two companies respectively, to unite the capital stock of said companies, that then, and in such case, the President, managers and company of the Wilmington and Brandywine Railroad are hereby authorized and empowered to form such union of the capital stock of the said companies respectively, so that it shall constitute a common stock, and the two companies shall constitute one company, and be entitled to all the rights, privileges and immunities conferred by their charters respectively.

Revocation.

SEC. 24. *And be it further enacted*, That the State hereby reserves the right to alter or amend this charter at any time after the period of twenty years from the completion of said road.

Passed at Dover, February 13, 1855.

CHAPTER CCX.

AN ACT to change the place of holding elections in Lewes and Rehobeth Hundred, in Sussex County.

Place of holding
elections in
Lewes and Reho-
beth Hundred
changed
Chap. 18 of the
R. Code amend-
ed in conformity
with this act.

SECTION 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 passing of this act, the general election for Sussex County shall be held in Lewes and Rehobeth Hundred, at the School House, in School District No. 14, in said county; and that chapter eighteenth of the Revised Code in regard to the general election, shall be, and the same is hereby amended in conformity with this act.

Passed at Dover, February 13, 1855.

CHAPTER CCXI.

AN ACT to incorporate a Society under the name and title of
"The Agricultural Society of Kent County, Delaware."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*
 That, Thomas B. Coursey, Thomas B. Bradford, James G. Waples, Doct. Henry Ridgely, Manlove Hayes, George P. Fisher, Daniel Cummins, George W. Cummins, William Lewis, and all others whose names are found entered upon the books of the association known as the "Kent County Agricultural Society," as members thereof, together with their successors, be and they are hereby declared to be one body corporate and politic, in deed and in law, under the name, style and title of the "Agricultural Society, of Kent County, Delaware," and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, answer and be answered 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 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.

SEC. 2. *And be it enacted,* That the "Agricultural Society of Kent County, Delaware," shall by that name be able and capable in law, to have, take, purchase, possess, enjoy and retain to them and their successors, lands, tenements, and hereditaments, goods, chattels and effects, of what kind nature or quality soever, (provided the clear income arising from the same shall not exceed one thousand dollars, and the same to sell, grant, demise, alien or dispose of as to the said society may seem most beneficial to the well-being of the same, and generally shall have power to act and transact all matters and things, which bodies politic and corporate may lawfully do.

SEC. 3. *And be it enacted,* That the said society to promote and encourage agriculture and improve husbandry, (the object of its institution,) shall have right and power to ordain and grant premiums and medals, or other gratuities as rewards of merit, exertions, discovery or improvement on the objects aforesaid, as they shall from time to time judge proper.

SEC. 4. *And be it enacted,* That every matter herein contained shall be construed and taken most favorably for the said corporation.

Proviso

tion: *Provided always nevertheless*, That the said society 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.

Act of incorporation to last twenty years.

SEC. 5. *And be it enacted*, That this act of incorporation shall continue in full force and effect for twenty years from the passage thereof, unless sooner revoked by the Legislature of this State.

Passed at Dover, February 13, 1855.

CHAPTER CCXII.

4 vol. p. 528
chap. cxvii.

A FURTHER SUPPLEMENT to the act entitled "*An Act to incorporate the Bank of Wilmington and Brandywine in the borough of Wilmington.*"

Charter with all its present right and privileges (except as altered by the act) extended for twenty years. Capital stock increased to what and how divided.

Rate of interest.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring therein, and the power of revoking this act by the Legislature being hereby expressly reserved,)* That the charter of the Bank of Wilmington and Brandywine, with all its present powers, rights, privileges and immunities, (except so far as may be altered by this act,) is hereby extended and continued for the term of twenty years from the passing of this act, and that the capital stock of the said Bank may be increased to a sum not exceeding two hundred and forty thousand dollars, divided into shares of thirty dollars each, so as to make the whole capital amount to two hundred and forty thousand dollars and no more. The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans and discounts.

Tax to be paid to the State; how payable and what per cent.

Subject to act 6, of chap. 71, of the R. Code.

SEC. 2. *And be it further enacted*, That the said Bank of Wilmington and Brandywine shall semi-annually pay into the Treasury of this State for the use of the State, a tax of one-half of one per centum per annum on the said capital of two hundred and forty thousand dollars or such proportion thereof as shall be actually paid in during the continuance of this act; and shall also be subject to the operation of the sixth section of chapter seventy-one of the revised statutes entitled "*of Banks.*"

Whereas, by virtue of the provisions of an act of the General Assembly of the State of Delaware, passed at Dover, January 26th, A. D., 1829, the actual value of each of the shares of the capital stock of the said bank was ascertained and declared to be seven dollars, and new certificates of stock were authorized to be issued acknowledging the payment of seven dollars subject to the payment of four instalments, one of eight dollars, and three of five dollars each, making in the whole the sum of twenty-three dollars; And Whereas, certain shares of stock for which new certificates were so ordered to be issued, amounting in the whole to one hundred and twenty-nine shares, still stand on the books of the said corporation in the name of the owners and holders of said stock, on which nothing has been paid since the passage of the said act, by which the said corporation is subject to great detriment and inconvenience, now for remedy thereof.

Recital of certain inconvenience under which the corporation is laboring, by reason of certain instalments not being paid on new certificates of stock issued by virtue of an act of 1829, 7 vol. p. 203.

SEC. 3. *Be it further enacted*, That William Lee, Charles Warner and Henry G. Banning, be and they are hereby appointed commissioners, who shall on or before the first day of July, A. D., 1855, upon oath or affirmation, and upon one month's notice, to be given by the said corporation to the persons owning and holding such stock, either personally or by publication in one newspaper printed in the City of Wilmington, proceed to fix an assessment or valuation per share on the said stock so held and owned, and shall make out two certificates of such valuation or assessment under their hands and seals, or the hands and seals of a majority of them, and return one of those certificates into the Bank of Wilmington and Brandywine, and the other into the recorder's office of New Castle County, and the valuation and assessment so fixed shall be deemed and considered to be the amount paid on each share of the stock so held or owned: *Provided, however*, That no such assessment or valuation shall be less than seven dollars per share, upon the return of the valuation or assessment as hereinbefore provided, the amount so assessed by the said commissioners shall be deemed and taken to have been paid on each share, and the person or persons owning or holding such stock shall be credited therewith, and shall hold the said stock subject to the payment on each share of the balance due thereon, the said balance being the difference between the sum so assessed and the current market value of a full paid share, in such instalments and at such times between the time of returning the said certificates of valuation or assessment, and the time when the said corporation would without this act have expired, as the directors may think proper, and if at such last mentioned time the whole amount which the directors shall have called for be not paid by any owner or holder of the said stock, then as to such shares in which default may have been made, the said owner or holder may be taken to have relinquished the same, and it shall be lawful for the said corporation to resume the same upon payment to such

Commissioners appointed; their duties; Notice; how given.

Valuation.

Certificates and returns; where made.

Provide; that the assessment shall not be less than seven dollars per share. Amount so assessed deemed to have been paid. Stock subject to the payment of the balance due thereon.

Liability in payment of the whole amount which the directors shall have called—effect of

Payment; how
made.

owner or holder the sum so assessed, and any additional sum which may have been paid in pursuance of any call to that effect, such payment may be made by placing such amount to the credit of such owner or holder on the books of the said bank payable on demand and notice thereof in like manner as hereinbefore prescribed as to the notice of assessment.

President, Directors, &c., to certify to the Governor the acceptance of this act by the Stockholders.

SEC. 4. *And be it further enacted*, That the president and directors of the said Bank shall within six months from the passing of this act certify to the Governor of this State, under the seal of the corporation, that this supplement has been submitted to a meeting of the stockholders of the said Bank regularly convened for the purpose, and that a majority in value of the said stockholders have approved and accepted of the same.

Passed at Dover, February 13, 1855.

CHAPTER CCXIII.

AN ACT to incorporate a Bank in the City of Wilmington, under the name of "The Mechanics' Bank."

Commissioners
to open books.

Where and
when.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring,)* That Thomas Walker, George W. Churchman, Robert S. Harris, Robert McCabe, M. D., Jesse Sharp, William Thatcher, Jesse Lane, Abraham Alderdice, William H. Griffin, Clarkson Ogden, Joshua P. Edge, George McCorkle, Samuel Barr, Joshua T. Seal, Joshua Simmons, Samuel McCaulley, William Lea, George D. Armstrong, Edward Betts, Edward McClees, John Kirkman, Wm. Tatnal, Jacob Jefferis, Edward Moore, Thomas D. Webb and William Ferris, be and they are hereby appointed commissioners to do and perform the things hereinafter mentioned, that is to say: they or any five of them, shall on or before the first day of June next, procure a sufficient number of suitable books, one of which shall be opened in the City of Wilmington, and the others, if it shall be deemed advisable by the said commissioners, at such other place or places within the limits of this State; as they shall think proper, in each of which books they shall enter as follows:

"We whose names are hereunto subscribed, do, promise to pay to 'The Mechanics' Bank' the sum of twenty-five dollars for each and every share of stock set opposite to our respective names, in such manner, sums, and at such times as shall be directed, by the President and Directors of the said Bank," and shall thereupon give notice in two or more of the newspapers printed in the said city of Wilmington, and in such other newspapers as they may deem proper; at least twenty days of the time and place or places when and where the said books shall be opened to receive subscriptions for the capital stock of the said Bank, at which time and place or places two or more of the said Commissioners shall attend and permit all persons resident in the State, of lawful age, who shall offer to subscribe, in manner following, that is to say: on the first day in which the said books are opened no person shall subscribe for more than twenty shares, either in his own name or as attorney for another; and on the second day on which the said books shall be opened, the same restrictions shall apply; and if at the expiration of the second day the whole number of eight thousand shares shall not have been subscribed, then on the third or any following day, on which the said books shall be opened, it shall be lawful for any person or persons, resident in the State, in his own name, or as attorney for another, to subscribe for any number of shares in the said stock, until the whole number of eight thousand shares shall be subscribed. The Commissioners shall keep the books open at least three days, and at least six hours in each day, unless the whole number of eight thousand shares shall have been before that time subscribed, upon ascertaining which they may close the books, and if it should so happen that more than eight thousand shares shall be subscribed, then the Commissioners, or a majority of them, are hereby authorized and directed to deduct from the highest subscription or subscriptions, until the shares shall have been reduced to the proper number.

Notice to be given.

Manner of subscribing.

Books to be kept open, how long.

SEC. 2. *And be it further enacted*, That the capital stock of the said company shall not exceed the sum of two hundred thousand dollars, divided into eight thousand shares of twenty-five dollars each.

Capital stock.

SEC. 3. *And be it further enacted*, That each subscriber to the stock of said company shall pay to the Commissioners aforesaid, at the time of subscribing for the same, the sum of five dollars on each share subscribed; and it shall be lawful for the directors of the said company, appointed in the manner hereinafter directed, to call in and demand of the stockholders respectively, all such sums of money as are by them subscribed, by instalments not exceeding ten dollars per share, upon giving thirty days previous notice to the stockholders in two or more newspapers printed in the city of Wilmington, and in such other newspapers as the said

Subscription money, how paid.

directors shall deem proper; and in case of failure in the payment of all or any part of the said instalments at the time or times so required, each and every share on which such failure shall have occurred and the interest or dividends on all moneys previously paid, may be forfeited by the said directors for the benefit of the corporation, or in case they shall not elect to forfeit the said share or shares, it shall and may be lawful for the said corporation to sue, either at law or by action of debt or assumpsit, or in equity, for the recovery of any sum or sums of money due, or to become due, as aforesaid, from any subscriber; and in all suits, either at law or in equity, in the courts of this State, by or against the said company, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings or given in evidence.

This act to be a public act.

Subscribers incorporated.

Name.

Powers.

SEC. 4. *And be it further enacted*, That as soon as the whole amount of eight thousand shares shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be incorporated by the name, style and title of "The Mechanics' Bank," and by the same name shall have succession for the term of twenty years from the date of this act; and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of whatsoever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of; and also to have a common seal, the same to break, alter and renew at their pleasure.

May commence business, when

SEC. 5. *And be it further enacted*, That the said bank shall have power to commence business as soon as the sum of eighty thousand dollars shall have been actually paid in and deposited in its vaults, and not before; one-half of which sum shall be in specie, and the other half in notes of the banks of this State, or those of Philadelphia or of Baltimore paying specie; and it shall be the duty of the directors to make a statement under oath or affirmation of the description and amount of such deposits, and transmit the same to the Governor of this State previous to the said Bank going into operation.

Directors and President.

SEC. 6. *And be it further enacted*, That for the proper management of the business and affairs of the said corporation, there shall be eleven directors, who shall be elected by the stockholders, in the manner and at the times hereinafter directed, and who shall choose a President from among their number. Three of the said directors shall not be eligible for more than two years in succession; they shall be stockholders at the time of their election, and also during the term of service; and all of them shall be residents of this State.

SEC. 7. *And be it further enacted,* That the Commissioners aforesaid as soon as conveniently may be after the capital has been subscribed for as aforesaid, shall give ten days' notice in two newspapers printed in the City of Wilmington, and in such other newspapers as they may deem advisable, of the time and place in the City of Wilmington, at which the subscribers shall meet in order to organize the said company; and the said commissioners or any two of them may hold the election, at which time and place the said subscribers shall choose by a majority of the votes present to be given in person or by proxy, eleven directors; and the said directors shall at their first meeting after the election choose one of their number president, and shall manage and conduct the business and affairs of the company until the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-six; and on the same day in every year thereafter in the City of Wilmington, of which thirty days' notice shall be given as aforesaid, at which meeting and meetings the stockholders shall choose by a majority of votes present, given in person or by proxy eleven directors, who shall continue in office for one year and until others be chosen; and the said directors shall at their first meeting after the election, choose a president from among their number. Special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the directors, upon the request in writing of stockholders owning five hundred shares of stock, or when the directors shall deem it necessary; and on all occasions of voting, each stockholder shall be entitled to one vote for each share of stock held by him three calendar months before the day of voting. At every election of directors, two stockholders not being directors shall be appointed judges of the said election by the stockholders present, who shall decide upon the qualification of voters and declare who has been elected and certify the same to the existing board of directors. In case it should happen at any time that an election shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the directors, according to the provisions of this act.

Meeting of stockholders to organize company.

Election of Directors.

President.

General meeting of stockholders.

Special meetings.

Voting.

Corporation not dissolved by failure to elect Directors.

SEC. 8. *And be it further enacted,* That all the corporate powers of the said company shall be exercised by the directors, and such officers and agents as they shall appoint. The directors shall have power to make all the by-laws, rules and regulations necessary and proper for the government of the company, and not repugnant to the Constitution and laws of this State, nor of the United States; but no by-law shall be enacted or repealed unless by a vote of two-thirds of all the directors. On all questions before the board, the President shall vote as a director. Meetings of the directors either special or stated, shall be held or called as the by-laws shall prescribe, and five directors shall

Corporation to be exercised by whom.

By-laws.

Meetings of Directors.

Quorum
Salaries of off-
icers.

constitute a quorum for the transaction of business. The directors shall allow such salaries to the President and other officers as they shall deem proper, but no director shall be entitled to any salary unless the same shall have been allowed by the stockholders.

Banking powers.

Fundamental ar-
ticles.

SEC. 9. *And be it further enacted,* That the said corporation is hereby invested with banking powers and that in the exercise of the same the following shall be the fundamental articles of its government, that is to say:

What lands cor-
poration may
hold.

First, The said corporation shall hold no lands, tenements or hereditaments, but such as shall be required for the convenient transaction of its business, or such as shall be bona fide mortgaged or pledged to it as security for debts or purchased at sales upon judgments which have been obtained for such debts.

Second, The said corporation shall not take more than at the rate of interest, rate of one per centum for every sixty days upon its loans and discounts.

Bills and notes
by whom signed.

Third, All bills and notes not under the corporate seal of the corporation shall be signed by the President and such other officers of the Bank as shall be appointed by the Directors for that purpose.

Banking house
to be kept in the
city of Wilmington,
notes pay-
able there.

Fourth, The said Company shall keep their banking house in the city of Wilmington, and their notes or issues shall be made payable there, in reference to which it is hereby declared to be subject to the provisions of Chapter 71 of the Revised Statutes, entitled "of Banks."

Amount of debts.

Fifth, The total amount of debts which the said corporation shall at any time owe, whether by bill, note, or otherwise, shall not exceed double the amount of capital actually paid into the said Bank.

Stock assignable.

Sixth, The stock of the said corporation shall be assignable and transferable in such manner as shall be prescribed by the by-laws.

Bond and securi-
ty from cashier,
&c.

Seventh, The directors shall require from the cashier and accounting officers of the Bank, such bond security for the faithful performance of their duty as shall be prescribed by the by-laws.

Bonus.

SEC. 10. *And be it further enacted,* That the said corporation shall semi-annually pay into the Treasury of the State, for the use of the State; a tax of one-half of one per centum on the amount of capital actually paid in.

SEC. 11. *And be it further enacted,* That the power of revo-^{Revocation.}king or repealing this act, is hereby reserved to the Legislature.

Passed at Dover, February 14, 1855.

CHAPTER CCXIV.

AN ACT *for incorporating the Delaware Fire Engine Company of the City of Wilmington.*

Private act.

Passed at Dover, February 13, 1855.

CHAPTER CCXV.

AN ACT *to repeal an act therein mentioned.*

SECTION 1. *Be 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 amend an act concerning Constables, passed at Dover, February 20th, 1847, be and the same is hereby repealed, made null and void. ^{Vol. 10, p. 100.}

Passed at Dover, February 14, 1855.

CHAPTER CCXVI.

R. Code, Chap. 55, Sec. 15, p. 153. AN ACT to amend the Fifteenth Section of Chapter 55 of the Revised Statutes of the State of Delaware.

Section 15 of said chapter amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the fifteenth section of chapter 55 of the Revised Statutes of the State of Delaware, shall be, and the same is hereby amended by striking out of the said section immediately after the words "gill sein or net," in the sixth line thereof, these words, "but the provisions of this section shall not apply to St. Jones' or Murder-kill Creeks, except so far as to prohibit gill seines or nets within one-quarter of a mile of the mouth of either stream, and in every edition of the laws hereinafter to be published, the said chapter shall be printed as herein amended.

Passed at Dover, February 14, 1855.

CHAPTER CCXVII.

AN ACT for the relief of Alexander Mitchell.

Private Act.

Passed at Dover, February 14, 1855.

CHAPTER CCXVIII.

AN ACT to prevent Swine from running at large within the limits therein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the provisions of section four of chapter 58 of the Revised Statutes of the State of Delaware, shall extend and apply to the

Sec. 4, chap. 58, of the R. Code extended to certain harts mentioned.

following limits in addition to the limits mentioned in section 5 of said chapter, viz: beginning at the Bridge over St. Jones' Creek, next below Shakespeare's Mill, on the State road, and running thence with said road to the boundary of School District No. 10, in Kent County, thence with the south and west lines of said school district to the county road leading from Shawn's Cross Roads to Pearson's corner, thence with the road leading from Pearson's corner towards Hazletville until it intersects the Dover and Hazletville road, thence with said last mentioned road till it intersects the western boundary of the town of Dover and thence with the limits of said town to the place of beginning.

Passed at Dover, February 15, 1855.

CHAPTER CCXIX.

AN ACT to amend the thirty-sixth Chapter of the Revised Code. R. Code, p. 100.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the thirty-sixth chapter of the Revised Code, be and the Chap. amended; same is hereby amended by striking out the first section thereof all after the words Section 1., and inserting in lieu thereof the following; "The Governor may appoint notaries public within this State, not exceeding six in Wilmington Hundred, four in Little Creek Hundred, in Sussex County, one of whom shall reside at Laurel; four in North West Fork Hundred, one of whom shall reside at Bridgeville; and two in and for each other Hundred in the State; and one for each Bank in the State, now or hereafter to be chartered, and one for the office of the Bank of Smyrna at Milford, hereby repealing and revoking the appointment of notary public for the Bank known as the Milford Bank.

Passed at Dover, February 16, 1855.

CHAPTER CCXX.

AN ACT authorizing "*The Mayor and Council of Wilmington to borrow the sum of fifteen thousand and five hundred dollars, for the purposes therein mentioned.*"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring,) That* the Mayor and Council of Wilmington be, and they are hereby authorized and empowered under an ordinance of the City Council to be passed, pledging the faith of the city for the payment of the principal and interest, to borrow the sum of fifteen thousand and five hundred dollars at a rate of interest not exceeding six per centum per annum; the said sum to be expended by the City Council in constructing at the city pump-house a steam engine and an additional pump, with the requisite connections and machinery, and in making all necessary repairs and improvements to the existing pumps, machinery and appendages, and for the purpose of raising the reservoirs to a height not exceeding five feet above their present elevation; and any surplus of the said sum not expended in making the aforesaid improvements, shall be used for the City Council in extending the water pipes throughout the city.

Passed at Dover, February 20, 1855.

CHAPTER CCXXI.

AN ACT to provide for the appointment of an additional Justice of the Peace in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,) That* hereafter the number of Justices of the Peace in New Castle County, shall be twenty-one instead of twenty, as provided for in Section 1 of Chapter 97 of the Revised Statutes of this State, and that the additional Justice provided for by this act shall reside in the town of New Castle.

Passed at Dover, February 20, 1855.

CHAPTER CCXXII.

AN ACT to authorize George Deakyns to build a wharf or wharves in the river Delaware, below the town of New Castle.

Private act.

Passed at Dover, February 20, 1855.

CHAPTER CCXXIII.

AN ACT supplemental to the act entitled "An act concerning Ant. 165 public roads in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the provisions of the act entitled "An act concerning public roads in New Castle County," passed at Dover, January 26th, A. D. 1855, shall be deemed and taken to apply to all new public roads or changes in the course of old ones, which have been returned to and confirmed by the Court of General Sessions of the Peace and Jail Delivery in and for said county at either of the terms of said court in the year eighteen hundred and fifty-four, and the Levy Court of said county shall, in respect to such roads, proceed as directed in the act to which this is a supplement.

Provisions of the act extended to roads returned and confirmed at either term of the court in said county in 1854.

Passed at Dover, February 21, 1855.

CHAPTER CCXXIV.

AN ACT to amend the Constitution of the Mutual Fire Insurance Company of Mill Creek Hundred. 10 vol p 621

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section ten of the Constitution of the Mutual Fire Insurance Sec. 10 amended.

Company of Mill Creek Hundred be, and the same is hereby amended, as follows:

Amend said section ten by inserting after the word "act," in the second line, the words "shall extend to the Hundreds of Brandywine, Christiana, Mill Creek and White Clay Creek, in New Castle County, and to none other, and so as to make the same read as follows":

The privileges hereby granted, or intended to be granted, by this act shall extend to the Hundreds of Brandywine, Christiana, Mill Creek and White Clay Creek, in New Castle county, and to none other, and shall continue in force for the period of twenty years.

Passed at Dover, February 21, 1855.

CHAPTER CCXV.

AN ACT to amend Chapters 85, 93, 99 and 111 of the Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

R. Code, p. 318 SECTION 1. That section one of chapter ninety-three of the Revised Code be amended by inserting after the word "death," in the second line, the words "of murder of the second degree."

R. Code, p. 350 and 351. SEC. 2. That chapter ninety-nine of the Revised Code be amended as follows: in section twenty-four by inserting the words "or defalked," after the word "disallowed," in the seventh and thirteenth lines respectively; and in the last line but one of the first paragraphs of the twenty-sixth and twenty-seventh sections respectively, by substituting the words "respondent" for the word "appellant."

R. Code, p. 303. SEC. 3. And that chapter one hundred and eleven of the Revised Code be amended in the fifth line of the fifty-second section by substituting the word "judgment" for the word "payment."

R. Code, p. 281. SEC. 4. That section 16 of chapter 85 be, and the same is hereby repealed, and that section 15 of said chapter be amended by inserting after the word "shall," in the 5th line of said section, the words "upon the application of any party entitled."

SEC. 5. That the Prothonotaries of the Superior Court in and for either county shall have power to take all affidavits to be used in the said court. Prothonotaries,
their power.

Passed at Dover, February 21, 1855.

CHAPTER CCXXVI.

AN ACT to divorce *Emeline Wilson and Joseph Wilson, her husband, from the bonds of matrimony.*

Private act.

Passed at Dover, February 22, 1855.

CHAPTER CCXXVII.

AN ACT in relation to Banks.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. If any bank incorporated by any law of this State shall hereafter, either directly or by or through the agency or employment of any person, be in any wise concerned in any paper or security of any description whatever, whereby the amount of profit to said bank to arise from said transaction shall exceed the rate of one per cent, for sixty days, such bank shall be deemed and taken to have forfeited its charter; and furthermore, the directors or managers of the affairs of said bank who knowingly and intentionally assent to the violation of the foregoing provision shall severally be guilty of a misdemeanor, and on conviction thereof, by indictment, shall be fined at the discretion of the court: Provided, however, That in case of a draft or bill drawn upon a place between which and the city of Philadelphia there shall be, at the time of the negotiation of such paper or rate of exchange below the par thereof, the bank negotiating such paper shall be allowed to add the exchange to the profit before mentioned and take the whole amount of such profit and exchange and no

Penalty for
banks taking
more than one
per cent. for 60
days.

Liability of di-
rectors and man-
agers assenting
thereto.

Proviso.

Further proviso. more; and provided also, That when application shall be made for the purchase of a draft on any place other than that where the business of said bank is transacted, it shall be lawful for the said bank to charge for the accommodation a reasonable exchange. Nothing herein contained shall be held or taken to contravene the usage with banks of taking discount or interest in advance.

Passed at Dover, February 22, 1855.

CHAPTER CCXXVII.

AN ACT to provide for grading hills and elevations on public roads in New Castle County.

Jurisdiction of Court of Gen. S. of the Peace extended to petitions for grading hills.

Petitions; how signed.

No fee

Five persons appointed review.

Duty of Commissioners, &c.

SECTION 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 passage of this act, the Court of General Sessions of the Peace and Jail Delivery within New Castle County shall have similar jurisdiction in the case of petitions for the grading of hills in said county, that said Court now has in the case of petitions for new public roads. Such petitions shall be signed by ten or more residents of the hundred wherein the hill or hills to be graded lie, and shall be made to the said Court upon ten days notice thereof publicly given by written hand bills, posted in at least five public places in said hundred. Whereupon the said Court shall, by order, appoint five suitable persons to view said hill or hills and determine whether or not the same require grading and to what degree of elevation they shall be reduced. The oath or affirmation of such Commissioners, their authority to appoint and qualify a Surveyor, if needed, and assess the damages of adjacent land-holders, when any will be sustained, the making of their return, and their proceedings generally, shall be similar to those had in the case of commissions for the laying out of new roads.

Section, 637 and 10 of chap. 60, R. Code extended to this act.

SEC. 2. *And be it further enacted,* That sections 6th, 7th and 10th of chapter 60 of the Revised Code shall also be deemed to apply to proceedings had under this act.

Extent of commission

SEC. 3. *And be it further enacted,* That the inspection of several hills may be given in charge to the same commission when said hills are on the same line of road and in the distance of not more than three miles.

SEC. 4. *And be it further enacted*, That the effect of the confirmation of a return of such commission requiring the grading of a hill or hills, shall be, to make it the duty of the road commissioners of the hundred in which the same shall lie to procure the grading of the same as specified in said return within one year next after said confirmation.

Duty of Road Commissioners upon confirmation of return.

SEC. 5. *And be it further enacted*, That no new road shall hereafter be opened in New Castle county, having any part thereof when made at heavier grade than five degrees.

Grade of roads hereafter to be made.

SEC. 6. *And be it further enacted*, That upon a petition for changing a public road in said county for the purpose of avoiding a hill or hills on said road (said purpose being stated in said petition,) it shall be lawful for the Commissioners appointed upon the same to decide which will be most proper to change said road or to grade said hill or hills, and they shall make return accordingly.

Power of Commissioners appointed to change public road.

SEC. 7. *And be it further enacted*, That nothing in this act shall be construed to deprive the Road Commissioners of the several hundreds in said county, of the power to procure the grading of hills as heretofore, when they shall think proper so to do, without the proceedings set forth in this act.

This act not to interfere with the powers of Road Commissioners heretofore granted.

Passed at Dover, February 22, 1855.

CHAPTER CCXXIX.

AN ACT dissolving the marriage between John T. Hyatt and his wife Ellen Hyatt, late Ellen Pugh.

Private Act.

Passed at Dover, February 22, 1855.

CHAPTER CCXXX.

R. Code, p. 150 A SUPPLEMENT to Chapter Fifty-five of the Revised Statutes of this State.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That part of Section five, Chapter fifty-five, of the Revised Statutes of the State of Delaware, which is in the following words, to wit: "It shall be unlawful for any person to catch or take oysters in any creek or pond in this State between the first of May, and tenth of August in any year" shall not be deemed or taken to affect or apply to Broadkill creek in said State.

Statute repealed
as to Broadkill
creek.

Passed at Dover, February 22, 1855.

CHAPTER CCXXXI.

AN ACT to incorporate the Lewes Railroad and Wharf Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)* That William M. Hickman, Henry Wolfe, Henry F. Hall, Robert West, John Rodney, William P. Orr and Lemuel W. Waples, be and they are hereby appointed Commissioners to receive subscriptions to the capital stock of the Lewes Railroad and Wharf Company, and they or any two of them may open books for that purpose, at such times and places as they may appoint, on ten days' notice by advertisements posted in the town of Lewes; and the said books when opened shall continue so until the whole amount of the capital stock of said company shall be subscribed. The capital stock of said company shall not exceed twenty-five thousand dollars, divided into one thousand shares of twenty-five dollars each.

Commissioners
appointed

Their duties.

Capital stock.

Company incor-
porated.

SEC. 2. *And be it further enacted as aforesaid,* That as soon as eighty shares of the said capital stock shall be subscribed, the subscribers, their successors and assigns shall be, and they are hereby declared to be incorporated by the name of "The Lewes

Railroad and Wharf Company," and by that name the subscribers shall have perpetual succession, and be able to sue and be sued, ^{Corporate powers.} plead and be impleaded in all courts of law and equity, and to purchase, receive, have, hold and enjoy to them and their succession, lands, tenements and hereditaments and personal property of every kind whatsoever; and the same from time to time to sell, mortgage, grant, alien and dispose of, and to make dividends of such portion of the profits of said company, as may be deemed proper, to have a common seal, and the same to alter and renew at pleasure; and to ordain and enforce such by-laws and regulations as may be deemed necessary and convenient for the government and business of said company, not repugnant to the Constitution and laws of this State, and of the United States; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well-being and ordering of the same; but it shall have no banking powers whatsoever.

SEC. 3. *And be it further enacted as aforesaid,* That the said commissioners shall call the first meeting in the town of Lewes, for the election of directors by advertisements posted in said town. The business of said company shall be conducted by five directors to be elected by the stockholders, who shall continue in office until the next annual meeting of the stockholders succeeding their election, and until successors shall be duly chosen, but an intermediate vacancy in the office of director may be filled ^{First meeting where held. Directors how chosen.} by the board, to continue as aforesaid; they shall be stockholders ^{Vacancy.} and shall appoint one of their number to be President of said ^{President.} company. Any three of them shall form a board.

SEC. 4. *And be it further enacted as aforesaid,* That the Directors of said company shall have full power and authority to locate, construct and complete a railroad from any point within the limits of the said town of Lewes to the Delaware Bay, and to erect, construct and maintain a wharf of such description, materials and dimensions, and at such point or place on and into the said Bay in connection with said railroad as to them may seem expedient, or to locate and construct the said railroad to the wharf of the Cape Henlopen Steamboat Company, with the consent of said company; and for these purposes the said directors shall have full power and authority to make such contracts, procure such materials and machinery, and to employ such agents, officers and workmen as they may deem necessary to locate, construct and complete the railroad and wharf aforesaid, and to conduct and carry on the business of said company thereon when completed as aforesaid, and generally to do all such other acts, matters and things as by this act and the by-laws and regulations made in pursuance thereof, they shall be authorized to do; they shall also ^{Powers of Directors.}

have authority to appoint a Treasurer and such other officers of said company as they may deem necessary, and to take bonds of the same with security in such sums as they may think proper for the faithful performance of the duties of their said offices, and discharge of the trusts reposed in them, until their successors shall be duly appointed, and to remove the same whenever they shall fail to comply with said obligations. The Treasurer shall be appointed to continue in office until the next annual meeting, and until his successor shall be duly appointed. He, together with all other officers, shall receive such compensation for his services as shall be fixed by the directors.

Treasurer. his
term of office

Compensation.

SEC. 5. *And be it further enacted as aforesaid,* That it shall be lawful for said company to enter upon, have, hold and enjoy, in consideration of making said railroad or wharf, or either of them, any beach, cape, shore, land and marsh, the property whereof is in this State, or is vested in others by the authority of the State for any public use whatever, or so much and such parts thereof, with the sand, gravel, timber, and materials thereon, as may be necessary and expedient for the location and construction of said railroad and wharf, or either of them, and to contract for, purchase and hold for the purpose aforesaid, any other land or marsh, and in case such land or marsh last mentioned as may be necessary for the location and construction

Beach, marsh,
&c. granted to
the company.

Where land cannot be purchased, application to be made to S. Court, or any Judge thereof in vacation. Notice to be given

Five judicious persons to be appointed.

Thier proceed-
ings.

Judgment of confirmation, and payment of the damages assessed collect of

of said railroad, cannot be obtained by purchase, the said company may apply to the Superior Court of the State of Delaware in and for Sussex County, if in session, or to any Judge thereof in vacation by petition, giving the other party if in the State, five days' notice of the said intended application, and thereupon the said Court or Judge as the case may be, shall appoint five judicious and impartial men to view the premises which the said company may wish condemned for the use of said railroad, and assess the damages, if any, that the owner thereof will sustain by the condemnation of the same for the use of said company. The persons so appointed as aforesaid shall be sworn or affirmed faithfully and impartially to perform the duty aforesaid, and shall notify the owner of the premises if in the State, and also the President of the said Company, of the time they will meet for the discharge of said duty. They shall make report in writing under their hands or the hands of a majority of them, at the ensuing term of the said Court in said county, after their appointment, of their proceedings under said appointment, which the said Court may either confirm or refer back to the same persons, or appoint five other judicious and impartial men to perform the duty aforesaid in manner as aforesaid; on judgment of confirmation thereof, by said Court, and payment by the said company of the damages assessed to the owner of said premises, or on payment of the same into court for his use, the title to the said lands and premises mentioned in said report, and so con-

demned as aforesaid, shall be absolutely vested in said company, their successors and assigns, forever. The fees of the said persons and the Prothonotary on said proceedings, shall be taxed by the Court and be paid by said company.

SEC. 6. *And be it further enacted as aforesaid,* That the annual meeting of the stockholders shall be on the last Saturday of June in each and every year, at the town of Lewes; but if a meeting should not be held at this time, or there should be no election of directors, the corporation shall not be dissolved for this cause; occasional meetings may be called at any time by the directors. In all meetings of the stockholders, regularly held, those assembled may proceed to business. The election of directors shall be by ballot, and be determined by a plurality of votes; on all other questions a majority of votes shall be necessary; each stockholder shall be entitled to one vote for every share of stock he holds, and absent stockholders may vote by proxy.

Annual meeting, where held.
Occasional meetings.
Elections.

SEC. 7. *And be it further enacted as aforesaid,* That subscriptions to the capital stock of said company shall be paid at such times, in such instalments, and on such notice as the directors shall determine, and any stockholder failing to comply therewith shall be liable to be sued therefor by said company, in the same manner as debts of a like amount are recoverable by the laws of this State, or the dividends already paid by such stockholder may be declared forfeited by the directors for the benefit of said company. The shares of said capital stock shall be deemed and held to be personal property, and shall be assignable and transmissible as such subject to the by-laws, and the time and manner of making dividends of the profits of the company, shall be prescribed by the same.

Subscriptions, how paid.
Shares to be deemed personal property.

SEC. 8. *And be it further enacted as aforesaid,* That the said company shall have authority to establish, charge and collect such sum or sums for the conveyance of passengers and baggage over the said railroad and wharf, or either of them, hereby authorized to be constructed by the said company as aforesaid, and also such freights or tolls for the transportation of produce, merchandize and manufactures over the same, or either of them, and also such wharfage for all vessels and steamboats lying, loading or landing at said wharf as may be just and proper; and no person shall be allowed to use, occupy or enjoy the same without paying therefor as aforesaid, and without the consent of the company.

Tolls and freight &c

SEC. 9. *And be it further enacted as aforesaid,* That if the said railroad shall be constructed by means of a bridge across Lewes Creek, below the lower bridge now erected over the same, it shall be the duty of said company to have and maintain a draw in their

Any bridge across Lewes Creek to be a draw, and

maintained by
the company.

said bridge, over the channel or deepest part of said Creek, which shall always be drawn for the necessary passage of masted vessels through the same, at the expense of said company.

Penalty for in-
juries or ob-
structing any
works, &c., of
company.

SEC. 10. *And be it further enacted as aforesaid,* That the said company shall have full power and authority to construct such other buildings and improvements as may be needful or necessary in connection with their business; and if any person shall wilfully obstruct, damage or destroy any of the aforesaid works, buildings and improvements of said company, or shall counsel or advise, aid or abet the same, he shall be liable to indictment therefor, and on conviction shall forfeit and pay a fine not exceeding one thousand dollars, and shall furthermore be liable in civil action to the said company for the full amount of the damage sustained.

Public act.

SEC. 11. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and in all actions and proceedings at law, may be pleaded and given in evidence as such: and the authority to revoke the same is hereby reserved to the Legislature.

Revocation.

Passed at Dover, February 23, 1855.

CHAPTER CCXXXII.

AN ACT to incorporate the Middletown Hall Company.

Private act.

Passed at Dover, February 23, 1855.

CHAPTER CCXXXIII.

AN ACT to incorporate "The Delaware Air-Spring Manufacturing Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)*

That James F. Heyward, J. Taylor Gause, Joshua T. Heald, William Webb, Samuel McCaulley, William Pyle, Henry S. McCombs, and such others as are or may hereafter be associated with them for the purpose of manufacturing air springs, railroad cars, car trucks, &c., &c., at the City of Wilmington or elsewhere in the State of Delaware, shall be and are hereby ordained and declared to be a body politic and corporate by the name of "The Delaware Air Spring Manufacturing Company," and by that name they and their successors and assigns shall and may have continued succession for twenty years and no longer; and be capable to sue and be sued, in courts of law and equity, to purchase, take, enjoy, sell and alien lands, tenements, hereditaments, goods, chattels and effects, of every nature, which may be connected with or conducive to the purpose for which said company is established; and to have a common seal, to ordain by-laws for their own government not repugnant to the Constitution of the United States or of this State, and to enjoy the franchises incident to a corporation; Provided always, That the said corporation shall not have nor exercise any banking powers whatever; and that their capital stock shall not exceed five hundred thousand dollars.

Incorporated.

Name.

Corporate powers.

SEC. 2. *And be it further enacted,* That the business and concerns of the said corporation shall be managed by seven directors, of which number five shall constitute a quorum, who shall be stockholders, and who shall be elected at each annual meeting of the stockholders, which shall be held the second Tuesday in January, in every year, and who shall continue in office until the next succeeding annual meeting, and until successors to them be duly chosen. The directors shall be elected by ballot by the stockholders, in person or by proxy, who shall have a vote for every share of stock, Provided, That no stockholder, either in person, or by, or as proxy for another or others, shall have more than twenty votes; a majority of votes given in shall be necessary to a choice, and such ballots shall be made from time to time, until the requisite number of directors shall have a majority. If any director shall cease to be a stockholder, and if any vacancy or vacancies shall occur, either by death, resignation, refusal to serve, or from any other cause, the remaining directors or director, shall choose one or more directors to serve until the next election in course, or until successors shall be duly chosen; but if vacancies shall at any time exist in all the offices of directors, or if such directors shall not be chosen at the time appointed therein, this corporation shall not thereby cease; but in the former case, such persons shall manage the business and concerns of the said corporation as may be provided by its by-laws, and in the latter case, the directors shall continue in office until successors shall be actually chosen and enter upon the duties of their office. The directors shall choose from among their number a President, who

Number of Directors.

Quorum.

When elected.

Directors: how chosen.

Vacancy: how filled.

Corporation not to cease through failure to elect.

President.

Present Directors.

shall have such powers and duties as shall be provided by the by-laws. The directors until the first annual meeting of the stockholders after this act shall go into operation, and until others shall be appointed and act, shall be James F. Heyward, J. Taylor Gause, Joshua T. Heald, William Webb, Samuel McCaulley, William Pyle and Henry S. McCoombs.

By-laws; how made.

SEC. 3. *And be it further enacted*, That all by-laws shall be made by the stockholders at their annual or other meetings, called by virtue of the by-laws made at an annual meeting, except those made before the first annual meeting after this act shall go into operation; for which purpose the stockholders may be convened as the directors may prescribe; at all which meetings, all questions shall be decided by a majority of votes, in person, or proxy, each share having one vote, and no stockholder, either in person, or by, or as proxy, voting more than twenty shares.

Books of accts to be kept.

SEC. 4. *And be it further enacted*, That the directors shall at all times keep or cause to be kept, proper books of account, in which shall be regularly entered all transactions of the said corporation, which books shall be subject at all times to the inspection of the stockholders; and the directors shall once in every year take an account of the stock, property, and effects belonging to the said corporation, and of all debts owing by, or to, the said corporation, and make a record thereof, in a book to be kept for that purpose, and exhibit the same to the stockholders at their annual meeting; and no director shall have any emolument, except such as shall be allowed by the stockholders at their annual meeting, or be prescribed by their by-laws.

Shares, value of; to be personal property

SEC. 5. *And be it further enacted*, That the shares of the capital stock, shall be five hundred dollars each, and be personal property, and shall be created, certified, held, assigned, and assignable according to the provisions of the by-laws.

Capital stock; how paid

SEC. 6. *And be it further enacted*, That the capital stock shall be paid in such manner, and in such instalments, and at such times as the directors shall appoint, and the same shall be liable to be forfeited, according to the provisions of the by-laws.

Directors authorized to lay assessment on shares

SEC. 7. *And be it further enacted*, That the directors shall have the power, when they deem it necessary for the proper prosecution of the business of the company, to assess on each share of the stock, sums of money, not exceeding fifty dollars at any one time, nor at intervals of time less than three months, and that the several assessments so made, shall not exceed in the aggregate, the sum of two hundred and fifty dollars on each share of stock.

SEC. 8. *And be it further enacted,* That this act shall be deemed and taken to be a public act, provided that power is hereby reserved to the General Assembly to revoke this act of incorporation. Public act.
Revocation.

Passed at Dover, February 23, 1855.

CHAPTER CCXXXIV.

AN ACT to authorize an increase of the number of Trustees of the Asbury M. E. Church of Wilmington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That it shall be lawful for the religious society known as the Asbury Methodist E. Church of Wilmington, heretofore incorporated under the laws of this State, to increase the number of its Trustees, so that the same shall not exceed twelve. The additional Trustees, hereby authorized shall be elected and hold their office, and their succession shall be kept up, subject to the same legal provisions which regulate the elections tenure, of office and succession of the the present Trustees; and the whole number of Trustees, as increased under this act, shall constitute the same corporation, now composed of the present Trustees of said society, with the same rights, powers and privileges heretofore appertaining to said corporation. Increase of the
number of Trus-
tees authorized.

Same legal pro-
visions to govern
the additional
Trustees.

Passed at Dover, February 23, 1855.

CHAPTER CCXXXV.

AN ACT to tax the surplus or contingent fund of the Banks in the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That each of the Banks that now are, or may hereafter be char-

Banks to pay by of one per centum on contingent fund exceeding 25 per cent of their surplus fund.

tered in this State shall pay to the State Treasurer semi-annually hereafter on the first day of July and January a tax of one-fourth of one per centum per annum upon all and every portion of the surplus or contingent fund of the said Banks exceeding twenty-five per cent of the said surplus or contingent fund.

Passed at Dover, February 24, 1855.

CHAPTER CCXXXVI.

Act p

A SUPPLEMENT to the act entitled "*An Act to incorporate a Bank in the City of Wilmington under the name of the 'Mechanics' Bank.'*"

Act amended.

SECTION 1. *Be 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 incorporate a Bank in the City of Wilmington under the name of 'The Mechanics' Bank.'*" be, and the same is hereby amended by inserting after the word, "centum" and before the word "on" in the last line of the tenth section of said act the words "per annum:" and the aforesaid act shall be so read and be construed, in any edition of the laws of this state hereafter to be published.

Passed at Dover, February 24, 1855.

CHAPTER CCXXXVII.

A SUPPLEMENT to Chapter 19 of the Revised Statutes of the State of Delaware, title "*Of elections in Wilmington Hundred.*"

R. Code, p 60.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

Wilmington Hundred divided into five election districts.

SECTION 1. For the purpose of holding elections for State and County officers in Wilmington hundred, the said hundred shall be divided into five election districts. Each ward in the City of Wilmington as the same is defined and bounded in section 13 of

chapter 78 of the Revised Statutes of the State of Delaware, title ^{Limits, how de-}
 "of the city of Wilmington," shall be an election district of Wil-
 mington Hundred.

SECTION 2. The election for the first ward, being the first elec- ^{Places of holding}
 tion district, shall be held at the district school house in Washing- ^{elections.}
 ton street, between Second and Third streets; for the second
 ward, being the second election district, at the district school
 house in Walnut street, between Third and Fourth streets; for
 the third ward, being the third election district, at the district
 school house in Tenth street, between Orange and Tatnal streets;
 for the fourth ward, being the fourth election district, at the most
 southern window of the City Hall, looking into Market street;
 and for the fifth ward, being the fifth election district, at the dis-
 trict school house in Twelfth street, between Market and Orange
 streets.

SEC. 3. There shall be elected according to the provisions of
 chapter 17 of the Revised Statutes of the State of Delaware, one ^{Inspectors to be}
 inspector for each of the said districts, except that at such elec- ^{elected for such}
 tions instead of the Collector of the Hundred be presiding offi- ^{district.}
 cers for the several districts herein created shall be for each dis- ^{Presiding offi-}
 trict some qualified voter of the district, to be appointed by the ^{cers, how ap-}
 Levy Court of New Castle County, in the month of March next ^{pointed.}
 previous to the election, and such qualified voters, when so ap-
 pointed, shall have all the powers and perform all the duties given ^{Powers and du-}
 to and imposed upon Collectors of Hundreds in the said seven ^{ties of presiding}
 tenth chapter. If at any election for inspector in either of the ^{officers.}
 election districts of Wilmington Hundred aforesaid, a presiding ^{In case no pre-}
 officer shall not have been appointed or shall not be present at ^{siding officer has}
 the time and place of opening the election, the electors present ^{been appointed.}
 shall choose a presiding officer for said election, according to the
 provisions of section 10 of chapter 18 of the Revised Statutes of
 the State of Delaware, and at said election there shall be elected
 one assessor for the city or hundred of Wilmington.

SEC. 4. Immediately after making the certificates required by ^{Certificates, how}
 section 8 of chapter 19 of the Revised Statutes of the State of ^{made}
 Delaware, the said presiding officers and judges of the several
 election districts shall assemble in the City Hall aforesaid, and
 ascertain the aggregate number of all the votes given for asses-
 sor in all the said election districts, the candidate having the
 highest number of votes shall be declared duly elected assessor;
 and the presiding officers and judges shall make, sign and deliver
 certificates of said election according to law. If two or more ^{In case of tie,}
 persons shall have an equal, and at the same time the highest ^{presiding officers}
 number of votes for the office of assessor, the presiding officers of ^{to give casting}
 the said districts shall agree upon and give a casting vote. ^{vote.}

All portions of
chapter 19 incon-
sistent with this
act repealed.

SEC. 5. All portions of said chapter of the Revised Statutes of the State of Delaware as are contrary and inapplicable under the provisions of this act are hereby repealed and in every edition of the laws hereafter to be published said chapter 19 shall be printed so as to conform with the provisions of this act.

Passed at Dover, February 24, 1855.

CHAPTER CCXXXVIII.

AN ACT to enable the owners and possessors of the Marsh Meadows on the west side of the Christiana River, east of the Wilmington and Christiana Turnpike, and north of Elder Gut, commonly called "Clement's Creek Marsh," to keep the banks, sluices and ditches in repair, and to raise money to defray the expenses thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)*

Company estab-
lished.

Name

Annual meeting.

Officers

That the owners and possessors of the marsh and low grounds, situate in New Castle County, lying between the Christiana River and the Wilmington and Christiana Turnpike, and between Elder Gut and the said Turnpike, commonly called "Clement's Creek Marsh," shall compose a company to be called "The Clement's Creek Marsh Company," and shall hold a meeting on the first Saturday of March in the present year, and on the first Saturday of March in every year hereafter at the Tavern House now kept by Phœbe Sharpe, in Wilmington Hundred, in the county aforesaid, or in such other place in New Castle County aforesaid as the said owners shall have designated for that purpose by a resolution adopted at any previous meeting; at which said annual meeting the said company shall choose by ballot, and by a plurality of votes, one Treasurer and two managers, and may do all such matters and things as the company may deem necessary for keeping such marsh and low ground drained, and the banks, ditches and sluices thereof in good repair.

Managers to be
elected.

SEC. 2. *And be it further enacted,* That the ditches, sluices and banks of the said marsh shall be and remain of the same length and dimensions as heretofore, and the managers of the said company, for the time being, shall, whenever the company, by resolution or otherwise, have decided that repairs shall be made, order and contract for any and all repairs to the ditches, sluices and banks aforesaid, and for the purpose of defraying the

costs and expenses of the same; shall levy and assess a tax upon the owners of the said Marsh in proportion to the number of acres held by each owner. And the said Managers, after having made out the assessment as aforesaid, specifying the amount to be paid by each owner, shall certify and deliver a list of the names of owners and the tax or taxes to be paid by each to the Treasurer of the company, and the said certified list shall be a sufficient warrant to the Treasurer, or his successor in office, for levying and collecting the sums of money or taxes in said list mentioned. And in case any tax or taxes so laid and assessed, or any part thereof shall remain unpaid for the space of ten days after notice and demands from the Treasurer, the Treasurer for the time being, and every Treasurer for the time being, shall proceed to levy and make all such taxes so remaining unpaid, in the same manner and by the same means as are provided by law for the recovery of County, Road and Poor taxes, except that the Treasurer shall advertise at least thirty days before the day of sale. *Provided*, That no tax shall be demanded after the expiration of three years from the time the same is made due and payable.

Taxes remaining
unpaid; penal-
ty.

SEC. 3. *And be it further enacted*, That the said company shall have succession, and by the name of "The Clement Creek Marsh Company," may sue and be sued in any of the Courts of the State, or before any Justice of the Peace, and the said Company may make rules and ordain by-laws for their own government, and for that purpose of carrying out the objects of this act, not repugnant to the Constitution or laws of the United States or of this State.

Incorporated.

SEC. 4. *And be it further enacted*, That this act shall be deemed and taken to be a public act. *Provided*, That the power is hereby reserved to the General Assembly to revoke this act of incorporation.

Public act.

Revocation.

Passed at Dover, February 24, 1855.

CHAPTER CCXXXIX.

AN ACT to repeal the act entitled "An act to authorize Simon Spearman to erect and maintain gates across a public road." 10 vol. p. 132.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

Said act repealed. That the act entitled "An Act to authorize Simon Spearman to erect and maintain gates across a public road," Passed at Dover February 2, 1847, be and the same is hereby repealed made null and void.

Passed at Dover, February 24, 1855.

CHAPTER CCXL.

Ante p 87. AN ACT to repeal an act entitled "An Act to authorize Isaac Betts to erect certain gates across a public road in Sussex County.

Act repealed. SECTION 1. *Be 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 authorize Isaac Betts to erect certain gates across a public road in Sussex County," Passed at Dover, March 1, 1853, being chapter XCV., of the 11th volume of the Laws of this State, be and the same is hereby repealed, made null and void.

Gates hereafter erected to be removed SEC. 2. *And be it further enacted,* That if any gate or gates, shall have been erected under the authority and provision of the act hereby repealed, or shall have been erected at any time prior to the passage of this act, the same shall be abated and removed.

Passed at Dover, February 24, 1855.

CHAPTER CCXLI.

AN ACT to incorporate a Bank in the town of Newark, under the name of the Bank of Newark.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch of the Legislature concurring as follows:

Commissioners to open books SECTION 1. James L. Martin, Frederick A. Curtis, William McClelland, James S. Miles, Benjamin Caulk, John Miller, Daniel Thompson, Solomon Leeche and Joseph Hossinger, be,

and they are hereby appointed Commissioners to do and perform the things hereinafter mentioned; that is to say, they or any three of them shall procure a sufficient number of suitable books, ^{when and where.} one of which shall be opened in the town of Newark and, the others at such other places as they shall think proper, in each of which books they shall enter as follows, viz: "We, whose names are hereinto subscribed, do promise to pay to the Bank of Newark the sum of fifty dollars for each and every share of stock set opposite our respective names, in such manner, sums, and at such times as shall be directed by the President and Directors of the said Bank," and shall thereupon give notice in two newspapers ^{Notice to be given.} printed in New Castle County, and in such other papers as they may deem proper, at least twenty days of the time and place or places when and where said books will be opened to receive subscriptions for the capital stock of said Bank, at which time and place or places, two or more of said Commissioners shall attend and permit all persons of lawful age, who shall offer, to subscribe in the manner following, viz: On the first day on which the said books are opened, no person shall subscribe for more than fifty shares either in his own name or as attorney for another, and on the second day the same restriction shall apply; but if at the expiration of the second day the whole number of one thousand shares shall not have been subscribed, then on the third day or any following day, during which said books shall be opened, it shall be lawful for any person or persons in his or their own name or names or as attorney for another or others to subscribe for any number of shares in said stock required to complete the whole ^{Manner of subscribing.} number of one thousand shares, *Provided*, the same shall not exceed four hundred shares. The said Commissioners shall keep said book open at least three days, and at least six hours in each of said days, unless the whole number of one thousand shares shall have been taken and subscribed for before that time; and upon ascertaining at any time that the said whole number of shares are taken they may close said books. And if it should happen that more than one thousand shares shall have been taken, then said Commissioners, or a majority of them, are hereby authorized and directed to deduct from the highest subscription or subscriptions until the number of shares shall have been reduced to one thousand.

SEC. 2. The capital stock of said Bank shall not exceed the ^{Capital stock.} sum of fifty thousand dollars, divided into one thousand shares of fifty dollars each.

SEC. 3 Each subscriber to the stock of said Bank shall pay to the Commissioners aforesaid at the time of subscribing for the same, the sum of five dollars on each share subscribed for, and it shall be lawful for the Directors of said Bank, appointed as hereinafter directed to call in and demand of the stockholders respec- ^{Subscription money; how paid.}

tively, all such sums of money as are by them subscribed by instalments not exceeding ten dollars on each share, upon giving thirty days notice in two newspapers printed in New Castle County, and in such other newspapers as said Directors may deem proper, and in case of failure in the payment of all or any part of said instalments at the time or times, so required, every share on which such failure shall have occurred and the interest or dividends on all moneys previously paid may be forfeited by the Directors for the benefit of the Corporation, or in case they shall not elect to forfeit the said share or shares it shall and may be lawful for the said corporation to sue, either at law by action of debt or assumpsit or in equity, for the recovery of any sum or sums of money, due or to become due, as aforesaid, from any subscriber. And in all suits either at law or in equity in the Courts of this State by or against said Corporation. This act shall be deemed and taken to be a public act, and need not be set forth in the pleadings or given in evidence.

This act to be
a public act.

SEC. 4. As soon as the whole number of one thousand shares shall have been subscribed for, the subscribers their successors and assigns shall be and they are hereby declared to be a body politic and corporate, by the name, style and title of "The Bank of Newark," and by that name shall have succession for the period of twenty years from the date of the passing of this act, and no longer; and by that name may sue and be sued, plead and be impleaded, in all courts of law and equity, and may purchase and receive, have, hold and enjoy, to them and their successors, lands, tenements hereditaments, goods and chattels, rights and credits, and effects of whatsoever nature, quality or kind, and may grant, demise, alien, convey, transfer, assign or dispose of the same as to said corporation may seem meet and right; and the said corporation may have and use a common seal, and may break, alter or renew the same at pleasure.

Subscribers in-
corporated.

Name.
Continuance.

Powers.

May commence
business; when.

SEC. 5. The said Bank may commence business as soon as the sum of twenty thousand dollars shall have been paid and deposited in its vaults, and not before; one half of which sum shall be specie and the residue shall be notes of banks of this State, or of Philadelphia, paying specie; and it shall be the duty of the Directors to make a statement under their oaths or affirmations respectively, of the description and amount of such deposits, and transmit the same to the Governor of this State before said Bank shall go into operation.

Directors and
President.

SEC. 6. There shall be seven directors to manage the business and affairs of said Bank, who shall be elected by the stockholders in the manner and at the times hereinafter described, and who shall choose a President from among their number, three of said

directors shall not be eligible for more than two years in succession. Each director shall be a stockholder at the time of his election, and also during his term of service, and a majority of them shall be residents of this State.

SEC. 7. Said Commissioners, as soon as conveniently may be, after the capital stock shall have been subscribed as aforesaid, shall give ten days notice in two newspapers printed in New Castle County, and in such other newspapers as they deem advisable, of the time and place, in the town of Newark, at which the subscribers shall meet in order to organize said Bank, and said Commissioners, or any two of them, may hold the election, at which time and place the said subscribers shall choose by a majority of the vote present, to be given in person or by proxy, seven directors; and said directors, at their first meeting after their election, shall choose one of their number for President, and shall manage and conduct the business affairs of said Bank until the first Monday in July next succeeding their election; and there shall be another meeting of the stockholders on the first Monday in July in every year thereafter in the town of Newark, of which twenty days notice shall be given as aforesaid; at which meeting and meetings the stockholders shall choose by a majority of all the votes present, given in person or by proxy, seven directors, who shall continue in office one year, or until successors to them shall have been chosen; and the said directors shall, at their first meeting after their election, choose a President from among their number: And in case of any vacancy or vacancies occurring in the Board of Directors, the remaining directors shall have power to fill the same by election from among the stockholders. Special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the directors upon the request in writing of stockholders owning two hundred shares of stock, or whenever the directors may deem it necessary: And on all occasions of voting, each stockholder shall be entitled to one vote for each share held by him for three calendar months prior to the day of said voting. At every election of directors two stockholders, not being directors, shall be appointed judges of said election by the stockholders present, which said judges shall decide upon the qualifications of voters, and declare the state of said election, and certify the same to the existing Board of Directors, But in case it shall happen at any time, that an election of directors shall not be held on the day above mentioned, the corporation shall not thereby be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the directors according to the provisions of this act.

Meeting of stockholders to organize company.

Election of directors.
President.

Ann. meeting of stockholders.

Special meetings.

Voting.

Corporation not dissolved by failure to elect directors.

SEC. 8. All the corporate powers of said corporation shall be exercised by the directors and such officers and agents as they

Corporate powers exercised, by whom.
By-laws. shall appoint. The directors shall have power to make all by-laws, rules and regulations necessary and proper for the government of the corporation, and not repugnant to the Constitution and laws of the United States or of this State; but no by-law shall be enacted or repealed unless by a vote of two-thirds of all the directors. On all questions before the board the President shall vote as a director. Meetings of the directors, either special or stated, shall be held and called as the by-laws may prescribe, and five directors shall constitute a quorum to transact business. Meetings of directors. Quorum.

Salaries of officers. The directors shall allow such salaries to the President and other officers as they may deem reasonable; but no director shall be entitled to any salary unless the same shall be allowed by the stockholders.

Banking powers. SEC. 9. The said corporation is hereby vested with banking powers, and in the exercise thereof the following shall be the fundamental articles of its government, that is to say: 1st. The said corporation shall hold no lands, tenements or hereditaments except such as may be required for the convenient transaction of its business, or as may be bona fide mortgaged or pledged to it as security for debts, or purchased at sales on which said Bank may be interested as a judgment creditor. 2d. It shall not take more than at the rate of one per centum for every sixty days upon its loans or discounts. 3d. All bills and notes not under the corporate seal of the Bank shall be signed by the President, and by such other officer as the directors may appoint for that purpose. 4th. Said corporation shall keep their banking house in the town of Newark, in this State, and their notes shall be made payable there; in reference to which said corporation is hereby expressly declared to be subject to section 6 of chapter 71 of the Revised Statutes of this State. 5th. The stock of said Bank shall be assignable and transferable in such manner as may be prescribed by its by-laws. 6th. The total amount of debts which said corporation shall at any time owe, whether by note, bill or otherwise, shall not exceed double the amount of capital actually paid into the Bank, deposits not included. 7th. The directors shall require from the Cashier and accounting officers of the Bank such bond and security for the faithful performance of their duties as may be prescribed by the by-laws. Bills and notes by whom signed. Banking house to be kept at Newark. Corporation subject to sec. 6, chap. 71, R. Code. Stock assignable. Amount of debts limited. Cashier and officers to give bond, &c.

Semi-annual tax to State. SEC. 10. Said corporation shall, semi-annually, pay into the Treasury of this State, for the use of the State, a tax of one-half of one per centum per annum on the amount of capital stock actually paid in.

Two-fifths of capital stock held by non-residents. SEC. 11. The said Commissioners in receiving subscriptions to the said capital stock shall not suffer or permit more than two-fifths parts of the same to be subscribed for by persons not residing in

this State; either personally or by attorney: And in case it should so happen that more than two-fifths of said stock shall have been subscribed for by non-residents, then said Commissioners shall deduct from said subscriptions last taken by such non-residents until the aggregate amount so subscribed for by them shall be reduced to two-fifths of the entire Capital Stock; and if at any time after the Bank hereby established shall have commenced business it should so happen that by subscription or transfer a proportion of said stock greater than two-fifths of the entire capital shall be held or owned by persons not residing in this State, either in their own names or in the names of their attorneys, then the share or shares constituting such overplus beyond said two-fifths, and last subscribed or sold and transferred on the books of the said Corporation, shall be forfeited by the Directors for the benefit of the said Corporation, and in case of the removal of any Stockholder from this State so that he shall cease to be a citizen, if the amount of stock held or owned by him shall increase the amount of stock held or owned out of this State, to a proportion greater than two-fifths of the entire stock, it shall be incumbent on such Stockholder to sell and transfer his said stock or so much thereof as will reduce the amount so held or owned out of the State to two-fifths, to some person or persons residing in this State, within three months from the time of such removal, or the said shall be forfeited by the said Directors for the benefit of the corporation.

If majority be held by non-residents excess to be forfeited.

Removal of stock holders from State shall sell excess within three months.

SEC. 12. The power of revoking or repealing this act is hereby expressly reserved to the Legislature.

Revocation.

Passed at Dover, February 26, 1855.

CHAPTER CXXII.

AN ACT to divorce Levin Wooters and his wife Susan Wooters from the bonds of Matrimony.

Private Act.

Passed at Dover, February 24, 1855.

CHAPTER CCXLIII.

AN ACT in relation to Illegitimate Children.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That when an illegitimate born person dies intestate and without lawful issue, his property, real and personal, if any such there be, shall pass, and belong to the mother, if living, and in case of her death, to her lawful issue share and share alike, subject always to the payment of debts and demands against such illegitimate person or persons, and to expenses of administration.

The mother to be the heir of an illegitimate person dying intestate and heirless. In case of her death to her lawful issue

This act to apply to all cases where proceedings under chap. 82 of the R Code have not already been taken

SEC. 2. *Be it further enacted,* That this act shall apply to all cases that have heretofore happened, where proceedings in relation to the disposition of such property has not been taken under Chapter 82 of the Revised Statutes of the State of Delaware.

Passed at Dover, February 26, 1855.

CHAPTER CCXLIV.

AN ACT to incorporate The Farmers' Union of Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)* That Alexander Jackson, William Slay, Henry Pratt, John Hunn and William Lewis, be and are hereby appointed Commissioners to provide and open books for subscriptions to the capital stock of "The Farmers' Union of Kent County," and any one or more of them shall have authority to receive subscriptions to said stock at such times and places as a majority of said Commissioners may determine. The capital stock of said company shall not exceed twenty-five thousand dollars, and shall be divided into two hundred and fifty shares of one hundred dollars each; and as soon as forty shares of said capital stock shall have been subscribed, it shall be the duty of said Commissioners, or a majority of them, to call a meeting of the Stockholders of the said Company at the town of Camden, after ten days' notice given thereof to each of said Stockholders, and by public advertisement posted in said town, for the purpose of organizing the said Company, and choosing

Commissioners appointed to open books

Capital Stock

Meeting to organize

by a majority of the votes of said stockholders, to be given in person or by proxy, five directors, one of whom shall be appointed by the board for the time being, President of said company, and all of whom shall be residents of the said county of Kent.

Directors.

President.

SEC. 2. *And be it further enacted as aforesaid,* That when forty shares of said Capital Stock shall have been subscribed as aforesaid, the subscribers, their successors and assigns shall be, and they are hereby declared to be incorporated by the name of "The Farmers' Union of Kent County," and by the said name the subscribers of the said capital stock shall have succession, and may sue and be sued, plead and be impleaded, in all courts of law and equity, and shall have a common seal, and full power and authority to purchase and receive, have, hold and enjoy to them and their successors, real and personal estate, not to exceed of the former kind of property at any one time, fifty acres, and to build and construct wharves, granaries, store-houses and other needful buildings and improvements for the storing of grain and other produce, at some suitable and convenient place as the said Company shall deem advisable, and to buy or build and own one or more vessels suitable for navigation, and to employ persons to sail or run the same in the shipment of grain and other produce, and to charge, receive and collect just and reasonable storage and freight for the storing and shipment of grain and other produce as aforesaid, and to do whatever else may be essential and proper to the due execution and enjoyment of the powers and privileges herein granted, and to grant, alien, mortgage and dispose of the real and personal property of said Company, and to borrow money on the credit and security of the same, and to make, ordain and establish by-laws and regulations for the government of said Company, not inconsistent with the laws and Constitution of this State, and of the United States, and to declare dividends of such portion of the profits of said Company as it may deem advisable. But nothing herein contained shall confer upon said Company any banking powers or privileges whatsoever.

Incorporated.

SEC. 3. The business of the said Company shall be managed and conducted by a Board of five directors, who shall be stockholders, and who shall be chosen at every annual meeting of the said Company, the time and place of which shall be appointed by the by-laws, after the first meeting hereinbefore provided for. They shall all be chosen and be residents of the said county as aforesaid, and immediately after their election they shall appoint one of their number to be President of the said Company, and they may appoint a Treasurer and Secretary, and such other officers and agents of the Company as they may deem necessary, and may take bond and security from them in the name of the Company, for the faithful performance of the duties of their office.

Board of Directors.

How chosen

Their powers & duties

and the trusts reposed in them. They, and all officers appointed by them shall continue in office one year, and until their successors shall be chosen and appointed; and the bonds and obligations of the latter shall in all cases have the same duration. The said Board shall have authority to call in and collect the subscriptions of stock in such shares or instalments, at such times and on such notices as they may consider proper, and any subscriber failing to pay the same, or any instalment thereof, shall be liable therefor, with interest from the time of payment, in an action at the suit of said company, or any instalment or instalments previously paid in may be declared forfeited for the use of the Company by the said Directors. They shall have the power to prescribe the by-laws, rules and regulations for the conduct and management of the business and affairs of said Company, and to procure subscriptions to the remaining and full amount of the said capital stock of said Company. They shall submit to the stockholders at every annual meeting a written report on the transactions, profits and losses, state and condition of said Company. All questions before the said Board shall be determined by a majority of the directors; and in all elections by the said Company each share of stock shall confer the right to one vote on the person owning it or his proxy.

Subscriber failing to pay instalment of stock; liability.

By-laws.

Vacancies.

SEC. 4. *And be it further enacted as aforesaid,* That in case of the death, resignation or removal from the said county of any director or officer of said Company, the vacancy may be filled by the Board of Directors, to continue until the next annual meeting, and until a successor shall be duly chosen as aforesaid; and if at any time an election of directors should not be made as aforesaid, the said Company shall not thereby be dissolved, but it shall be lawful at any time thereafter to make such election on due notice given as aforesaid.

Stock deemed personal property.

SEC. 10. *And be it further enacted as aforesaid,* That the shares of capital stock in said Company shall be deemed and taken to be personal property, and shall be assignable and transmissible as such in all cases pursuant to the by-laws.

Penalty for damage in any property of the company.

Sec. 6. *And be it further enacted as aforesaid,* That if any person shall wilfully injure, damage or destroy any of the real or personal property of said Company, or shall aid, abet, counsel or advise the same, he shall be guilty of a misdemeanor, and liable to indictment, and on conviction shall forfeit and pay a fine of not more than five thousand dollars, and shall also be liable to the said Company in a civil action for the full amount of the damage sustained.

Public act

Sec. 7. *And be it further enacted as aforesaid,* That this Act shall be deemed and held to be a Public Act; and may be pleaded

and given in evidence in all cases as such; that the same shall continue in force twenty years and no longer, without the enactment of the Legislature; and that the power to revoke the same in the meantime is hereby reserved to that body.

Passed at Dover, February 26, 1855.

CHAPTER CCXLV.

AN ACT for the benefit of Joshua Parker,

Private act.

Passed at Dover, February 26, 1855.

CHAPTER CCXLVI.

AN ACT to amend the act entitled "An Act to incorporate the Lewes and Millsborough Railroad Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)*

That the act entitled "An Act to incorporate the Lewes and Millsborough Railroad Company," passed at Dover February 2, 1855, be and the same is hereby so altered and amended in the first section thereof, that the capital stock of the said Company, shall not exceed five hundred thousand dollars divided into twenty thousand shares of twenty-five dollars each, anything in the said act contained to the contrary notwithstanding and by inserting after the word "State" in the ninth line of said first section of said act, these words "And the said company is hereby authorized to form a union with such companies as are or may be incorporated in the States of Virginia, Maryland and New Jersey respectively, to connect with the said Lewes and Millsborough Railroad Company, so that the said capital stock of the said companies respectively shall constitute a common stock, and the said several companies shall constitute one company un-

Vol. 8, p. 375.
First section amended increasing capital stock to \$500,000.

Company authorized to form a union with companies in Virginia, Maryland and New Jersey.

Proviso.

United Companies to construct a branch road from Millsborough to Milford, or from Georgetown to Milford

D. R. R. Co. may build branch from Milford to Millsborough, or Georgetown

And the Lewes and Millsborough road receive a deed for it on payment of its cost.

Further proviso, Company not to extend a third line unless the branch to Milford be built within two years after such continuance.

der one name such as may be authorized by any of their charters, and may be adopted by such united Company and be entitled to all the rights, privileges and immunities which are common to all the said companies under and by virtue of their respective charters: *Provided* that when the said railroad shall be continued and constructed to the said south or west line of the State, for the purpose of forming the connection aforesaid, it shall be the duty of the said United Companies within two years thereafter to construct complete and equip and have in operation, a branch from the said railroad at or near Millsborough to Milford to connect with the Delaware Railroad at the latter place, in case the Delaware Railroad Company shall have completed by that time, a branch from its said railroad to the said town of Milford; or if the said Lewes and Millsborough Railroad Company shall construct their said railroad by way of Georgetown, to the south or west line of the State, for the purpose of forming the connection aforesaid, then and in that case, it shall be the duty of the said United Companies within two years thereafter to construct, complete and equip and have in operation as aforesaid, a branch from Georgetown to Milford to connect with the Delaware Railroad aforesaid, in case the Delaware Railroad Company shall have completed by that time, a branch from their said railroad to the said town of Milford; or if the said Delaware Railroad Company shall before that time completed their said branch to Milford and in the mean while, shall construct and complete a branch from Milford to Millsborough or to Georgetown as the case may be as aforesaid, to connect with the said Lewes and Millsborough railroad when constructed and completed to the south, or west line of the State as aforesaid, for the purpose of forming the connection aforesaid, then and in that case, it shall be the duty of the said United Companies within two years after the construction and completion of the said Lewes and Millsborough Railroad to the south or west line of the State, as aforesaid, for the purpose aforesaid, to accept and receive a deed of bargain, and sale for the said branch, and its necessary appurtenances and equipments from Milford to Millsborough or Georgetown as the case may be as aforesaid, from the said Delaware Railroad Company, and to pay therefor to the said last mentioned Company, the full costs of the same, on the said deeds being tendered to the said United Companies at the expiration of the time aforesaid; and provided also that the said Lewes and Millsborough Railroad shall not be so continued, extended or constructed as to form in any manner a through line or route by land or water to or through any place in New Jersey or New York, by means of or in connection with any other company or companies now or hereafter to be incorporated by any State unless the said Lewes and Millsborough Railroad Company shall within the space of two years from the time of so continuing, extending or constructing their said road, build and equip the said branch to Milford

mentioned in the foregoing proviso or in case such branch shall be constructed by the Delaware Railroad Company as therein mentioned shall pay to the said Delaware Railroad Company the full cost of its construction as therein provided, notwithstanding the said Railroad Company may not have formed a union or connection with any such company or companies as above mentioned, and in either event the failure or refusal of the said Company to do or perform any of the matters or things contained in this or the foregoing proviso shall *ipso facto* work a forfeiture of its charter, and the State Treasurer shall thereupon immediately seize and take into possession all the property in this State belonging to the said corporation, for the benefit of the Delaware Railroad Company; and provided, also, that the charges per mile for freight and passengers shall be as low to and from Milford, as to and from Lewes, and the trains shall be so regulated, and run as to afford as good and favorable an opportunity to pass to and from the Delaware Railroad by way of the Milford branch as to go to and from Lewes by way of the Lewes and Millsborough road. And the Legislature hereby reserves the power to impose a reasonable tax upon the said United Companies, at the rate of not exceeding the sum of ten cents for every adult passenger conveyed through the entire length of either of their said roads in this State and upon merchandize transported as aforesaid not exceeding the sum of five cents per ton, and upon grain of all kinds transported as aforesaid, not exceeding a quarter of a cent per bushel, and on all other produce transported as aforesaid, not exceeding five cents per ton or five cents per cord for wood, bark, staves, and at the same rate for all kinds of lumber.

In case the D. R. Co. build said branch to Milford, the cost of such construction must be paid even if no union be formed with companies out of the State

Penalty for failure or refusal to perform the required conditions.

Freights; how charged.
Trains; how regulated

Tax on passengers and merchandize may be laid by the Legislature upon the united companies.

SEC. 2. And be it further enacted as aforesaid, That Shepard P. Houston, Nathaniel W. Hickman, Henry F. Rodney, Caleb S. Layton, John W. Houston, Benjamin Burton, and Manaan. Gunn, be and they are hereby appointed Commissioners in lieu of the Commissioners named in the second section of said Act, to receive subscriptions to the said capital stock; and any two of them may open books for that purpose, at such times and places as they may appoint, giving ten days notice thereof in one or more newspapers published in this State; the books shall be kept open until two thousand shares of the said capital stock shall be subscribed, and as long thereafter as the interest of the said Company may require and the Board of Directors shall limit and appoint.

Commissioners appointed in lieu of those in the original act.

Two may open books.

SEC. 3. And be it further enacted as aforesaid, That the third section of the said Act, be and the same is hereby amended by repealing and striking out all the words and provisions therein contained between the semicolon next after the word "meeting" in the twenty-first line, and the period next succeeding the words "former director" in the twenty-seventh line of the said

Third section of the original act amended.

Amendment.

third section as printed in the eight volume of the laws of this State, republished by authority in the year 1841, and by enacting and inserting in lieu thereof, the following words and provisions: "the said Commissioners or a majority of them shall have power to call the above mentioned meeting for the election of directors, in the town of Lewes, at any time after two thousand shares of the capital stock of the said Company shall have been subscribed as aforesaid, the directors, a majority of whom shall be citizens of this State, shall continue in office one year and until successors shall be duly elected, which shall take place every year at the town aforesaid, after the first annual meeting; any vacancy in the office of director shall be filled by the remaining member or members of the board, to continue until the next annual meeting and until successors shall be elected as aforesaid.

Section 4. also amended

SEC. 4. *And be it further enacted as aforesaid,* That the fourth section of the said Act be and the same is also, hereby amended by inserting in lieu of the word "Each," in the the fifteenth line thereof, as printed as aforesaid the words "on each share of stock subscribed."

Company authorized to enter upon lands of the State for the use of the road.

SEC. 5. *And be it further enacted as aforesaid,* That whenever it shall be necessary or expedient for the said company to enter upon any shore, cape, land or marsh, the property whereof is in this State, for the uses and purposes of said Company it shall be lawful for the directors thereof, to enter upon the same, and to take, hold, use, occupy and enjoy so much thereof as may be necessary and proper for the use and benefit of said Company, and thereon to make and construct such road or roads, piers, wharfs, docks, houses, and other needful buildings, structures and improvements as may be conducive to the purposes and objects of the said Company; and if any person or persons shall wilfully obstruct, damage or destroy the same or any part thereof, or shall aid, abet or counsel such obstruction, damage or destruction, he or they shall be liable to the same penalty by indictment, or to the same damages and costs in a civil action by said Company, as is provided in the seventh section of said act for injuries and offences under said section.

Penalty for obstructing or damaging any part of property of the Company.

In case the road shall cross a navigable stream below the point of navigation, the company are to erect and maintain a sufficient draw.

SEC. 6. *And be it further enacted as aforesaid,* That if in the location of the said Railroad as provided for in the first section of said act, it shall be found necessary to cross by a bridge the said Indian River, or any other river or creek below the highest point of the navigation thereof by masted vessels, it shall be the duty of said Company to construct and keep in repair a sufficient pass or draw in said bridge over the channel or deepest part of said river or creek for the passage of such vessels through the same, which draw shall at all times on the approach of any such

vessel be drawn at the cost and expense of said company for the free passage of said vessel; and it shall also be the duty of said Company to construct and keep in good repair, sufficient passages across said railroad, where any public roads shall intersect and cross the same, for the free and unobstructed passage for horses and vehicles, persons and cattle along said public road; and also when said Railroad shall intersect any farm, to provide and keep in good repair a suitable passage for the use of said farm.

SEC. 7. *And be it further enacted as aforesaid,* That the second section of the said act is hereby repealed, and in any edition of the laws hereafter to be printed, the said act shall be published as herein and hereby amended, and that the fifth, sixth, seventh and eighth sections of this act shall constitute the ninth, tenth, eleventh and twelfth sections of said act as thus amended, when printed and published as aforesaid; and the same as hereby amended, shall be a public act, and may be pleaded and given in evidence as such.

Second Section repealed.

The 5th, 6th, 7th and 8th sections made the 9th 10th 11th, & 12th sections of the amended act. Public act. Revocation.

SEC. 8. *And be it further enacted as aforesaid,* That the power to revoke this act, and the said original act hereby amended, is hereby reserved to the Legislature.

Passed at Dover, February 26, 1855.

CHAPTER CXXLVII.

AN ACT to revive an Act to establish the Mount Salem Cemetery. *Acto 14.*

Whereas on the 28th day of January, A. D. 1853, an Act was passed by the General Assembly of this State, entitled, "An Act to establish the Mount Salem Cemetery;" and whereas in consequence of a failure to certify to the Secretary of State the acceptance of the said act by the Trustees of the "Mount Salem Methodist Episcopal Church," as directed by said act, the same has become void; and it being desired that the said act should be revived and re-enacted: Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring) as follows, viz:

SECTION 1 That the said act entitled "An Act to establish the Mount Salem Cemetery," passed at Dover, January 28th, 1853, *Act revived and re-enacted.*

be and the same is hereby revived and re-enacted, in full force, and virtue in the words in which the same was originally enacted with all the powers and provisions therein contained; and further, that all sales, conveyances, gifts or grants, made by or to the corporation in said act named as well as all other acts and proceedings of the said corporation under and by virtue of the said act, shall be deemed and held to be, and shall be as good, valid, and subsisting in law and equity as if the said corporation had duly certified its acceptance thereof, according to the eight section of the same.

SEC. 2. This shall be a public act.

Passed at Dover, February 26, 1855.

CHAPTER CCXLVIII.

AN ACT for the benefit of John M. Collison.

Private act.

Passed at Dover, February 26, 1855.

CHAPTER CCXLIX.

Ante

AN ACT to amend the act passed at the present session entitled "An act to amend the thirty-sixth Chapter of the Revised Code."

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the aforesaid act mentioned in the title hereto, shall be amended by adding thereto the following: *Provided*

Repeal of the section not to affect present incumbents.

Always that the repeal of the aforesaid first section of Chapter 36 of the Revised Statutes shall not be construed, held or taken, nor shall it have the effect to vacate or in anywise affect

any Commissions to Notaries Public in force at the time the aforesaid Act, mentioned in the title hereto passed; but said Commissions shall be deemed to be in full force and existence until the expiration of seven years from the time they respectively bear date.

Passed at Dover, February 26, 1855.

CHAPTER CCXLX.

AN ACT concerning the Philadelphia, Wilmington and Baltimore Railroad Company.

WHEREAS by an Act of the General Assembly of the State of Maryland entitled "An Act to amend the Charter of the Philadelphia, Wilmington and Baltimore Railroad Company so as to authorize and empower the said Company to build a bridge over the Susquehanna river at or about Havre-de-Grace," it is thus Enacted: Preamble

SEC. 1. *Be it enacted by the General Assembly of Maryland,* That the Philadelphia, Wilmington and Baltimore Railroad Company be, and they are hereby vested with full power and authority to make and construct, and keep in repair, a bridge across the Susquehanna river at or about Havre-de-Grace, at such point or points on said river, as the said Company may select, and to construct thereon and keep in repair a Railway or Railways for the passage of cars and transportation of passengers and merchandise and other articles, and for the accommodation of the trade and travel of the public generally, and to connect the same with the railroad on each side of said river, as it is now located, or may hereafter at any time be located, by the construction and maintenance of proper approaches or connecting lines of new roads necessary thereto. *Provided,* That the said bridge and approaches shall be so located and constructed as not to injure the navigation of the Tide-water Canal. Act of Incorporation of the Maryland Legislature recited

SEC. 2: And be it enacted that the said Company shall also hereby have full power and authority to enter upon and hold in fee any land necessary or proper for the abutments and piers of said bridge, or for the approaches necessary to connect the bridge with the main line as now located or hereafter to be located, and for the other purposes contemplated by this act, and for this purpose may agree with the owner or owners of said land for the same,

or when they cannot agree with such owner or owners, or should he, she or they be feme covert, under age or non compos mentis, or absent, then the said company shall have the same power and authority to have condemned such land as they may deem necessary for the purposes aforesaid, as is conferred on said Company for the condemnation of land, by the act, entitled "An Act to incorporate the Baltimore and Port Deposit Railroad Company," by inquisition or otherwise, subject to such restrictions, provisions, or conditions as are imposed by the said act relating to the condemnation of lands, and entitled to such privileges as may be conferred thereby.

SEC. 3. *And be it enacted*, That the company shall cause to be built and kept in repair a convenient and sufficient pivot draw with an opening or passage way on each side, of at least sixty-five feet wide, in said bridge, over the navigable part of said river, at such point as is most usually traversed by sailing vessels, or at such other point in said river as said Company and Commissioners of the town of Port Deposit may mutually consent and agree upon the passing and repassing of vessels by day and by night, and shall also cause to be made proper and sufficient offsets from the bridge at the draw, with the necessary fastenings for the use of vessels passing said draw, and the said Company shall, at their own cost, and without charge or toll, cause the draw or passage-way to be opened without any unnecessary delay, for the passage of all vessels that are unable to pass under the same, and if through the unskillfulness or negligence of the person or persons employed by the said Company to open the said draw, any vessel shall be unjustly and unreasonably hindered or delayed, or shall be damaged in her hull, cargo, spars or rigging, in passing the said draw, the said Company shall be liable to the master or owner or owners of such vessel or cargo for damages, to be recovered in the Circuit Court of either Cecil or Harford counties; in case the damage or damages claimed does not amount to one hundred dollars, then to be recovered before any Justice of the Peace in either of the above named counties; and the said Company shall constantly keep upon the said bridge one large lamp in the centre of said draw, sufficiently elevated to be seen from vessels approaching either side of said bridge, and when vessels are about to pass through said draw, the said Company, shall furnish a sufficient quantity of light on the offsets of said bridge, to enable vessels to pass the same in safety, to be well supplied with oil or other material, and lighted in due season, and to be kept burning through the night at such elevation above the centre of draw, under the penalty of not less than twenty or more than fifty dollars, for each offence, to be recovered by warrant, before any Justice of the Peace in Harford or Cecil counties, by such person or persons as shall sue for the same, and that said Company be compelled to have anchored or planted a buoy at least seventy five yards from

the end of the pier above, and one such also at the same distance below, to be kept permanently there, and in case either of them should be removed to be replaced in three days, or forfeit twenty dollars for each and every day over three days, to be recovered as other small debts are, before any Justice of the Peace in Harford or Cecil counties, with ring bolts fixed to them to wharf vessels from said bridge; and said Company shall be liable for all damages sustained by any vessel or cargo, by reason of the inefficiency or improper location of the offsets from said bridge at the said draw, to be recovered in the Circuit Court of either Cecil or Harford counties, and the damages, when ascertained, shall be a lien on the said bridge.

SEC. 4. *And be it enacted*, That if the said bridge be located so as to pass over Palmer's or Watson's Island, or at the bar at the south-east or lower end of the said Island, then it shall be the duty of the said Company to construct two draws, with the necessary fixtures and offsets, buoys, and one on each side of said Island or bar, each draw to be of the dimensions as provided for in the third section of this act, with all the provisions and penalties relating thereto.

SEC. 5. *And be it enacted*, That the said Company be, and is hereby authorized, if it be necessary for the purpose contemplated by this act, to borrow such sums of money as may be necessary for the purposes hereby contemplated, on a special mortgage of said bridge, and a second mortgage of the rest of their road and its appurtenances, or to create additional shares of the capital stock of said Company or bonds, and to sell the same, or to issue the same to the stockholders in payment of dividends.

SEC. 6. *And be it enacted*, That the said bridge, when so constructed, shall be deemed a part of the Philadelphia, Wilmington and Baltimore Railroad, and held in the same manner, and subject to the same laws and regulations as now exist in regard to the other parts of said road, excepting that it shall be exempt from the mortgage now existing upon the Railroad and its appurtenances, to secure the present debts of the Company.

SEC. 7. *And be it enacted*, That in the construction of said bridge, ample provision shall be made for the passage over it of the general travel and transportation, other than that by the railway, and it shall be lawful for the said Company to demand and receive for the said travel and transportation, the same rates of toll as are demanded and received by the Port Deposit Bridge Company, except foot passengers, who shall at all times pass free.

SEC. 8. *And be it enacted*, That the privileges granted by this act are upon this condition, that the said Philadelphia, Wilmington-

ton and Baltimore Railroad Company shall make and construct a railroad from the eastern terminus of said bridge to the town of Port Deposit, in Cecil county, and the said railroad when constructed shall be regarded as part of the present railroad of said Company, and have all the privileges and exemptions and immunities of the present railroad of said Company, and subject to all the obligations of every description of the present railroad, except that the railroad hereby authorized shall not in any manner be responsible for any of the debts of said Company heretofore contracted.

SEC. 9. *And be it enacted*, That the Company may enter upon and hold any lands necessary for the construction of the railroad hereby authorized, and the station-houses and depots, and other necessary appurtenances, to have and to hold the same in fee simple, and for this purpose may agree with the owner or owners of such land, and if the said Company cannot agree with the owner or owners of such land, or if the owner or owners be feme coverts, infants, or non compos mentis, or absent, then the said Company shall have the same power and authority to have condemned such lands as may be necessary for the purposes of said railroad as is conferred on such Company for the condemnation of lands by the act entitled "An Act to incorporate the Baltimore and Port Deposit Railroad Company," by inquisition or otherwise, subject to such restrictions, provisions, or conditions, as are imposed by the said act relating to the condemnation of lands, and entitled to such privileges as are conferred thereby.

SEC. 10. *And be it enacted*, That the said Company shall have full power to mortgage the railroad hereby authorized to be constructed, for the purpose of borrowing money to construct the same, and shall have power to mortgage the bridge and present railroad for the same purpose.

SEC. 11. *And be it enacted*, That the railroad hereby authorized to be made, shall be completed and in good order for the running of cars within six months after the bridge hereby authorized is so far completed as to admit of the passage of the cars.

SEC. 12. *And be it enacted*, That the said Company shall have the same power to obtain materials for the construction of the railroad hereby authorized by contract or otherwise, which is conferred on said Company by the act aforesaid.

SEC. 13. *And be it enacted*, That the said Company shall run as many trains of cars on the road hereby authorized as may be necessary to transport all freight and passengers offered at their depots on said railroad for transportation.

SEC. 14. *And be it enacted*, That nothing contained in this act shall authorize said company to take private property for their use without just compensation, as agreed upon between the parties or awarded by a jury, being first paid or tendered to the party or parties entitled to such compensation.

SEC. 15. *And be it enacted*, That the said company before they shall be entitled to any of the benefits, privileges or advantages conferred by this act shall pay to the County Commissioners of Harford and Cecil Counties, through which the road of the said company passes, or to their proper officer or officers, attorney or attorneys, the whole of the State and county tax, which they are or may be legally bound to pay and which is due from and unpaid by said company in said counties.

SEC. 16. *And be it enacted*, That the privileges hereby granted are upon this further condition: That the said company shall extend the said lateral road through the said town of Port Deposit, to the northernmost wharf therein, now known as McGrady's stone wharf: *Provided*, the right of way through said town be granted to said company free of charge.

SEC. 17. *And be it enacted*, That the said company shall make a double track on said bridge, if such double track be necessary to the general travel over said bridge other than by the railway.

SEC. 18. *And be it enacted*, That this act shall go into effect from and after its passage.

And Whereas, by an act of the General Assembly of the State of Maryland entitled "An act to amend the Charter of the Philadelphia, Wilmington and Baltimore Railroad Company," it is thus enacted,

SEC. 1. *Be it enacted by the General Assembly of Maryland*, That the Philadelphia, Wilmington and Baltimore Railroad Company are hereby authorized to sell the stock of said company, or the bonds of said company, convertible into the stock thereof, at such prices and on such terms and conditions as the said company may deem expedient, and that said company may declare dividends payable in stock until their bridges and roads are built, repaired and improved, and the expenses incident thereto liquidated.

And Whereas, the concurrence of this General Assembly is desired by the said Company to the before-recited acts of the General Assembly of Maryland, and the enactment of the same general provisions by the Legislature, Therefore,

Be it enacted by the Senate and House of Representatives of

The foregoing
acts ratified.

the State of Delaware, in General Assembly met, (two-thirds of each branch concurring,) That the before-recited acts of the General Assembly of Maryland be, and the same are hereby assented to, ratified, adopted and enacted, and the same are and shall be parts of the charter of the Philadelphia, Wilmington and Baltimore Railroad Company.

Revocation.

SEC. 2. The General Assembly hereby reserves the power to revoke ~~this~~ act.

Passed at Dover, February 26, 1855.

CHAPTER CXXIX.

AN ACT to extend the limits of the Town of New Castle.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

Limits of town
extended.

SECTION 1. That the limits of the town of New Castle, in New Castle County be extended as follows, that is to say: Beginning at low water mark on the shore of the Delaware River, not more than six hundred yards below South street, and running from thence in a line parallel with South street, northwestwardly to a point not exceeding twelve hundred yards from the river, thence northeastwardly to a point that shall intersect a line drawn from the river shore not more than six hundred yards above North street and parallel therewith.

Commissioners
appointed.

SEC. 2. *And be it further enacted,* That Chauncey P. Holcomb, George Z. Tybout, Samuel Biddle, James C. Douglass and George W. Turner be, and they are hereby appointed Commissioners to go upon the ground embraced within the limits mentioned in the first section of this act, to fix and adjust the boundaries of the town of New Castle within the limits aforesaid, and that the said Commissioners do there proceed, with the assistance of a competent Surveyor to lay out such new streets within the said extended limits of the said town as they, or a majority of them, shall think expedient and proper, and cause the boundaries and width of the said streets, so by them laid out to be fixed, and the names thereof denoted on a plot of the same to be accurately made by said Surveyor, and after being certified under the hands of the said Commissioners, that the said plot be recorded in the Recorder's office at New Castle, a certified copy of which plot shall be evidence

Their duty.

in any court in this State in respect to the acts of the said Commissioners under the authority hereby given.

SEC. 3. *And be it further enacted,* That before any of the streets so as aforesaid extended or laid out shall be opened the owner or owners of the ground over which the same shall be laid shall be paid or tendered the value of the said ground, to be ascertained by three impartial freeholders of the county of New Castle and inhabitants of the said town, or a majority of them, to be summoned by the Sheriff of the said county for the time-being, in pursuance of a warrant or precept under the hands and seals of the Town Commissioners of New Castle, who are hereby authorized and required to grant the same when they shall determine it to be necessary and expedient, to have the said streets, or any of them, extended or opened, and to which the said Sheriff is hereby ordered and required to pay due obedience, and the said freeholders or any two of them, shall make and return their inquiry or report in the premises on their respective oaths or affirmation, to be administered by the said Sheriff to the said Commissioners of the town of New Castle who shall cause the same to be entered upon the books or minutes of the said Town Commissioners, and the sum or sums mentioned in such inquiry or report, with the cost of the said proceedings, to be allowed as for similar services, provided by law, shall be assessed and raised as other taxes or assessments under the acts of Assembly in relation to the town of New Castle are directed on the inhabitants and taxables within the said town.

Before a street shall be opened the owner of land to be paid the value of it ascertained now.

Report.

SEC. 4. *And be it further enacted,* That the power and authority of the Town Commissioners of the town of New Castle, and of all other persons appointed by law within the said town shall be exercised over the extended limits of the said town granted by this act.

Authority of town officers extended over the new limits.

SEC. 5. *And be it further enacted,* That all the acts of Assembly now in force in respect to the municipal and police regulations within the town of New Castle shall extend to, and be exercised over the limits of the said town as hereby extended.

SEC. 6. *And be it further enacted,* That the Town Commissioners of the town of New Castle shall have full power to determine concerning all nuisances within the said town, and upon the refusal or neglect of any person, the owner or occupant of any place where any nuisances may exist, to remove the same after reasonable notice, that the said Commissioners shall be authorized to have such nuisances abated or removed at the expense of such owner or occupant.

Commissioners may determine upon and remove nuisances.

Passed at Dover, February 27, 1855.

CHAPTER CCLXII.

AN ACT to incorporate the Keokuk Tribe No. 3, Improved Order of Red Men of the State of Delaware, in the City of Wilmington.

Incorporated.

SECTION 1. *Be 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 branch thereof concurring,)* That Joseph Pyle, Charles Evans, Josiah H. Thomas, Jacob Walters, Richard Bicking, Samuel L. Rogers, John S. Hazell, Sylvester Reinhard, George H. P. Simmons, John E. Chew, George W. Walton, George W. McCoy, John W. Carpenter, James C. Speakman, Joshua Maris, Ephraim Yarnell, W. McLaughlin, Thomas Magee, George W. Mockton, Wm. Beckley, Brail Tomilson, Joseph Edwards, James Hanna, Jesse Boughman, Edward L. Brown, Elias Conoway, Alex. Chairs, John Bowers, Wm. W. Wallis, Wm. L. Blackston, Charles Wayte, Joseph Hampton and such other persons as now are or hereafter may become members of Keokuk Tribe No. 3, I. O. R. M., located in the city of Wilmington, in New Castle County, State of Delaware, shall be, by virtue of this act, one body politic and corporate in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of "Keokuk Tribe No. 3, I. O. R. M., of the State of Delaware, in the city of Wilmington."

Continuance.

Name.

Powers.

SEC. 2. *And be it further enacted,* That the said Corporation and their successors during the term of their corporate existence shall be capable in law to purchase, take, receive and hold any lands, tenements, hereditaments, rents leases, stocks, goods and chattels, bonds, notes, mortgages or money or any other property whatsoever, which may be devised, given or conveyed to, or received by the payment of fees, dues and fines, and also to grant, sell, let, bestow, assign or transfer the same, and do all other matters relating thereto, by the name and title aforesaid; and shall have a common seal, with authority to break, alter and renew the same at pleasure; may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere in any and all manner of actions, suits, complaints, pleas, causes and matters whatsoever.

May appoint officers.

SEC. 3. *And be it further enacted,* That the members of the corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of the said corporation, and properly manage its affairs conformable to the provisions of this act, and to the by-laws of the said corporation, and from time to time make and establish such by-laws

and rules as they shall deem proper and necessary for the good government thereof: *Provided*, such by-laws and rules be not contrary to the laws and Constitution of this State or of the United States.

SEC. 4. *And be it further enacted*, That the said Corporation shall not have power to hold or possess in any manner goods, chattels, rights, credits, lands or tenements, or any other property, the clear income of which shall exceed the sum of five thousand dollars, and shall not possess any banking powers other than the lending of money on security for permanent investment.

Limitation of income.

SEC. 5. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and the power to revoke this Charter at any time is hereby reserved to the Legislature.

Public act.
Revocation.

Passed at Dover, February 27, 1855.

CHAPTER CCXLXIII.

AN ACT to allow an additional Justice of the Peace in Sussex County.

SECTION 1. *Be 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 and approving thereof,)* That the County of Sussex shall be entitled to one Justice of the Peace in addition to the number now allowed by law, and that he shall be appointed and continue to reside in the Hundred of Leves and Rehoboth, and in the town of Lewes, *Provided*, however, that this act, and the appointment of a Justice of the Peace under its provisions, shall continue in force for seven years from the time of issuing said commission and no longer.

An additional Justice allowed to Sussex Co. To reside in Lewes and Rehoboth Hds., in the town of Lewes. And continue seven years and no longer.

Passed at Dover, February 26, 1855.

CHAPTER CCXLIV.

AN ACT to confirm the title of Michael Kielkopf, deceased, in and to certain lands in New Castle County.

Private act.

Passed at Dover, February 27, 1855.

CHAPTER CCXLV.

AN ACT for the suppression of Intemperance.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.

Sale of intoxicating liquor prohibited, except as provided for by law.

Penalty for first offence.

Every subsequent offence.

Disposal of liquor by tavern keepers, &c., prima facie evidence that he sold it contrary to this act.

No person may give liquor to an intoxicated person, or person of known intemperate habits.

Penalty.

SECTION 1. No person shall sell by himself, his servant, or agent, or as the servant or agent of another, directly or indirectly any intoxicating liquors, except as hereinafter provided. Every person who shall in violation of this act sell any such liquor shall be deemed guilty of a misdemeanor, and shall upon conviction thereof by indictment forfeit and pay for the first offence a fine of twenty dollars besides costs of prosecution and in default of payment shall be imprisoned twenty days and for the second and every subsequent offence, shall forfeit and pay a fine of fifty dollars besides costs and be imprisoned not less than ten nor more than sixty days. In any prosecution for a violation of this section, proof of the disposal of any such liquor by any person being the keeper or interested in any Tavern, Store, Boarding House, Eating House, Oyster House, or other place of public entertainment or resort or by any person in his behalf, shall be deemed and taken as *prima facie* and presumptive evidence that such liquor was sold contrary to the provisions of this act.

SEC 2. No person shall wilfully give or in anywise dispose of any intoxicating liquor to any intoxicated person, or person of known intemperate habits, for use as a beverage. Every person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, shall for every offence, forfeit and pay a fine of not less than ten nor more than fifty dollars besides costs.

SEC. 3. No person shall own or keep any intoxicating liquor

with intent to sell the same or to permit the same to be sold in violation of this act, every person who shall own or keep such liquor with any such intent shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, by indictment, forfeit and pay, for the first offence a fine of twenty dollars, besides costs of prosecution, and stand committed until such fine and costs be paid; and for a second or other subsequent offence, shall forfeit and pay a fine of fifty dollars besides costs and be imprisoned not less than ten nor more than thirty days. In any prosecution for a violation of this section, proof of the possession of such liquor by the accused in any tavern, store, eating-house, oyster-house, or other place of public entertainment or resort, or in any dependency thereof, or on premises belonging thereto, except only in a private dwelling-house, shall be taken and acted on as presumptive and *prima facie* evidence that such liquor was kept for sale contrary to the provisions of this act.

No person to keep intoxicating liquor with intent to sell the same

Intoxicating liquor kept in a store, &c., prima facie and presumptive evidence that it is kept to sell

SEC. 4. The Associate Judge of the Superior Court may by his certificate give to any person who is a qualified voter of the county in which such Judge resides, applying in writing therefor, authority to sell intoxicating liquor manufactured by himself from fruit or grain being the growth of land in this State, owned or occupied by him, in any quantity, to such persons only as shall be duly authorized to sell the same under the provisions of section 5 of this act. Every other sale by any manufacturer shall be considered an unlawful sale within the meaning of this act, and any act which would be deemed and construed a sale under this act, when done by any other person shall be deemed and construed to be a sale when done by such manufacturer. The application must specify, and the certificate designate the place where the liquor is to be manufactured and sold.

The A. Judge of S. Ct. may give authority to manufacture and sell under sec. 5 of this act

SEC. 5. Any person who is a voter in the hundred in which he intends to sell intoxicating liquors may apply in writing to the Associate Judge resident in the same county for a certificate authorizing him to purchase and sell such liquors for mechanical, chemical and medicinal purposes only, and pure wine for sacramental use. Such application shall set forth the hundred and particularly describe the premises and place in which he intends to sell such liquor, and any certificate granted shall authorize him to sell such liquor at such place and for such purpose only; of the persons so applying the said Judge may designate and grant such certificate to any number not exceeding three, in any one hundred, and not exceeding five in the city of Wilmington. No person who uses intoxicating liquor as a beverage shall be entitled to receive such certificate, nor any person who is, at the time, the keeper of, or interested in, any tavern, boarding-house, eating-house, oyster-house, or any other place of public entertainment,

Who may sell intoxicating liquor and for what purpose.

Number in each hundred.

Qualifications.

recreation or amusement; and if at any time during the term for which the said certificate shall have been granted, such person shall so use such liquor or become the keeper of, or interested in, any tavern, or other house or place as above mentioned, the said certificate shall become and be utterly void, and shall thenceforth furnish no excuse or justification to such person in any proceedings for a violation of any of the provisions of this act. Every person authorized to sell intoxicating liquor under the provisions of this section shall keep a book of purchases and sales in which he shall enter separate accounts thereof, specifying the kind, quantity and costs of each purchase made by him, the name of the person from whom each purchase was made, and the date thereof, the kind, quantity and price of each sale made by him, the purpose for which, the name of the person to whom, and the time when sold, which books shall at all times, during business hours, be open to examination by any Judge, Justice of the Peace, or Grand Juror of the county. He shall sell such liquor at not more than fifty per cent. advance upon the cost thereof, and shall file in the office of the Clerk of the Peace of the county in which he resides, not less than ten nor more than fifteen days before the expiration of each quarter of the year for which his certificate is valid, an account of such purchases and sales made by him, containing kind, quantity and price, verified by affidavit that the same is a correct account of the purchases and sales made by him during the current quarter and since the filing of the last account, according to his knowledge, information and belief. If any person shall sell for more than fifty per cent. advance, as above mentioned, or shall omit to file such account for the space of ten days after the time above limited, his certificate shall thereupon become void.

Book of purchases and sales to be kept

Not to charge more than fifty per cent. advance upon the cost

Person authorized to sell to become bound with sureties to the State not to violate the law in any manner.

SEC. 6. Every person to whom any certificate shall be granted to sell intoxicating liquors, as above provided, shall, with two sufficient sureties, become bound to the State of Delaware in a joint and several obligation, to be, with the sureties therein, approved by the Judge granting the certificate, in the sum of five hundred dollars, conditioned that he will not at any time during the year next following the date of his said certificate violate in any manner any provision of this act, or any law of this State touching the manufacture or sale of intoxicating liquors. Such obligation and condition shall not be understood to extend to the making the entries or filing the account provided for in the last section. Such certificate shall continue in force for one year from the date thereof, and no longer, but no person shall have or exercise any authority under any certificate until he shall have lodged the said obligation in the office of the Prothonotary of the county in which such person resides, there to remain filed and the application and certificate in the office of the Clerk of the Peace. The said officers shall respectively endorse thereon the date on which they were received

and the said clerk shall file the application and record the certificate in a book for that purpose, which record and endorsement shall be evidence in any proceeding under this act. The fee for recording shall be fifty cents. If any person so authorized and bound shall break the condition of such obligation suit may be thereupon instituted on the said obligation by any person who will sue in the name of the State of Delaware for the use of the said State, and the person so suing, and may be prosecuted to judgment and execution, and in such actions, upon proof of the breach of the condition of such obligation in any respect the whole amount of the penalty or sum of money expressed in the said obligation shall be assessed as the damages occasioned thereby, and judgment shall be rendered therefor and shall be one half for the use of person suing and the other half for the use of the State.

The obligation being broken suit may be instituted by any person. Upon conviction one half of the penalty in the obligation to go to the informer the other to the State.

SEC. 7. If any person purchasing any intoxicating liquor of any one authorized to sell by virtue of section 5 of this act, shall intentionally make to the seller any false statement regarding the use to which such liquor is intended to be applied, such person so offending shall upon conviction as hereinafter provided, forfeit and pay a fine of not less than ten nor more than twenty dollars besides costs, and on failure to pay such fine and costs, shall be committed not less than one day nor more than two days for every dollar of such fine unpaid.

Person purchasing under false pretences

SEC. 8. If any intoxicated person shall be found in any public place or disturbing the public peace and quiet, he shall upon conviction thereof as hereafter provided, forfeit and pay a fine of not less than ten nor more than twenty dollars beside costs, and shall on failure to pay such fine and costs, to be committed not less than one day nor more than two days for every dollar of such fine unpaid.

Intoxicated person found in public place or disturbing public peace.

SEC. 9. Every prosecution under sections 7 and 8 of this act shall be heard and determined by a Justice of the Peace, but any person convicted may within five days thereafter appeal from any final judgment rendered against him by any Justice to the Court of General Sessions of the Peace and Jail Delivery. Such person appealing shall enter into recognizance with sufficient surety in such sum as the Justice shall determine conditioned for his appearance at the said Court at the next term thereof to be holden in the county wherein said judgment was rendered, to answer to the complaint whereon said judgment was rendered, and for his abiding the judgment that may be rendered by the said Court. The Justices shall bind the witnesses for the State for their appearance to testify, in case an appeal shall be taken shall transmit immediately a certified copy of his record to the clerk of the Peace of the County, who shall enter the appeal, the Attorney General shall on such appeal appear for the State and the trial shall be by jury.

Appeal.

Duty of public
officers under
the law.

SEC. 10. If any person shall be found intoxicated as above mentioned in section 8, any Sheriff, Deputy Sheriff or Constable may without warrant, and it is hereby made his duty to take such person into custody and take him before some Justice of the Peace, who shall give him in charge to such officer to keep in some safe and convenient place to be designated by said Justice until he become sufficiently sober, and thereupon forthwith to take him before said Justice, or if he cannot be found, before some other Justice, and in either case such Justice shall in the presence of the officer examine him upon oath or affirmation regarding the person or persons from whom, and the time, manner and place in which the liquor producing his intoxication was procured, and shall reduce the substance thereof to writing, which shall be signed by the witness. If upon such inquiry it shall appear to the Justice that any offence against any of the provisions of sections 1, 2, or 3, has been committed, it shall be his duty to issue a warrant for the arrest of the offender, and to proceed as in other cases of complaint. The Justice if in his opinion it is necessary may either recognize the witness for his appearance to testify at the hearing or may detain him. If such person shall refuse to be sworn or affirmed, or fairly and fully to answer any question pertinent to such examination, he shall unless reasonable cause be shewn, be deemed guilty of contempt and shall be fined not less than ten nor more twenty dollars and stand committed until the same is paid. No answer or testimony which any such person shall give on such examination or at the hearing before the Justice or on the trial of the accused, shall be used in evidence against him in any proceeding whatever except for perjury in relation thereto.

Complaints to be
made to Justice
of Peace

SEC. 11. Whenever complaint on oath or affirmation in writing, which complaint shall state, the facts and circumstances upon which his belief is founded, shall be made before any Justice of the Peace by any person that he has just cause to believe, and does believe, that any offence has been committed against this act and that some other person or persons named by him has, or have knowledge of the commission of such offence, such Justice if he thinks there is probable cause to believe that such offence has been committed, and that such person or persons has or have knowledge thereof, shall forthwith issue a summons for such person or persons commanding him or them to appear before him on a day not more than four days thereafter, to testify in relation to such complaint. This summons may be served by the officer to whom it is delivered or any person whom he may depute for that purpose. If the person or persons summoned shall appear the Justice shall examine him or them on oath, or affirmation touching such complaint and if sufficient cause appear, shall issue a warrant of arrest against the offender, bind the witness for his appearance to testify at the hearing or detain him and proceed as in other cases.

If any person so summoned shall fail to appear, an attachment shall be issued to compel his appearance, the service of the summons being first proved by the return of the officer or the oath or affirmation of any other person serving the same. If any person so summoned or attached shall refuse to testify, he shall, unless just cause to be shewn, be deemed guilty of contempt, and be punished by a fine of not less than ten, or more than twenty dollars, and stand committed till the same is paid.

SEC. 12. Whenever any complaint shall be made in due form to a Justice of the Peace of a violation by any person of any of the provisions of this act, it shall be his duty to proceed as directed in Chapter 97 of the Revised Statutes, in relation to complaints made before him in other criminal cases, and all existing provisions of law relative to misdemeanors and offences shall apply to offences created by this act, so far as the same are applicable, and are not inconsistent therewith.

SEC. 13. No recognizance taken by a Justice, or Bail Bond by a Sheriff to secure the appearance of any defendant to answer for any offence under this act shall be deemed to be satisfied, or the condition thereof fulfilled, unless the person so bound to appear shall appear in proper person at the Court at which he has so undertaken to appear, and shall in proper person remain and abide the judgment which may be rendered by the Court on the said charge: and it shall be the duty of the proper officer forthwith to commence a suit on any such recognizance or bail bond which has been defaulted, or of which a breach of the condition has occurred, and to pursue the same to final judgment and execution as speedily as possible, and any judgment recovered in such suit shall be for the full amount of such recognizance or bail bond with costs.

SEC. 14. All fines and forfeitures which may accrue and be received under the provisions of this act, and not otherwise herein appropriated, shall be paid over by the officer receiving the same to the Treasurer of the County wherein such convictions were had, for the use of the County.

SEC. 15. It shall be the duty of every Justice of the Peace, Sheriff, Deputy Sheriff and Constable, within their respective Counties, whenever he shall have knowledge that any offence has been committed against any of the provisions of this act, to make complaint, or cause complaint to be made thereof.

SEC. 16. Every public officer who shall neglect or refuses to perform any duty required of him by any section of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof

by indictment, shall forfeit and pay a fine of not less than fifty nor more than two hundred dollars, besides costs, and such conviction shall, except in the case of judicial officers, ipso facto, work a forfeiture of office.

Resistance or opposition to an officer.

SEC. 17. Every person who shall oppose or resist any officer, or any one called by him to his aid in the execution of any duty under this act, shall be deemed guilty of a misdemeanor, and upon conviction by indictment, shall forfeit and pay a fine of not less than fifty dollars, and in default of payment of such fine and costs shall be imprisoned not less than ten days.

Foreign liquors.

SEC. 18. This act shall not be deemed or taken to apply to the importer of foreign intoxicating liquors, in respect to such liquor imported under the authority of the laws of the United States regarding the importation of such liquors, and in accordance with said laws, *Provided*, That the said liquor remains in the original casks or packages in which it was by him imported, and in quantities not less than the quantities in which the laws of United States require such liquor to be imported, and is by him disposed of in said casks and packages, and in said quantities only. *And provided also*, That in any proceeding under this act, the custom-house certificates of importation, and proofs of marks on the casks or packages corresponding thereto, shall not be received as sufficient evidence that the liquor contained in said casks or packages are those actually imported therein, but the person to be benefitted thereby shall be required to allege and prove such fact aliunde.

Cider and wine.

SEC. 19. Nothing contained in this act shall be construed to forbid the sale at the place of manufacture, by the maker thereof, of cider or wine manufactured from fruits being the growth of land in this State, owned or occupied by the manufacturer: *Provided only*, that the quantity of cider or wine sold at any one time be not less than one gallon, and that the same be sold to be and be all taken away at one time. No cider or wine so sold shall be drunk on the premises of the seller and any such drinking or a re-transfer to the seller of any portion so sold, shall subject him to the penalties of an unlawful sale: *And provided also*, that no such sale shall be made directly or indirectly to any such person as is mentioned in section 2 of this act.

Intoxicating liquors defined.

SEC. 20. The words "intoxicating liquor" and "liquor," as used in this act shall be construed to mean, extend to, and include ale, porter, lager beer, cider and all wines, alcohol, all distilled and malt liquors, all drugged liquors, and mixed liquors, part of which is alcohol, distilled or malt liquor, and all liquors that can intoxicate and are adapted to use as a beverage.

SEC. 21. Nothing in this act shall be construed to prevent physicians, physicians pursuing the practice of medicine as a business from keeping and professionally giving or in any wise disposing of intoxicating liquors medicinally, or any person from giving wine for sacramental purposes.

SEC. 22. The terms "sell" and "sale" in this act, when descriptive of, or referring to any offence, shall be construed to mean ^{Meaning of "Sell" and "Sale" under the act} and include any and every mode in which such liquor may be disposed of or transferred with a view to any profit or advantage, or upon any consideration whatever, past, present or future, otherwise than as a pure gift; and in any proceedings under this act, proof of any disposal of such liquor, otherwise than by such gift, shall be sufficient to establish the allegation of a sale within the meaning of this act.

SEC. 23. In any proceeding for a violation of any of the provisions of this act, it shall not be necessary to specify or prove the precise kind of liquor which is the subject of the charge, but to allege it as "intoxicating liquor" only, and proof of the unlawful act charged in relation to any such liquor shall be deemed sufficient, although the particular kind may not be able to be shown. All clerks, agents and servants shall be proceeded against as principals, and incur the same penalties for a violation of sections 1, 2 or 3 of this act. ^{Proceedings for a violation of the law.}

SEC. 24. Any number of offences against this act may be committed by the same person on the same day, and no prosecution for an offence alleged to have been committed at any time, shall be a bar to a conviction for an offence prior to that time. ^{Any number of offences may be committed the same day}

SEC. 25. No license to sell intoxicating liquor, or by authority of which such liquor can be sold, shall hereafter be granted except as provided in this act. ^{No license hereafter to be granted.}

SEC. 26. All acts and parts of acts inconsistent with this act are hereby repealed, but no suit or other proceeding commenced or indictment formed before this act takes effect shall in any manner be affected thereby. ^{All inconsistent acts repealed.}

SEC. 27. Nothing in this act shall be construed to effect the right of any person now having license to sell intoxicating liquor as a tavern-keeper, or under the provisions of the act entitled "An act regulating the sale of intoxicating liquors," during the period for which his license was granted, with respect to such license; but such person shall have and exercise the rights and privileges which he now enjoys until the expiration of such time, subject to all the provisions of law now in force regulating his conduct under such license, which provisions are for this purpose, and with respect to such persons respectively, exempted from the operation of section 26, until the expiration of their respective licenses. ^{Present licenses not to be affected.}

Acts to take effect June 1.

SEC. 28. This act shall take effect on the first day of June next, except section 25, which shall take effect immediately.

Passed at Dover, February 27, 1855.

CHAPTER CCXLXVI.

Ante. 99.

AN ACT to repeal section 7 of the act entitled "A further additional supplement to the act entitled 'An act for the establishing the boundaries of Dover, and for other purposes therein mentioned.'"

Section repealed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 7 of the act entitled "A further additional supplement to the act entitled 'An act for establishing the boundaries of the town of Dover, and for other purposes therein mentioned,'" be, and the same is hereby repealed, made null and void.

Passed at Dover, February 28, 1855.

CHAPTER CCXLXVII.

AN ACT for the relief of certain free negroes and free mulattoes.

Free negroes and
Mulattoes from
Maryland al-
lowed to come
and reside in
New Castle and
Kent Counties
Provided

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That hereafter it shall and may be lawful for free negroes and free mulattoes of sober and industrious habits, residing in the State of Maryland, to come into and reside in New Castle or Kent Counties, in this State, for the purpose of labor, any law to the contrary notwithstanding: *Provided,* That any such free negroes or free mulattoes coming into Sussex County, from Kent or New Castle County, shall be subject to the laws already in existence in reference to non-resident free negroes and free mulattoes.

Passed at Dover, February 28, 1855.

CHAPTER CCXLXVIII.

AN ACT to repeal the act entitled "An additional Supplement to the Act entitled 'an act for improving and extending the navigation of that part of Pokomoke river, which is situated in State of Delaware.'" 10 vol. p. 588.

SECTION 1. *Be 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 the act entitled 'An act for improving and extending the navigation of that part of Pokomoke river which is situated in the State of Delaware,'" passed at Dover in the year of our Lord eighteen hundred and fifty-one, and printed on pages 588 and 589 of the tenth volume of Delaware Laws, be, and the same is hereby repealed, and all the provisions therein contained are hereby made null and void. Act therein mentioned repealed

SEC. 2. *And be it further enacted,* That the act to which the act above repealed was "an additional supplement," entitled "An act for improving and extending the navigation of that part of Pokomoke river which is situated in the State of Delaware," passed at Dover, February 4, 1823, is hereby revived to all intents and purposes, as fully as if the said additional supplement had never been passed. Original Act revived.

SEC. 3. *And be it further enacted,* That the Commissioners appointed under the act passed at Dover, February 4th, 1823, are hereby authorized and empowered to proceed at once as soon as practicable to carry out the provisions of the last mentioned act, and to lay out and expend all the residue and remainder of the money, or moneys remaining in their hands unexpended, in accordance with the true intent and meaning of said act. Commissioners appointed under original Act authorized to carry out the provisions of said act.

SEC. 4. *And be it further enacted,* That the said Commissioners heretofore appointed under the said last mentioned act, after having appropriated the balance of the money or moneys now remaining in their hands to the purposes in said last act mentioned, shall return to the Governor an account of their expenditures to be laid before the General Assembly next in session thereafter. Commissioners to report their proceedings to Governor.

Passed at Dover, February 28, 1855.

CHAPTER CCXLIX.

AN ACT to incorporate *Reynolds Encampment No. 3, of the Independent Order of Odd Fellows of the State of Delaware, in the City of Wilmington.*

SECTION 1. Be 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 branch thereof concurring,) That

Incorporation. Foster C. Messenger, Wm. T. Pierson, Wm. P. Allcutt, Joseph Pyle, Philemon D. Chandler, Thompson Best, John P. Springer, Milton Lackey, William H. Sharp, William Johnson and such other persons as now are or hereafter may become members of Reynolds Encampment No. 3, of the Independent Order of Odd Fellows, located in the City of Wilmington, in New Castle County, and State of Delaware, shall be by virtue of this, one body politic and corporate in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of

Continuance Name. "Reynolds Encampment No. 3, of the Independent Order of Odd Fellows of the State of Delaware, in the City of Wilmington."

SEC. 2. And be it further enacted, That the said corporation and their successors during the term of their corporate existence shall be able and capable in law to purchase, take, receive, and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages or money, or any other property which may be devised, given or conveyed to or received by the payment of fees, dues and fines, and also to grant sell, let, bestow, assign or transfer the same, and do all other matters relating thereto, by the name and title aforesaid, and shall have a common seal, with authority to break, alter and renew the same at pleasure, and may sue and be sued, plead and be impleaded in any Court of law or equity in this State and elsewhere, in any or all manner of actions, suits, complaints, pleas, causes and matters whatsoever.

May hold property. *SEC. 3. And be it further enacted, That the members of the corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of the said corporation, and properly to manage its affairs conformable to the provisions of this act, and to the by-laws of the said corporation, and from time to time to make and establish such by-laws and rules as they shall deem proper and necessary for the good government thereof: Provided, such by-laws and rules be not contrary to the laws and Constitution of this State or of the United States.*

Officers. *SEC. 4. And be it further enacted, That the said Corporation shall not have power to hold or possess in any manner, goods, chattels, rights, credits, lands or tenements or any other property*

By-laws. *Limitation property*

the clear yearly income of which shall exceed the sum of five thousand dollars, and shall not possess any banking powers other than the lending of money on security for permanent investment.

Sec. 5. *And be it further enacted*, That this act shall be deemed public act, and taken to be public, and the power to revoke this charter, at *Revocation.* any time, is hereby reserved to the Legislature.

Passed at Dover, February 28, 1855.

CHAPTER CCLX.

AN ACT to revise the act entitled "An act to change the name of Susanah Baker and of her son, Luther Baker."

Private act.

Passed at Dover, February 28, 1855.

CHAPTER CCLXI.

A SUPPLEMENT to Chapter 73 of the Revised Statutes of the *R. S. p. 210.*
State of Delaware, title "Of the City of Wilmington."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)* That hereafter there shall be but one Assessor for the city of Wilmington, to be elected annually, in like manner as the Mayor, Alderman and Treasurer are now by law elected. *Assessor, how elected.*

No person shall be Assessor who shall not, before and at the time of his election, be possessed of a freehold estate in said city of the value of five hundred dollars. He shall give bond to the Mayor and Council of Wilmington in a sum to be determined by the City Council, and with surety to be approved by the Mayor and Aldermen, conditioned for the faithful performance of the duties of his office, and all such duties as are and may be pre- *shall give bond.*

CHAPTER CXXLXIX.

AN ACT to incorporate *Reynolds Encampment No. 3, of the Independent Order of Odd Fellows of the State of Delaware, in the City of Wilmington.*

SECTION 1. *Be 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 branch thereof concurring,) That* Foster C. Messenger, Wm. T. Pierson, Wm. P. Allentt, Joseph Pyle, Philemon D. Chandler, Thompson Best, John P. Springer, Milton Lackey, William H. Sharp, William Johnson and such other persons as now are or hereafter may become members of Reynolds Encampment No. 3, of the Independent Order of Odd Fellows, located in the City of Wilmington, in New Castle County, and State of Delaware, shall be by virtue of this, one body politic and corporate in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of "Reynolds Encampment No. 3, of the Independent Order of Odd Fellows of the State of Delaware, in the City of Wilmington."

SEC. 2. *And be it further enacted,* That the said corporation and their successors during the term of their corporate existence shall be able and capable in law to purchase, take, receive, and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages or money, or any other property which may be devised, given or conveyed to or received by the payment of fees, dues and fines, and also to grant sell, let, bestow, assign or transfer the same, and do all other matters relating thereto, by the name and title aforesaid, and shall have a common seal, with authority to break, alter and renew the same at pleasure, and may sue and be sued, plead and be impleaded in any Court of law or equity in this State and elsewhere, in any or all manner of actions, suits, complaints, pleas, causes and matters whatsoever.

SEC. 3. *And be it further enacted,* That the members of the corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of the said corporation, and properly to manage its affairs conformable to the provisions of this act, and to the by-laws of the said corporation, and from time to time to make and establish such by-laws and rules as they shall deem proper and necessary for the good government thereof: *Provided,* such by-laws and rules be not contrary to the laws and Constitution of this State or of the United States.

SEC. 4. *And be it further enacted,* That the said Corporation shall not have power to hold or possess in any manner, goods, chattels, rights, credits, lands or tenements or any other property

the clear yearly income of which shall exceed the sum of five thousand dollars, and shall not possess any banking powers other than the lending of money on security for permanent investment.

Sec. 5. *And be it further enacted*, That this act shall be deemed Public act, and taken to be public, until the power to revoke this charter, at Revocation. any time, is hereby reserved to the Legislature.

Passed at Dover, February 28, 1855.

CHAPTER CCLX.

AN ACT to revive the act entitled "*An act to change the name of Susanah Baker and of her son, Luther Baker.*"

Private act.

Passed at Dover, February 28, 1855.

CHAPTER CCLXI.

A SUPPLEMENT to Chapter 73 of the Revised Statutes of the State of Delaware, title "*Of the City of Wilmington.*" R. S. p. 210.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)* That hereafter there shall be but one Assessor for the city of Wilmington, to be elected annually, in like manner as the Mayor, Alderman and Treasurer are now by law elected. Assessor, how elected.

No person shall be Assessor who shall not, before and at the time of his election, be possessed of a freehold estate in said city of the value of five hundred dollars. He shall give bond to the Mayor and Council of Wilmington in a sum to be determined by the City Council, and with surety to be approved by the Mayor and Aldermen, conditioned for the faithful performance of the duties of his office, and all such duties as are and may be pre- shall give bond.

scribed by law or ordained by the City Council, for the better performance of the duties of his office; and there shall be annexed to said bond a warrant of attorney for the confession of judgment thereon. He shall receive such salary or compensation as may be established and allowed by ordinance of the said City Council.

Salary.

Board of Revision.

Their duty

Compensation.

Assessments.

SEC. 2. *And be it further enacted*, That the City Council shall at its first stated meeting next after the annual election, in the year one thousand eight hundred and fifty-five, and every year thereafter, appoint a BOARD OF REVISION, which Board shall consist of one member of Council for each ward. The members of the said Board shall meet in the City Hall, in Wilmington, on the first Tuesday next after their appointment, or as soon thereafter as conveniently may be, and shall organize by choosing one of their number to be Chairman, and another to be Secretary. They shall have power to adjourn from time to time, and occasional meetings may be called by the Chairman. They shall adopt such rules and regulations as they may deem necessary to produce fairness and equality of assessment of property and persons of said city. Each member of the Board shall receive one dollar for every attendance at the meeting of the Board. The Assessor shall complete the assessment of each ward before the first Tuesday in June, on which day he shall present the assessment to the Board of Revision, and said Board, by a majority of its members, may revise and alter any assessment. The assessments, as they shall remain after such alteration and revision, shall be certified to the City Council on or before the third Tuesday in June, and the said Council shall consider the same, and cause them to be published as heretofore, and shall sit and hear appeals from assessments at the times and in the manner provided for in section 55, chapter 73 of the Revised Statutes of the State of Delaware.

City Council,
duty of

Taxes paid before the first Tuesday in May.

SEC. 3. *And be it further enacted*, That the City Council shall, within fifteen days after the tax shall have been apportioned and levied, cause to be made a true list of the names of persons, and the amounts of tax levied upon the several persons and estates, copied from the assessment lists as revised and corrected by said Council and certified by their Clerk, and shall cause the said lists to be delivered to the City Treasurer, together with an order signed by the President of the City Council and certified by their Clerk, authorizing the said Treasurer to receive from the persons and estates assessed, the several sums mentioned in the list delivered to him as aforesaid. On each and every amount of tax so assessed and levied, which shall be paid into the hands of the Treasurer on or before the first Tuesday in May next, after the delivery of the list to the Treasurer as aforesaid, there shall be allowed to the persons or estates paying the same a deduction at the rate of six cents on every dollar. On the first Tuesday in July the City Treasurer shall make out and deliver to the City Council a list of the names

of delinquent taxables, and the amount of tax due from each, and of unpaid taxes due from estates, and the Council shall thereupon order that on each and every amount of tax so due and unpaid there shall be added to the amount of said tax so due and unpaid after the said first Tuesday in July to the time of payment, six per cent. per annum, and shall cause the said list to be delivered to the Assessor, together with an order signed by the President of the City Council and certified by their Clerk, requiring the said Assessor to collect and receive from the said delinquents and estates, the several sums mentioned in the list delivered to him as aforesaid. The Assessor shall without delay pay over to the City Treasurer all sums collected by him under the provisions of this act.

Taxes unpaid on 1st Tuesday in July.

SEC. 4. *And be it further enacted*, That section 38 of chapter 73 of the Revised Statutes of the State of Delaware, is hereby altered and amended as follows: That is to say: strike out the word "Collector," wherever it occurs in said section and insert in lieu thereof the word "Assessor," also amend section 88 of said chapter 73 by striking out the word "Assessor," wherever it occurs, and inserting in lieu thereof the word "Inspector." And further so much and such parts of chapter 73 aforesaid, as is amended, altered and supplied by this act, so far as the same is inconsistent with and repugnant to the provisions herein contained is hereby repealed.

Sec. 38 Chap. 73 of R. S. altered and amended.

SEC. 5. *And be it further enacted*, That the High Constable and other constables of the City of Wilmington, shall no longer be appointed by the City Council as now provided in the 22d section of the act to which this act is a supplement, but, after the expiration of their present terms of office the Mayor of the City of Wilmington for the time being shall have the power and authority, and shall annually appoint said constables; which said appointment shall at the next stated meeting of the City Council after the same are so made, be approved by the said Council, or they shall be void and of no effect. The Mayor shall have the power to supply by new appointment all vacancies that may occur in the office of constable, and for good and sufficient cause he may suspend or remove any constable from office, stating the causes and reasons in writing to the City Council for such suspension or removal. The constable so suspended or removed may appeal to the City Council who shall in a summary way inquire into such causes and reasons assigned by the Mayor, and a decision of two-thirds of the members of said Council may annul the action of the Mayor in all such cases, otherwise the action of the said Mayor shall stand approved and final.

High Constable and other constables hereafter to be appointed by the Mayor.

Mayor may suspend or remove.

SEC. 6. *And be it further enacted* That this act shall be deemed and taken to be a public act, and shall be in force from and after the date of its acceptance by the City Councils, the said acceptance by the City Councils, the said acceptance to be certi-

Public Act. Acceptance to be forth to the Governor.

fied to the Governor of this State, by the Mayor and President of the City Council under the Corporate seal.

Clerk of City
Council to have
this Act publish-
ed.

SEC. 7. *And be it enacted*, That the Clerk of the City Council shall cause this act to be published one month before the day of the City election, in two newspapers printed in the City of Wilmington.

Passed at Dover, February 28, 1855.

CHAPTER CCLXII.

AN ACT to authorize James Couper, of New Castle County, to bring into this State a hired negro man from the State of Maryland.

Private act.

Passed at Dover, February 28, 1855.

CHAPTER CCLXIII.

Act 191.

A SUPPLEMENT to the act entitled "*An Act to provide a Sinking Fund for the payment of the City debt of Wilmington.*"

4th Section of
original act
amended.

SECTION 1. *Be 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 provide a Sinking Fund for the payment of the City debt of Wilmington,*" be, and the same is hereby amended by adding and inserting after the Fourth Section of said Act, and as a part and continuation of said Fourth Section of said Act, the following words, viz: "One or more bonds for the sum of eleven hundred and fifty dollars to be due and payable on the first day of April, A. D. 1857; one or more bonds for the sum of eleven hundred and fifty dollars to be due and payable on the first day of October A. D. 1857; one or more bonds for the sum of twelve hundred dollars to be due and pay-

able on the first day of April, A. D. 1858; one or more bonds for the sum of twelve hundred dollars to be due and payable on the first day of October A. D. 1858; one or more bonds for the sum of thirteen hundred dollars, to be due and payable on the first day of April A. D. 1859; one or more bonds for the sum of thirteen hundred dollars to be due and payable on the first day of October, A. D. 1859; one or more bonds for the sum of thirteen hundred and fifty dollars, to be due and payable on the first day of April, 1860; one or more bonds for the sum of thirteen hundred and fifty dollars, to be due and payable on the first day of October, A. D. 1860; one or more bonds for the sum of fourteen hundred and fifty dollars, to be due and payable on the first day of April, A. D. 1861; one or more bonds for the sum of fourteen hundred and fifty dollars to be due and payable on the first day of October A. D. 1861; one or more bonds for the sum of fifteen hundred dollars to be due and payable on the first day of April, A. D. 1862; one or more bonds for the sum of fifteen hundred and fifty dollars to be due and payable on the first day of October, A. D. 1862; one or more bonds for the sum of sixteen hundred dollars to be due and payable on the first day of April A. D. 1863; one or more bonds for the sum of seventeen hundred dollars to be due and payable on the first day of October, A. D. 1863; one or more bonds for the sum of seventeen hundred dollars to be due and payable on the first day of April A. D. 1864; one or more bonds for the sum of seventeen hundred and fifty dollars to be due and payable on the first day of October, 1864; one or more bonds for the sum of eighteen hundred dollars to be due and payable on the first day of April, A. D. 1865; one or more bonds for the sum of eighteen hundred and fifty dollars to be due and payable on the first day of October A. D. 1865; one or more bonds for the sum of nineteen hundred dollars to be due and payable on the first day of April, A. D. 1866; one or more bonds for the sum of two thousand dollars to be due and payable on the first day of October, 1866; one or more bonds for the sum of two thousand dollars to be due and payable on the first day of April A. D. 1867; one or more bonds for the sum of two thousand one hundred dollars to be due and payable on the first day of October A. D. 1867; one or more bonds for the sum of two thousand one hundred and fifty dollars to be due and payable on the first day of April A. D. 1868; one or more bonds for the sum of two thousand two hundred and fifty dollars to be due and payable on the first day of October A. D. 1868; one or more bonds for the sum of two thousand two hundred and fifty dollars to be due and payable on the first day of April A. D. 1869; one or more bonds for the sum of two thousand three hundred and fifty dollars to be due and payable on the first day of October A. D. 1869; one or more bonds for the sum of two thousand four hundred and fifty dollars to be due and payable on the first day of April A. D. 1870; one or more bonds

for the sum of two thousand five hundred dollars to be due and payable on the first day of October A. D. 1870; one or more bonds for the sum of two thousand five hundred and fifty dollars to be due and payable on the first day of April A. D. 1871; one or more bonds for the sum of two thousand six hundred and fifty dollars to be due and payable on the first day of October A. D. 1871; one or more bonds for the sum of two thousand seven hundred and fifty dollars to be due and payable on the first day of April, A. D. 1872; one or more bonds for the sum of two thousand eight hundred dollars to be due and payable on the first day of October A. D. 1872; one or more bonds for the sum of two thousand nine hundred dollars to be due and payable on the first day of April A. D. 1873; one or more bonds for the sum of three thousand dollars to be due and payable on the first day of October A. D. 1873; one or more bonds for the sum of three thousand and fifty dollars to be due and payable on the first day of April A. D. 1874; one or more bonds for the sum of three thousand two hundred dollars to be due and payable on the first day of October A. D. 1874; one or more bonds for the sum of three thousand two hundred and fifty dollars to be due and payable on the first day of April A. D. 1875; one or more bonds for the sum of three thousand three hundred and fifty dollars to be due and payable on the first day of October A. D. 1875; one or more bonds for the sum of three thousand four hundred and fifty dollars to be due and payable on the first day of April A. D. 1876; one or more bonds for the sum of three thousand five hundred and fifty dollars to be due and payable on the first day of October A. D. 1876; one or more bonds for the sum of three thousand seven hundred dollars to be due and payable on the first day of April A. D. 1877; one or more bonds for the sum of three thousand seven hundred and fifty dollars to be due and payable on the first day of October A. D. 1877; one or more bonds for the sum of three thousand nine hundred dollars to be due and payable on the first day of April A. D. 1878; one or more bonds for the sum of four thousand dollars to be due and payable on the first day of October, A. D. 1878; one or more bonds for the sum of four thousand one hundred and fifty dollars to be due and payable on the first day of April A. D. 1879; one or more bonds for the sum of four thousand two hundred and fifty dollars to be due and payable on the first day of October 1879; one or more bonds for the sum of four thousand four hundred dollars to be due and payable on the first day of April A. D. 1880; one or more bonds for the sum of four thousand five hundred dollars to be due and payable on the first day of October A. D. 1880; one or more bonds for the sum of four thousand six hundred and fifty dollars to be due and payable on the first day of April A. D. 1881; one or more bonds for the sum of four thousand eight hundred dollars to be due and payable on the first day of October A. D. 1881; one or more bonds for the sum

of four thousand nine hundred dollars to be due and payable on the first day of April A. D. 1882; one or more bonds for the sum of five thousand one hundred dollars to be due and payable on the first day of October A. D. 1882; one or more bonds for the sum of five thousand two hundred dollars to be due and payable on the first day of April A. D. 1883; one or more bonds for the sum of five thousand four hundred dollars to be due and payable on the first day of October A. D. 1883; one or more bonds for the sum of five thousand five hundred and fifty dollars to be due and payable on the first day of April A. D. 1884; one or more bonds for the sum of five thousand seven hundred dollars to be due and payable on the first day of October A. D. 1884; one or more bonds for the sum of five thousand nine hundred dollars to be due and payable on the first day of April A. D. 1885; one or more bonds for the sum of six thousand and fifty dollars to be due and payable on the first day of October A. D. 1885; one or more bonds for the sum of six thousand two hundred and fifty dollars to be due and payable on the first day of April A. D. 1886; one or more bonds for the sum of six thousand four hundred and fifty dollars to be due and payable on the first day of October A. D. 1886; one or more bonds for the sum of six thousand six hundred and fifty dollars to be due and payable on the first day of April A. D. 1887; one or more bonds for the sum of six thousand eight hundred dollars to be due and payable on the first day of October A. D. 1887; one or more bonds for the sum of seven thousand and fifty dollars to be due and payable on the first day of April A. D. 1888; one or more bonds for the sum of seven thousand two hundred and fifty dollars to be due and payable on the first day of October A. D. 1888; one or more bonds for the sum of seven thousand four hundred and fifty dollars to be due and payable on the first day of April A. D. 1889; one or more bonds for the sum of seven thousand six hundred and fifty dollars to be due and payable on the first day of October A. D. 1889; one or more bonds for the sum of seven thousand nine hundred and fifty dollars to be due and payable on the first day of April A. D. 1890; one or more bonds for the sum of eight thousand one hundred and fifty dollars to be due and payable on the first day of October A. D. 1890; one or more bonds for the sum of eight thousand three hundred and fifty dollars to be due and payable on the first day of April A. D. 1891; one or more bonds for the sum of eight thousand six hundred and fifty dollars to be due and payable on the first day of October A. D. 1891; one or more bonds for the sum of eight thousand nine hundred dollars to be due and payable on the first day of April 1892; one or more bonds for the sum of nine thousand two hundred dollars to be due and payable on the first day of October A. D. 1892; one or more bonds for the sum of nine thousand four hundred and fifty dollars to be due and payable on the first day of April A. D. 1893; one or more bonds for the sum of nine thousand seven hundred and fifty dollars to

be due and payable on the first day of October A. D. 1893; one or more bonds for the sum of ten thousand dollars to be due and payable on the first day of April A. D. 1894; one or more bonds for the sum of ten thousand three hundred dollars to be due and payable on the first day of October A. D. 1894; one or more bonds for the sum of ten thousand six hundred and fifty dollars to be due and payable on the first day of April A. D. 1895; one or more bonds for the sum of ten thousand nine hundred and fifty dollars to be due and payable on the first day of October A. D. 1895; one or more bonds for the sum of eleven thousand three hundred dollars to be due and payable on the first day of April A. D. 1896; one or more bonds for the sum of eleven thousand six hundred dollars to be due and payable on the first day of October A. D. 1896; one or more bonds for the sum of twelve thousand dollars to be due and payable on the first day of April A. D. 1897; one or more bonds for the sum of twelve thousand three hundred dollars to be due and payable on the first day of October A. D. 1897; one or more bonds for the sum of twelve thousand seven hundred dollars to be due and payable on the first day of April A. D. 1898; one or more bonds for the sum of thirteen thousand one hundred dollars to be due and payable on the first day of October A. D. 1898; one or more bonds for the sum of thirteen thousand four hundred and fifty dollars to be due and payable on the first day of April A. D. 1899; one or more bonds for the sum of thirteen thousand nine hundred dollars to be due and payable on the first day of October A. D. 1899; one or more bonds for the sum of fourteen thousand two hundred and fifty dollars to be due and payable on the first day of April A. D. 1900; one or more bonds for the sum of fourteen thousand seven hundred and fifty dollars to be due and payable on the first day of October A. D. 1900; one or more bonds for the sum of fifteen thousand one hundred and fifty dollars to be due and payable on the first day of April A. D. 1901; and one or more bonds for the sum of fifteen thousand six hundred dollars to be due and payable on the first day of October A. D. 1901.

Act as amended
to be read and
construed as pro-
vided in section
1.

SEC. 2. *And be it further enacted.* That the act to which this is a supplement shall be read and construed as provided in section 1, and in every edition of the laws of this State hereafter to be published the act aforesaid shall be printed as amended by this act.

Passed at Dover, February 28, 1855.

CHAPTER CCLXIV.

AN ADDITIONAL SUPPLEMENT to the Act entitled "An Act to amend the act entitled 'An Act directing the choosing of Commissioners to regulate and repair the Streets of Milford, and for other purposes.'"
9 vol. Del. L. p. 366. chap. cccx. ch.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Town Commissioners shall have power and it shall be their duty to direct the Town Assessor, in making his assessment of properties taxable within the town limits, to include therein, all dogs owned or kept within the said town, and the owner or keeper of any dog or dogs so included within said assessment, shall be liable to pay a yearly tax of fifty cents for one dog, and the additional sum of one dollar for each and every dog more than one. An assessment of dogs shall be made during the present year, and each and every year thereafter; and the collector's power in the collection of taxes on dogs shall be the same as those conferred upon him by the act to which this is an additional supplement for the collection of town taxes. If any person to whom any such dog may stand assessed shall deny that he is the owner thereof, it shall be the duty of said collector to make diligent inquiry for the real owner, and collect the tax levied upon said dog, if said real owner shall be willing to pay the same; but if said real owner cannot be found, or shall refuse to pay the said tax, and if the person to whom said dog shall have been so assessed shall also refuse to pay said tax, it shall be the duty of said collector to kill said dog, for which he shall receive the sum of fifty cents for each and every dog so killed, to be allowed to him by the Commissioners, upon his verifying said killing upon oath.

Power of Commissioners to cause dogs to be taxed.

Assessment of dogs to be made Power to collect dog tax.

Duty of Assessor upon refusal to pay dog tax.

Fee to Collector

So much of the Act entitled 'An additional supplement to the Act entitled 'An Act to amend the act entitled 'an act directing the choosing of Commissioners to regulate and repair the streets of Milford, and for other purposes,' passed February 14th, 1853, as is inconsistent with this act is hereby repealed, and the same is hereby made null and void.

Repeal.

Passed at Dover, February 28, 1855.

CHAPTER CCLXV.

19 Col. 342.

AN ACT concerning the Delaware Railroad Company.

WHEREAS, the Delaware Railroad Company, having provided Iron and other materials for building their road, and expended large sums in its construction, are unable to finish the road without further funds :

Preamble reciting an arrangement by which the State advances its credit for the benefit of the Company, &c. State Treasurer directed to issue and deliver to the Company the bonds of the State Amount not to exceed 170,000.

And whereas, the State has subscribed one hundred and thirty thousand dollars to that work which will be unproductive until it is finished, and which the Company has the ability to secure by leasing the road at a certain rent, together with any further subscription that may be made by the State: And whereas, the interest on the said fund now unproductive, will, under such lease, in less than twenty years pay the additional subscription now to be made, through which the said unproductive fund will be made available, Therefore:

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

Bonds to be prepared and signed by the Governor, countersigned by the Secretary of State and sealed with the Great Seal. Bonds payable in twenty-one years with interest, payable semi-annually at the rate of six per cent per an at the office of the Company in Philadelphia

SECTION 1. To aid the said Company by a loan of this States' credit, the State Treasurer be, and he is hereby authorized and required to issue and deliver to said Company, the bonds of the State to an amount not exceeding in the whole, the sum of one hundred and seventy thousand dollars. The said bonds shall be duly prepared and signed by the Governor, and countersigned by the Secretary of State, and sealed with the Great Seal, and shall be made payable in twenty-one years, with interest at the rate of six per cent. per annum, payable semi-annually at the office of the Delaware Railroad Company in Philadelphia, with interest, warrants annexed to said bonds.

SEC. 2. To secure the payment of the said bonds by the said Delaware Railroad Company with interest thereon as the same falls due, the said Delaware Railroad Company shall deposit with the State Treasurer, as collateral security for such payment by said company, a certificate for six thousand eight hundred shares of the capital stock of said company, assigned to the State, and also the bonds of said Company to the amount of two hundred thousand dollars, guaranteed by the Philadelphia, Wilmington and Baltimore Railroad Company; and shall also execute and deliver to said Treasurer, a second mortgage on all the property and estate of the said Company, the said bonds and mortgage to be made to the State, and the said bonds to provide for the payment of interest thereon semi-annually, at the aforesaid office of said company, and to have interest warrants thereto attached.

Both the bonds of the State and those of the aforesaid Delaware Railroad shall bear date on the same day, and be payable both interest and principal at the same time. The aforesaid mortgage shall be made payable on demand. If the said Delaware Railroad Company shall fail to pay the interest on the said bonds so to be issued by the State as aforesaid, or any part thereof, then the State Treasurer shall dispose of the said interest warrants annexed to said collateral bonds to an amount sufficient to pay the same, for payment thereof; and in case of failure by said company to pay the principal of said State bonds, or any part thereof, at maturity, the State Treasurer shall dispose of the said hypothecated or collateral bonds to a sufficient amount for that purpose.

the bonds of the Company guaranteed by the Philad'a. Will. and Balt. R. R. Co., to the amount of 200,000.

Also to execute and deliver to State Treasurer a second mortgage.

State bonds and bonds of the Company to bear date the same day, and payable interest and principal at the same time.

On failure of the Company to pay the inter. on the bonds issued by the State, the S. Treasurer to dispose of a sufficient amount of interest warrants attached to the bonds of the Company to meet the deficiency.

State to release to the company for 21 years all interest upon the capital stock heretofore subscribed for.

The mortgage & bonds of the Company to be approved by the Governor.

SEC. 3. To enable the said Delaware Railroad Company to comply with the engagements of said company in this behalf, and to insure the completion of the said Delaware Railroad, the State hereby releases for the period of twenty one years from the date hereof, to the said Delaware Railroad Company, all interest, income and dividends upon the capital stock of said company heretofore subscribed for by the State, it being distinctly understood and agreed that the said Delaware Railroad Company shall not, directly or indirectly, ask the State for any further pecuniary aid, within the said period of twenty-one years.

SEC. 4. The mortgage and bonds of the Delaware Railroad Company, before provided for, shall be approved by the Governor.

SEC. 5. Whenever the company incorporated by the State of Maryland, called the Maryland and Delaware Railroad Company, shall have constructed and completed the railroad contemplated by their charter, to some point on the western line of this State, in Murderkill or Dover Hundred, in Kent County, it shall be the duty of the said Delaware Railroad Company by the time such road shall be completed, to construct and complete a branch from the main trunk of their road to the said point, or to permit and suffer the said Maryland and Delaware Railroad Company to make the said branch to connect said road with the Delaware Railroad, and to form such connection upon terms equally favorable as those upon which the Delaware Railroad connects with the Philadelphia, Wilmington and Baltimore Railroad Company.

Passed at Dover, February 28, 1855.

CHAPTER CCLXVI.

AN ACT to enable *Elsy Wilson* to locate certain vacant land situate in *Nanticoke Hundred*, in *Sussex County*, and to complete his title to the same.

Private act.

Passed at Dover, February 28, 1855.

CHAPTER CCLXVII.

AN ACT to create additional School District out of No. 78 and No. 3, in *Sussex County*.

Commissioners
appointed,

New S. district
created in Sus-
sex County.

Commissioners
to make return.
Where,

And when.

Copy of to be de-
livered to Trust-
ee of S. Fund.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William Brown, Nathaniel Johnson and George W. Johnson, be, and they are hereby appointed Commissioners to go upon and view School Districts Nos. 78 and 3, in *Sussex County*, and if in their Judgment the situation of those districts require it, to lay out an additional School District out of the aforesaid School Districts Nos. 78 and 3, in such manner and of such size as in their judgments the circumstances of the aforesaid districts may require. And when the said Commissioners, or a majority of them, shall have so divided and laid off the said original districts into three districts, as above directed, if in their judgment the situation of the aforesaid districts require it, they, or a majority of them, shall make return of their proceedings into the office of the Clerk of the Peace of *Sussex County*, to be by him filed among the records of his office; which said returns shall plainly set forth the metes and bounds of each of the districts so laid off out of the said districts Nos. 78 and 3. Said return shall be made on or before the first day of April next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund; and from and after the said first day of April, the additional School District formed under the provisions of this act shall be deemed and taken to be a School District in *Sussex County*, and numbered in continuation of School Districts already established by law in said county, and all the acts of the General Assembly of this State for the regulation, government and benefit of Free Schools within this State shall be extended and applied to said

additional School district, and the Trustees of the School Fund in the future distribution of the School Fund applicable to School districts in Sussex County, shall have due regard to the return of said Commissioners so made as aforesaid, giving to the said additional School district in Sussex County an equal proportion of the money in his hands, which would have been annually applicable to said School districts No. 78 and 3. *Provided*, no additional School district had been created under the provisions of this act. Dividends;
How divided.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act shall severally, before entering upon the discharge of the duties herein imposed, take and subscribe an oath or affirmation to perform said duties with fidelity, which oath shall be administered by a Justice of the Peace; and the said Commissioners are hereby authorized to take with them a skilful and impartial surveyor if they shall deem it necessary, to assist them in the discharge of their duties, and the said Commissioners and Surveyor shall receive such compensation for their services as shall be allowed by the Levy Court and Court of Appeals of Sussex County. Commissioners
to be sworn or
affirmed.

SEC. 3. *And be it further enacted*, That the said Commissioners shall give public notice, posted in five of the most public places in the additional district so laid off by them, to assemble at some suitable place to be named in the said notice, for the purpose of holding a stated meeting on the first Saturday of April next, agreeably to the laws of this State concerning Free Schools, and that the School Commissioners elected at the said time and place shall continue in office until the next stated meeting, and until successors are duly elected. Meeting of S.
voters

The certificate of the proceedings shall be made, signed and delivered according to the provisions of law relating to the certificates of the meeting of School voters. Notice of the meeting may be given by the Commissioners first above named, or a majority of them, and a failure to give notice shall not vitiate the proceedings. Certificate of
proceedings.

Passed at Dover, March 1, 1855.

CHAPTER CCLXVIII.

AN ACT to divide School District No. 31, in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*

Commissioners appointed. Powers and duties. That Caleb Smithers, William Townsend and Martin Harrington be, and they are hereby appointed Commissioners to go upon and view School District No. 31, in Kent County, and divide said School District into two suitable and convenient districts, in such mode as to them may seem proper. And when the said Commissioners or a majority of them shall have so divided the said district, they shall make return of the same, describing plainly the metes and bounds thereof into the office of the Clerk of the Peace of Kent County, to be by him filed among the records of his office.

Returns; to whom made. Said return shall be made on or before the first day of June next, and in said return the said Commissioners shall designate by lines the form of said district No. 31, and the lines of the additional School district formed thereout, within ten days after the first day of June aforesaid, the said Clerk of the Peace shall make a copy thereof and deliver the same to the Trustee of the School Fund.

Copy delivered to Trustee of S. fund. From and after the first day of June, the additional School district to be formed under the provisions of this act shall be deemed and taken to be a School district of Kent County, and be numbered in continuation of School districts already established, and shall be considered as and entitled to all the benefits, privileges and advantages of an original School district in said county; except that in the annual distribution of the School Fund, the share of School district No. 31 as heretofore existing shall be divided into two equal parts, so that the district remaining as No. 31, and the district created hereby shall receive an equal part thereof.

Number of new district. Dividend; how divided.

Commissioners sworn. Compensation of

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act shall severally, before entering upon the discharge of the duties above prescribed, take and subscribe an oath or affirmation to perform the same with fidelity. The said Commissioners shall, for each and every day employed in the discharge of such duties, receive the sum of one dollar each, to be allowed by the Levy Court of Kent County.

Passed at Dover, March 1, 1855.

CHAPTER CCLXIX.

AN ACT to cede to the United States a piece of Land for the purpose of erecting a Light-House thereon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*

That for the purpose of erecting and maintaining a Light-House, ^{Two acres of land at the mouth of Little Duck Creek, and on either side thereof, are hereby ceded to the United States, upon this condition; that a Light-House shall be thereon erected by the United States within ten years from the date of this act, and be continued and kept lighted thereafter: And provided also, that the said two acres shall be located at any time within ten years, and a plot thereof recorded in the Recorder's office of Kent County.} ^{Two acres of land at the mouth of Duck Creek ceded to the U. States as a location for a Light-house. Condition. Proviso.}

SEC. 2. That this State doth retain concurrent jurisdiction with the United States over the said land hereby ceded, so far that process, civil and criminal issuing under the authority of the said State, may be executed in any part of said land, or in any building thereon to be erected. ^{Concurrent jurisdiction reserved by the State for the service of civil process.}

Passed at Dover, March 1, 1855.

CHAPTER CCLXX.

AN ACT in relation to the trial of issue of fact in the Superior Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* in all Civil Causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the Court, and judgment rendered upon their decision thereon, as in cases tried by a Jury under the present practice. ^{In civil cases by consent of parties matters of fact may be tried by the Court.}

Passed at Dover, March 1, 1855.

CHAPTER CCLXXI.

AN ACT to extend the Provisions of Section 4 of Chapter 58 of the Revised Statutes of this State, to School District No. 14 in Kent County as originally laid out.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* ^{Code p. 1001}

Commissioners appointed. Powers and duties. That Caleb Smithers, William Townsend and Martin Harrington be, and they are hereby appointed Commissioners to go upon and view School District No. 31, in Kent County, and divide said School District into two suitable and convenient districts, in such mode as to them may seem proper. And when the said Commissioners or a majority of them shall have so divided the said district, they shall make return of the same, describing plainly the m^{et}es and bounds thereof into the office of the Clerk of the Peace of Kent County, to be by him filed among the records of his office.

Returns; to whom made. Said return shall be made on or before the first day of June next, and in said return the said Commissioners shall designate by lines the form of said district No. 31, and the lines of the additional School district formed thereout, within ten days after the first day of June aforesaid, the said Clerk of the Peace shall make a copy thereof and deliver the same to the Trustee of the School Fund.

And when. From and after the first day of June, the additional School district to be formed under the provisions of this act shall be deemed and taken to be a School district of Kent County, and be numbered in continuation of School districts already established, and shall be considered as and entitled to all the benefits, privileges and advantages of an original School district in said county; except that in the annual distribution of the School Fund, the share of School district No. 31 as heretofore existing shall be divided into two equal parts, so that the district remaining as No. 31, and the district created hereby shall receive an equal part thereof.

Copy delivered to Trustee of S. fund.

Number of new district.

Divided; how divided.

Commissioners sworn Compensation of

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act shall severally, before entering upon the discharge of the duties above prescribed, take and subscribe an oath or affirmation to perform the same with fidelity. The said Commissioners shall, for each and every day employed in the discharge of such duties, receive the sum of one dollar each, to be allowed by the Levy Court of Kent County.

Passed at Dover, March 1, 1855.

CHAPTER CCLXIX.

AN ACT to cede to the United States a piece of Land for the purpose of erecting a Light-House thereon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*

That for the purpose of erecting and maintaining a Light-House, ^{Two acres of land at the mouth of Duck Creek ceded to the U. States as a location for a Light-house.} two acres of land at the mouth of Little Duck Creek, and on either side thereof, are hereby ceded to the United States, upon this condition; that a Light-House shall be thereon erected by the United States within ten years from the date of this act, and be continued and kept lighted thereafter: ^{Condition.} And provided also; that ^{Proviso.} the said two acres shall be located at any time within ten years, and a plot thereof recorded in the Recorder's office of Kent County.

SEC. 2. That this State doth retain concurrent jurisdiction with the United States over the said land hereby ceded, so far that process, civil and criminal issuing under the authority of the said State, may be executed in any part of said land, or in any building thereon to be erected. ^{Concurrent jurisdiction reserved by the State for the service of civil process.}

Passed at Dover, March 1, 1855.

CHAPTER CCLXX.

AN ACT in relation to the trial of issue of fact in the Superior Court.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in all Civil Causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the Court, and judgment rendered upon their decision thereon, as in cases tried by a Jury under the present practice. ^{In civil cases by consent of parties matters of fact may be tried by the Court.}

Passed at Dover, March 1, 1855.

CHAPTER CCLXXI.

AN ACT to extend the Provisions of Section 4 of Chapter 58 of the Revised Statutes of this State, to School District No. 14 in Kent County as originally laid out.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That

Extended to S. district No. 14. *representatives of the State of Delaware in General Assembly met,*
That the provisions of Section 4 of Chapter 58 of the Revised Statutes of this State be, and they are hereby extended and applied to School district No. 14, in Kent County, as originally laid out.

Passed at Dover, March 1, 1855.

CHAPTER CCLXXII.

AN ACT to divide School District No. 19 in New Castle County.

New S. district
made in N. Cas-
tle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,*
That there shall be and hereby is laid off from School District No. 19 in New Castle County, the following part thereof, included within these lines, to wit: Beginning at the mouth of Rattle Snake Run on Brandywine river, and running thence westerly up said run to the place where it crosses the road leading from the Factories of Riddle and Lawrence, thence up said road to the Kennett Turnpike, thence northward up said Turnpike to the line of United School District Nos. 23 and 75 in New Castle County, as laid down in the map of said county, made in 1849; thence with the line of said united district to the Brandywine river, and down the said river to the place of beginning, and that said part included within said lines shall be a separate School district; That is to say, School district No. 78 in New Castle County, and shall have and enjoy all the powers, privileges and functions of a School district in the same manner and as fully, to all intents and purposes, as if the same had been laid off as a School district in the original division of the county into School districts. The school voters in said district shall meet and vote as the school voters in other School districts meet and vote, at the same time and under the same legal provisions, and the said School voters and the School Committees by them chosen shall have all the powers and capacities respectively which school voters and school Committees of other districts respectively have, and all laws of the State applicable to the School districts of the State generally shall apply to the said School District No. 78, so laid off, except that the dividend from the Trustee of the School Fund heretofore made annually to School district No. 19, shall be equally divided between the original district and the said part so laid off to each, one-half thereof, and the place of the meeting of the School voters of said part so laid off shall be at the Factory of Riddle and Lawrence,

Dividend, how
divided

until there be a School-house built in said district, and then at the School-house.

Passed at Dover, March 1, 1855.

CHAPTER CCLXXIII.

AN ACT to provide for the appointment of an additional Justice of the Peace in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That hereafter the number of Justices of the Peace in Kent County shall be nineteen instead of eighteen as provided for in section 1 of chapter 97 of the Revised Statutes of this State, and that the additional Justice provided for by this act shall reside in or near the town of Kenton, Duck Creek Hundred.

An additional Justice created in Kent County.

To reside at Kenton.

Passed at Dover, March 1, 1855.

CHAPTER CCLXXIV.

AN ACT to divide School Districts Nos. 33, 35 and 36, in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That William H. Powell, Eli Saulsbury and Robert Raughley, be, and are hereby appointed Commissioners to go upon and view School Districts Nos. 33, 35 and 36, in Kent County, and divide said School Districts into four suitable and convenient districts, in such mode as to them may seem proper, and when the said Commissioners, or a majority of them, shall have so divided the said districts, they shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Kent County, to be by him filed among the records of his office. Said return shall be made on or before the

New S. District created in Kent County.

Commissioners to make return.

Where,

And when first day of June next, and in said return the said Commissioners shall designate by lines the form of said districts 33, 35 and 36, and the lines of the additional School District formed thereout. Within ten days after the first day of June aforesaid, the said Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund. From and after the said first day of June the additional School District to be formed under the provisions of this act, shall be deemed and taken to be a School District of Kent County, and be numbered in continuation of School Districts already established, and shall be considered as, and entitled to all the benefits, privileges and advantages of an original School District in said county, except that in the distribution of the School Fund the share or dividend of districts Nos. 33, 35 and 36, as heretofore existing, shall be divided into four parts, and the School District hereby created shall, in the annual distribution, be entitled to one-fourth part of such dividend, and the districts remaining as Nos. 33, 35 and 36 shall each be entitled to one-fourth part thereof.

Copy delivered
to Trustee of
S. Fund.

Dividends;

How divided.

Commissioners to be
sworn or affirmed

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act, shall severally, before entering upon the discharge of the duties above prescribed, take and subscribe an oath or affirmation to perform the same with fidelity. The said Commissioners shall, for each and every day employed in the discharge of such duties, receive the sum of one dollar each to be allowed by the Levy Court of Kent County.

Passed at Dover, March 1, 1855.

CHAPTER CCLXXV.

AN ACT in relation to Conveyances and Devises of Personal and Real Estate for religious purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.* That no grant, conveyance, devise or lease of personal or real estate to, nor any trust of such personal or real estate for the benefit of any person, and his successor or successors in any ecclesiastical office, shall vest any estate or interest in said person or his successor; and no such grant, conveyance, demise, or lease to or for any such person by the designation of any such office, shall

Grant to any
ecclesiastical
office, shall vest no
estate.

vest any estate or interest in any successor of such person. But this section shall not be deemed to admit the validity of any such grant, conveyance, devise or lease heretofore made.

SEC. 2. *Be it enacted by the authority aforesaid,* That no grant or devise for purposes of religious worship, to vest any title unless to a corporation.
No grant or devise for purposes of religious worship, to vest any title unless to a corporation.
No grant or devise for purposes of religious worship, to vest any title unless to a corporation.
That no grant or devise or lease of any real estate, dedicated or appropriated, or intended to be dedicated or appropriated to purposes of religious worship for the use of any congregation or society shall vest any right, title or interest in any person or persons to whom such grant, conveyance, devise or lease be made unless such grant, conveyance, devise or lease shall be made both in form and in fact, to a corporation organized according to the provisions of the laws of this State, as contained and provided in, and by the 39th chapter of the Revised Code, under the title of "Religious Societies."

SEC. 3. *Be it enacted by the authority aforesaid,* That any real estate of the description named in second section of this act, and which has been heretofore granted, devised, or demised, to any person or persons in any ecclesiastical office by the designation of such office or otherwise, shall be deemed to be held in trust for the benefit of the congregation or society using the same, and shall upon the death of the person or persons in whom the title shall be vested at the time of the passage of this act, vest in the religious corporation formed by the congregation or religious society occupying and enjoying such real estate as aforesaid, provided, such corporation organized according to the laws of this State, shall be in existence at the time of the decease of the person or persons holding the title thereto.

SEC. 4. *And be it enacted by the authority aforesaid,* That in the event such corporation or society shall not be incorporated as aforesaid, then and in that case, the title of such real estate shall escheat to the State of Delaware, in the same manner and with the same effect as if the person holding the title thereto had died intestate and without heirs capable of inheriting such real estate.

SEC. 5. *And be it further enacted by the authority aforesaid,* That whenever title to any real estate shall escheat to the State of Delaware under and by virtue of the last preceding section it shall be the duty of the Secretary of State of this State, and he is hereby authorized, upon his being satisfied of the due incorporation of the congregation or society who have occupied and enjoyed such real estate for the purpose of religious worship, under and according to the provisions of the law first named in the second section of this act, and a further production to him of a certified copy of the recorded certificate of the incorporation, under the hand and seal of the Recorder of the county in whose

office the same is recorded, to grant and convey such real estate, and all the right, title and interest of the State of Delaware therein and thereto to said corporation, which shall thereupon be vested with all the right, title and interest which became vested in the State by virtue of the provisions of this act.

Passed at Dover, March, 1, 1855.

CHAPTER CCLXXVI.

Ante p.

A FURTHER SUPPLEMENT to the act entitled "An Act to incorporate the 'Delaware Railroad Company.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring herein, and with a reserved power of revocation :

*Section 20
amended.*

SECTION 1. That the Act entitled "An Act to incorporate the Delaware Railroad Company," be, and the same is hereby amended in the last line of section 20th, by striking out the words "a half."

Passed at Dover, March 1, 1855.

CHAPTER CCLXXVII.

4 vol. p 627

AN ADDITIONAL SUPPLEMENT to an act entitled "An Act to 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 Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two thirds of each branch of the Legislature concurring therein,) That from and after the passage of this act so much of the Turnpike Road known as the "Wilmington and Philadelphia Turnpike*

by the Wilmington and Philadelphia Turnpike Company," under the provisions of the act incorporating said Company, passed February 1, 1813, as lies within the distance of two miles measured upon the said Turnpike from the northern terminus thereof, at or about the Pennsylvania State line, shall be and the same is hereby declared to be a public highway, free for the use of the public without toll or charges, *Provided*, that the said "Wilmington and Philadelphia Turnpike Company" shall reduce the charges on all tolls to be collected by the said Company on passengers traveling over said road, and all commodities transported over the same in proportion to the relative distance or length of said road, as by this act vacated.

That part of the road within two miles measured from the northern terminus declared a public highway.

Proviso

SEC. 2. *And be it further enacted*, That from and after the passage of this act, so much of the aforesaid Wilmington and Philadelphia Turnpike as may become free for the use of the public under the foregoing provisions shall together with any bridge or bridges now erected thereon, be kept in repair and maintained in the same manner as other public roads and bridges in Brandywine Hundred are repaired and maintained, and the said "Wilmington and Philadelphia Turnpike Company" shall be and it is hereby declared to be exempt from all obligations and liability for or in respect to the maintenance or repairing of the aforementioned portion of said Turnpike.

The road and bridges; how kept in repair.

The Company declared exempt.

SEC. 3. *And be it further enacted*, That the said Wilmington and Philadelphia Turnpike Company, shall within three months after the passage of this act, certify to the Governor their acceptance of the same or it shall be void and of no effect, the certificate of such acceptance shall be made in pursuance of a resolution adopted by the Stockholders of said Company, or a majority of them, voting according to the provisions of the third section of the act incorporating said Company at a meeting called by the President upon two weeks notice in one or more newspapers of this State. The certificate shall be under the hand of the President and Secretary of said Company, and it shall be filed in the office of the Secretary of State.

Company to certify to the Governor their acceptance of this act within three months

Certificate; how made; under the hand of the President and Secretary, and filed in office of Secretary of State.

Passed at Dover, March 1, 1855.

CHAPTER CCLXXVIII.

AN ACT for the benefit of Lambert Hall.

*Private Act.**Passed at Dover, March 1, 1855.*

CHAPTER CCLXXIX.

AN ACT for the relief of George W. Jackson, a minor.

*Private Act.**Passed at Dover, March 1, 1855.*

CHAPTER CCLXXX.

10 (el) p 9

A FURTHER ADDITIONAL SUPPLEMENT to the act entitled "An Act to survey, lay out and regulate the streets of Smyrna and for other purposes."

Limits of town extended

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the limits of the town of Smyrna, in Kent County, be and the same are hereby extended a distance of one quarter of a mile in every direction from the present boundaries of said town.

A new survey authorized.

SEC. 2. *And be it further enacted,* That the Commissioners of the town of Smyrna elected at the next annual meeting for the election of Commissioners for said town to be hereafter held, are hereby authorized and required, and it shall be their duty or the duty of a majority of them to cause a new survey to be made of the said town of Smyrna, as hereby extended, and for that purpose to employ a skilful surveyor to make said survey and to fix permanent and visible objects at every corner in said survey; and it shall be the duty of the surveyor so employed by said Commission-

ners to make out any accurate plot or map of said town, on which shall be marked and designated the boundaries of said town as hereby extended; the courses, width, distance and names of the several streets, lanes and alleys thereof, (both those now being in said town, and those which may, before the said survey shall have been made, be located and laid out by the Commissioners of the town of Smyrna, under and by virtue of the authority herein-after conferred upon said Commissioners,) the angles and intersections of said streets, lanes and alleys, and the lines of the side-walks; and the said Commissioners may annex or add to the said plot or map such additional lines, surveys, observations and explanatory notes, as they or a majority of them 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 recorded in the office for the recording of deeds in and for Kent County; which record or any copy thereof, duly certified under the hand and seal of the Recorder of Deeds in and for Kent County aforesaid, shall be admitted and received as evidence in any Court of law or equity within this State.

Alleys and intersections of streets to be marked.

Plot to be recorded: where.

SEC. 3. *And be it further enacted,* That the Commissioners of the town of Smyrna or a majority of them be, and they are hereby authorized and required to direct, in writing, the proprietor or proprietors of any house or land in said town of Smyrna, before or in front of which they may deem proper that a pavement or gutter or both should be made, to lay a pavement of brick or smooth stones; or make a gutter, or lay a pavement and make a gutter of such length, width or depth (if a gutter) as the said Commissioners may specify in the direction to such proprietor or proprietors; and if such proprietor or proprietors shall neglect or refuse, for the space of three months after being directed as aforesaid to lay such pavement with good and sufficient curbs, or to cut and make such gutters or to lay such pavement and cut and make such gutters, it shall and may be lawful for the said Commissioners, and they, or a majority of them, are hereby required to cause such pavements and gutters to be made, and to recover the costs of making the same by distress and sale of any goods and chattels lands and tenements belonging to such proprietor or proprietors within the bounds of said town, as hereby extended; and if any pavement or gutter already made shall, by the said Commissioners, or a majority of them, be deemed an insufficient pavement or gutter, they, or a majority of them, shall have power, and they are hereby required to direct, in writing, the owner or owners thereof to make a sufficient one, and upon his or her or their neglecting or refusing so to do, for the space of three months, after being directed as aforesaid, the said Commissioners, or a majority of them, shall cause the same to be done, and recover the costs of doing the same in the same manner as is herein prescribed for the recovery of the costs of constructing and mak-

Commissioners required to direct and authorize paving, or gutter.

Refusal or neglect for three months.

Costs, how recovered.

Commissioners authorized to improve gutters already made.

Costs, how recovered.

ing new pavements and gutters, when the proprietor or proprietors of the house or land in front of which the same is made hath or have neglected or refused to do so for the space of three months after being directed as aforesaid. And the said Commissioners, or a majority of them, are hereby further authorized and empowered to cause such side-walks or portions of side-walks in the limits of said town as are not already paved, and as they, or a majority of them, may deem proper to direct to be paved as aforesaid, to be covered with gravel, sand or dirt, and to be put in good order for the convenience of the citizens of said town, and to cause flag-stones to be put down at the crossings of said streets wherever they may deem them necessary; and the costs of doing the same shall be borne and paid as other town expenses.

Commissioners authorized to remove all obstructions and abate nuisances.

Complaints how made.

SEC. 4. *And be it further enacted*, That the Commissioners of the town of Smyrna for the time being, or majority of them, be, and they are hereby authorized, required and directed to cause all obstructions and nuisances that may at any time be in any of the streets, lanes, alleys or side-walks of the said town to be removed and abated; and in case any person or persons who shall occasion such obstruction or nuisance shall neglect or refuse to remove the same within two days after being required so to do, in writing, by the said Commissioners, or a majority of them, he, she or they so neglecting or refusing to remove such obstruction or nuisance shall forfeit and pay to the Treasurer of said town, for the use of said town, the sum of ten dollars, to be recovered in the name of the Treasurer of the town of Smyrna, as debts under one hundred dollars are now recoverable by the laws of this State; and for every additional day that such obstruction or nuisance shall remain unremoved or unabated, he, she or they occasioning the same shall forfeit and pay to the Treasurer aforesaid, for the use of said town, the further sum of ten dollars, to be recovered in the same manner. And the said Commissioners may moreover cause such obstruction or nuisance to be removed and abated as aforesaid. And if any citizen of the said town of Smyrna, annoyed or suffering inconvenience by reason of any nuisance within the limits of said town, or of any obstruction in any street lane or alley thereof, shall make complaint, in writing, stating the character of such nuisance or obstruction, and in what part of the town the same exists, to the Commissioners of the town of Smyrna for the time being, it shall be the duty of the said Commissioners, and they, or a majority of them, are hereby required to view such nuisance or obstruction, and if in their opinion, or the opinion of a majority of them, the complainant had just cause for his complaint so made to them, as aforesaid, they, or a majority of them, shall order the owner or owners of such nuisance, or the person or persons who may have occasioned such obstruction to remove or abate the same, and any refusal or neglect by the owner or owners of such nuisance, or the person or persons who have occasioned such ob-

struction within such reasonable time as the said Commissioners may direct, shall subject him, her, or them, to the forfeitures hereofore mentioned, to be recovered in the same manner for the use of said town, and it is hereby made the duty of the Treasurer of the town of Smyrna to proceed at once for the collection of the same, and so from time to time to proceed until the said nuisance shall be abated or the said obstruction removed.

SEC. 5. *And be it further enacted*, That at every annual election for the election of Commissioners of the town of Smyrna to be hereafter held, seven Commissioners shall be elected, instead of five, as provided for in the fifth section of an act entitled "A Supplement to the act entitled 'An Act to survey, lay out, and regulate the streets of Smyrna, and for other purposes,'" passed at Dover, January 29, 1845; and that at any such election every free white male citizen of said town who shall be of the age of twenty-one years or upwards, and have paid the town tax last assessed to him, shall have a right to vote for Commissioners, Assessors and Treasurer.

Seven Commis-
sioners hereafter
to be elected.

SEC. 6. *And be it further enacted*, That the Commissioners of the town of Smyrna for the time being, or a majority of them, shall have power, upon the application of ten or more citizens of said town, by petition to them for that purpose, to locate, lay out and open any new street or streets which ten or more citizens of said town may desire to be located, laid out and opened, allowing to the persons respectively, through or over whose grounds such new street or streets 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, out of the moneys of the said town, which may come to his hands as Treasurer aforesaid, on warrants drawn on him by the Commissioners aforesaid.

New streets may
be opened, &c.

SEC. 7. *And be it further enacted*, That so much of the Act to which this is a further additional Supplement, and of the Supplements thereto, as is supplied by, altered or inconsistent with this Act, be, and the same is hereby repealed.

Inconsistent acts
repealed.

Passed at Dover, March 1, 1855.

ing new pavements and gutters, when the proprietor or proprietors of the house or land in front of which the same is made hath or have neglected or refused to do so for the space of three months after being directed as aforesaid. And the said Commissioners, or a majority of them, are hereby further authorized and empowered to cause such side-walks or portions of side-walks in the limits of said town as are not already paved, and as they, or a majority of them, may deem proper to direct to be paved as aforesaid, to be covered with gravel, sand or dirt, and to be put in good order for the convenience of the citizens of said town, and to cause flag-stones to be put down at the crossings of said streets wherever they may deem them necessary; and the costs of doing the same shall be borne and paid as other town expenses.

Commissioners authorized to remove all obstructions and abate nuisances.

SEC. 4. *And be it further enacted*, That the Commissioners of the town of Smyrna for the time being, or majority of them, be, and they are hereby authorized, required and directed to cause all obstructions and nuisances that may at any time be in any of the streets, lanes, alleys or side-walks of the said town to be removed and abated; and in case any person or persons who shall occasion such obstruction or nuisance shall neglect or refuse to remove the same within two days after being required so to do, in writing, by the said Commissioners, or a majority of them, he, she or they so neglecting or refusing to remove such obstruction or nuisance shall forfeit and pay to the Treasurer of said town, for the use of said town, the sum of ten dollars, to be recovered in the name of the Treasurer of the town of Smyrna, as debts under one hundred dollars are now recoverable by the laws of this State; and for every additional day that such obstruction or nuisance shall remain unremoved or unabated, he, she or they occasioning the same shall forfeit and pay to the Treasurer aforesaid, for the use of said town, the further sum of ten dollars, to be recovered in the same manner. And the said Commissioners may moreover cause such obstruction or nuisance to be removed and abated as aforesaid. And if any citizen of the said town of Smyrna, annoyed or suffering inconvenience by reason of any nuisance within the limits of said town, or of any obstruction in any street lane or alley thereof, shall make complaint, in writing, stating the character of such nuisance or obstruction, and in what part of the town the same exists, to the Commissioners of the town of Smyrna for the time being, it shall be the duty of the said Commissioners, and they, or a majority of them, are hereby required to view such nuisance or obstruction, and if in their opinion, or the opinion of a majority of them, the complainant had just cause for his complaint so made to them, as aforesaid, they, or a majority of them, shall order the owner or owners of such nuisance, or the person or persons who may have occasioned such obstruction to remove or abate the same, and any refusal or neglect by the owner or owners of such nuisance, or the person or persons who have occasioned such ob-

Complaints how made.

struction within such reasonable time as the said Commissioners may direct, shall subject him, her, or them, to the forfeitures hereofore mentioned, to be recovered in the same manner for the use of said town, and it is hereby made the duty of the Treasurer of the town of Smyrna to proceed at once for the collection of the same, and so from time to time to proceed until the said nuisance shall be abated or the said obstruction removed.

SEC. 5. *And be it further enacted*, That at every annual election for the election of Commissioners of the town of Smyrna to be hereafter held, seven Commissioners shall be elected, instead of five, as provided for in the fifth section of an act entitled "A Supplement to the act entitled 'An Act to survey, lay out, and regulate the streets of Smyrna, and for other purposes,'" passed at Dover, January 29, 1845; and that at any such election every free white male citizen of said town who shall be of the age of twenty-one years or upwards, and have paid the town tax last assessed to him, shall have a right to vote for Commissioners, Assessors and Treasurer.

Seven Commissioners hereafter to be elected.

SEC. 6. *And be it further enacted*, That the Commissioners of the town of Smyrna for the time being, or a majority of them, shall have power, upon the application of ten or more citizens of said town, by petition to them for that purpose, to locate, lay out and open any new street or streets which ten or more citizens of said town may desire to be located, laid out and opened, allowing to the persons respectively, through or over whose grounds such new street or streets 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, out of the moneys of the said town, which may come to his hands as Treasurer aforesaid, on warrants drawn on him by the Commissioners aforesaid.

New streets may be opened, how.

SEC. 7. *And be it further enacted*, That so much of the Act to which this is a further additional Supplement, and of the Supplements thereto, as is supplied by, altered or inconsistent with this Act, be, and the same is hereby repealed.

Inconsistent acts repealed.

Passed at Dover, March 1, 1855.

CHAPTER CCLXXXI.

AN ACT for the benefit of James Williams.

*Private act.**Passed at Dover, March 1, 1855.*

CHAPTER CCLXXXII.

AN ACT to create an additional School District out of Nos. 48
39 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That

Commissioners, Burton W. Calaway, Elijah Olophant and Washington Calaway be, and they are hereby appointed Commissioners to go upon and view School Districts Nos. 48 and 39 in Sussex County, and if in their judgment the situation of those districts require it to lay out an additional School District out of the aforesaid School Districts Nos. 48 and 39, in such manner and of such size as in their judgment the circumstances of the aforesaid districts may require. And when the said Commissioners or a majority of them shall have so divided and laid off the said original districts into three districts above directed, if in their judgment the situation of the aforesaid districts require it, they or a majority of them shall make return of their proceedings into the office of the Clerk of the Peace of Sussex County, to be by him filed among the records of his office; which said return shall plainly set forth the metes and bounds of each of the districts so laid off out the said districts Nos. 48 and 39. Said return shall be made on or before the first day of April next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof and deliver the same to the Trustee of the School Fund; and from and after the said first day of April the additional School District formed under the provisions of this act shall be deemed and taken to be a school district in Sussex County, and numbered in continuation of school districts already established by law in said county, and all the Acts of the General Assembly of this State for the regulation, government and benefit of Free Schools within this State shall be extended and applied to said additional School Districts, and the Trustees of the School Fund in the future distribution of the School Fund applicable to school districts in Sussex county shall

May lay out an additional school district.]

Return to be made to the Clerk of the Peace of S. County.
Return to be made on or before first of April.
Copy to be delivered to Trustee of S. Fund.
Additional district to be numbered.

Distribution of S. Fund to be made

have due regard to the return of said Commissioners so made as aforesaid, giving to the said additional school district in Sussex County, an equal proportion of money in his hands which would have been annually applicable to said school districts Nos. 48 and 39 provided additional school districts had been created under the provisions of this act.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act shall severally before entering upon the discharge of the duties herein imposed, take and subscribe an oath or affirmation to perform said duties with fidelity, which oath shall be administered by a Justice of the Peace; and the said Commissioners are hereby authorized to take with them a skilful and impartial Surveyor if they shall deem it necessary, to assist them in the discharge of their duties; and the said Commissioners and Surveyor shall receive such compensation for their services as shall be allowed by the Levy Court and Court of Appeals of Sussex County.

Commissioners to be sworn or affirmed.
Oath how administered.
May take to their assistance a surveyor.
Compensation.

SEC. 3. *And be it further enacted*, That the said Commissioners shall give public notice, posted in five of the most public places in the additional district so laid off by them, to assemble at some suitable place to be named in the said notice, for the purpose of holding a stated meeting on the first Saturday of April next agreeable to the laws of this State, concerning Free schools, and that the School Commissioners elected at the said time and place shall continue in office until the next stated meeting, and until successors are duly elected. The certificate of the proceedings shall be made, signed and delivered, according to the provisions of law, relating to the certificates of the meeting of school voters; notice of the meeting may be given by the Commissioners first above named, or a majority of them; and a failure to give notice shall not vitiate the proceeding.

Stated meetings.
Certificate.
Notice.

Passed at Dover, March 2, 1855.

CHAPTER CCLXXXIII.

AN ACT proposing an amendment to the Constitution of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*

No lottery or sale of tickets to be granted after 1862.

two-thirds of each House therein concurring,) That the General Assembly, (two-thirds of each House deeming it necessary) with the approbation of the Governor, propose an amendment to the Constitution of this State, in the following words, to wit: No lottery nor sale of tickets in any lottery, nor act in any way aiding or promoting a lottery shall be authorized or permitted in this State, after the first day of January one thousand eight hundred and sixty-two, and it shall be the duty of the General Assembly to enact necessary laws to suppress all lotteries, and to prevent the sale of lottery tickets, or any acts aiding or promoting any lottery within this State, after the above named date.

This act to be published, after approval by the Governor in two newspapers for at least three month's before the next General election.

SEC. 2. *And be it further enacted,* That the Secretary of State be, and he is hereby directed, after the Governor shall have approved of the above proposed amendment, duly to publish the above proposed amendment and this act in the Delaware Republican and in the Delaware Gazette, two newspapers published in the city of Wilmington, in this State, for the consideration of the people of this State, at least three and not more than six months, before the next general election of Representatives in this State.

Passed at Dover, March 2, 1855.

CHAPTER CCLXXXIV.

AN ACT concerning the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

Mayor and Council authorized to subscribe two hundred thousand dollars to the stock of the Wil & Brann. R. R. Co. on a certain condition.

Bond- to be issued.

SECTION 1. The Mayor and Council of Wilmington are hereby authorized with the consent of the qualified voters of said City to be manifested by a vote to be taken at the City Hall at such time, on ten days' notice in the newspapers of said city, as the City Council shall direct, to subscribe to the capital stock of The Wilmington and Brandywine Railroad Company, to an amount not exceeding two hundred and fifty thousand dollars; and to pay for said stock, the said Mayor and Council of Wilmington are hereby authorized to issue the bonds of the corporation to an amount sufficient for that purpose, and to make them payable, together with the interest thereon, at such times and place as may be deemed proper.

Passed at Dover, March 2, 1855.

CHAPTER CCLXXXV.

A SUPPLEMENT to the act entitled "*An Act taxing the dogs of New Castle County, and for other purposes,*" passed at Dover, March 2d, 1853.

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 the duty of the Assessor of Appoquinimink Hundred, New Castle County, to make out an accurate list or statement of the names of all persons in said Hundred, owning, harboring or having dogs on or about their premises, showing the number of dogs, male and female, respectively belonging to each person, which said list the said Assessors shall be sworn or affirmed to, with a certificate endorsed thereon according to the form contained in Section 1 of the act, to which this act is a supplement, and the said list so certified shall be delivered over by said Assessor to the Road Commissioners of said Hundred on or before their meeting in April, in each and every year.

Ante p. 101.
Assessors of Appoquinimink Hundred to make out a list of persons owning dogs, under oath or affirmation.

Certificate.

To be delivered to Road Com'rs

SEC. 2. *And be it further enacted,* That the said Road Commissioners shall lay and cause to be collected from the several persons aforesaid on said list, the sum of fifty cents for every male, and one dollar for every female dog, and they shall appoint some suitable person in said Hundred to collect the same, with all the power and authority which Collectors of Road tax have to collect other tax, taking bond and security in double the amount so to be raised, for the faithful performance of their duties, and for the immediate payment of all orders drawn upon him by said Road Commissioners: *Provided,* sufficient funds have been collected by him to pay said orders. And the said Collector shall pay over the amount so collected to orders drawn on him by said Commissioners, subject to such errors and commissions as the said Commissioners may allow, not exceeding that allowed for collecting road tax in said Hundred.

Road Com'rs to levy and cause to be collected, dog tax.

Suitable person to be appointed collector.
To give bond.

Am't collected to be paid to order of R. Com'rs.

Compensation.

SEC. 3. *And be it further enacted,* That the money so collected as aforesaid, shall be constituted and set apart, and be called the "Sheep fund for Appoquinimink Hundred," for which they shall provide books to keep an account of receipts and expenditures concerning the same, and shall at the time of publishing their road accounts publish also an account of the "Sheep Fund."

Money collected set apart and called "The Sheep Fund."

To be published; when.

SEC. 4. *And be it further enacted,* That whenever any person in the Hundred aforesaid shall have any Sheep or Lambs killed, injured or destroyed by dogs, such person shall immediately notify any three disinterested farmers in the School District where the same occurs, who, first taking an oath or affirmation to

Made of as damages done to sheep or lambs by dogs.

Amount to be
allowed owners.

act with impartiality, shall view and examine such Sheep or Lambs, and make such allowance as they may deem just, not exceeding three dollars for each Lamb, and four dollars for each and every Sheep, and shall certify the same as follows:

Certificate of as-
essment for
damages.

To the Road Commissioners of Appoquinimink Hundred. We the undersigned, farmers of School District No. — in said Hundred, certify that we have allowed — the sum of — dollars for — Sheep or — Lambs, which we believe were killed or injured by dogs. Witness our hand this — day of — A. D. —: And upon the presentation of such certificate, the said Commissioners shall draw an order in favor of the person entitled to the same, on the Collector, or on the Bank where the fund may be deposited; and if there be not sufficient funds to pay the same, orders to take precedence in payment according to their dates.

Order drawn:
how and when
paid.

Oath to be taken
by the person
claiming dama-
ges.

SEC. 5. *And be it further enacted*, That before any person shall receive any benefit from this act, or the Commissioners shall award any sum to any person for Sheep or Lambs alleged to have been killed, injured or destroyed by dogs, such owner shall, upon oath or affirmation, declare that he verily believes such Sheep or Lambs were so injured, killed or destroyed by dogs, and that he has no knowledge of the owner of the dog or dogs, or that the owner, if known, is unable to pay the damage.

And the said Commissioners may administer the oath or affirmation above mentioned to each other and to any owner.

Commissioners
to receive bal-
ance and deposit the
same in Bank.

SEC. 6. *And be it further enacted*, That if upon settlement with the Collector there shall be any balance undrawn, the said Commissioners shall receive the same and deposit it in some Bank to the credit of the Sheep Fund of said Hundred, and the same shall only be subject to the draft of the Road Commissioners for the time being of said Hundred, and said Commissioners shall be allowed five per cent. on all disbursements for their trouble, and shall make a reasonable and just compensation to the Assessor for his duties under this act.

Compensation to
com'rs and as-
sessor.

Original act not
applicable to
App. Hundred.

SEC. 7. *And be it further enacted*, That the act to which this is a supplement shall no longer be applicable to Appoquinimink Hundred.

Secretary of
State, duty of

SEC. 8. *And be it further enacted*, That the Secretary of State be, and he is hereby required to furnish as soon as this act shall have passed, a copy thereof under the seal of the State, to the Road Commissioners of the said Hundred.

Passed at Dover, March 2, 1855.

CHAPTER CCLXXXVI.

AN ACT dividing Murderkill Hundred into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.

SECTION 1. For the purpose of holding elections for State and County officers in Murderkill Hundred, the said Hundred shall be divided into two election districts by the following line, viz: Mur. Hun. di-
vided into two
E. Districts. Beginning at Dover River, at the White Store Landing, and running thence with the road to Locustville; thence with the road from Locustville to Canterbury, until it reaches the fork of said road near said town; thence by the Southern road leading into said town, until it reaches the main road leading from Canterbury to Frederica, thence with said road to White Hall; thence with the road running past the school house in district No. 24 to Mount Moriah, thence with the road leading from Mount Moriah to Sandtown, thence with the road leading from Sandtown to the Maryland line to said line. All that part of said Hundred north of said dividing line shall be one election district, to be called Murderkill North Election District, and all that part of said Hundred south of said line, shall be the other election district to be called Murderkill South Election District. Dividing line.

The elections for the said Murderkill North Election District shall be held in the town of Camden, at the office occupied by Garrett Luff adjoining the store house in tenure of Nickols and Rickards; and the elections for Murderkill South Election District shall be held in the town of Frederica, in the district school House in said town. North E. Dis-
trict.
South E. Dis-
trict.

SEC. 2. At the said places shall be held the General Election, all special elections for the members of the General Assembly and Representative in Congress, elections for electors of President and Vice-President of the United States, and elections for Assessor of the said Hundred, and for Inspectors of the said Election Districts. The electors residing in the said Hundred shall vote in the election district in which they shall at the time reside. Elections, where
held.

SEC. 3. All the laws of this State touching elections held in the several Hundreds of the State, shall apply to elections for the same offices of the said election districts, excepting only so far as the general law for the election of Assessors and Inspectors is qualified by the provisions hereinafter contained. Electors to vote,
where.

SEC. 4. There shall be elected in accordance with the provisions of chapter 17 of the Revised Statutes, one Assessor for Murder- Election laws to
apply to elec-
tions in said dis-
tricts.

Inspectors. kill Hundred, and one Inspector for each of the said districts. In such election for Assessor and Inspectors the Collector of said Hundred shall be the presiding officer of Murderkill North Election District, and some qualified voter of the district to be appointed by the Levy Court of Kent County, in the month of March next previous to the election, shall be the presiding officer for Murderkill South election district, and shall have all the powers and perform all the duties of the presiding officer of such election, according to law; and if at any election for Assessor and Inspector in said Murderkill South election district, a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of section 10 of chapter 18 of the Revised Statutes. The Levy Court of Kent County shall at the time of the appointment make provision for the furnishing by the Collector, of a list of the voters of the said Hundred, to the person appointed as presiding officer as aforesaid.

Presiding officers when and how appointed.

List of voters.

Certificates of election. SEC. 5. Immediately upon closing the election for Assessor and Inspector in the said election districts and ascertaining the state of the vote, the presiding officer and judges of the election in each of said districts shall make and sign certificates according to law, of the election of Inspectors, varying from the form prescribed for that purpose by omitting the Assessor, and in lieu of including the election of Assessor in such certificate, they shall make and sign a certificate of the number of votes given for each candidate voted for as Assessor.

Presiding officers to assemble when. SEC. 6. The said presiding officers and judges of both the said election districts shall assemble on the day next succeeding said election at 12 o'clock M., at the place of voting in Murderkill North election district aforesaid, and ascertain the aggregate number of votes given in both the said districts, for Assessor. The candidate having the highest number of votes shall be declared duly elected Assessor, and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest number of votes, and an equal number of voters, the Collector or Presiding officer of said Murderkill North election district shall give a casting vote which shall elect the candidate in whose favor it is given.

In case of a tie.

Passed at Dover, March 2, 1855.

CHAPTER CCLXXXVII.

AN ACT to repeal the act entitled "A further supplement to the act entitled 'An act to establish a company under the name of the Mispillion Navigation Company,'" passed at Dover February 26, 1852, and for other purposes. Vol. 10, p. 602.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. The act entitled "A further supplement to the act entitled "An act to establish a company under the name of the Mispillion Navigation Company,'" passed at Dover February 26, 1852, is hereby repealed, and all and every the persons by the third section of said act, appointed Commissioners, and all and every the persons appointed Commissioners under the original act to which said act of February 26, 1852, is a supplement, and all and every the persons appointed Commissioners under any of the supplements to said original act are hereby removed from office as Commissioners. Act repealed.
Commissioners removed.

SEC. 2. James Deuputy, Hiram W. McColley and Robert D. Roberts are hereby appointed Commissioners, with all the powers vested in or conferred upon the said Navigation Company, for the improvement of the navigation of the said Creek, as contemplated by the original act, entitled "An act to establish a company under the name of the Mispillion Navigation Company," and the several supplements thereto. The Commissioners herein named shall appoint one of their number to be Treasurer, who, before entering upon his duties as such, shall give bond with security, to be approved by the Governor, in the penal sum of five thousand dollars for the faithful performance of the trusts reposed in him by the Commissioners, and who shall thereupon be authorized and empowered by the Commissioners herein appointed, to collect and receive from, and receipt to, the Treasurer appointed by the Commissioners under said act of February 26, 1852, for all moneys now remaining in his hands; and if the said Treasurer appointed under said last mentioned act shall neglect or refuse to pay over to the Treasurer to be appointed under this act for thirty days after demand, all moneys remaining in his hands, after deducting therefrom all lawful and proper charges and expenditures incurred and made by the Commissioners under said last mentioned act, the Commissioners herein named and appointed are hereby authorized and directed to sue for and recover the same as like amounts are recoverable by the laws of this State, together with two per cent. per month for the delay of said payment. New Commissioners appointed Powers.
Treasurer.
To give bond
Duty.
Neglect or refusal to pay over for 30 days after demand.
Penalty.

SEC. 3. The Treasurer appointed by the Commissioners under

Inspectors.

Presiding officers
when and how
appointed.

List of voters.

kill Hundred, and one Inspector for each of the said districts. In such election for Assessor and Inspectors the Collector of said Hundred shall be the presiding officer of Murderkill North Election District, and some qualified voter of the district to be appointed by the Levy Court of Kent County, in the month of March next previous to the election, shall be the presiding officer for Murderkill South election district, and shall have all the powers and perform all the duties of the presiding officer of such election, according to law; and if at any election for Assessor and Inspector in said Murderkill South election district, a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of section 10 of chapter 18 of the Revised Statutes. The Levy Court of Kent County shall at the time of the appointment make provision for the furnishing by the Collector, of a list of the voters of the said Hundred, to the person appointed as presiding officer as aforesaid.

Certificates
of election.

SEC. 5. Immediately upon closing the election for Assessor and Inspector in the said election districts and ascertaining the state of the vote, the presiding officer and judges of the election in each of said districts shall make and sign certificates according to law, of the election of Inspectors, varying from the form prescribed for that purpose by omitting the Assessor, and in lieu of including the election of Assessor in such certificate, they shall make and sign a certificate of the number of votes given for each candidate voted for as Assessor.

Presiding officers
to assemble
when

In case of a tie.

SEC. 6. The said presiding officers and judges of both the said election districts shall assemble on the day next succeeding said election at 12 o'clock M., at the place of voting in Murderkill North election district aforesaid, and ascertain the aggregate number of votes given in both the said districts, for Assessor. The candidate having the highest number of votes shall be declared duly elected Assessor, and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and an equal number of voters, the Collector or Presiding officer of said Murderkill North election district shall give a casting vote which shall elect the candidate in whose favor it is given.

Passed at Dover, March 2, 1855.

CHAPTER CCLXXXVII.

AN ACT *to repeal the act entitled "A further supplement to the act entitled 'An act to establish a company under the name of the Mispillion Navigation Company,'"* passed at Dover February 26, 1852; and for other purposes. Vol. 10, p. 692.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. The act entitled "A further supplement to the act entitled "An act to establish a company under the name of the Mispillion Navigation Company,"" passed at Dover February 26, 1852, is hereby repealed, and all and every the persons by the third section of said act, appointed Commissioners, and all and every the persons appointed Commissioners under the original act to which said act of February 26, 1852, is a supplement, and all and every the persons appointed Commissioners under any of the supplements to said original act are hereby removed from office as Commissioners. Act repealed.
Commissioners removed.

SEC. 2. James Denputy, Hiram W. McColley and Robert D. Roberts are hereby appointed Commissioners, with all the powers vested in or conferred upon the said Navigation Company, for the improvement of the navigation of the said Creek, as contemplated by the original act, entitled "An act to establish a company under the name of the Mispillion Navigation Company," and the several supplements thereto. The Commissioners herein named shall appoint one of their number to be Treasurer, who, before entering upon his duties as such, shall give bond with security, to be approved by the Governor, in the penal sum of five thousand dollars for the faithful performance of the trusts reposed in him by the Commissioners, and who shall thereupon be authorized and empowered by the Commissioners herein appointed, to collect and receive from, and receipt to, the Treasurer appointed by the Commissioners under said act of February 26, 1852, for all moneys now remaining in his hands; and if the said Treasurer appointed under said last mentioned act shall neglect or refuse to pay over to the Treasurer to be appointed under this act for thirty days after demand, all moneys remaining in his hands, after deducting therefrom all lawful and proper charges and expenditures incurred and made by the Commissioners under said last mentioned act, the Commissioners herein named and appointed are hereby authorized and directed to sue for and recover the same as like amounts are recoverable by the laws of this State, together with two per cent. per month for the delay of said payment. New Commissioners appointed.
Powers.
Treasurer.
To give bond.
Duty.
Neglect or refusal to pay over for 30 days after demand.
Penalty.

SEC. 3. The Treasurer appointed by the Commissioners under

Books, papers,
Ac. to be hand-
ed over to new
Treasurer

said act of February 26, 1852, is hereby directed to hand over to the Treasurer to be appointed under this act all books and papers belonging to said company in his possession, and also all the accounts of expenditures of said Commissioners, from the time of their appointment.

Powers and au-
thority of Com-
missioners.

SEC. 4. The Commissioners herein appointed are hereby authorized and empowered, if they shall deem proper, to purchase, hire or build a mud machine for clearing out the shoals in said Mispillion Creek, or they may subscribe for stock in said mud machine, provided that not more than two-thirds of the balance collected from the Treasurer under the act of February 26, 1852, shall be appropriated for that purpose.

Work opposite
wharves, how
effected.

SEC. 5. If said Commissioners, appointed by this act, shall deem it necessary that any work should be done in said Creek opposite any wharf or wharves in the town of Milford, they are hereby authorized to do the same, and to charge one-fourth of the expenso and costs thereof to the owners of said wharf or wharves, in proportion to the benefit received by them respectively; and if any such owner or owners shall neglect or refuse to pay the sum assessed to him by said Commissioners for thirty days after demand made therefor, the said Commissioners are hereby authorized to sue for and recover the same as debts of like amount are recoverable by the laws of this State.

Refusal of own-
ers to pay.

Compensation to
Treasurer.

SEC. 6. The Treasurer appointed under this act shall be allowed by the Commissioners, for his services in receiving and disbursing the moneys which may come into his hands, a reasonable compensation, not to exceed two per cent. on the amount received by him. The Commissioners, for their services, shall each receive a compensation not exceeding two dollars for each day of actual service.

To Commission-
ers.

Annual settle-
ment of Commis-
sioners.

SEC. 7. Said Commissioners shall present to the Levy Court of Kent County at its next February term, and annually thereafter, until the whole sum shall have been expended, and a plain statement thereof setting forth the disbursements by them made, and the principal condition of their trust under this act, as Commissioners for the improvement of the navigation of Mispillion Creek, and publish the same in hand bills, to be posted in at least ten of the most public places in North and South Milford.

Hand bills post-
ed, where.

Ac. to be free
of toll

SEC. 8. No toll or tax shall be charged to, assessed upon, or collected from any boat or vessel navigating, or hereafter to navigate said Creek, for or by reason of any improvement, heretofore made or hereafter to be made out of the funds appropriated for

said improvement, under the resolution of the General Assembly, passed February 11, 1852.

SEC. 9. The acts of a majority of the Commissioners appointed by this act shall be as valid as the acts of the whole of them.

SEC. 10. In case of vacancy from any cause in the number of Commissioners appointed by this act, the Governor may fill the same by appointment, and the person so appointed shall have the same powers, and shall discharge the same duties herein conferred and enjoined upon the Commissioners herein appointed.

SEC. 11. The Commissioners herein appointed, upon the receipt of the balance aforesaid may have power, in case any contingency should happen to prevent or suspend the improvement of said creek, to lend said balance or any portion thereof at six per cent. interest, for the benefit of the said Company.

Money may be loaned for benefit of company.

Passed at Dover, March 2, 1855.

CHAPTER CCLXXXVIII.

AN ACT to amend Chapter 67 of the Revised Statutes of this State. R. S., p. 180.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That all superfine or common flour, middlings, rye flour, and Indian corn meal, offered for sale and sold for consumption in the City of Wilmington, shall be first duly inspected, and any person violating the provisions of this act, shall pay to the flour inspector of the City of Wilmington for the use of the State, the sum of five cents for each barrel, and ten cents for each hoghead of corn-meal, middlings, or rye flour, so sold without inspection, to be recovered as like amounts are by the laws of this State recoverable.

Flour, Indian corn-meal, &c., for consumption in Wilmington to be inspected.

Passed at Dover, March 2, 1855.

CHAPTER CCLXXXIX.

AN ACT to prohibit the use of Gill-nets or Seines in the waters of Broad Creek, in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.*

Gill-nets not allowed in Broad Creek in S. Co. Penalty.

That from and after the passing of this act, it shall not be lawful for any person or persons to float or set any Gill-net or Seine, for Shad, Herring or other fish in the waters of the Broad Creek in Sussex County, within this State, under the penalty of forfeiting twenty-five dollars, for every such offence, to be recovered before any Justice of the Peace in Sussex County, one-half to the use of the Trustees of the Poor in said County, and the other half to the use of any person who shall sue for the same; and if any person or persons, so offending a third time, and shall be thereof convicted for such third offence, the Justice rendering judgment for such penalty shall issue his warrant to a Constable to remove and destroy such Seine or Net, *Provided*, this act shall not prevent any person or persons from floating or setting any Gill-net or Seine in the waters of Broad Creek in this State, except within the limits of the aforesaid waters heretofore occupied by haul Seines.

Third offence.

Provido.

Passed at Dover, March 2, 1855.

CHAPTER CCXC.

AN ACT to enable the Citizens of the Town of South Milford in Sussex County, to keep in repair the Public Roads in said Town and vicinity.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.*

Levy Court directed to appropriate \$75 out of the money for C. C. Hundred to Commissioners of S. Milford.

That the Levy Court of Sussex County be, and they are hereby directed in making the apportionment of the sum of road taxes to be paid to the overseers of Roads, out of the money collected for use of the roads for Cedar Creek Hundred, annually to make an order for the payment of the sum of seventy-five dollars to the Commissioners of the Town of South Milford, for the repairs of the public roads, and roads now opened for public use in said Town and vicinity, to be by them expended in repairing and maintain-

Now expended.

ing in proper order the roads aforesaid in Sussex County within the limits of one-half mile in every direction from the Milford Bridge over Mispillion Creek; and the said Commissioners shall have the sole supervision of said roads and shall settle with the said Levy Court as other overseers of public roads: *Provided,* ^{Proviso.} the inhabitants of the said town of South Milford shall hold an election and elect Commissioners as provided in section seven of chapter fifty-one of the Revised Code to carry out the provisions of this act.

SEC. 2. It shall be the duty of the Justice of the Peace residing in any town where an election is held under the provisions of this act to transmit annually hereafter and within ten days after such election to the Clerk of the Peace for the county in which such election is held, a certified copy under his hand and seal of the election of commissioners; and any Justice of the Peace neglecting to hold such election and transmitting a certified copy thereof as aforesaid, shall be deemed guilty of a misdemeanor, and punishable by a fine of ten dollars with costs of prosecution.

SEC. 3. The fees to be allowed to a Justice of the Peace for all services rendered under the second section of this act, shall be one dollar to be paid by the Commissioners elected under the provisions of said section, out of any money in their hands appropriated for the use of the roads within the limits prescribed in the first section of this act. ^{Penalty for neglect.} ^{Fees and how paid.}

Passed at Dover, March 2, 1855.

CHAPTER CCXCI.

AN ACT appointing Commissioners to lay out a public road.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, as follows viz:

SECTION 1. David Taylor, Alexander Johnson, and Peter Callaway of Kent County, and Albert Currey and Levin Todd of Sussex County, are hereby appointed Commissioners to go upon and view the premises and determine whether there is need of a new public road leading from Testers' cross roads in Kent County, to the public road leading from St. Johnstown to Marshyhope Bridge at or near the south end of George W. Collins farm in ^{Commissioners appointed.}

Their duties.
Two plots to be
made.

Damages assessed,
how.

Returns

Plots and returns
returned, where.
Duty of the Clerks
of the Peace.
Duty of Levy
Court

Commissioners
and surveyor to
be sworn.

Oath administered,
by whom

Majority

Vacancy

Sussex County; and if they or a majority of them shall determine that there is need of such new public road, they shall with the assistance of some skilful surveyor to be selected by them, lay out such new public road as they shall deem proper having respect to the nature of the ground, shortness of distance and all circumstances of public convenience, and shall cause two plots thereof to be made representing the courses and distances thereof with notes of the most remarkable places, and of the woodlands, cleared land and improvements by or through which the same shall pass, and they shall assess the damages of every owner of said lands and improvements by reason of the laying out of said road; taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners, and they shall make a computation of the costs of opening and making said road and making the bridges and causeways thereon in each of said counties of Kent and Sussex, setting down the several items of said costs, and if a road be laid out shall in their returns set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said returns the aforementioned plots to wit, one plot to each return on which shall be shown the part of said road which shall be in Kent County, and the part which shall be in Sussex County.

SEC. 2. The plots and returns so to be made as aforesaid by the said Commissioners, shall be returned one to the Clerk of the Peace, in and for Kent County aforesaid, and one to the Clerk of the Peace in and for Sussex County aforesaid, to be by them laid before the Levy Court of the said counties respectively and the said Levy Court shall establish so much of said road as shall lie within their respective counties as a public road or highway, and shall settle such damages as shall have been assessed by said Commissioners to persons in their respective counties; and when said road shall have been so established as a public road by the Levy Court of said counties respectively, the same shall be and remain subject to the same regulations and laws as other public roads in said counties respectively.

SEC. 3. The said Commissioners and surveyor before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill respectively, which oath or affirmation may be administered by any officer qualified to administer oaths in either of said counties or either of said commissioners may administer the same to any other of said commissioners or the surveyor. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed commissioner or commissioners by any Judge of this State or by any Justice of the Peace in either of said counties.

Passed at Dover, March 2, 1855.

CHAPTER CCXCII.

AN ACT in addition to the act entitled "An Act for the suppression of Intemperance." Ante 273.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Mayor and Alderman of the City of Wilmington shall respectively have the same jurisdiction, powers and duties within the City of Wilmington, as is conferred upon Justices of the Peace by the act entitled "An Act for the Suppression of Intemperance."

Mayor and alderman of Wilmington to have same power as Justices of the Peace.

Passed at Dover, March 2, 1855.

CHAPTER CCXCIII.

AN ACT to create an additional School District in New Castle County.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Thomas Scott, J. B. Fennimore and William M. Vandergrift, be, and they are hereby appointed Commissioners to go upon and view School Districts numbers 69, 71 and 72, in New Castle County, and locate and lay out from said Districts one additional School District, as to them shall seem just and proper. And when the said Commissioners, or a majority of them, shall have so located and laid out said additional School District, they or a majority of them shall make a return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of New Castle County, to be by him filed among the records of his office, said return shall be made on or before the first day of June next, and within ten days thereafter the Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund. And from and after the first day of June aforesaid, the additional School District to be formed under the provisions of this act, shall be deemed and taken to be a School District of New Castle County, and numbered in continuation of School Districts already established by law in said county; and all the acts of the General Assembly of this State for the general regulation, government and benefit of Free Schools within this

Commissioners appointed.

Duties.

Return made to C. of Peace.

Copy delivered to Trustee of S. Fund.

Dividends.

State, shall be extended and applied to said additional School District to be created under the provisions of this act; and the Trustee of the School Fund in the future distribution of the School Fund applicable to School Districts in New Castle County, shall have due regard to the return of said Commissioners, as the same may be made and filed as aforesaid, giving to the said additional School District in New Castle County, an equal proportion of the money in his hands annually applicable to School districts of said county.

Commissioners sworn or affirmed.

SEC. 2. *And be it further enacted,* That the Commissioners appointed by this act, shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity, and for each and every day the said Commissioners may be employed in the discharge of their duties under the provisions herein contained, shall have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeals of New Castle County.

Passed at Dover, March, 2, 1855.

CHAPTER CCXCIV.

AN ACT to repeal certain parts of an Act therein mentioned.

Act repealed.

Exception.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the act entitled "An Act directing the manner of choosing Commissioners to regulate and repair the streets and alleys of Frederica, and for other purposes," passed at Dover, February 9, 1826, be, and the same is hereby repealed, except Section 8 of said act, which is hereby declared to remain in full force, and the bounds and limits of said village of Frederica are hereby preserved and declared to be as therein described.

Passed at Dover, March 2, 1855.

CHAPTER CCXCV.

AN ACT to create an additional School District in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That there shall be, and hereby is laid off from School Districts Nos. 61 and 65, of New Castle County, the following parts thereof included within those lines, viz: Beginning at a point in Appoquinimink Creek at the line of Rev. Levi Scott and John Whitby, thence up said line or branch, thence between lands of Mark Davis and Alexander Lee, thence in a straight course until it strikes a line between lands of Charles B. Lore and Charles T. Polk, thence along said line to the Beaver Branch, thence down said branch to the line of Daniel Corbit's land, thence along the dividing line between the farm of said Corbit, on which James R. Collins lives and that on which Jackson Collins resides to Black Bird Creek, thence down said creek to the Delaware River, thence up said river to Appoquinimink Creek, and thence up said creek until it strikes the line of Marsh between Joshua B. Fennimore and Daniel Corbit, thence running along said line between said Fennimore and Corbit to the fence on the south side of said Corbit's peach orchard, thence up said fence to the head of a branch, thence down said branch to the line of James V. Moore, thence with said Moore's lands to the lands of William Perry, deceased, thence with the line dividing the lands of James V. Moore and the said Perry's land, to the road leading from Odessa to Smyrna, thence the same line continued until it intersects the line of the lands of James M. Matthews, and thence with the line dividing lands of the said Matthews and James V. Moore, to Appoquinimink Creek, thence up said creek to the place of beginning, and those parts included within said lines, shall be a separate School District, that is to say, School District No. 79 in New Castle County, and shall have and enjoy all the powers, rights and privileges of an original School District in New Castle County, and all the laws of this State applicable to the School Districts of the State generally, shall apply to the said School District No. 79 so laid off.

Limits of new S. District.

To have the rights and powers of an original S. District.

Passed at Dover, March 2, 1855.

CHAPTER CCXCVI.

AN ACT to incorporate the Rehoboth Hotel Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof concurring;* That all such persons as shall associate themselves together for the purpose of building a hotel or hotels, and the necessary appurtenances for public accommodation during the bathing season, on the sea shore, at what is called Rehoboth Beach, in the county of Sussex, be, and they are hereby created and made a corporation, and as such shall be invested and clothed with all the powers necessary for the purpose aforesaid, and be subject to such responsibilities and liabilities as corporations in general usually are. The name of such corporation shall be "The Rehoboth Hotel Company," and by that name it shall act and shall be dealt with and proceeded against at law or in equity. Its capital stock shall be fifty thousand dollars, divided into shares of ten dollars each; rules for its own government may be enacted by by-laws regulations to be adopted at its first or any subsequent meeting. Whenever one thousand dollars to the stock of said corporation have been subscribed and agreed to be paid to any person for the use of such corporation—and such subscription shall bind the subscribers to pay to that person, on demand, the amount of their subscription—then said corporation may go into operation.

Incorporation.

Name.

Capital Stock.

By-Laws.

May go into operation; when.

SEC. 2. *And be it further enacted,* There is granted to said corporation for the purpose aforesaid, five acres of land belonging to this State, at any point between the land now owned by Robert West and Indian River Inlet, upon condition that said corporation shall erect thereon within five years from the first day of April next, a good and sufficient hotel or tavern for the accommodation of the public. The said corporation may also, by purchase or otherwise, take and hold any other property, real or personal, that may be deemed necessary to the enjoyment of the rights and privileges hereby conferred: *Provided,* the sum shall not exceed twenty thousand dollars.

Five acres of land granted to said Company.

Condition.

May purchase property.

Provided.

SEC. 3. *And be it further enacted,* That the power to revoke this act at any time is hereby reserved to the Legislature.

Revocation

SEC. 4. *And be it further enacted,* That said corporation, or any other incorporated body or any person or persons, shall have the right to build and construct a plank road, or any other road or railroad to connect the lands hereby granted to said corporation with the beach near Lewes: *Provided,* That where the same

Plank-Road &c may be built; where

may cross the lands of a private person, such private person, if he will not consent to receive such compensation therefor as shall be offered, shall be first paid or tendered such sum as five judicious persons shall award; such persons to be selected by the Superior Court of the county of Sussex.

Compensation for private property; how obtained.

A right to charge a reasonable toll on said road for passengers or freight shall be deemed incident to the grant in this section.

Tolls.

Passed at Dover, March 2, 1855.

CHAPTER CCXCVII.

AN ACT to repeal the act entitled "An act to incorporate a Bank in Milford, under the name of the President, Directors and Company of the Milford Bank."

10 vol. p. 40.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, viz:

SECTION 1. The act entitled "An act to incorporate a Bank in Milford under the name of the President, Directors and Company of the Bank of Milford," passed at Dover, February 4th, 1851, is hereby repealed. *Whereas, it is necessary that the settlement of the affairs of the said corporation shall be committed to the hands of some person or persons to discharge that trust, therefore:*

Act repealed.

SEC. 2. *Be it further enacted,* That the Chancellor of this State be, and he is hereby authorized to appoint one or more receivers to take charge of the business, property, books, papers and other effects of the said Bank, with full powers under this act, and in virtue of said appointment, to collect, recover and receive all the debts due and to become due, and the assets belonging to the said Bank, and to hold the same for the benefit of the creditors of the said Bank, subject to such orders and decrees in respect to the same, as the said Chancellor may see fit to make upon principles of equity: *Provided, however, that nothing herein before contained shall be taken to affect, or in any wise to interfere with any lien now existing against any of the property of said Bank, nor to disturb any process or proceeding which has been, or may hereafter be taken, to enforce or secure the same.*

Chancellor authorized to appoint a receiver.
Power.
Not to effect present liens.

SEC. 3. *And be it further enacted,* That compensation to the re-

Compensation of receiver or receivers in the premises, shall be in the discretion of the Chancellor, and be paid out of the aforesaid assets.

Passed at Dover, March 2, 1855.

CHAPTER CCXCVIII.

AN ACT to enable the Levy Court of Sussex County to review the last General Assessment of Real Property in said County.

Levy Court of
Sussex Co. au-
thorized to re-
view the last as-
sessment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Levy Court of Sussex County at their next March Term, or any subsequent meeting thereof, held during the year eighteen hundred and fifty-five, be, and they are hereby authorized and required to hear any complaints there may be presented on account of over estimations and assessments of Real Property at the last General Assessment thereof as now filed in said Court, and adjust the same according to the right and equity of the case, any law now in force to the contrary notwithstanding.

Passed at Dover, March 2, 1855.

CHAPTER CCXCIX.

AN ACT authorizing the Trustee of Helen M. Rotch, to sell certain Real Estate in New Castle County.

Private act.

Passed at Dover, March 2, 1855.

CHAPTER CCC.

A SUPPLEMENT to the Act entitled "*An Act to enable the owners and possessors of the Meadow, Marsh, and Cripple lying on both sides of Silver Run fronting the river Delaware, effectually to embank and drain the same, and keep the banks, dam, sluices, canals and drains in repair, and to raise a fund to defray the expenses thereof.*"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That all elections for managers or other officers hereafter held by the owners and possessors of the meadow, marsh and cripple lying on both sides of Silver Run, fronting on the river Delaware, and all questions hereafter to be decided by the owners and possessors of said meadow, marsh and cripple, any one or more persons paying one dollar and fifty cents tax for meadow, marsh or cripple, owned and held by him, her or them, shall be entitled to one vote and an additional vote for every additional two dollars of tax so paid for such meadow, marsh or cripple.

In elections &c.,
votes apportion-
ed.

Passed at Dover, March 2, 1855.

CHAPTER CCCI.

AN ACT to authorize the Secretary of State to procure a new seal to be used as the seal of his office.

SECTION 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 be, and he is hereby authorized to procure a new seal and press to be used as the seal of the Secretary's office, which said seal shall not exceed two inches in diameter, and shall be emblazoned with appropriate devices and inscription.

Sec. of State au-
thorized to pur-
chase new seal of
office.

SEC. 2. *And be it enacted by the authority aforesaid,* That when the said seal and press shall have been so procured, the said

Secretary of State shall break and destroy the seal now used as the Seal of the Secretary's office, and shall keep and use the new seal so procured by him instead thereof.

Appropriation
for

SEC. 3. *And be it further enacted by the authority aforesaid,* That the Secretary of State be and he is hereby authorized to draw upon the State Treasurer, for such sum of money not exceeding fifty dollars, as may be necessary to carry into effect the foregoing provisions of this act.

Passed at Dover, March 2, 1855.

CHAPTER CCCII.

AN ACT for the payment of Claims against the State.

SECTION 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 directed to pay the following claims, viz: To Mahan Brothers, for printing, two hundred and sixty-eight dollars. To Henry Eckel & Co., three hundred and fifty-two dollars and forty-nine cents, for printing. To George W. S. Nicholson three hundred and thirty-three dollars and fifty-two cents, for printing. To Daniel Hully, five hundred and fifty-five dollars and twenty cents, for printing Laws and Journal of Convention, &c. To David Dodd, thirty-seven dollars for printing. To A. Poulson, two hundred and forty-three dollars for printing. To C. P. Johnson, three hundred and seventy-one dollars and twelve and one half cents, for printing. To Robert D. Hoffecker, six dollars and seventy-five cents for printing. To George P. White Administrator of Jonathan R. Torbert, deceased, Assignee of M. B. Walls, Assignee of Blizzard & Dodd, two hundred and four dollars for printing. To J. T. Heald, three hundred and forty-eight dollars and seventy-five cents for binding Revised Statutes, &c. To A. B. Richardson & Co., six hundred and twenty-one dollars and forty-three cents, for furnace and fixtures. To Evans and Vernon, three hundred and thirty dollars and seventy-five cents, for printing. To Samuel C. Letherbury, one hundred and twenty dollars and seventy-nine cents, for attendance on Court of Errors and Appeals, care of Library, &c. for two years. To Samuel Culbreath, twenty-five dollars for lumber. To William Cannon, late State Treasurer, fifty dollars for

State Treasurer
to pay to
Mahan Bros
Eckel & Co.
G. W. S. Nicholson.
D. Hully.
D. Dodd,
A. Poulson.
C. P. Johnson.
R. D. Hoffecker.
T. R. Torbert
Assignee.
J. T. Heald.
A. B. Richardson.
Evans & Vernon
S. C. Letherbury
S. Culbreath
W. Cannon

stationery, postage and commissions. To Harrington and Robert-
 son, sixteen dollars, for printing. To James A. Dunning, twenty-
 three dollars and fifty-five cents, for sundries, for fitting up Se-
 nate Chamber. To Mary Ann Kimmey, administratrix of Samuel
 Kimmey, deceased, fifty dollars and sixty-six cents, for printing
 and packing. To John H. Bateman, twenty-two dollars and
 twenty-five cents, for work on furniture. To Alexander S. Dill,
 twelve dollars and twenty-five cents, for work on State House
 and furniture. To Thomas B. Sipple, one hundred dollars, for
 services in reclaiming Isaac H. Jester, a fugitive from justice.
 To David F. Burton, seven dollars and eighty-eight cents, for
 sundries. To Alfred P. Robinsen, late Secretary of State, one
 hundred and forty-five dollars, for superintending printing of Re-
 vised Statutes, binding tenth volume of laws, making list private
 acts, &c. To Alexander J. Taylor, thirty-three dollars and fifty
 cents, for services as Clerk of Court of Errors and Appeals. To
 Charles Marim, Secretary of Convention, two hundred and
 seventy dollars, for transcribing for publication the Journal of
 Convention and amended Constitution, and superintending the
 printing thereof, &c. To Samuel Brown, fifty dollars, for taking
 care of Senate Chamber two years, and preparing the same for
 General Assembly. To Henry Pratt, late Sheriff of Kent Coun-
 ty, eighteen dollars on Court of Chancery and Court of Errors
 and Appeals. To Henry Pratt, late Sheriff, for serving a requi-
 sition on the Governor of Maryland for William Cornish, a fugi-
 tive from justice, one hundred and eighty-two dollars and twenty-
 eight cents. To Thomas Hawkins, one hundred and fifty dollars,
 for serving requisition on Governor of Pennsylvania for Henry
 Lipper, Allen Vorhees and Charles Smith, fugitives from justice.
 To Clayton A. Cowgill, twenty dollars for taking care of papers
 of House of Representatives. To Clayton A. Sharpless, eighty-
 seven dollars and seventy-two cents, for work. To Francis Vin-
 cent, two hundred and nine dollars, for printing. To George B.
 Dickson, one hundred and twenty-five dollars, for one quarter's
 salary as Auditor. To George B. Dickson, for extra services in
 preparing Auditor's accounts, one hundred and twenty-five dol-
 lars. To Mary Swiggott and Benjamin Townsend, and adminis-
 tratrix and administrator of Dr. Luther Swiggott, deceased,
 fifteen dollars and fifty cents, for Stationery. To John B. Smith,
 four hundred and thirty-six dollars and forty-two cents, for sun-
 dry bills rendered, of purchases, freight, hauling and commission,
 for the Legislature. To John C. Pennewell, one hundred and
 seventy-six dollars and eighty-five cents, for coal, wood and sun-
 dries, as per bill.

Sec. 2. *And be it further enacted*, That the State Treasurer
 be, and he is hereby authorized to pay to the Secretary of State
 the sum of three hundred dollars, to be applied by him to the
 payment of the contingent expenses of his office for the current

LAWS OF THE

and succeeding years; an account of which shall be submitted to the General Assembly at the next biennial session.

Passed at Dover, March 2, 1855.

CHAPTER CCCIII.

AN ACT *granting a certain privilege to Robert Collings, of Little Creek Hundred, in Kent County.*

Private act.

Passed at Dover, March 2, 1855.

RESOLUTIONS.

CHAPTER CCCIV.

Joint Resolution for the appointment of Bank Directors.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the following persons be, and they are hereby appointed Directors of the Farmers Bank of the State of Delaware, and its branches, on the part of the State, agreeably to the act of the General Assembly, in such case made and provided. For the principal Bank at Dover, Hunn Jenkins, Garrett Luff, Daniel C. Godwin. For the branch at Wilmington, Edward G. Bradford, John Flinn, John M. Turner. For the branch at New Castle, Nathaniel Young, William Couper, Elihu Jefferson. For the branch at Georgetown, Matthew W. Rench, Henry Wolfe, Elihu J. Pusey.

Directors of Farmers Bank appointed on part of State.

Adopted at Dover, January 23, 1855.

CHAPTER CCCV.

Joint Resolution directing the State Treasurer to pay a certain sum of money to William H. Camper.

WHEREAS, it appears to this General Assembly that John Too-
tle, a negro indentured servant of William H. Camper, was, in
pursuance of a conviction and sentence of the Court of General
Sessions of the Peace in and for Kent County, sold for the period
of three years, for the sum of two hundred and fifteen dollars, and
that after the payment of all costs, there remains a balance of one
hundred and sixty-two dollars and fifty-five cents. Now, therefore,

Preamble

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 authorized and required to pay to William H. Camper, the sum of one hundred and sixty-two dollars and fifty-five cents.

State Treas. to pay Wm. H. Camper \$162.55.

Adopted at Dover, January 23, 1855.

CHAPTER CCCVI.

John R. Sudler
appointed State
Treasurer.

Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That John R. Sudler be, and he is hereby appointed State Treasurer.

Adopted at Dover, January 24, 1855.

CHAPTER CCCVII.

Wm. T. Alrich
appointed audi-
tor of accounts.

Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That William T. Alrich be, and he is hereby appointed Auditor of Accounts.

Adopted at Dover, January 24, 1855.

CHAPTER CCCVIII.

Joint Resolution declaring that hereafter no new Lottery grant or privilege ought to be granted.

No new lottery
grants.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That this General Assembly, responding to the sentiment of the Joint Resolution passed by the Legislature at the January session, 1849, do declare in the language of that Resolution, "that hereafter no new Lottery grant or privilege ought to be granted."

Adopted at Dover, January 26, 1855.

CHAPTER CCCIX.

Resolutions concerning Ocean Postage.

In relation to
ocean postage.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That this General Assembly agrees with the sentiments contained in the Resolution adopted by the State of Rhode Island and Providence Plantations, at a session of the General Assembly of that State held in the month of October, 1854, in the words following:

"That it is the true policy of every National Government to procure for its citizens the advantages of a regular and cheap correspondence with foreign countries; and that the establishment of all maritime nations of a uniform rate of Ocean Postage, reduced to the lowest sum practicable, would tend to promote and extend the blessings of commerce and civilization and secure the peace of the world.

Resolved, That his Excellency the Governor be requested to transmit copies of the above resolution to our Senators and Representatives in Congress, with the request that they will lay the same before the Senate and House of Representatives of the United States.

Governor to transmit copy of this resolution to our Senators and Representatives in Congress.

Adopted at Dover, January 31, 1855.

CHAPTER CCCX.

Joint Resolution in relation to the United States Naturalization Laws.

WHEREAS, there is now pending in the Congress of the United States a bill introduced by Mr. Taylor, of Tennessee, providing for an alteration of the Naturalization Laws, by extending the time foreigners are required to be in the country before they are admitted to the privileges of citizens, and for the prevention of transportation here by foreign authorities, criminals and paupers.

And whereas, in the opinion of this General Assembly, our country needs protection from these evils, and the said bill appears most effectually to provide for it. Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met That our Senators and Representatives in Congress be, and they are hereby requested to give their influence and support to said bill, or some other containing its principal provisions, and that the Governor of this State be authorized to transmit to each of them a copy of this resolution.

Preamble.
Our Senators and Representatives requested to use their influence to the Bill mentioned.

Adopted at Dover, February 24, 1855.

CHAPTER CCCXI.

Joint Resolution authorizing Alexander S. Dill to refit the Hall of the House of Representatives.

A. S. Dill appointed to refit the House of Representatives

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Alexander S. Dill be, and he is hereby authorized and appointed to cause the woodwork of the Hall of the House of Representatives to be painted, and the walls and ceiling thereof to be papered, and the drapery around the portrait of Washington in said Hall renewed, and also to procure a new carpet for the same.

State Treasurer directed to pay Dill on his order \$150 after July 1, 1850.

Resolved, That the State Treasurer be, and he is hereby authorized and directed at any time after the first day of July A. D. 1850, to pay to the said Alexander S. Dill, on his order the sum of one hundred and fifty dollars, to carry into effect the foregoing resolution, and that the said Alexander S. Dill shall present his accounts and vouchers for the expenses incurred in that behalf for settlement, and also a bill for his services, for allowance to the next Legislature.

Resolved, That Clayton A. Cowgill be, and he is hereby authorized and requested to superintend the work aforesaid in connection with the said Alexander S. Dill.

Adopted at Dover, March 1, 1855.

CHAPTER CCCXII.

Joint Resolutions for the appointment of a Legislative Committee.

Legislative Committee appointed.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John Ponder and Sewell C. Biggs, on the part of the Senate, and James V. Moore, Robert G. Ellegood and John W. Cullen, on the part of the House, be, and they are hereby appointed a committee on the part of this General Assembly, whose duty it shall be to meet at Dover on the third Tuesday of January A. D. 1856, for the purpose of settling the accounts of the State Treasurer, and receiving the report of the Auditor of Accounts for the current year.

Duties.

Settlement with State Treasurer to be published.

Resolved, That it shall be the duty of the said committee after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or a majority of them, to be published in two of the newspapers printed in this State, for the space of one month from the time of effecting the same.

Resolved, That the said Committee have full power and authority to audit the accounts of the Clerk of the House of Representatives and the Clerk of the Senate, for superintending the printing of the Journals of the two Houses of the Legislature during the present Session, and for making indexes thereto, also the Accounts of the Secretary of the State for superintending the printing of the acts of the present Session, and for making index to the same, and to make such allowance for said services as they may think just and proper, which said allowance shall be paid by the State Treasurer upon orders drawn by the Chairman of the said Committee in favor of said Clerks.

Committee to audit accounts for superintending printing journals &c.
Accounts of Sec. of State for printing laws, &c.
Paid by orders on State Treas.

Resolved, That said Committee shall receive the same compensation as is by law allowed to members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the Chairman of said Committee, out of any money in the hands of said State Treasurer not otherwise appropriated, and the Chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the Session of said Committee, to be paid in like manner.

Compensation to Committee; how paid.

Adopted at Dover, March 1, 1855.

CHAPTER CCCXIII.

Joint Resolution to remove Stephen Green from the office of Prothonotary in Sussex County.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Governor of this State be, and he is hereby addressed and requested by both Houses of the Legislature of the State, to remove Stephen Green, Esq., Prothonotary of the Superior Court in and for Sussex County, from said office of Prothonotary of the Superior Court in and for Sussex County aforesaid, and that a copy of this Resolution duly enrolled and signed by the Speakers of the two Houses of the Legislature respectively, be communicated by the Speaker of the Senate to the Governor.

Governor addressed by both houses of Legislature and requested to remove Stephen Green.

Adopted at Dover, March 1, 1855.

CHAPTER CCCXIV.

Joint Resolution for the interchange of Law Reports with the State of Mississippi.

Secretary of State directed to furnish law report of this State to State Librarian of Mississippi.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Secretary of State do furnish the State Librarian of the State of Mississippi, with a copy of such of the law reports of this State as have not been forwarded to, or received by the said Librarian in the usual interchange heretofore made; and that he forward to the said Librarian a list of such of the reports of the State of Mississippi as have been received by this State.

Adopted at Dover, February 13, 1855.

CHAPTER CCCXV.

Joint Resolution authorizing the Governor to appoint Delegates to the exhibition of the Industry of all Nations, at Paris.

Governor authorized to appoint Commissioners to the World's Industrial Exhibition at Paris.

Resolved 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 any number of persons not exceeding five, to attend the Exhibition of the Industry of all Nations, to be held in the city of Paris, in France, during the year of our Lord one thousand eight hundred and fifty-five, and to act as Commissioner for the State of Delaware at said exhibition.

Adopted at Dover, February 26, 1855.

CHAPTER CCCXVI.

Joint Resolution appropriating \$150 to be expended by the Levy Court of Kent County.

State Treasurer directed to pay \$150 to such persons as the Levy Court of Kent County may authorize

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and is hereby directed to pay to such persons as the Levy Court of Kent County may authorize to receive the same, the sum of one hundred and fifty dollars, to be expended under the direc-

tion of said Court, for the purpose set forth in a resolution of that body adopted on the fifteenth day of this present month.

Adopted at Dover, February 28, 1855.

CHAPTER CCCXVII.

Joint Resolution authorizing the State Treasurer to borrow a certain sum of money.

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 authorized to borrow any sum or sums, not exceeding in the whole amount thirty thousand dollars, to be applied and used towards the payment of the current expenses of the State until the next session of the Legislature, and that the faith of the State be and the same is hereby pledged for the payment of the said sum or sums of money, not exceeding in the whole the amount aforesaid, with interest at six per centum, per annum and that the Treasurer shall receive for his services, one-eighth of one per centum out of the money so obtained.

State Treasurer may borrow not exceeding \$30,000 at six per cent.

Adopted at Dover March 1, 1855.

CHAPTER CCCXVIII.

Joint Resolution appointing D. F. Burton to purchase the necessary fuel, lights, and stationery for the next session of the Legislature.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That David F. Burton be and he is hereby authorized and requested to purchase the necessary coal, wood, oil, candles and stationery for the next session of the Legislature; and the State Treasurer is hereby directed to pay to the order of the said David F. Burton, the sum of one hundred dollars, to enable him to carry into effect the provisions of this Resolution; and the said David Burton is hereby directed to present his accounts and vouchers to the Legislature at its next session for allowance.

D. F. Burton to furnish necessary for next Legislature.

Adopted at Dover, March 2, 1855.

CHAPTER CCCXIV.

Joint Resolution for the interchange of Law Reports with the State of Mississippi.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Secretary of State do furnish the State Librarian of the State of Mississippi, with a copy of such of the law reports of this State as have not been forwarded to, or received by the said Librarian in the usual interchange heretofore made; and that he forward to the said Librarian a list of such of the reports of the State of Mississippi as have been received by this State.

Secretary of State directed to furnish law report of this State to State Librarian of Mississippi.

Adopted at Dover, February 13, 1855.

CHAPTER CCCXV.

Joint Resolution authorizing the Governor to appoint Delegates to the exhibition of the Industry of all Nations, at Paris.

Resolved 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 any number of persons not exceeding five, to attend the Exhibition of the Industry of all Nations, to be held in the city of Paris, in France, during the year of our Lord one thousand eight hundred and fifty-five, and to act as Commissioner for the State of Delaware at said exhibition.

Governor authorized to appoint Commissioners to the World's Industrial Exhibition at Paris.

Adopted at Dover, February 26, 1855.

CHAPTER CCCXVI.

Joint Resolution appropriating \$150 to be expended by the Levy Court of Kent County.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and is hereby directed to pay to such persons as the Levy Court of Kent County may authorize to receive the same, the sum of one hundred and fifty dollars, to be expended under the direction of the said Court.

State Treasurer directed to pay \$150 to such persons as the Levy Court of Kent County may authorize.

tion of said Court, for the purpose set forth in a resolution of that body adopted on the fifteenth day of this present month.

Adopted at Dover, February 28, 1855.

CHAPTER CCCXVII.

Joint Resolution authorizing the State Treasurer to borrow a certain sum of money.

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 authorized to borrow any sum or sums, not exceeding in the whole amount thirty thousand dollars, to be applied and used towards the payment of the current expenses of the State until the next session of the Legislature, and that the faith of the State be and the same is hereby pledged for the payment of the said sum or sums of money, not exceeding in the whole the amount aforesaid, with interest at six per centum, per annum and that the Treasurer shall receive for his services, one-eighth of one per centum out of the money so obtained.

State Treasurer may borrow not exceeding \$30,000 at six per cent.

Adopted at Dover March 1, 1855.

CHAPTER CCCXVIII.

Joint Resolution appointing D. F. Burton to purchase the necessary fuel, lights, and stationery for the next session of the Legislature.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That David F. Burton be and he is hereby authorized and requested to purchase the necessary coal, wood, oil, candles and stationery for the next session of the Legislature; and the State Treasurer is hereby directed to pay to the order of the said David F. Burton, the sum of one hundred dollars, to enable him to carry into effect the provisions of this Resolution; and the said David Burton is hereby directed to present his accounts and vouchers to the Legislature at its next session for allowance.

D. F. Burton to furnish necessary for next Legislature.

Adopted at Dover, March 2, 1855.

CHAPTER CCCXIX.

Joint Resolution in relation to the Muster Rolls and Pay Rolls of the State of Delaware.

Preamble.

WHEREAS, The State of Delaware owes it to her own character and to that of her citizens, to preserve perpetually among her Archives the names of her gallant sons who fought in the War of the Revolution for the liberties of their country: And whereas the original rolls upon which their names are inscribed, are fast decaying, and in a short time will be entirely illegible: Therefore,

Sec. of State to have them transcribed in a suitable book.

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 requested to procure a suitable book of parchment, and cause to be faithfully and plainly copied therein all muster rolls, pay rolls, and other like papers, pertaining to the forces, of this State in the Revolutionary War, and that he make suitable index to said book.

Resolved, That the said Secretary submit the said documents and the aforesaid book to the General Assembly at its next session.

One hundred dollars appropriated for the purpose.

Resolved, That the sum of one hundred dollars be, and the same is hereby appropriated and placed at the disposal of the said Secretary of State to carry the foregoing into effect; and that he render to the next session an account of his expenditures in the premises.

Adopted at Dover, March 2, 1855.

CHAPTER CCCXX.

S. C. Leatherbury to take charge of the Senate and hall of the House of Representatives.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Samuel C. Leatherbury be, and he is hereby appointed to take charge of the chamber of the Senate and the hall of the House of Representatives and the Library room, and to take care of the furniture belonging to the same.

Resolved, further, that it shall be the duty of the said Samuel C. Leatherbury to pay strict attention to the proper airing of the said rooms, and to the furniture belonging to each, and keep the same in the best condition within his power, and that he be required strictly to enforce the rules made, or lawfully to be made for the regulation of said Library and use of the books therein.

Compensation.

Resolved, further, that for the faithful performance of the duties above specified, the State Treasurer shall pay to the said Samuel C. Leatherbury the sum of fifty dollars per annum. The

first year to commence on the day succeeding the day of the adjournment of this General Assembly.

Adopted at Dover, March 2, 1855.

CHAPTER CCCXXI.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Clayton A. Cowgill, be and he is hereby appointed to take charge of the books and papers of the Senate and House of Representatives.

A. G. A. Cowgill appt'd to take charge of books and papers of Senate & House.

Adopted at Dover, March 2, 1855.

CHAPTER CCCXXII.

• Joint Resolution in relation to collecting sums of money due the State.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall be the duty of the Attorney General of this State, and he is hereby directed to proceed without delay, to collect from all officers or other persons, all such sums of money as are due and payable to the State, and when so collected to pay over the same to the State Treasurer for the use of the State deducting for his services ten per cent. of the amount thereof; and that the said Attorney General present to the next session of the Legislature a report of his proceedings under this resolution.

Attorney General directed to collect without delay.

Adopted at Dover, March 2, 1855.

CHAPTER CCCXXIII.

Preamble and Resolution in respect to a New Capitol.

WHEREAS it is apparent to this General Assembly that the State House is wholly insufficient for the accommodation of the Legislature, and is not such a building as the capitol of a State should be: Therefore,

Preamble

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Peter F. Causey, John M. Clayton, Joseph P. Conegys, James A. Bayard, and Henry Ridgley, be, and thereby appointed and requested to submit to the Legislature at its next session, a plan of a new State Capitol, with suitable rooms for the General Assembly and the different State Offices, with such suggestions in relation to the general subject as they deem proper.

Committee appointed.

Adopted at Dover, March 2, 1855.

SECRETARY'S OFFICE,
Dover, Sept. 10th, 1855.

In obedience to the directions of the act of the General Assembly of the State of Delaware, entitled "An act concerning the keeping of the papers belonging to the Executive Department, and the acts of the General Assembly, and the printing and disposal of the Laws and Journals," I have collated with and corrected by the original rolls now in this office, and caused to be published this edition of the laws of the said State, passed by the General Assembly, at its late session, which commenced on Tuesday, the second day of January, and closed on Friday, the second day of March, in the year of our Lord one thousand eight and fifty-five.

J. R. LOFLAND,
Secretary of the State of Delaware.

L A W S

OF THE

STATE OF DELAWARE,

PASSED AT A

SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE SIXTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD

One Thousand Eight Hundred and Fifty-Seven,

AND OF THE

INDEPENDENCE OF THE UNITED STATES

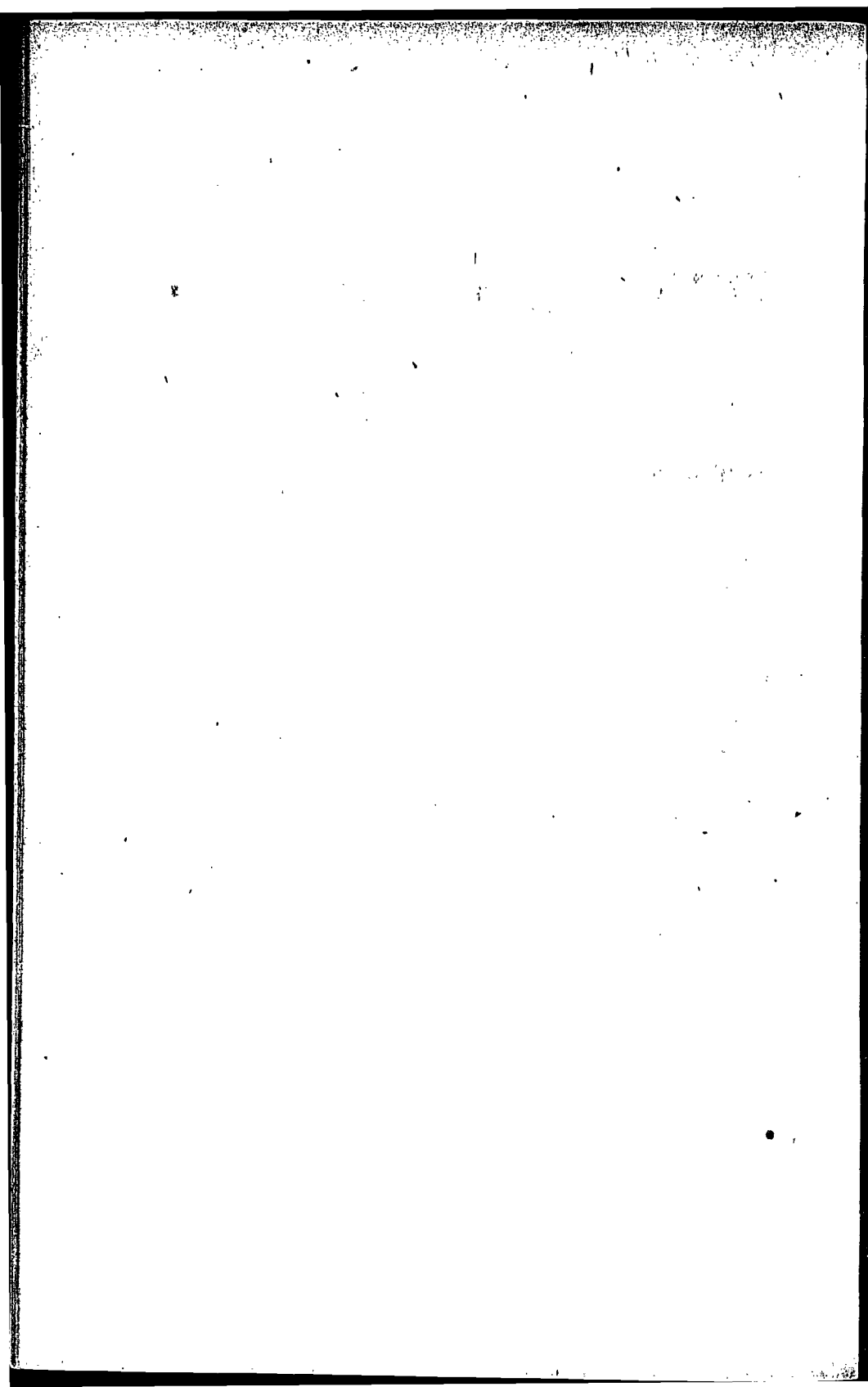
THE EIGHTY-FIRST.

BY AUTHORITY.

DOVER, DELAWARE:

PRINTED BY WILLIAM SHARP,

1859.



L A W S

OF THE

STATE OF DELAWARE.

CHAPTER CCCXXIV.

AN ACT *vesting in Elizabeth J. Williams, and her heirs the State's right to certain escheated real estate, late of her deceased husband, Abraham J. Williams,*
Private Act.

Passed at Dover, January 16, 1857.

CHAPTER CCCXXV.

AN ACT *to authorize the Levy Court of New Castle County to cause to be transcribed certain indexes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Levy Court of New Castle County, be and they are*

Levy Court hereby authorized, if, in the judgment of the said Court, it shall be necessary, to cause to be made by the Clerk of the Orphans' Court of said county, a true and correct copy or transcript of the indexes of the Recognizances entered or recorded in the Orphans' Court of the State of Delaware, in and for New Castle County, from the year eighteen hundred and one, to the September term, one thousand eight hundred and fifty-six, in substantial books to be by the said clerk, provided for that purpose.

Commissioners
appointed to ex-
amine them.

Certificate

How paid for

SEC. 2. *And be it further enacted*, That if the said Levy Court shall deem it necessary that the indexes aforesaid, should be copied or transcribed, then that Peter B. Vandever, and William G. Whitely be, and they are hereby appointed Commissioners, whose duty it shall be to examine the said transcript or copy of said Recognizance Indexes, after the said Clerk of the Orphans' Court shall have completed it, and if they approve of the execution thereof, they shall certify the same to be a true and faithful transcript, and that then, and after such certificate the said transcript or copy shall become and be the Index to Recognizances entered or recorded, in said Orphans' Court for the time aforesaid, in lieu of the Indexes now used therein; and the said Commissioners shall also certify the completion of said transcript or copy to the Levy Court of New Castle County, who shall pay to the said Commissioners and Clerk, a just and reasonable compensation for their services.

Passed at Dover, January 27, 1857.

CHAPTER CCCXXVI.

AN ACT to revive, re-enact and continue in force the act entitled "An Act to enable Mrs. Mary A. Nichols, wife of James Nichols, a lunatic, to sell and convey in her own right, and as trustee for her husband, a certain tract of land in Mispillion Hundred, Kent County, and State of Delaware."

Private Act.

Passed at Dover, January 28, 1857.

CHAPTER CCCXXVII.

A FURTHER ADDITIONAL SUPPLEMENT to the act, entitled "An Act to extend the time for Recording of Deeds."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.* That all deeds or letters of attorney, concerning lands, tenements, or hereditaments, sealed and delivered on or before the first day of January, one thousand eight hundred and fifty-seven, first being acknowledged or proved, and the acknowledgement or proof certified according to the laws of this State, in force, at the time when such acknowledgment or proof was made, may with the certificate of the acknowledgment or proof, and all endorsements and annexations be recorded in the office for recording of deeds, in the county wherein such lands, tenements, and hereditaments, or any part thereof, are situated; if lodged in such office on or before the first day of February, in the year of our Lord one thousand eight hundred and fifty-nine; and the said record or a copy thereof shall be sufficient evidence; and from and after the first day of January, in the year last aforesaid, no deed or letter of attorney sealed before the first day of January, in the year of our Lord one thousand eight hundred and fifty seven, shall be recorded.

Time for recording deeds, &c., extended to Feb. 1, 1859.

Passed at Dover, January 28, 1857.

CHAPTER CCCXXVIII.

AN ACT to create an additional School District in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John B. Mustard, James F. Martin, and Thomas Walls, be and they are hereby appointed Commissioners to go upon and view School Districts numbers 16, 18, and 19, in Sussex County, and if they deem it proper and necessary, locate and lay out from said districts, one additional School District, as to them shall seem just and proper; and when the said Commissioners or a

Commissioners to view the districts, and lay off new district.

Return to Clerk
of the Peace.

Copy to be certi-
fied to Trustees
of School Fund.

Numbered.

Dividends, how
made

School laws ex-
tended to new
district

majority of them, shall have so located and laid out said additional School District; they, or a majority of them, shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Sussex County, to be by him filed among the records of his office; said return shall be made on or before the first day of July next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund; and from and after the first day of July aforesaid, the additional School District, to be formed under the provisions of this act, shall become and be deemed and taken to be a separate School District in Sussex County, with the capacity, right and power of a School District according to law, and shall be designated and numbered by its proper number, succeeding the highest number of the School Districts previously formed in the said County; and the said additional School District, shall be entered by the Trustee of School Fund, for establishing Schools in the State of Delaware, among the School Districts of said County, and an account opened therewith, and in all dividends hereafter made by said Trustee for establishing Schools in the State of Delaware, the respective dividends which may be due, or hereafter may become due, the said original districts, numbers 16, 18, and 19, shall be equally divided annually among the districts Nos. 16, 18 and 19, and the said additional School District to be enacted under the provisions of this act, and the school-voters in said additional School District, and the school committee thereof shall have all the rights and powers of school voters and a school committee respectively, according to the laws of this State, and all the acts of the General Assembly of this State, for the general regulation, government and benefit of free schools within this State, shall be extended and applied to the said additional School district to be created under the provisions of this act.

Commissioner's to
be qualified

Their compensa-
tion - how paid

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act, shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity; and for each and every day the said Commissioners may be employed in the discharge of their duties under the provisions herein contained, shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeals of Sussex County.

School voters to
meet where,
and when

SEC. 3. *And be it further enacted*, That if the additional School District be formed as aforesaid, the school voters in the said additional School District, may meet at the place of meeting in said additional School District, which the said Commissioners or a majority of them, may deem proper to appoint on the first

Saturday of July next, at three o'clock in the afternoon, and appoint a chairman and secretary, and choose a clerk and two commissioners of the district, who shall continue in office until the next stated meeting, and until successors are duly elected. The certificate of the proceedings shall be made, signed and delivered according to the provisions of law relating to the certificates of the meetings of school voters; notice of the meeting may be given by the Commissioners first above named, or a majority of them, and a failure to give notice shall not vitiate the proceedings.

Clerk and Commissioners.

Notice of meeting

Passed at Dover, January 29, 1857.

CHAPTER CCCXXIX.

AN ACT to incorporate Washington Lodge, No. 1, of Free and Accepted Masons, of Wilmington, Delaware.

Private act.

Passed at Dover, January 29, 1857.

CHAPTER CCCXXX.

AN ACT to repeal the acts entitled "An Act for the suppression of intemperance," and an act entitled "An Act regulating the sale of intoxicating liquors."

SECTION. 1. Be it enacted by the Senate and House of Repre-

representatives of the State of Delaware in General Assembly met,
Acts of Feb. 27, 1855, and March 2, 1853, repealed. That the act entitled "An Act for the suppression of intemperance," passed at Dover, February 27, 1855, and the act entitled, "An Act regulating the sale of intoxicating liquors," passed at Dover, March 2, 1853, be and the same are hereby repealed, made null and void.

Passed at Dover, January 30, 1857.

CHAPTER CCCXXXI.

AN ACT to authorize Gideon B. Waples to change the course of a Road in Broadkill Hundred, Sussex County.

Private act.

Passed at Dover, January 30, 1857.

CHAPTER CCCXXXII.

Ante p. 219 chap. ter CCX AN ACT to repeal the act entitled "An Act to change the place of holding Elections in Lewes and Rehoboth Hundred, in Sussex County."

Act repealed SECTION 1. Be 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 change the place of holding elections in Lewes and Rehoboth Hundred, passed at Dover, February 13, 1855, be and the same is hereby repealed, made null and void.

Passed at Dover, February 3, 1857.

CHAPTER CCCXXXIII.

AN ACT concerning the Levy Courts of the several Counties of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.* That whenever a vacancy shall happen in the Levy Court of either county of this State, whether by death, resignation, or removal of a member, by a tie vote at the general election or otherwise, the presiding officer of the Levy Court in which the vacancy happens, (if it be then sitting,) or (if it be not sitting at the happening of such vacancy,) the Governor shall immediately issue writs of election for filling such vacancy, directed to the Sheriff of the county in which such vacancy happens.

Vacancy in Levy Court in either county be a tie vote at General Election; how filled.

SEC. 2. *And be it further enacted,* That the provisions of sections 40, 41, 42, 43, 44, 45, and 46, of chapter 18 of the Revised Code of this State, shall apply and be of full force and effect in regard to any such election, as is contemplated in section 1, of this act.

Certain sections of Chapter 18 of Revised Code made to apply

SEC. 3. *And be it further enacted,* That all laws and parts of laws contrary to the provisions of this act, be and the same are hereby repealed, made null and void.

Inconsistent acts repealed.

Passed at Dover, February 3, 1857.

CHAPTER CCCXXXIV.

AN ACT to complete the title of Dr. James Couper to a certain house and lot in the town of New Castle.

Private act.

Passed at Dover, February 3, 1857.

CHAPTER CCCXXXV.

AN ACT to divorce *Eliza Ann Records* from her husband
James Records.

Private act.

Passed at Dover, February 3, 1857.

CHAPTER CCCXXXVI.

AN ACT to incorporate the "*Wilmington Building and Loan Association*," of the City of *Wilmington*.

Incorporation.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two thirds of each branch concurring therein,</i>) That Robert Carswell, Josiah Sibley, John Cochran, Milton Lackey, John Wood, and such other persons as now are, or may at any time hereafter be associated with them, shall from and after the 26th day of February, in the year of our Lord one thousand eight hundred and fifty-seven, and they are hereby created and made a body politic and corporate by the name, style and title aforesaid, for the purpose of accumulating a fund from monthly contributions and fines premiums on loans and interests on investments, for the benefit of its members; and they and their successors, are hereby ordained and declared a body politic and corporate, in fact and in law, and by the name, style and title aforesaid, shall be able and capable in law, to sue and be sued, plead and be impleaded, in any court or courts of law or equity in this State and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands, whatsoever, with all the legal incidents of a corporation aggregate; and the said corporation may have and use a common seal and at their pleasure alter or renew the same; and by the name, style and title aforesaid, shall have continuance and succession for a term not exceeding twelve years, from and after the passage of this act.
Name.	
Corporate powers.	
Continuance.	

SEC. 2. *And be it further enacted by the authority aforesaid,* That the affairs of said corporation shall be conducted by a President, Vice President, Secretary, Treasurer, and nine Managers, who shall constitute a Board of Directors, seven of whom shall be a quorum. The President, Vice President, Secretary and Treasurer, shall be elected on the second Thursday in January, annually. There shall be nine managers elected on the second Thursday in January, A. D. eighteen hundred and fifty-eight, who shall, within ten days thereafter, meet and divide themselves into three classes, and draw lots for one, two and three years; those drawing one year shall have their places supplied at the succeeding annual election; those drawing two years shall have their places supplied at the second succeeding annual election; and those drawing three years shall have their places supplied at the third succeeding annual election; and at every annual election after the year of our Lord one thousand eight hundred and fifty-eight, three Managers shall be elected to serve three years. The board shall have power to fill all vacancies that may occur in their own body during the year. The present officers of said corporation shall continue in office until the annual election on the second Thursday in January, A. D. eighteen hundred and fifty-eight.

Officers.

Managers.

Directors.

When chosen.

How divided.

Vacancies, how filled.
Present officers.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the said corporation shall, by the name, style and title aforesaid, be able and capable of purchasing, receiving, having, holding and enjoying, to them and their successors and assigns, lands, tenements, hereditaments, annuities, money, securities, goods and chattels, of what nature or kind soever, real, personal and mixed: *Provided,* the same shall not exceed the sum or value of one hundred and twenty thousand dollars; and the same from time to time, at their pleasure to sell, grant, demise, bargain, alien and dispose of; also to make such laws, rules, contracts and regulations, and the same to alter, amend or repeal, as they and their successors shall deem to be proper and expedient for the good government and conducting the affairs or business of said corporation, and generally to do all and singular the matters and things proper for the well-being of said corporation: *Provided,* the same shall not be contrary to this act, the Constitution and laws of the United States, or of the State of Delaware, and that nothing herein contained shall confer upon said company or corporation any banking power or privileges whatever.

Proviso limiting property.

By-Laws.

Banking powers prohibited.

SEC. 4. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

Public act.
Revocation.

Passed at Dover, February 3, 1857.

CHAPTER CCCXXXVII.

AN ACT *authorizing the transcribing of certain Indexes in Sussex County.*

Authorized to have certain indexes transcribed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Levy Court of Sussex County, be, and they are hereby authorized, if in the judgment of the said court it shall be deemed necessary, to cause to be transcribed or copied by some suitable and competent person, to be chosen by said court, the indexes of the Judgment and Continuance Dockets of the Superior Court in Sussex County, or as many of them as it, the said court, shall deem necessary and proper, into a substantial and well bound book or books, to be, by said court, provided for that purpose.

Books, how provided.

Commissioners appointed to examine the copies.

Certificate.

Levy Court of Sussex County to make appropriations to Commissioners and the person employed.

SEC. 2. *And be it further enacted,* That if the said Levy Court shall deem it necessary that the indexes as aforesaid should be copied or transcribed, then that John R. McFee, and Jacob Moore, Esquires, be, and they are hereby appointed Commissioners, whose duty it shall be to examine the said transcript or copy of said Judgment and continuance indexes, after their completion as aforesaid, and if they approve of the execution thereof, they shall certify the same to be a true and faithful transcript, and that then, and after such certificate, the said transcript or copy shall become the index to the Judgment and Continuance Dockets aforesaid of said Superior Court, in lieu of the indexes now used therein; and the said Commissioners shall also certify the completion of said transcript or copy to the Levy Court aforesaid, who shall pay to the said Commissioners, and the person chosen by said Court a just and reasonable compensation for their services.

Passed at Dover, February 3, 1857.

CHAPTER CCCXXXVIII.

AN ACT to create an additional School District in the County of New Castle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Samuel Higgins, George W. Karsner, Cassaway Watkins, John R. Boyd and Abraham Vandegrift, be and they are hereby appointed Commissioners to go upon and view School District No. 62, in New Castle County, and locate, and lay out from said district, an additional school district, by dividing the said school district No. 62, into two such parts as to them shall seem just and proper; and when the said Commissioners, or a majority of them, shall have so located and laid out said additional school district, they, or a majority of them, shall make return of the said additional district, so located and laid out, and also of the part of the original district, No. 62, remaining after the said additional district shall have been laid off, describing plainly the metes and bounds of each, into the office of the Clerk of the Peace of New Castle County, to be by him filed among the records of his office; said return shall be made on or before the first day of June next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund; and from and after the first day of June, aforesaid, the additional school district to be formed under the provisions of this act, shall be deemed and taken to be a school district of New Castle County, and numbered in continuation of school districts already established by law in said county; and all the acts of the General Assembly of this State, for the general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional school district, to be created under the provisions of this act; except that the Trustee of the school fund, in dividing the funds of school districts, shall hereafter divide the original share of school district No. 62 into two equal parts, one of which shall be the dividend of No. 62 and the other the dividend of said additional district.

Commissioners appointed.

Additional S District to be laid out

Return to be made.

Where.

And when.

Copy of, to be delivered to, Trustee of S. Fund.

School Laws applied to new district.

Dividends.

How made.

SEC. 2. *And be it further enacted,* That the Commissioners appointed by this act shall, severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity; and for each and every day the said Commissioners may be employed in the discharge of their duties, under the provisions herein contained, they shall each have and receive the

Commissioners to be sworn or affirmed.

sum of one dollar, to be allowed by the Levy Court and Court of Appeal of New Castle county.

Passed at Dover, February 4, 1857.

CHAPTER CCCXXXIX.

A SUPPLEMENT to the act entitled "*An act to incorporate Patrick Henry Lodge, No. 11, of the Independent Order of Odd Fellows, at Delaware City, Delaware.*"

Private Act.

Passed at Dover, February 4, 1857.

CHAPTER CCCXL.

AN ACT to cede to the United States the jurisdiction over a certain piece of land therein mentioned.

Preamble reciting the application of United States for the cession of a certain piece of land, &c.

Whereas, Congress having made appropriation for building a Light House on Fenwick's Island, entrance of Delaware Bay, and application being made to this General Assembly by Jesse Sharp, Esq., Superintendent of Lights for the District of Delaware, under instructions from that branch of the Treasury Department of the United States, charged with the General supervision of Light Houses in the United States, praying an act ceding to the United States the jurisdiction of this State over such tract or parcel of land as may be selected for the purpose aforesaid; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the jurisdiction of this State be, and the same is hereby ceded to the United States, over so much land on the above mentioned Island as may be required for the purpose of erecting a Light House thereon, and the needful buildings for the keepers thereof, as shall be necessary, not exceeding ten acres. Jurisdiction of the State ceded for certain purposes.

SEC. 2. *And be it further enacted,* That concurrent jurisdiction with the United States over the said cede, so far as the execution of any process of law, issued by any officer of this State may become necessary; be, and the same is hereby reserved and retained to the State. Concurrent jurisdiction reserved for the execution of any process at law.

Passed at Dover, February 4, 1857.

CHAPTER CCCXLI.

A SUPPLEMENT to the act entitled "*An Act to incorporate a Bank in the town of Newark, under the name of the Bank of Newark.*" Amended by Act of Chap. CCXLI.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch of the Legislature concurring, as follows:

SECTION 1. The Stockholders of the Bank of Newark shall have the power to increase the capital stock of the said Bank to any amount not exceeding one hundred thousand dollars in the whole of the original and increased capital stock. The shares of said increased stock shall not exceed one thousand shares of fifty dollars each; provided that no more than two-fifths parts of the said increased stock shall be subscribed for; taken, assigned, transferred or held by persons residing without the limits of the State of Delaware, either personally or by Attorney; and provided further, that if at any time it shall so happen that by subscription, or transfer, or by subscription and transfer together, a proportion of said increased stock greater than two-fifths thereof shall be held or owned by persons not residing in this State, either in their own names or in the names of their attorneys, then the share or Capital Stock increased to \$100,000. Shares of increased Stock. By whom held. Proviso, forfeiting the surplus Stock held out of the State.

Holder of increased Stock moving out of the State must reduce his stock so as to bring it within the limits.

Penalty for non-compliance.

shares constituting such surplus beyond said two-fifths, and last subscribed, or sold and transferred on the books of said Bank shall be forfeited by the directors for the benefit of the Corporation; and if at any time any holder of such increased stock shall remove from this State, and the amount of said increased stock held or owned out of this State shall be thereby increased to a proportion greater than two-fifths of said increased stock, it shall be incumbent on such stockholder to sell and transfer so much of his stock as will reduce the amount so held, or owned out of this State, to two-fifths, to some person or persons residing in this State, within three months from the time of his removal, or the same shall be forfeited by the directors for the benefit of the corporation.

SEC. 2. The said corporation shall, in addition to the tax now paid, pay into the Treasury of this State, semi-annually, a tax of one-half of one per centum per annum on the amount of said increased capital stock actually paid in.

Must certify to the Governor within three months after the passage of this act, its acceptance.

SEC. 3. The said, the Bank of Newark shall within three months after the passage of this act certify to the Governor its acceptance of the same, or it shall be void. The certificate of such acceptance shall be made in pursuance of a resolution adopted by the stockholders of said Bank, or a majority of them, voting according to the provisions of the seventh section of the act to which this is a supplement, at a meeting to be called by the President upon ten days' notice, in one or more newspapers of this State. The said certificate shall be under the hand of the President and Cashier of said Bank, and shall be filed in the office of the Secretary of State.

Certificate—how made.

Passed at Dover, February 5, 1857.

CHAPTER CCCXLII.

AN ACT to divorce Sarah A. Lank, late Sarah Ann Scott, and her husband Urias Lank, from the bonds of matrimony.

Private Act.

Passed at Dover, February 5, 1857.

CHAPTER CCCXLIII.

AN ACT to divorce *Martha Chadwick*, from her husband *Edmund Chadwick*.

Private act.

Passed at Dover, February 9, 1857.

CHAPTER CCCXLIV.

AN ACT to incorporate the *Young Men's Association for Mutual Improvement, of the City of Wilmington.*

SECTION 1. *Be 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 concurring therein,)* That the members of the Young Men's Association for mutual Improvement of the City of Wilmington, and all persons, who shall hereafter be associated with them, are hereby created a body corporate by the name of "The Young Men's Association for Mutual Improvement, of the City of Wilmington," for the purpose of establishing and maintaining a library, reading room, literary and scientific lectures, debates, and other means of promoting moral and intellectual improvement, with power for such purposes to take by purchase, devise or otherwise, and to hold, transfer, and convey real and personal property, to the amount of fifty thousand dollars; and also further to take, hold and convey all such books, cabinets, library, furniture and apparatus, as may be necessary for attaining the objects and carrying into effect the purposes of said corporation.

Incorporation Name.

Objects of the Association

Amount of property limited.

SEC. 2. *And be it enacted,* That the control and disposal of the funds, property, and estate, and the direction and management of the concerns of said corporation shall be vested in an executive committee, to consist of the President, the first and second Vice-Presidents, the corresponding Secretary, recording Secretary

Funds; how controlled.

Executive Committee—of whom composed.

the Treasurer and the Directors of the said corporation, who shall be elected annually to their respective offices by such of the members of the said association as may be entitled by the constitution to vote at such elections.

SEC. 3. *And be it enacted*, That the several officers of the said Association, at the time of the passage of this act, shall continue to hold their respective offices, as officers of the corporation hereby created, until the next annual election, unless in case of a vacancy previously occurring, by death, resignation or otherwise; and all personal property, or funds, or securities now held by the said officers or either or any of them, or any other person or persons in trust for the said association, or for the use and benefit of the same, including choses in action, which by the terms thereof are payable to either or any of the said officers, or to any other person or persons in trust for the said association, shall by virtue of this act, vest in and become the property of, and may be sued for and recovered in the name of the corporation hereby created; and the said corporation shall assume and be liable for all contracts, agreements and responsibilities, which have been entered into or incurred previous to the passage of this act, by the officers of the said association, or any of them, lawfully acting in behalf of said association.

SEC. 4. *And be it enacted* That the annual election for officers of the said corporation, shall be held on the first Tuesday of February in each year, or on such other day as the said corporation in and by its constitution may appoint.

SEC. 5. *And be it enacted*, That the executive committee shall have power to fill all vacancies which may occur in any of the offices of the said corporation, and to appoint and at pleasure remove such other officers, agents or servants as the business or interests of the said corporation may, in their opinion require.

SEC. 6. *And be it enacted*, That the estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act.

SEC. 7. *And be it enacted*, That this act shall be deemed and taken to be public: and the power to revoke this charter is hereby reserved to the Legislature.

Passed at Dover, February 10, 1857.

CHAPTER CCCXLV.

AN ACT to create an additional School District in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That there shall be; and hereby is laid off from School Districts Nos. 65, 72 and 80 in New Castle County, the following parts thereof included within these limits, viz:

Beginning in the middle of Noxentown Mill Pond, at the fork of said pond, between lands of John Townsend and Nathaniel Smithers, thence up said mill pond and stream to Hunter's Mill Pond, up said pond and main stream to where said stream crosses the road leading from William Wilson's corner to Mrs. Tushes' corner, thence with said road to the said Tushes' corner to a large black oak tree, thence to the head of and down Barlow's Branch to the Delaware Railroad, thence north with said road to the new road leading from Barlow's Bridge to the Blackbird and Middletown road, thence north up said road to a place called Cherry Lane, thence a straight course to the head of a branch between lands of the said John Townsend and the said Nathaniel Smithers, thence down said branch to the Noxentown Mill Pond, the place of beginning, and those parts included within these said limits shall be a separate School District No. 81 in New Castle County, and shall have and enjoy all the rights, privileges and powers of an original School District in said county. And the said additional School District shall be entered by the Trustee of the School Fund for establishing Schools in the State of Delaware among the schools of said county and an account opened there-with, and in all dividends hereafter made by said Trustee for establishing Schools in the State of Delaware, the respective dividends which may be due, or hereafter may become due, the said original Schools Districts Numbers 65, 72 and 80 shall be equally divided annually among the districts numbers 65, 72, 80 and 81.

Metes and
bounds.

Dividends, how
divided.

Passed at Dover, February 10, 1857.

CHAPTER CCCXLVI.

Auto, p. 311.
Chap. 294.

AN ACT to repeal the act entitled "*An act concerning the City of Wilmington.*"

Act repealed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the act entitled "*An act concerning the city of Wilmington,*" passed at Dover, March 2, A. D. 1855, be and the same is hereby repealed.

Passed at Dover, February 10, 1857.

CHAPTER CCCXLVII.

AN ACT to incorporate "*Star of Bethel Lodge, No. 19, of the Independent Order of Odd Fellows,*" in Brandywine Hundred, State of Delaware.

Incorporated.

Continuance
Name.

SECTION 1. *Be 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 branch concurring,)* That Isaac N. Grubbe, William D. Wilson, James E. Foard, Joseph Bradford, Thomas Phillips, and such other persons as now are, or hereafter may become members of the Star of Bethel Lodge, No. 19 of the Independent Order of Odd Fellows, located in Brandywine Hundred, New Castle County, Delaware, shall be, by virtue of this act, one body politic and corporate, in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of "*Star of Bethel Lodge No. 19, of the Independent Order of Odd Fellows, of the State of Delaware, in Brandywine Hundred.*"

Corporate powers

SEC. 2. *And be it further enacted,* That the said corporation, and their successors, during the term of their corporate existence, shall be able and capable in law to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages, or money, or any

property whatsoever, which may be devised, given or conveyed to them, or received by the payment of fees, dues, fines, and also to grant, let, sell, bestow, convey, assign or transfer the same, and to do all other matters relating thereto, by the name and title aforesaid; and shall have a common seal, with authority to break, alter and renew the same at pleasure; may sue and be sued, plead and be impleaded, in any court of law or equity in this State and elsewhere, in any or all manner of actions, suits, complaints, pleas, causes and matters whatsoever.

SEC. 8. *And be it further enacted,* That the members of this corporation, shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of said corporation, and to properly manage its affairs, conformable to the provisions of this act, and to the by-laws of said corporation, and from time to time to make and establish such by-laws and rules as they shall deem proper and necessary for the good government thereof. *Provided,* such by-laws and rules be not contrary to the laws and Constitution of this State, and of the United States.

SEC. 4. *And be it further enacted,* That the said corporation shall have power to hold or possess in any manner goods, chattles, rights, credits, lands and tenements, or any other property, the clear yearly income of which shall not exceed the sum of two thousand dollars; and shall not possess any banking powers, other than the lending of money on security for permanent investment.

SEC. 5. *And be it further enacted; by the authority aforesaid,* That this act shall be deemed and taken as a public act, and the Legislature hereby reserves the right to revoke at any time hereafter.

Passed at Dover, February 10, 1857.

CHAPTER CCCXLVIII.

AN ACT entitled "*An Act for the relief of Florencio Verrier.*"

Private Act.

Passed at Dover, February 10, 1857.

CHAPTER CCCXLIX.

AN ACT for the relief of *Eliza B. Likens*.

Private Act.

Passed at Dover, February 10, 1857.

CHAPTER CCCL.

AN ACT to divorce *Elizabeth D. Gibson*, from her husband
John Gibson.

Private act.

Passed at Dover, February 10, 1857.

CHAPTER CCCLI.

AN ACT to incorporate the *Red Lion Library Association*.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring,) That Richard Groves, Samuel Silver, James Henry, Mahlon Foster, Roderick Sutherland, John D. Turner, John Diehl, William Silver, Sr., George V. Tyabout, James C. Douglass, John L. Deputy, and others, their*

associates, subscribers to the Red Lion Library Association, and ^{Incorporated.} their successors, be, and they are hereby constituted a body politic and corporate, 'to have continuance by the name of the Red ^{Continuance.} Lion Library Association, for the term of twenty years from the passing of this act, and no longer.

SEC. 2. *And be it enacted,* That the said corporation shall and may be authorized to purchase, take, hold, receive and enjoy lands, tenements and hereditaments, in fee simple or otherwise, and also goods and chattels, rights and credits, to an amount not exceeding ten thousand dollars; and to grant, alien, demise, sell and dispose of the same, in such manner and form as the said library company may deem expedient. ^{Capital Stock.}

SEC. 3. *And be it enacted,* That the said corporation shall be able and capable to sue and be sued, implead and be impleaded, in all the courts of justice in this State, and may have and use a common seal, with the power of changing the same at their will and pleasure, and may make, alter, repeal, and again re-enact such laws, regulations and by-laws as shall be deemed expedient and proper for the government of the said library company, not contrary or repugnant to the laws and Constitution of this State or of the United States. ^{Corporate powers.}

SEC. 4. *And be it further enacted,* That this shall be deemed ^{Public act.} and taken to be a public act; the Legislature hereby reserves the ^{Revocation.} power to revoke this act of incorporation at any time hereafter.

Passed at Dover, February 11, 1857.

CHAPTER CCCLII.

AN ACT to divorce Isaac Davis, Jr., and Eliza J., his wife,
formerly Eliza J. McKain.

Private act.

Passed at Dover, February 11, 1857.

CHAPTER CCCLIII.

AN ACT to divorce Elizabeth J. White and Alward F. White from the bonds of matrimony.

Private act.

Passed at Dover, February 12, 1857.

CHAPTER CCCLIV.

AN ACT to incorporate the Junction and Breakwater Railroad Company.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)* That Peter F. Causey, William Tharp, John W. Houston, Henry B. Fiddeman, Daniel Currey, Curtis S. Watson, William V. Coulter, Truston P. McColley, Samuel M. Harrington, Samuel M. Felton, Charles I. Du Pont, Andrew C. Gray, John A. Duncan, Jesse Sharp, Evan C. Stotsenburg, Edward Wootten, Willard Saulsbury, John R. McFee, Gardner H. Wright, Benjamin Burton, David Hazzard, John Ponder, Aaron Marshall, Henry F. Rodney, Nathaniel Hickman, Henry F. Hall and John W. Walker, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such time and places, and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the Junction and Breakwater Railroad Company, and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the name of any other person or company who may authorize the same, for any number of shares in the said stock. The capital stock of said company shall not exceed five hundred thousand dollars divided into twenty thousand shares of twenty-five dollars each.

SEC. 2. *And be it further enacted as aforesaid,* That when and ^{Company incor-} as soon as one thousand shares of capital stock in the said com-^{porated.} pany shall be subscribed as aforesaid, the subscribers, their suc-
cessors and assigns, shall be, and they are hereby declared to be
incorporated, by the name and title of the Junction and Break-^{Corporate pow-}
water Railroad Company, and by said name the subscribers shall^{ers.} have perpetual succession, and be able to sue and be sued, plead
and be impleaded, in all courts of record and elsewhere, and to
purchase, receive, have, hold and enjoy to them and their succe-
sors, real and personal estate of every kind whatsoever, and the
same to grant, mortgage, sell, alien and dispose of, and to declare
dividends of such portions of the profits of the company as they
may deem proper; also to make and have a common seal, and the
same to alter and renew at pleasure, and also to make and ordain
by-laws and regulations for the government of the said corpora-
tion, not inconsistent with the Constitution and laws of the United
States, or of this State; and generally to do all and singular, the
matters and things which to them it shall lawfully appertain to
do for the well being and ordering of the same. *Provided,* That ^{Banking powers} nothing herein contained shall confer any banking privileges on
^{prohibited.} the said company, or any other liberties, franchises, or privileges
but those which are properly incident to such a corporation.

SEC. 3. *And be it further enacted as aforesaid,* That as soon ^{Meeting of the} as one thousand shares shall be subscribed, as aforesaid, the said
^{subscribers.} commissioners, after giving at least ten days' notice thereof, in
two or more newspapers published in this State, shall call a meet-
ing of the said subscribers in Milford, to organize the said com-^{Organization} pany by the choice and appointment of officers as hereinafter
mentioned, and which meeting shall be held at such time as shall
be appointed in said notice.

SEC. 4. *And be it further enacted as aforesaid,* That there shall ^{Annual meetings} be an annual meeting of the stockholders on the second Monday
^{of stockholders} in January, every year, in the town of Milford, for the purpose
^{To be held at} of electing directors, and for the transaction of other business.
^{Milford.} In all meetings of the stockholders regularly convened, those pre-
sent may proceed to business, and all questions shall be deter-
mined by a majority of the votes given. All elections by stock-
^{Elections, how} holders shall be by ballot, and all votes shall be given in person,
^{held.} or by proxy, and each share of stock shall entitle the owner to
one vote. Occasional meetings of the stockholders may be called,
^{Voting.} and at such places as the President and Directors may deem ex-
^{Occasional} pedient.
^{meetings}

SEC. 5. *And be it further enacted as aforesaid,* That at the first
meeting of the stockholders, to be held under the call of the said
commissioners, and at every annual meeting of the stockholders

Directors. Elections; how conducted. to be held thereafter as aforesaid, they shall elect nine directors; a majority of whom shall be citizens of this State, and all of them stockholders in the said company; the first election of directors shall be conducted by two of the said commissioners as the judges thereof, and all subsequent elections of said officers shall be conducted by two of the stockholders not in the board; to be appointed by the directors, for the time being, as judges for that purpose. The directors, immediately after their election, shall proceed to choose one of their number to be the President of the company and of the said board, and their term of office shall be until the annual meeting of the stockholders succeeding their election, and until their successors shall be duly chosen. The directors shall also appoint, immediately after their election, a Secretary and Treasurer of the said company, who shall continue in office for the term aforesaid, and until their successors shall be duly appointed, unless sooner removed for sufficient cause by the directors. They shall require of the Treasurer, on his appointment, a bond with sufficient security for the proper performance of the duties of his office, and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of directors shall constitute a quorum for the transaction of business, and in the absence of the President may appoint a Chairman of the Board pro tempore. Vacancies in the Board of Directors, and in the offices of President, Secretary and Treasurer may be filled by the remaining directors, to continue as aforesaid.

President; how chosen.

Term of office of directors.

Officers.

Treasurer to give bond.

Quorum.

Vacancies, how filled.

SEC. 6. *And be it further enacted as aforesaid, That the said* President and Directors shall hold their meetings in the town of Milford, and in such other places as they may deem expedient on the line of the said road; and the said directors shall have the general direction, conduct and management of the property and works, affairs and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen and laborers as they shall deem necessary, and to fix the salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and to take bonds from them, or any of them, with security for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such engines, cars, and other equipments and supplies for the road, and for that purpose to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper, and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all acts that may be necessary to effect the purposes for which the said company is hereby incorporated; and to this end to use the capital stock and funds of the said company, and to bind by their contracts, under the seal of the corporation and the hand of the

Meetings; where held.

Powers of directors.

President, all the property and estate of the said company. They shall also have power to make and prescribe the by-laws and regulations for the government of the company, and provide certificates of stock, under the seal of the company and the signature of the President, and countersigned by the Secretary, for all the shares subscribed, and to prescribe the mode of assigning and transferring the same, and generally to do all such other matters and things as by this act and the by-laws and regulations of the company they shall be authorized to do.

SEC. 7. *And be it further enacted as aforesaid,* That it shall be the duty of the President and Directors to procure certificates of stock for all the shares subscribed in said company, and cause the same, signed, sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable, at the will of the holder, in the method and upon the terms prescribed in the by-laws of the company, and the assignee of any such certificate, so transferred, shall be a stockholder in said company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the instalments, forfeitures and penalties due or to become due thereon, as the original subscriber would have been.

SEC. 8. *And be it further enacted as aforesaid,* That the subscribers to the said capital stock shall pay to the Treasurer of the said company the instalments on each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the said directors; and if any subscriber shall omit, for thirty days after any such call, to pay any such instalment at the time and place appointed in said notice, he shall pay, in addition to the said instalment at the rate of two per cent. a month for the delay of such payment, or the shares so held by him, with all the previous instalments paid thereon, may be declared forfeited to the company at the option of the directors. All sums of money which may accrue to the company under this section may be sued for and recovered as debts of a like amount are recoverable by the laws of this State: *Provided,* That no stockholder shall be entitled to vote at any election, or in any meeting of the said company on whose share or shares any instalment shall have been due and payable more than thirty days previous to such election or meeting, and is still unpaid at that time.

SEC. 9. *And be it further enacted as aforesaid,* That the said President and Directors shall, from time to time, make and declare dividends of the net profits of the business of the company or of such portions of such profits as they may deem advisable; the times for which shall be fixed by the by-laws, and public no-

Annual report of
officers

lice thereof shall be given by them. And at each annual meeting of the stockholders, it shall be the duty of the President and Directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the said company for that year.

Company to con-
struct a railroad.
Route thereof.

SEC. 10. *And be it further enacted as aforesaid,* That the said company be, and they are hereby authorized to survey, locate and construct a railroad, with one or more tracks, as follows: that is to say, from some point on the Delaware Railroad convenient to the town of *Milford*, and within a range of two miles above and two miles below the point on the said Delaware Railroad nearest the said town of *Milford*, to be selected and fixed by the said company, hereby incorporated, and from the point so selected and fixed on the Delaware Railroad, to the town of *Milford*, and from thence to the harbor of the Delaware Breakwater, at or near the town of *Lewes*, and to connect and unite their said Railroad within the limits before prescribed, with the said Delaware Railroad, with the assent of the Delaware Railroad Company, and upon such terms and conditions as shall be arranged and agreed upon between the two companies to be reduced to writing, and authenticated under the seals of the companies, and for the purposes of surveying, locating and constructing the said railroad as aforesaid, the said company shall have full authority to enter upon any land, public or private property, necessary therefor, and to procure sand, gravel, earth, wood and other materials therefrom, and to obtain right and title to the same as hereinafter provided.

Connection with
the Delaware
Railroad, how
effected.

Condemnation of
lands for road.

SEC. 11. *And be it further enacted as aforesaid,* That whenever any land, earth, sand, gravel or other materials necessary to be taken and used in the construction of the said railroad, cannot be procured or purchased of the owner thereof, by agreement between him and the company, the latter may apply to the Superior Court for Kent or Sussex County, or to any Judge thereof in vacation, first giving the other party at least five days notice in writing, of the intended application, if within the State, and the said Court or Judge shall appoint five judicious and impartial freeholders, to view the premises and assess the damages, which the owner or owners will sustain by reason of the railroad passing through or taking and using the same. The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace or Notary Public before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days written notice to the owner or owners of the premises, if within the State, and the same to the President of the company, of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing.

Freeholders to
assess damages.

To be sworn,
and must, where

under their hands, or the hands of a majority of them, to both parties; but if either party be dissatisfied with the damages so assessed, such party may on application to the Prothonotary of the Superior Court in and for the county where the land lies within thirty days after such assessment, sue out a writ of ad quod damnum, requiring the Sheriff, in the usual form to inquire of twelve impartial men in his bailiwick of the damages aforesaid, and their report shall be final and the damages so assessed being paid by the company to the party entitled, or into court for his or their use, whether they be under any disability, or in or out of the State, the title to the land and premises described and condemned in said report, for the purposes aforesaid, shall be absolutely vested in the said company, their successors and assigns. *Provided*, always, that the minimum amount of damages awarded in any case shall be the actual cash value of the land, earth, sand, gravel, or other materials so to be taken as aforesaid. *Provided*, nevertheless, that if upon the return made by the freeholders, first appointed in any case, the said company shall pay into court the damages therein assessed to the use of the party entitled thereto, it shall be lawful for the said company to enter upon the lands therein condemned, without further delay, and to use and occupy the same for the purposes aforesaid, subject, however, to the obligation, and liability to pay to the said party as aforesaid, any increase of damages which may be assessed, to said party by the freeholders afterwards appointed; and if the damages assessed by the freeholders afterwards appointed should be less than by the freeholders first appointed, the difference shall be refunded to the said company, the fees of the freeholders and the Prothonotary, in all such proceedings, shall be fixed by the court and paid by the said company.

Report : how made

Writ of ad quod damnum.

Report to be final.

On payment of damages, the land to vest in company.

Actual cash value of lands to be awarded.

Payment of damages into court awarded by the first freeholders

Difference refunded.

SEC. 12. *And be it further enacted as aforesaid*, That whenever it shall be necessary or expedient for the said company, to enter upon or occupy any portion of the harbor of the said Delaware Breakwater, or any shore, cape or marsh, the property whereof is in this State it shall be lawful for them to enter upon the same, and to hold, use, occupy and enjoy so much thereof as shall be necessary and proper for the use and benefit of said company, and thereon to make and construct such piers, wharves, docks, roads, houses, and other needful buildings, structures, and improvements as may be conducive to the interests and objects of the said company. *Provided*, nevertheless, that nothing in this section contained, shall be construed to authorize the said company, to unnecessarily diminish or obstruct the navigation of any part of the harbor of the said Delaware Breakwater.

Privileged to use lands of State upon Breakwater Harbor.

Proviso

SEC. 13. *And be it further enacted as aforesaid*, That, if in the

Bridges.

Crossings, &c.

Fences

location of said railroad, it shall be found necessary or expedient to cross any navigable water course, below the highest point of the usual navigation thereof, by masted vessels, it shall be the duty of the said company to construct and keep in repair a bridge with a sufficient pass-way and draw, over the channel, or deepest part of the same, which shall be drawn as often as occasion shall require, at the expense of the company, for the free passage of such vessels; and it shall also be the duty of said company to construct and keep in repair, good and sufficient passages across said railroad, when any public road shall cross the same, so that carriages, horses, persons and cattle shall not be obstructed in crossing said railroad; it shall likewise be the duty of the said company, where the said railroad shall intersect any farm, to provide and keep in repair, a suitable passage across the same for the use of said farm; it shall also be the duty of the said company whenever the said railroad shall pass through any inclosed land, to fence the same on the line of the said road, so that it shall not be exposed and thrown open by reason of the said railroad passing through it, unless by the agreement of the company and the owner thereof, the former shall be released from, the duty of fencing the same.

Injuries to road.

SEC. 14. *And be it further enacted as aforesaid,* That if any person or persons shall wilfully and intentionally damage or obstruct the said railroad, or any part thereof, or of any of the works and property of the said company, they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined not exceeding one thousand dollars, at the discretion of the court.

Failure to hold an election of officers.

Governor may supply vacancies in Commission-ers

SEC. 15. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said company, shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards on giving ten days's notice thereof in two newspapers published in this State, of the time and place of holding such election. And it shall be lawful for the Governor of the State, for the time being, to supply any vacancies which may occur among the Commissioners appointed in this act.

Tax to State.

SEC. 16. *And be it further enacted as aforesaid,* That the said company shall pay semi-annually into the treasury of the State, a tax at the rate of one half of one per cent. per annum, on the capital stock of the company actually paid in: whenever the business of the company shall over and above its liabilities

and expenses, yield to the stockholders a profit or dividend on such stock equal to the rate of nine per centum per annum.

SEC. 17. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State; and that this charter shall be deemed and held to be perpetual or without limitation as to time, subject nevertheless to the power of revocation, for the misuse or abuse of its privileges, by the said company, which is hereby reserved to the Legislature. Public act.
Charter perpetual.
Revocation.

SEC. 18. *And be it further enacted as aforesaid,* That in case the company hereby incorporated, should fail to make so much of the railroad hereby authorized as extends from the said Delaware Railroad to the town of Milford, within a reasonable time, nothing in this act contained shall be understood to have the effect to release the Delaware Railroad Company from any obligation they are under, moral or otherwise, to construct a branch from their railroad to the town of Milford. Delaware Railroad Company not released from obligation to build branch to Milford.

Passed at Dover, February 13, 1857.

CHAPTER CCCLV.

AN ACT to annul the marriage relation between Benjamin F. Robinett and his wife Anne Maria Robinett.

Private Act.

Passed at Dover, February 13, 1857.

CHAPTER CCCLVI.

AN ACT to incorporate the Maryland and Delaware Railroad Company in this State.

Preamble recit-
ing acts of the
States of Mary-
land and Dela-
ware, in relation
to, &c.

WHEREAS, by the act of the General Assembly of the State of Maryland, passed on the tenth day of March, in the year 1854, chapter 274, entitled "An Act to incorporate the Maryland and Delaware Railroad," the said company was incorporated, and authorized to construct a railroad from any point or points in Talbot County, of that State, to the line dividing the States of Delaware and Maryland; and thence to connect with the Delaware Railroad at such point or points as may be deemed most eligible by said company; and under authority to be obtained from the Legislature of the State of Delaware:

AND WHEREAS, by the act of the General Assembly of the State of Delaware, passed on the 28th day of February, in the year 1855, chapter 265, entitled "An Act concerning the Delaware Railroad Company," it was directed that whenever the company incorporated by the State of Maryland, called "The Maryland and Delaware Railroad Company," shall have constructed and completed the railroad contemplated by their charter, to some point on the western line of this State, in Murderkill or Dover Hundred, in Kent County, it shall be the duty of the said Delaware Railroad Company, by the time such road shall be completed, to construct and complete a branch from the main trunk of their road to the said point, or to permit and suffer the said Maryland and Delaware Railroad Company to make the said branch to connect said road with the Delaware Railroad, and to form such connection upon terms equally favorable as those upon which the Delaware Railroad connects with the Philadelphia, Wilmington and Baltimore Railroad Company. And, whereas, the said Maryland and Delaware Railroad Company have complied, as far as possible, with the said conditions, by completing the grading of their said railroad, and procuring their timber for the same; and are ready to procure the iron as soon as the necessary means of transportation are provided by a connection with the Delaware Railroad. And, whereas, the said Maryland and Delaware Railroad Company are prepared to construct the portion of their said railroad, lying within the limits of this State, whereby a large and valuable trade will be brought into this State, thereby greatly increasing the business of the Delaware Railroad, and preventing the construction of a rival road in Maryland, whereby the said trade would be intercepted, and the advantages derived from the same be entirely lost to this State: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring,)* That the subscribers to the stock of the Maryland and Delaware railroad company, their successors and assigns, shall be and they are hereby declared to be incorporated by the name, style, and title of the "Maryland and Delaware Railroad Company," and by that name shall have perpetual succession, and be capable in law of purchasing, receiving, holding, using, selling, leasing, mortgaging, and conveying goods and chattels, lands, tenements and hereditaments, and all estate, real personal and mixed, of what kind or quality soever, may sue and be sued, plead and be impleaded, in all courts of this State; may make, have and use a common seal, and the same may alter, or renew at pleasure; and also may ordain, establish and enforce such by-laws and regulations, as they shall deem necessary, for the government of said corporation not repugnant to the Constitution and laws of this State, and of the United States; and generally may do all and singular the matters and things, and exercise and enjoy all rights, powers and privileges, which to them may properly appertain, for the well-being and ordering of the said corporation: *Provided*, that that nothing herein contained, shall be construed as in any way giving to the said corporation any banking privileges, whatsoever, or any other powers or privileges, than such as are necessary or incident to the making and proper management of the railroad mentioned in this act.

Incorporated.

Corporate powers.

Proviso prohibiting banking powers.

SEC. 2. *And be it enacted*, That the said Maryland and Delaware Railroad Company be, and they are hereby authorized and empowered to extend and construct their said railroad, within the limits of the State of Delaware, from the point on the line dividing the States of Maryland and Delaware, when the said road is located by the said company, to the Delaware Railroad, at a point near or below the Smyrna Station on said road, by such route or routes as they may deem most eligible; and for that purpose may enter upon any land necessary for locating, laying out or making the same, or any part thereof, or to procure land, gravel, earth, wood or timber for such use, and to obtain the right or title to the same as hereinafter provided.

Authorized to connect with Del. R. Road, at or below Smyrna Station.

SEC. 3. *And be it enacted*, That whenever application shall be made by the company for this purpose, the Judges of the Superior Court of Kent County, in this State, in term time, or any one Judge thereof in vacation shall appoint five commissioners; and whenever it shall be necessary for the said company to enter in and upon, and occupy, for the purpose of making said railroad any lands upon which the same may be located, if the owner or owners of said land shall refuse to permit the entry, and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury, that may be done to

Upon application, the Judges of Superior Court of Kent County to appoint five commissioners.

Put of Commis-
sioners.

Writ of ad quod
damnum may be
sued out: how
and where

Report final

Cash value of the
land to be award-
ed

Mittor or non-re-
sidents.

Deposit may be
made in Bank of
Smyrna.

Vacancy in the
commission how
filled.
Expenses of the
assessment of
damages to be
paid by the com-
pany.

Crossings

Compelled to
fence.

said land, by such entry and occupation, the said commissioners on being notified by the said company shall go upon the said land and assess the damages of such owner or owners on oath or affirmation, fairly and impartially; and the said Commissioners shall certify their finding and award to both parties; but if either party be dissatisfied with the damages so assessed, such party may on application to the Prothonotary of the Superior Court, in and for Kent County, where the land lies, within thirty days after such assessment sue out a writ of ad quod damnum, requiring the sheriff in the usual form, to enquire of twelve impartial men of his bailiwick, of the damages as aforesaid, and their report shall be final; the said commissioners shall in assessing the damages, as aforesaid, award at least the actual cash value of the land so to be taken and used, as aforesaid; whereupon the company upon paying the damages so assessed, shall become entitled to have, hold, use and enjoy the said lands for the purposes by them required, forever; and in case any owner of lands necessary for purposes of said company shall be a minor or non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, or to call upon the said company for the same the said company may deposit the amount of the said damages to the credit of such owner or owners, in the Bank of Smyrna, subject to his, her, or their order, whereupon the said company shall be entitled to have, hold, use and enjoy the said lands and premises required for the purposes of said company, for or on account of which damages, shall have been so assessed; and in case of the death of any such commissioners, the Governor shall appoint another to fill every such vacancy; the expenses of the assessment by the said commissioners, of the damages aforesaid, shall always be paid by the said company.

SEC. 4. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair, good, and sufficient passages across said railroad; where any public road shall intersect and cross the same, so that the passage of any carriages, horses, persons and cattle along the said roads shall not be obstructed; and likewise when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across the said railroad, for the use of said farm. It shall also be the duty of the said company, whenever the said railroad shall pass through any enclosed land, to fence the same on each side of the line of the said railroad, so that the said lands shall not be exposed and thrown open by reason of the said railroad passing through the same, unless by the agreement of the company and the owner or owners thereof, the former shall be released from the duty of fencing as aforesaid.

SEC. 5. *And be it enacted*, That on the completion of said railroad, or any section thereof, it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls of persons or property, as they shall, from time to time, Tolls. think reasonable and proper.

SEC. 6. *And be it enacted*, That if any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, to be erected by said company in pursuance of this act, or shall in any manner obstruct the free passage along the said railroad, he, she or they shall forfeit and pay to the said company three times the actual damages so sustained to be sued for and recovered, with costs of suit, before any Justice of the Pence, or in any court having cognizance thereof, by action of debt, or on the case, in the name and for the use of said company. Penalty for obstructions or injuries. How recovered.

SEC. 7. *And be it enacted*, That the said company shall have full power and authority to buy, lease, build and hold houses, shops, and real estate, necessary for their corporate purposes; and when the final survey of any part or parts of said road shall be made by the company's engineer, such survey shall be recorded in the Recorder's office of the county where the land surveyed is situated, and the record thereof shall be evidence of the route and limits of said road. May hold real estate, &c. Survey to be recorded in recorder's office. And shall be evidence.

SEC. 8. *And be it enacted*, That the said Maryland and Delaware Railroad Company shall have the right to connect their said road with the said Delaware Railroad upon the terms agreed upon by the said companies; and from and after the period when such connection shall be formed as aforesaid, it shall be the duty of the said companies to grant every facility for the transmission and transportation of passengers and freight, coming from one road to the other, and upon the same terms and conditions in all respects that may be extended to their own passengers and freights, respectively. Right to connect with the Del. R. Road. Terms. Reciprocal duty of companies.

SEC. 9. *And be it enacted*, That in case the said company shall at any time abuse the privileges hereby granted, and shall be lawfully convicted of such abuse, the Legislature shall have the power to amend or revoke this act, and to modify or annul the privileges herein conferred upon the said Maryland and Delaware Railroad Company. Power to amend or revoke reserved.

SEC. 10. *And be it further enacted*, That the President and Directors of the said company are hereby authorized and empowered to form a union with the Delaware Railroad Company, and with such companies as the Delaware Railroad Company are authorized to unite with, so that the capital stock of said com- Empowered to form a union with the Del. R. Road Co. and other companies.

Constitute one
company.

panies, respectively, shall constitute a common stock; and the respective companies shall constitute one company, and be entitled to all the rights, privileges and immunities which each and all of them possess, have and enjoy, under and by virtue of their respective charters; or this company may contract with any of the said companies for the conveyance of passengers, and any article whatsoever, and upon any terms not prohibited by the laws of this State.

Passed at Dover, February 13, 1857.

CHAPTER CCCLVII.

AN ACT to repeal an act therein mentioned.

Ante, p. 194.
Chap. 188.

Act repealed.

SECTION. 1. *Be 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 from running at large within certain limits in Kent County," passed at Dover, February 9, 1855, be, and the same is hereby repealed, made null and void.

Passed at Dover, February 16, 1857.

CHAPTER CCCLVIII.

AN ACT dissolving the bonds of matrimony between Henry A. Layton and Sarah B. Layton, his wife.

Private act.

Passed at Dover, February 16, 1857.

CHAPTER CCCLIX.

AN ACT for the relief of *Ebenezer Callaway*.

WHEREAS, It hath been made appear to the satisfaction of ^{Preamble reciting the causes for the act.} this General Assembly, that at the April term of the Court of Oyer and Terminer, held at Georgetown, in and for the county of Sussex, on the twelfth day of October, A. D. 1854, a certain Samuel Callaway, negro, was convicted of the crime of murder in the second degree, and was thereupon sentenced by the said court, among other things, to be sold to the highest and best bidder, as a slave for life, and that John D. Rodney, Esq., then being the Sheriff of the said county of Sussex, afterwards, on the sixteenth day of April, A. D. 1855, did, in execution of said sentence, sell the said Samuel Callaway, at public auction, for the sum of five hundred and forty-five dollars, and that, by virtue of said sentence and sale, the said Samuel Callaway was exported from the State of Delaware in obedience to the provisions of the act of Assembly in such cases made and provided: and *Whereas*, it hath also been made appear, to the satisfaction of this General Assembly, that at the time of the conviction and sale of the said Samuel Callaway, as aforesaid, he was a slave for life, and the property of a certain Ebenezer Callaway; and that the said Court, in their sentence as aforesaid, failed to direct the said Sheriff to pay to the said Ebenezer Callaway, as the master and proper owner of said slave, any part or share of the proceeds of the said sale, as required in section twenty-nine, chapter eighty, of the Revised Statutes of the State of Delaware. And *Whereas*, it hath been made further to appear, to the satisfaction of this General Assembly, that previous to the arrest of the said Samuel Callaway, the Governor of said State of Delaware had issued his proclamation, wherein and whereby, on behalf of said State, the said Governor offered a reward of three hundred dollars to be paid by the said State, to any person or persons who would arrest, or cause to be arrested, the said Samuel Callaway, then charged with the crime of murder, and that, by the efforts of the said Ebenezer Callaway, the said Samuel Callaway was afterwards arrested and committed to the common jail of Sussex County upon the charge aforesaid; and that the said Ebenezer Callaway has not applied, and does not intend to apply, to said State for the payment of the said sum of three hundred dollars; and *Whereas*, it hath been further made to appear that the said John D. Rodney, late Sheriff of Sussex County, now retains in his hands the said sum of five hundred and forty-five dollars, the proceeds of the sale of said negro slave, because of the want of proper authority to pay the same. Now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,*
 That John D. Rodney, late Sheriff of Sussex County, be, and he is hereby required and directed to pay to the said Ebenezer Callaway, the late owner and master of the said Samuel Callaway, the balance of the said sum of five hundred and forty-five dollars, the proceeds of the sale of said Samuel Callaway, under and by virtue of the said sentence of the Court of Oyer and Terminer, after deducting the costs and charges of the prosecution, in the case in which said Samuel Callaway was convicted of the crime of murder in the second degree.

Sheriff of Sussex
 directed to pay a
 certain sum of
 money to E.
 Callaway.

Public act

SEC. 2. *And be it further enacted by the authority aforesaid,*
 That this act shall be deemed and taken to be a public act, and shall be published as such with other acts of this General Assembly.

Passed at Dover, February 17, 1857.

CHAPTER CCCLX.

AN ACT for the relief of Sarah H. Kerns.

Private Act.

Passed at Dover, February 17, 1857.

CHAPTER CCCLXI.

AN ACT to incorporate the Mispillion and Choptank Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,*
 (with the concurrence of two-thirds of each branch of the Legis-

lature.) That William Tharp, Eli Saulsbury, Moses Harrington, Commissioners appointed. Martin Smith, Waitman Jones, Peter Callaway, Richard N. Mor- riken, Eli Wroten, Charles M. Adams, Garretson Saulsbury, Benjamin Hopkins, Charles Williamson, Arthur J. Willis, Tilgh- man Nuttle, James Hignut, Goutty Stevens, Alexander P. Sorden, John Layton, William Liden and Richard C. Carter, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such time and places, and on such notice as they may deem proper, Their duties. suitable books for subscriptions to the stock of the Mispillion and Choptank Railroad Company, and they shall permit all persons of lawful age, to subscribe in said books in their own names, or in the name of any other person or company who may authorize the same, for any number of shares in the said stock. The capi- Capital Stock. tal stock of said company shall not exceed four hundred thousand dollars, divided into twenty thousand shares, of twenty dollars each.

SEC. 2. And be it further enacted as aforesaid, That when and as soon as one thousand shares of capital stock in said company shall be subscribed as aforesaid, the subscribers, their successors and assigns shall be, and they are hereby declared to be incor- Company incor- porated. Name. porated by the name and title of the "Mispillion and Choptank Railroad Company," and by the said name the subscribers shall have perpetual succession, and be able to sue and be Corporate pow- ers. sued, plead and be impleaded, in all courts of record and else- where, and to purchase, receive, have, hold and enjoy, to them and their successors, real and personal estate of every kind what- soever, and the same to grant, mortgage, sell, alien and dispose of, and to declare dividends of such portions of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure; and also to make and ordain by-laws and regulations for the govern- ment of the said corporation, not inconsistent with the Constitu- tion and laws of the United States or this State; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well-being and ordering of the same: *Provided*, That nothing herein contained shall confer Banking powers prohibited. any banking privileges on the said company, or any other liber- ties, franchises, or privileges but those which are properly inci- dent to such a corporation.

SEC. 3. And be it further enacted as aforesaid, That as soon First meeting, when and where held. as one thousand shares shall be subscribed as aforesaid, the said Commissioners, after giving at least ten days notice thereof, in two or more newspapers published in this State, shall call a meet- ing of the said subscribers at Farmington, to organize the said company by the choice and appointment of officers, as hereinafter

mentioned; and which meeting shall be held at such time as shall be appointed in said notice.

Annual meeting. SEC. 4. *And be it further enacted as aforesaid,* That there shall be an annual meeting of the stockholders on the second Monday in June, every year, at Farmington, for the purpose of electing directors, and for the transaction of other business. In all meetings of the stockholders, regularly convened, those present may proceed to business, and all questions shall be determined by a majority of the votes given. All elections by stockholders shall be by ballot, and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the stockholders may be called, and at such places as the President and Directors may deem expedient.

Elections to be by ballot.

Occasional meetings.

Directors, how chosen Treasurer. SEC. 5. *And be it further enacted as aforesaid,* That at the first meeting of stockholders to be held under the call of the said commissioners, and at every annual meeting of the stockholders to be held thereafter, as aforesaid, they shall elect nine Directors and a Treasurer; a majority of the Directors shall be citizens of this State, and all of them stockholders in the said company. The first election of Directors and Treasurer, shall be conducted by two of the said Commissioners, as the judges thereof; and all subsequent elections of said officers shall be conducted by two of the stockholders not in the board, to be appointed by the Directors for the time being as judges for that purpose. The Directors, immediately after their election, shall proceed to choose one of their number to be the President of their company and of the said board, and their term of office shall be until the annual meeting of the stockholders succeeding their election, and until their successors shall be duly chosen. The Directors shall also appoint, immediately after their election, a Secretary of the said company, who shall continue in office for the term aforesaid, and until his successor shall be duly appointed, unless sooner removed for sufficient cause by the Directors. They shall require of the Treasurer, on his appointment, a bond, with sufficient security, for the proper performance of the duties of his office, and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of Directors shall constitute a quorum for the transaction of business, and in the absence of the President may appoint a chairman of the board, pro tempore. Vacancies in the board of Directors and in the office of President, Secretary and Treasurer may be filled by the remaining Directors, to continue as aforesaid.

Elections conducted, how.

President, how selected. Term and duties of Directors.

Quorum.

Vacancies.

SEC. 6. *And be it further enacted as aforesaid,* That the said President and Directors shall hold their meetings at Farmington, and in such other places as they may deem expedient.

on the line of the said road; and the said directors shall have the ^{Powers of Directors.} general direction, conduct and management of the property and works, affairs and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen and laborers as they shall deem necessary, and to fix the salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and to take bonds from them, or any of them, with security for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such engines, cars, and other equipments and supplies for the road, and for that purpose to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper, and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all acts that may be necessary to effect the purposes for which the said company is hereby incorporated; and to this end to use the capital stock and funds of the said company, and to bind by their contracts, under the seal of the corporation and the hand of the President, all the property and estate of the said company. They shall also have power to make and prescribe the by-laws and regulations ^{By-laws.} for the government of the company, and provide certificates ^{Certificates.} of stock, under the seal of the company and the signature of the President, and countersigned by the Secretary, for all the shares subscribed, and to prescribe the mode of assigning and transferring the same, and generally to do all such other matters and things as by this act and the by-laws and regulations of the company they shall be authorized to do.

SEC. 7. *And be it further enacted as aforesaid,* That it shall be the duty of the President and Directors to procure certificates of stock for all the shares subscribed in said company, and cause the same, signed, sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable, at ^{Certificates assignable.} the will of the holder, in the method prescribed in the by-laws of the company, and the assignee of any such certificate, so transferred, shall be a stockholder in said company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the instalments, forfeitures and penalties due or to become due thereon, as the original subscriber would have been.

SEC. 8. *And be it further enacted as aforesaid,* That the subscribers to the said capital stock shall pay to the Treasurer of the said company the instalments on each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the said directors; and if any subscriber shall ^{neglect to pay instalment.}

omit, for thirty days after any such call, to pay any such instalment at the time and place appointed in said notice, he shall pay, in addition to the said instalment at the rate of two per cent. a month for the delay of such payment, or the shares so held by him, with all the previous instalments paid thereon, may be declared forfeited to the company at the option of the directors. All sums of money which may accrue to the company under this section may be sued for and recovered as debts of a like amount are recoverable by the laws of this State: *Provided*, That no stockholder shall be entitled to vote at any election, or in any meeting of the said company on whose share or shares any instalment shall have been due and payable more than thirty days previous to such election or meeting, and is still unpaid at that time.

No stockholder allowed to vote upon whose shares an instalment for thirty days has been due before the meeting and unpaid at the time.

Dividends: how declared.

And when.

President and directors to make annual report.

SEC. 9. *And be it further enacted as aforesaid*, That the said President and Directors shall, from time to time, make and declare dividends of the net profits of the business of the company or of such portions of such profits as they may deem advisable; the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them. And at each annual meeting of the stockholders, it shall be the duty of the President and Directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the company for that year.

Company to construct a railroad.

Route.

May connect with the Delaware Railroad.

Terms of connection: how arranged.

May enter upon land, &c.

SEC. 10. *And be it further enacted as aforesaid*, That the said company be, and they are hereby authorized to survey, locate and construct a railroad, with one or more tracks, as follows: that is to say, to begin at Farmington on or near the Delaware Railroad, or at some point within one mile thereof, to be selected and fixed by the company hereby incorporated and from the point so selected and fixed on the Delaware Railroad, aforesaid, to run by the most direct and eligible line or route, to the line dividing the State of Delaware and Maryland; to intersect said State or dividing line, at a point, or as near as practicable, in a direct line from the aforesaid place of beginning, to such point on the Choptank river in the State of Maryland, between Denton and Potter's Landing, on said river, as may be selected and fixed upon by the said company hereby incorporated; and to connect or unite their said railroad with the said Delaware Railroad, with the assent of the Delaware Railroad Company, and upon such terms and conditions as shall be arranged and agreed upon between the two companies, to be reduced to writing, and authenticated under the seals of the companies; and for the purposes of surveying, locating and constructing the said railroad, as aforesaid, the said company shall have full authority to enter upon any land, public or private property, necessary therefor, and to procure sand, gravel, wood and

other materials therefrom and to obtain right and title to the same as hereinafter provided.

SEC. 11. *And be it further enacted as aforesaid*, That whenever any land, earth, sand, gravel or other materials necessary to be taken and used in the construction of the said railroad, cannot be procured or purchased of the owner thereof, by agreement between him and the company, the latter may* to the Superior Court of Kent County, or to any Judge thereof in vacation, first giving the other party at least five days notice in writing, of the intended application, if within the State, and the said Court or Judge shall appoint five judicious and impartial freeholders, to view the premises and assess the damages, which the owner or owners will sustain by reason of the said railroad passing through it in taking and using the same. The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace or Notary Public before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days written notice to the owner or owners of the premises, if within the State, and the same to the President of the company, of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing, under their hands, or the hands of a majority of them, to both parties; but if either party be dissatisfied with the damages so assessed, such party may on application to the Prothonotary of the Superior Court in and for Kent County within thirty days after such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff, in the usual form to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final: *Provided*, always, that the minimum amount of damages awarded in any case shall be the actual cash value of the land, earth, sand, gravel, or other materials so to be taken and used as aforesaid; whereupon the damages so assessed being paid by the company to the party entitled, or into court for his or her use, whether they be under any disability or in or out of the State, the title to the land and premises described and condemned in said report for the purposes aforesaid, shall be absolutely vested in the said company, their successors and assigns. The fees of the freeholders and the Prothonotary, in all such proceedings, shall be fixed by the court and in all cases shall be paid by the company.

Condemnation of lands for road.
S. Court or Judge to appoint five freeholders
Freeholders to be sworn.
Notice.
Report made. how
Writ of ad quod damnum granted
Report to be final.
Cash value of lands to be awarded.
Expenses to be paid by the company.

SEC. 12. *And be it further enacted as aforesaid*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient passages across such railroad, where any public road shall cross the same, so that carriages, horses, persons and cattle shall not be obstructed in crossing said railroad; it shall likewise be the duty of the said company, when the said

Crossings.

*So in the original.

railroad shall intersect any farm, to provide and keep in repair, a suitable passage across the said railroad for the use of said farm.

Liabilities of any persons obstructing or injuring the railroad. SEC. 13. *And be it further enacted as aforesaid,* That if any person or persons shall wilfully and intentionally damage or obstruct the said railroad, or any part thereof, or any part of the works and property of the said company, they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined not exceeding one thousand dollars, at the discretion of the court.

Failure to elect officers. SEC. 14. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said company, shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards on giving ten days's notice thereof in two newspapers published in this State, of the time and place of holding such election. And it shall be lawful for the Governor of the State, for the time being, to supply any vacancies which may occur among the Commissioners appointed by this act.

Vacancies among Commissioners; how supplied.

Tax to the State; how much and when paid. SEC. 15. *And be it further enacted as aforesaid,* That the said company shall pay semi-annually into the treasury of the State, a tax at the rate of one-half of one-per cent. per annum, on the capital stock of the company actually paid in: whenever the business of the company shall over and above its liabilities or expenses, yield to the stockholders a profit or dividend on such stock equal to the rate of nine per centum per annum.

Public act. SEC. 16. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State; and that this charter shall be deemed and held to be perpetual or without limitation as to the time, subject nevertheless to the power of revocation, for the misuse or abuse of its privileges, by the said company, which is hereby reserved to the Legislature.

Revocation

Passed at Dover, February 17, 1857.

CHAPTER CCCLXII.

AN ACT to amend Chapters 18 and 21 of the Revised Statutes R. Code, chap. 18-21.
of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. That chapter eighteen of the Revised Statutes of the State of Delaware, be, and the same is hereby amended, by striking out the words "second Tuesday" in the second line of section one, in the fourth line of section seven, in the twenty-seventh line of section eight, in the second line of section seventeen, and in the fourth line of section thirty, and substituting, in lieu thereof, the words "Tuesday next after the first Monday." Certain sections of, amended.

SEC. 2. And be it further enacted, That chapter twenty-one of the Revised Statutes of the State of Delaware, be, and the same is hereby amended, by striking out the words "second Tuesday" in the third line of section one, and substituting, in lieu thereof, the words "Tuesday next after the first Monday," and that in every edition of the Statutes of this State, hereafter to be published said chapters eighteen and twenty-one shall be printed as herein amended. Section one of, amended.

Passed at Dover, February 17, 1857.

CHAPTER CCCLXIII.

AN ACT to divide School District No. 75, in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Roger Adams, Sr., Jabez Fisher and Gove Atkinson, be, and they are hereby appointed Commissioners to go upon and view School District No. 75, in Sussex County, and divide said School District into two suitable and convenient districts in such mode as to them may seem proper. And when the said Commis- Commissioners to view and divide district.

Return.	tioners, or a majority of them, shall have so divided the said district, they shall make a return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Sussex County, to be by him filed among the records of his office, said return shall be made on or before the first day of July next, and in said return the said Commissioners shall designate by lines the form of said District No. 75, and the lines of the additional School District formed thereout, within ten days after the first day of July aforesaid, the said Clerk of the Peace shall
Where made.	make a copy thereof, and deliver the same to the Trustee of the School Fund. From and after the first day of July the additional School District to be formed under the provisions of this act, shall be deemed and taken to be a School district of Sussex County, and be numbered in continuation of School Districts already established by law in said county; and all the acts of the General Assembly of this State for the general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional School District to be
When.	created under the provisions of this act; and the Trustee of the School Fund, in the future distribution thereof, applicable to School Districts in Sussex County, shall have due regard to the return of said Commissioners, as the same may be made, and filed as aforesaid, giving to the said additional School District in Sussex County an equal proportion of the money in his hands annually applicable to School District No. 75, of said county.
Copy to be delivered to Trustee of School Fund, School District, number of, School law extended to.	
Distribution of School Fund, how made.	
Commissioners to be sworn.	SEC. 2. <i>And be it further enacted,</i> That the Commissioners appointed by this act shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and prescribe* an oath or affirmation to perform the same with fidelity; and for each and every day the said Commissioners may be employed in the discharge of their duties, under the provisions herein contained, shall receive the sum of one dollar each, to be allowed by the Levy Court of Sussex County.
Compensation, how paid	

Passed at Dover, February 17, 1857.

* So in original

CHAPTER CCCLXIV.

AN ACT to incorporate *McDonnell Encampment, No. 2, of the Independent Order of Odd Fellows, of the State of Delaware, in the town of Smyrna.*

SECTION 1. *Be 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 branch thereof concurring,)* That Thomas Deakyne, Jacob Deakyne, George A. Deakyne, ^{Incorporated.} Stephen B. Vansauten, Charles Kello, William H. Start, Henry R. Parsons, William H. Baggs, John Lang, George L. Stradley, Joseph Carrow, Thomas P. Brian, John M. Denning, and such other persons as now are, or hereafter may become members of McDonnell Encampment, No. 2, of the Independent Order of Odd Fellows located in the town of Smyrna, Kent County, State of Delaware, shall be, by virtue of this act, one body politic and corporate, in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of McDonnell ^{Continuance.} Encampment, No. 2, of the I. O. of O. F., of the State of Delaware, in the town of Smyrna. ^{Name.}

SEC. 2. *And be it further enacted,* That the said corporation, ^{Corporate pow-} and their successors, during the term of their corporate existence, ^{ers.} shall be able and capable, in law, to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages, or money, or any property whatsoever, which may be devised, given or conveyed to, or received by the payment of fees, dues and fines; and also to grant, sell, let, bestow, assign, or transfer the same, and to do all other matters relating thereto, by the name and title aforesaid. And shall have a common seal, with authority to break, alter, or renew the same at pleasure; may sue and be sued, plead and be impleaded, in any court of law or equity in this State, and elsewhere, in any or all manner of actions, suits, complaints, pleas, causes and matters whatsoever.

SEC. 3. *And be it further enacted,* That the members of this corporation shall have power to appoint or elect such ^{Officers.} officers as they shall deem necessary and proper to conduct the business of said corporation, and properly to manage its affairs, conformable to the provisions of this act, and to the by-laws of the said corporation, and, from time to time, to make and establish such ^{By-laws.} by-laws and rules as they shall deem proper and necessary for the good government thereof. *Provided,* such by-laws and rules be

not contrary to the laws and constitution of this State, or of the United States.

Limitation of
property.

SEC. 4. *And be it further enacted*, That the said corporation shall not have power to hold or possess, in any manner, goods, chattels, rights, credits, lands, or tenements, or any other property, the clear yearly income of which shall exceed the rent of five thousand dollars, and shall not possess any banking powers, other than the lending of money, on security for permanent investment.

No banking powers.

Public act.

SEC. 5. *And be it further enacted*, That this act shall be deemed and be taken to be a public act, and the power to revoke this charter at any time, is hereby reserved to the Legislature.

Revocation.

Passed at Dover, February 17, 1857.

CHAPTER CCCLXV.

R. Code, Chapter 34.

AN ACT to amend Chapter 34 of the Revised Code of the State of Delaware.

Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met.

Chapter thirty-four amended in section one.

SECTION 1. That Chapter 34 of the Revised Code of this State be, and the same is hereby amended, by striking out the words "in Georgetown and the other in," occurring immediately after the word "Milton," in lines 17 and 18 of Section 1 of said Chapter, and inserting in lieu thereof the words, "within one mile of Georgetown, and the other within one mile of."

Passed at Dover, February 18, 1857.

CHAPTER CCCLXVI.

AN ACT to divorce Elizabeth Collins from her husband Robert Collins.

Private act.

Passed at Dover, February 18, 1857.

CHAPTER CCCLXVII.

AN ACT to incorporate the St. Joseph's Beneficial Society of Brandywine, Delaware.

SECTION 1. *Be 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 branch concurring,) That* Peter N. Brennan, John J. Toner, James McKenna, Charles Dougherty, James Kelly, James Toy, Charles Dougherty, Jr., Charles Shields, John Flinn, Daniel Hare, and such other persons as now are, or hereafter may become members of St. Joseph's Beneficial Society, of Brandywine, New Castle County, Delaware, shall be, and are hereby ordained to be a body poli-^{Incorporated.} tic and corporate, in fact and in law, and shall have continu-^{Continuance.} ance and succession for twenty years, under the name and title of St. Joseph's Beneficial Society of Brandywine, Delaware. ^{Name.}

SEC. 2. *And be it further enacted, That* the said corporation and their successors shall now, and for twenty years hereafter, be able and capable to sue or be sued, implead or be impleaded, in any court of law or equity in this State, in all manner of cases, actions, suits, complaints, and matters whatsoever, and shall be capable in law to purchase, receive, hold, take and enjoy any lands, tenements, hereditaments, rents, leases, stocks, goods, chattels or money, which may be devised, given or conveyed to them, or which may come to their hands by or from the payment of fees, fines or dues from the members of the said corporation, and also

to grant, alien, let, sell, convey, bestow, and assign or transfer the same, and to do all acts concerning the same, which an individual thereof could do in law, by the name and title aforesaid; and shall have a common seal, with power to break, alter and renew the same, as to them shall seem fit.

Officers.

By-laws.

SEC. 3. *And be it further enacted*, That the members of said corporation shall have power to appoint, or elect such officers as they may deem proper and necessary to conduct the affairs and manage the business of the said corporation, and to preside over the same, and from time to time, to make, establish, and put in execution, agreeably to the provisions of this act, such by-laws, rules and ordinances, as they shall deem convenient or proper for the good government of the said corporation and its proper business. *Provided*, that such by-laws, rules, and ordinances be not contrary or repugnant to the Constitution and laws of this State, and the United States.

Limitation of property.

No banking powers.

SEC. 4. *And be it further enacted*, That the said corporation shall have power to hold and possess in any way, lands, tenements, goods, chattels, rights or credits, or any other property, the clear yearly income of which shall not exceed the sum of one thousand dollars, and *provided*, that nothing in this act shall be construed to authorize this corporation to use any banking privileges other than the lending of money on security, for the purpose of permanent investment.

Public act
Revocation.

SEC. 5. *And be it further enacted*, That this act shall be deemed and taken to be a public act. *Provided*, that power is hereby reserved to the General Assembly to revoke this act of incorporation.

Passed at Dover, February 18, 1857.

CHAPTER CCCLXVIII.

AN ACT to incorporate the *Ferderica Railroad Company*.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legis-*

future;) That James S. Buckmaster, William Townsend, John W. Commissioners.
Hall, Caleb Smithers, Thomas B. Coursey, William Satterfield,
Samuel Warren, Thomas J. Moore, Albert Whitely, Thomas Ca-
hall, John West, Joseph Burchinal, Samuel D. Roe, James Green,
Jehu Reed, Jehu Clifton, Joseph I. Lewis, Robert W. Reynolds,
William C. Brown, Thomas Brown, Henry Kidgeley, John Emer-
son and James Henry Boone, be, and they are hereby appointed
Commissioners to do and perform the several things hereinafter
mentioned, that is to say: they, or a majority of them, shall pro- Duties.
cure and cause to be opened, at such time and places, and on such
notice as they may deem proper, suitable books for subscriptions
to the stock of the Frederica Railroad Company, and they shall
permit all persons of lawful age, to subscribe in said books in
their own names, or in the name of any other person or company
who may authorize the same, for any number of shares in the
said stock. The capital stock of said company shall not exceed Capital Stock.
two hundred thousand dollars, divided into eight thousand shares,
of twenty-five dollars each.

SEC. 2. *And be it further enacted as aforesaid,* That when and Incorporated.
as soon as three hundred shares of capital stock in said company
shall be subscribed as aforesaid, the subscribers, their successors
and assigns shall be, and they are hereby declared to be incor-
porated by the name and title of the "Frederica Railroad Name.
Company," and by the said name the subscribers shall have Corporate pow-
perpetual succession, and be able to sue and be sued, plead^{ers}
and be impleaded, in all courts of record and elsewhere, and
to purchase, receive, have, hold and enjoy, to them and their
successors, real and personal estate of every kind whatsoever,
and the same to grant, mortgage, sell, alien and dispose of,
and to declare dividends of such portions of the profits of the
company as they may deem proper; also to make and have a
common seal, and the same to alter and renew at pleasure; and
also to make and ordain by-laws and regulations for the govern-
ment of the said corporation, not inconsistent with the Constitu-
tion and laws of the United States or this State; and generally
to do all and singular the matters and things which to them it
shall lawfully appertain to do, for the well-being and ordering of
the same: *Provided,* That nothing herein contained shall confer
any banking privileges on the said company, or any other liber- No Bank-
ties, franchises, or privileges but those which are properly inci- ing
dent to such a corporation. powers.

SEC. 3, *And be it further enacted as aforesaid,* That as soon Meeting orga-
as three hundred shares shall be subscribed as aforesaid, the said
Commissioners, after giving at least ten days notice thereof, in
two or more newspapers published in this State; shall call a meet- How called, and
ing of the said subscribers in Frederica, to organize the said where.
company by the choice and appointment of officers, as hereinafter

mentioned; and which meeting shall be held at such time as shall be appointed in said notice.

Annual meeting *SEC. 4. And be it further enacted as aforesaid, That there shall be an annual meeting of the stockholders on the second Monday in January, every year, in the town of Frederica for the purpose of electing directors, and for the transaction of other business. In all meetings of the stockholders, regularly convened, those present may proceed to business, and all questions shall be determined by a majority of the votes given. All elections by stockholders shall be by ballot, and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the stockholders may be called, and at such places as the President and Directors may deem expedient.*

Elections.

Occasional meetings

SEC. 5. And be it further enacted as aforesaid, That at the first meeting of stockholders to be held under the call of the said commissioners, and at every annual meeting of the stockholders to be held thereafter, as aforesaid, they shall elect nine Directors; a majority of whom shall be citizens of this State, and all of them stockholders in the said company. The first election of Directors shall be conducted by two of the said Commissioners, as the judges thereof; and all subsequent elections of said officers shall be conducted by two of the stockholders not in the board, to be appointed by the Directors for the time being as judges for that purpose. The Directors, immediately after their election, shall proceed to choose one of their number to be the President of their company and of the said board, and their term of office shall be until the annual meeting of the stockholders succeeding their election, and until their successors shall be duly chosen. The Directors shall also appoint, immediately after their election, a Secretary and Treasurer, of the said company, who shall continue in office for the term aforesaid, and until their successors shall be duly appointed, unless sooner removed for sufficient cause by the Directors. They shall require of the Treasurer, on his appointment, a bond, with sufficient security, for the proper performance of the duties of his office, and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of Directors shall constitute a quorum for the transaction of business, and in the absence of the President may appoint a chairman of the board, pro tempore. Vacancies in the board of Directors and in the offices of President, Secretary and Treasurer may be filled by the remaining Directors, to continue as aforesaid.

Directors,

When first elected, and how.

President.

Secretary. Treasurer.

Treasurer to give bond

SEC. 6. And be it further enacted as aforesaid, That the said President and Directors shall hold their meetings in the town of Frederica, and in such other places as they may deem expedient.

Meetings, where held.

on the line of the said road; and the said directors shall have the general direction, conduct and management of the property and works, affairs and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen and laborers as they shall deem necessary, and to fix the salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and to take bonds from them, or any of them, with security for the faithful performance of their duties and contracts; and to procure such materials, erect such structures and buildings, and to purchase and employ such engines, cars, and other equipments and supplies for the road, and for that purpose to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper, and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all acts that may be necessary to effect the purposes for which the said company is hereby incorporated; and to this end to use the capital stock and funds of the said company, and to bind by their contracts, under the seal of the corporation and the hand of the President, all the property and estate of the said company. They shall also have power to make and prescribe the by-laws and regulations for the government of the company, and provide certificates of stock, under the seal of the company and the signature of the President, and countersigned by the Secretary, for all the shares subscribed, and to prescribe the mode of assigning and transferring the same, and generally to do all such other matters and things as by this act and the by-laws and regulations of the company they shall be authorized to do.

Power and duties of directors.

SEC. 7. *And be it further enacted as aforesaid,* That it shall be the duty of the President and Directors to procure certificates of stock for all the shares subscribed in said company, and cause the same, signed, sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable, at the will of the holder, in the method prescribed in the by-laws of the company, and the assignee of any such certificate, so transferred, shall be a stockholder in said company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the instalments, forfeitures and penalties due or to become due thereon, as the original subscriber would have been.

Certificates of stock.

Assignable.

Assignee to be a stockholder.

SEC. 8. *And be it further enacted as aforesaid,* That the subscribers to the said capital stock shall pay to the Treasurer of the said company the instalments on each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the said directors; and if any subscriber shall

Instalments: how paid.

Omission to pay.

Penalty. omit, for thirty days after any such call, to pay any such instalment at the time and place appointed in said notice, he shall pay, in addition to the said instalment at the rate of two per cent. a month for the delay of such payment, or the shares so held by him, with all the previous instalments paid thereon, may be declared forfeited to the company at the option of the Directors.

How recoverable. All sums of money which may accrue to the company under this section may be sued for and recovered as debts of like amount

Proviso. are recoverable by the laws of this State: *Provided*, That no stockholder shall be entitled to vote at any election, or in any meeting of the said company on whose share or shares any instalment shall have been due and payable more than thirty days previous to such election or meeting, and is still unpaid at that time.

Dividends, how declared. SEC. 9. *And be it further enacted as aforesaid*, That the said President and Directors shall, from time to time, make and declare dividends of the net profits of the business of the company or of such portions of such profits as they may deem advisable; the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them. And at each annual meeting of the stockholders, it shall be the duty of the President and Directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the company for that year.

Report submitted, where.

Company to locate and construct a road. SEC. 10. *And be it further enacted as aforesaid*, That the said company be, and they are hereby authorized to survey, locate and construct a railroad, with one or more tracks, as follows: that is to say: from some point on the Delaware Railroad convenient to the town of Frederica, and within a range of two miles above, and two miles below the point, on the said Delaware Railroad, nearest the said town of Frederica, to be selected and fixed by the said company hereby incorporated, and from the point so selected and fixed, on the Delaware Railroad, to the town of Frederica, and to connect or unite their said railroad within the limits before described, with the said Delaware Railroad, with the assent of the Delaware Railroad Company, and upon such terms and conditions as shall be arranged and agreed upon between the two companies, to be reduced to writing, and authenticated under the seals of the companies; and for the purposes of surveying, locating and constructing the said railroad, as aforesaid, the said company shall have full authority to enter upon any land, public or private property, necessary therefor, and to procure sand, gravel, wood and other materials therefrom and to obtain right and title to the same as hereinafter provided.

Located.

Connect with Del R Road.

How.

SEC. 11. *And be it further enacted as aforesaid*, That whenever any land, earth, sand, gravel or other materials necessary to be

taken and used in the construction of the said railroad, cannot be procured or purchased of the owner thereof, by agreement between him and the company, the latter may apply to the Superior Court of Kent County; or to any Judge thereof in vacation, first giving the other party at least five days notice in writing, of the intended application, if within the State, and the said Court or Judge shall appoint five judicious and impartial freeholders, to view the premises and assess the damages, which the owner or owners will sustain by reason of the said railroad's passing through it in taking and using the same. The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace or Notary Public before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days written notice to the owner or owners of the premises, if within the State, and the same to the President of the company, of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing, under their hands, or the hands of a majority of them, to both parties; but if either of the parties be dissatisfied with the damages so assessed, such party may on application to the Prothonotary of the Superior Court in and for Kent County within thirty days after such assessment, sue out a writ of ad quod damnum, requiring the Sheriff, in the usual form to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final: the said commissioners, in assessing the damages aforesaid, shall award at least the actual cash value of the land, earth, sand, gravel, or other materials so to be taken and used as aforesaid; whereupon the damages so assessed being paid by the company to the party entitled, or into the Farmers' Bank of the State of Delaware for his or her use, whether they be under any disability or in or out of the State, the title to the land and premises described and condemned in such report for the purposes aforesaid, shall be absolutely vested in the said company, their successor and assigns. The fees of the freeholders and the Prothonotary, in all such proceedings, shall be fixed by the court and in all cases shall be paid by the company.

Condemnation of lands—how effected.

Freeholders to view the premises and assess damages.

To be sworn.

Mode of procedure.

Report made. how

Writ of ad quod damnum granted how.

Cash value of the lands to be awarded.

Upon payment of damages assessed lands to vest in company.

Fees to be paid by the company.

SEC. 12. *And be it further enacted as aforesaid, That if, in the location of said railroad, it shall be found necessary or expedient to cross any navigable water-course below the highest point of the usual navigation thereof by masted vessels, it shall be the duty of the said company to construct and keep in repair a bridge with a sufficient passway and draw over the channel or deepest part of the same, which shall be drawn as often as occasion shall require at the expense of the company for the free passage of such vessels; and it shall also be the duty of said company to construct and keep in repair, good and sufficient passages across such railroad where any public road shall cross the same, so that carriages, horses,*

Bridges

Crossings.

Fences.

persons, and cattle shall not be obstructed in crossing said railroad; it shall likewise be the duty of the said company, when the said railroad shall intersect any farm, to provide and keep in repair, a suitable passage across the same for the use of said farm. It shall be the duty of the said company whenever the said railroad shall pass through any inclosed lands, to fence the same, on each side of the said railroad, so that the said lands shall not be thrown open on account of the said road passing through the same unless by the agreement of the company and the owner or owners of said lands, the former shall be released from the duty of fencing as aforesaid.

Injuries to road,
penalty for.

SEC. 13. *And be it further enacted as aforesaid,* That if any person or persons shall willfully and intentionally damage and obstruct the said railroad, or any part thereof, or of any part of the works and property of the said company, they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined not exceeding one thousand dollars, at the discretion of the court.

Company not
dissolved by
failure to elect
officers.Governor to fill
vacancies among
Commissioners

SEC. 14. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said company, shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards on giving ten days's notice thereof in two newspapers published in this State, of the time and place of holding such election. And it shall be lawful for the Governor of the State, for the time being, to supply any vacancies which may occur among the Commissioners appointed by this act.

Tax to State,
how much and
when paid.

SEC. 15. *And be it further enacted as aforesaid,* That the said company shall pay semi-annually into the treasury of the State, a tax at the rate of one-half of one-per cent. per annum, on the capital stock of the company actually paid in: whenever the business of the company shall over and above its liabilities or expenses, yield to the stockholders a profit or dividend on such stock equal to the rate of nine per centum per annum.

Public act

Perpetual

SEC. 16. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded, and given in evidence as such in all courts of law and equity in this State; and that this charter shall be deemed and held to be perpetual or without limitation as to the time, subject never-

theless to the power of revocation, for the misuse or abuse of its ^{Revocation.} privileges, by the said company, which is hereby reserved to the Legislature.

Passed at Dover, February 19, 1857.

CHAPTER CCCLXIX.

AN ACT to amend Chapter 75 of the Revised Statutes of the ^{R. Code, Chap.} State of Delaware. ^{75.}

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 1, of Chapter 75, of the Revised Statutes of the State of Delaware, as the same is printed, shall be, and the same is hereby amended, by striking out in the sixth line of said Section the words "bed and board," and inserting in lieu thereof the words "the bond of matrimony," and in every edition of the laws hereafter to be published, said Chapter 75 shall be printed as herein amended. ^{Section one of said chapter amended.}

Passed at Dover, February 19, 1857.

CHAPTER CCCLXX.

AN ACT to incorporate the New Castle Gas Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* and it is hereby enacted, by the authority of the same, That

Incorporation. Howell I. Terry, James Couper, John Janvier, Peter Vandever, James Crippen, Thomas Tasker, and their associates, or persons who shall become stockholders, be, and the same are hereby made and constituted a body politic and corporate, by the name and style of the New Castle Gas Company, and by the said name, they, **Name.** and their successors shall, and may have perpetual succession, **Perpetual suc-** and shall be in law capable of suing and being sued, pleading **cession pow-** and being impleaded, in all courts and judicatures whatsoever; **Corporate ers.** and also, of contracting and being contracted with, relative to the business and objects of the said corporation, as hereinafter declared; and they, and their successors, may have a common seal; and may change and alter the same at pleasure, and they and their successors aforesaid, shall have power to lease or purchase in fee simple such real estate as may be necessary for carrying on the business of said corporation, and in their corporate name to make and execute their obligations for their liabilities created for the purchase money for the same, and other necessary effects of said corporation, as they may deem expedient. *Provided*, that such liabilities should be created only for the purposes stated in this act.

Purposes of in- **SEC. 2.** That the corporation hereby created, shall have au-
corporation, to thority for supplying with gas light the town of New Castle, and
light New Castle such individuals residing therein as may desire a supply of the
with gas. same, and for distributing and selling gas, for the production of
artificial light, and for making and erecting the necessary apparatus
for manufacturing, distributing and introducing gas, and con-
structing the requisite buildings and machinery, and purchasing
and procuring the necessary materials, with the right to enter
May enter upon upon any public street, lane or highway, for the purpose of lay-
public streets. ing down the pipes necessary for conducting said gas, and to re-
pair, alter and inspect the same. *Provided*, that the public
Proviso. travel shall at no time be unnecessarily impeded by the laying of
the said pipes, or the erection of lamp posts; and the streets,
lanes and public roads shall be left in as good order and condition
as before the laying of the said pipes, or the erection of said
posts.

Capital stock **SEC. 3.** That the capital stock of said company shall be forty
\$40,000. thousand dollars, to be divided into four thousand shares of ten
dollars each, with the right to increase said capital stock, from
Right to in- time to time, as the board of directors shall deem necessary.
crease *Provided*, that the whole capital stock shall not, at any time,
exceed one hundred thousand dollars, and, provided further, that
Not to exceed the said company may in lieu of increasing their capital stock,
\$100,000 be authorized, if the board of directors shall so determine, to
borrow money to an amount not exceeding the amount said capital
May borrow mo- stock may be increased to; and to make and execute a mortgage,
ney, not to ex- or mortgages, pledge or pledges, of the property and effects of
ceed increased
capital stock

said corporation, for the security of the payment of the amount borrowed, or for such other evidence of indebtedness as may be agreed upon: *Provided, That* no increase of said capital stock, in the manner aforesaid shall be permitted, unless the stockholders, holding a majority of the stock already subscribed, shall first give their written consent thereto.

SEC. 4. That the management and control of the said company shall be vested in the persons named in the first section of this act; until the period herein fixed for the regular election of directors of said company, who shall choose from their number a President, and a Secretary, and a Treasurer, and that the stockholders of said company shall meet annually, on the first Monday in July, at such place as they shall determine upon, and elect five directors for said company, all of whom shall be stockholders, who shall elect from their own number, as aforesaid, a President, and a Treasurer, and Secretary for said company. The notice of such election for directors, as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company; and any vacancy in said Board of Directors may be supplied by appointments, to be made by the Board of Directors, until the next annual election, and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which shall have been held in his or their name, or names, at least fourteen days before the time of voting, and all votes by proxy shall be on such terms and conditions as are compatible with the laws of the State of Delaware. The Board of Directors, for the time being, shall have power to take from any Treasurer and Secretary, or other officer or agent appointed by them, such security for the faithful performance of their respective duties, as they may deem proper.

Who may control company until Directors be chosen.
Pres., Treas., & Sec'y.
Annual meeting of stockholders.
Directors.
Officers.
Vacancy in board of directors, how supplied.
Elections, how held.
Directors to take security from officers, &c.

SEC. 5. That if at any time an election of directors be not held on the day herein appointed for that purpose, the corporation shall not be dissolved for that cause; but an election shall be held thereafter at such time and place as the directors, in the by-laws, may appoint.

Failure to hold an election effect.

SEC. 6. That the directors, for the time being shall form a board, and they, or a majority of them, shall be a quorum for the transaction of business; but any less number thereof may have power to adjourn.

Quorum.

SEC. 7. The aforesaid company shall procure certificates of evidences of stock, for all the shares of said company, and shall deliver one such certificate, signed by the President and countersigned by the Treasurer and Secretary, and sealed with the common seal of said corporation, to each person for such share or

Certificates of stock.

Transferable shares of stock, as by him or her are, respectively, owned, which certificate of stock shall be transferrable at his or her pleasure, in person or by attorney, duly authorized, in the presence of the President, or Treasurer and Secretary, in a book to be kept by the said corporation for that purpose.

Directors to declare dividends. When paid. SEC. 8. The Board of Directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, on the first Money in July of each year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.

Any person opening a communication with the main pipe. &c. SEC. 9. If any person shall open a communication with the gas-holder, mains, or other gas-pipes of said company, without authority from the Street Inspector, or other authorized agent of said company, or shall let on the gas after it has been stopped off by order of said Inspector, or other authorized agent of said company, for repairs, or any other cause or purpose, or shall put up any pipes or burners, in addition to the pipes originally put up and inspected, and introduce into them the gas, without authority, as aforesaid, or shall wilfully do, or cause to be done, any act whereby any pipe, conduit or structure whatsoever, or another thing appertaining to the works of said corporation, whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine, not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both: *Provided*, That such criminal prosecution shall not in any way impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury aforesaid, by, and in the name of said corporation, in any court having cognizance of the same.

Penalty.

Passed at Dover, February 19, 1857.

CHAPTER CCCLXXI.

AN ACT to incorporate the Sengerbunde Singing League of the City of Wilmington.

Private Act.

Passed at Dover, February 19, 1857.

CHAPTER CCCLXXII.

AN ACT to divorce Abraham B. Malony, and Jane M. Malony from the bonds of matrimony.

Private Act.

Passed at Dover, February 19, 1857.

CHAPTER CCCLXXIII.

AN ACT for the relief of Thomas H. Denny, of Kent County.

Private act.

Passed at Dover, February 19, 1857.

CHAPTER CCCLXXIV.

AN ACT to divide School District No. 25., in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Ambrose Broadway, Henry Hagardine, and William Lewis be and they are hereby appointed Commissioners to go upon and view school district No. 25, in Kent County, and divide the said school district into two suitable and convenient districts, in such mode as to them may seem proper; and when the said commissioners or a majority of them shall have so divided the said district, they shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Kent County to be by him filed among the records of his office: said return shall be made on or before the first day of June next; and in said return the said commissioners shall designate by lines the form of said district No. 25, and the lines of the additional school district formed thereout, within ten days after the first day of June, aforesaid, the said Clerk of the Peace shall make a copy thereof, and deliver the same to the trustee of the School Fund. From and after the first day of June, the additional school district to be formed under the provisions of this act shall be deemed and taken to be a school district of Kent County, and be numbered in continuation of school districts already established, and shall be considered as, and entitled to all the benefits, privileges, and advantages of an original school district in said county; except that in the annual distribution of the School Fund the share of school district No 25, as heretofore existing shall be divided into two equal parts, so that the district remaining as No. 25, and the district created hereby, shall receive an equal part thereof.

Commissioners to view and divide district.

Return to Clerk of Peace.

Made when.

Clerk to deliver copy to the Trustee of S. Fund.

District numb'd.

Distribution of School Fund; how made.

SEC. 2. *And be it further enacted,* That the Commissioners appointed by this act, shall severally, before entering upon the discharge of the duties above prescribed, take and subscribe an oath or affirmation to perform the same with fidelity. The said commissioners shall, for each and every day employed in the discharge of such duties, receive the sum of one dollar each, to be allowed by the Levy Court of Kent County.

Commissioners to be sworn.

Compensation: how paid.

Passed at Dover, February 19, 1857.

CHAPTER CCCLXXV.

AN ACT to divide School District No. 38, in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.* That John C. West, Louder Hearn and John Matthews, all of Sussex County, and State of Delaware, be, and they are hereby appointed Commissioners under this act; and they, or a majority of them, are hereby authorized as soon as convenient, after the passing of this act, to take with them, or a majority of them, if it be deemed necessary, a skilful and impartial Surveyor, to go upon the lands embraced within the limits of School District No. 38, in Sussex County, aforesaid, and divide the said district into two parts, in such manner as they, or a majority of them, may think most conducive to the interest of the citizens of said district, for the purpose of education; and it shall be the duty of the said Commissioners, or a majority of them, after the said district shall have been by them laid out and divided, to make out a correct plot and return, (if surveyed,) and if not surveyed, to make a correct return of their proceedings under this act, and the same to be returned to the Levy Court and Court of Appeals of said county at its next session after the said plot and return, or other proceedings, shall have been so made as aforesaid, for confirmation by said court; the said return shall be signed by a majority of the said Commissioners, and the said plot or return shall designate the divisional line of the said district.

Commissioners to view and divide district.

Return to be made to Levy Court.

SEC. 2. *And be it enacted,* That the provisions of the act entitled "An act for the establishment of Free Schools," with the several supplements thereto, be, and the same are hereby extended to each of the districts formed by the division of District No. 38, so far as it regards the election of Commissioners and Clerks in each of the said districts, and their powers and duties in receiving and passing moneys, employing teachers, collecting taxes and all matters necessary for maintaining and supporting a free school in each of said districts.

School laws extended to district.

SEC. 3: *And be it enacted,* That the Trustee of the School Fund, in case the return and proceedings of the said Commissioners be confirmed by the Levy Court as aforesaid, shall, in the distribution next after the confirmation aforesaid, and annually thereafter, at the annual distribution of the School Fund, to and among the several districts of this State, divide the share of said district No. 38, into two equal parts, so that each part of said district may receive an equal share, as hereinafter provided by this act.

Distribution of School Fund, how made.

Clerk of Levy
Court to notify
Trustee of S.
Fund.
Allowance, how
made.

SEC. 4. *And be it enacted*, That when the proceedings and return aforesaid of the Commissioners appointed, shall have been made to the said County Commissioners of the Levy Court, and they shall have confirmed the same, the said return or plot shall be filed among the papers belonging to the said Levy Court, and the Clerk thereof shall immediately notify the Trustee of the School Fund of the same, and the said Levy Court are hereby authorized to make such reasonable allowance to the Commissioners appointed by this act, and also to the Surveyor and other persons employed in the premises, as to them may seem right and proper. The said allowance to be deducted from the distributive share or portion of said School District No. 38.

Passed at Dover, February 19, 1857.

CHAPTER CCCCLXXVI.

AN ACT to amend the Charter of the City of Wilmington.

Election of city
officers changed
from May to Sep-
tember

Terms of present
officers extend-
ed, how

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two thirds of each branch of the Legislature,) as follows; to wit:* That the election of city officers by the people, heretofore held on the first Tuesday of May, in every year, shall hereafter be held on the first Tuesday in September, of every year; subject to the change herein made of the day of holding the city election, all the provisions of the present charter of the city, touching the election of city officers by the people, shall continue in force. The terms of office of officers now holding office by election of the people, shall be extended as follows, viz: of the members of the City Council, those whose term of office, but for this act, would expire on the first Tuesday of May, in the year of our Lord one thousand eight hundred and fifty-seven, shall continue to hold office until the first Tuesday of September in the same year; those whose term of office, but for this act, would expire on the first Tuesday of May, in the year of our Lord one thousand eight hundred and fifty-eight, shall continue to hold office until the first Tuesday in September, in the same year; and those whose term of office, but for this act, would expire

on the first Tuesday of May, in the year of our Lord, one thousand eight hundred and fifty-nine, shall continue to hold office until the first Tuesday of September, in the same year. The term of office of the present Mayor and Alderman, shall be extended to the first Tuesday of September; after the passage of this act, and that of the present Treasurer until the first day of January, in the year of our Lord, one thousand eight hundred and fifty-eight. The inspectors and assistants of election, chosen at the last city election, shall exercise their office at the next election to be held under this act; and thereafter the inspectors and assistants, chosen at one election, shall hold their offices for the year following their election. All officers hereafter to be elected at the city election shall hold their offices for the like term as heretofore, their terms of office to commence from the day of their election, except those of the Treasurer and Assessor, which shall, in all cases, commence on the first day of January next after their election, and except also so far as the terms of office of members of the city council are modified by the second section of this act. The council may require a new official bond to be given by any officer, if, in its judgment, such new bond is rendered necessary by the extension herein made of such officer's term of office.

Term of Mayor
and Alderman
extended
Treasurer.

Inspectors and
Assistants.

Officers terms to
commence;
when.

Treasurer and
Assessor.

SEC. 2. *And be it further enacted, as aforesaid, That to the end that, after the expiration of the terms of office of the present members of the city council, there may be elected one member in each ward every year, the following rule shall hereafter be observed in the election of members of the council, viz: At the city election to be held in the present year, 1857, there shall be elected in the first ward two members, one to hold office until the city election in the year 1859, and the other until the city election in the year 1860; in the fourth ward one member, to hold office until the city election in the year 1860; and in the fifth ward two members, one to hold office until the city election in the year 1859, and the other until the city election in the year 1860. At the city election to be held in the year 1858, there shall be elected one member in each ward to hold office until the city election in the year 1861. At the city election, to be held in the year 1859, there shall be elected in the first ward one member to hold office until the city election in the year 1862; in the second ward two members, one to hold office until the city election in the year 1860, and the other until the city election in the year 1862; in the third ward two members, one to hold office until the city election in the year 1860, and the other until the city election in the year 1862; in the fourth ward one member to hold office until the city election in the year 1862; and in the fifth ward one member, to hold office until the city election in the year 1862. And at the city election to be held in each year, after the year 1859, there shall be elected, in each ward of the city, one member*

Members of
Council elected
how; their
terms of office.

City Elections
after 1859.

Two members
elected in same
ward.
Their terms as-
signed, how.

of the council; each member so elected to hold office for the term of three years. Whenever, under the rule above prescribed, two members shall be elected in the same ward for different terms of office, their respective terms not being assigned to them by this act, the council, at its next meeting, after such members are so elected, shall by lot assign to them their respective terms of office.

Assessor, how
chosen.

Term of office.

Qualification.

Assessor to be
ex-officio Col-
lector; and give
bond as such.

SEC. 3. *And be it further enacted, as aforesaid,* That there shall be one Assessor for the city. He shall be chosen by the people at the city election annually and shall hold his office for one year. No person shall be Assessor who shall not have been for at least six months before his election the owner of a freehold estate within the city, the value of which, according to the city assessment made next before his election, shall be at least five hundred dollars, clear of all incumbrances. The Assessor shall be ex-officio the Collector of the city, and, as such Collector, shall give bond with surety for the faithful performance of the duties of his office, as provided by the sixth section of chapter 73 of the Revised Statutes of this State.

Finance Com-
mittee: how ap-
pointed

Board of Revi-
sion: how com-
posed and organ-
ized
Power.

SEC. 4. *And be it further enacted, as aforesaid,* That the City Council shall, at its first stated meeting after the city election, in every year, appoint a Finance Committee, composed of three members, which, in addition to its other duties, shall perform the duties hereinafter provided. The council shall also, at the same meeting, appoint a board of revision, composed of one member of Council from each ward. This board shall organize itself by choosing, from its number, a Chairman and Secretary, and shall keep minutes of its proceedings. It may adjourn from time to time. Special meetings may be called by the Chairman. Each member shall receive one dollar for attendance at a meeting. The Board shall adopt such rules and regulations as it may deem expedient to produce fairness and equality of assessments, and shall cause a copy of such rules and regulations, to be delivered to the Assessor, whose duty it shall be to observe the same. The Board shall have power, at any time, to examine the assessments while the Assessor is in progress of making them, and cause them to be conformed to such rules and regulations as they may have adopted in the premises.

What property
to be assessed

SEC. 5. *And be it further enacted, as aforesaid,* That all real estate within the city shall be assessed, except real estate belonging to the United States, the State of Delaware, New Castle County, or the City of Wilmington, cemeteries and burying grounds, churches and meeting-houses, belonging to any religious society and used for public worship, and buildings owned and occupied by fire companies. The assessment of real estate shall be made according to the annual interest at six per centum upon

the estimated value of the property assessed if sold for cash. Every freeman above the age of twenty-one years, shall be rated for a capitation of poll tax, in addition to the assessment of his Poll tax real estate, at a capital not exceeding two thousand dollars nor less than two hundred and fifty dollars.

SEC. 6. *And be it further enacted as aforesaid,* That the assessor shall complete the assessment for the city, in each year, before the fifteenth day of May, on which day he shall deliver the same to the chairman of the board of revision. The board upon receiving such assessment shall forthwith examine it, with power to revise, alter, or add any assessment. On or before the twenty-fifth day of May after receiving said assessment, the board shall cause it to be filed in the office of the Clerk of the Council who thereupon shall give public notice by advertisements, printed in two newspapers, and posted at the most public places within the city, that such assessment, being completed, is filed in his office for public inspection; and also designating the time fixed by this act for the sitting of the council for appeals. Such notice shall be continued until the time of the sitting of the council for appeals as aforesaid.

Assessment completed, when.

To be filed in the office of the Clerk of the Council.

Notice given.

Council for appeals.

SEC. 7. *And be it further enacted as aforesaid,* That on the fifth day of June, (or if that be Sunday, then on the day following,) the City Council shall sit to hear appeals from assessments, and shall continue to sit, for that purpose, for three successive evenings, and at such other times as may be necessary to adjudge appeals. Upon appeal the City Council shall have power to alter any assessment and to make additional assessments, and to determine and do whatever may appertain to justice and right. Appeals may be filed in writing in the clerk's office, or made directly to the Council. No appeal shall be received or heard, or adjudication of appeal made, nor shall the assessment list be altered or added to after the tenth day of June: *Provided*, that real estate not assessed by the assessor may be assessed by the City Council, at any time before the city election; previous notice of such intended assessment, designating the time at which the same will be made, being given by the clerk in writing, to the owner or owners or, if he, she or they be absent from the city, then to the person or persons in possession of the premises; and provided also that the City Council, at any time before the tenth day of August, after the assessment shall be completed, upon the application of any person who was residing within the city before the completion of the assessments, and was omitted therefrom, shall rate such persons for a capitation or poll tax, and shall thereupon cause his name to be added to the assessment lists. Real estate assessed, or persons rated as herein provided, after the completion of the assessments, shall be so assessed or rated upon both the city and school assessment.

Council to hear appeals, when.

Time of appeal fixed.

Property or persons omitted—provision for.

Two members
elected in same
ward.
Their terms as-
signed, how.

of the council; each member so elected to hold office for the term of three years. Whenever, under the rule above prescribed, two members shall be elected in the same ward for different terms of office, their respective terms not being assigned to them by this act, the council, at its next meeting, after such members are so elected, shall by lot assign to them their respective terms of office.

Assessor, how
chosen.

Term of office.

Qualification.

Assessor to be
ex-officio Col-
lector; and give
bond as such.

SEC. 3. *And be it further enacted, as aforesaid,* That there shall be one Assessor for the city. He shall be chosen by the people at the city election annually and shall hold his office for one year. No person shall be Assessor who shall not have been for at least six months before his election the owner of a freehold estate within the city, the value of which, according to the city assessment made next before his election, shall be at least five hundred dollars, clear of all incumbrances. The Assessor shall be ex-officio the Collector of the city, and, as such Collector, shall give bond with surety for the faithful performance of the duties of his office, as provided by the sixth section of chapter 73 of the Revised Statutes of this State.

Finance Com-
mittee; how ap-
pointed.

Board of Revi-
sion; how com-
posed and organ-
ized.

SEC. 4. *And be it further enacted, as aforesaid,* That the City Council shall, at its first stated meeting after the city election, in every year, appoint a Finance Committee, composed of three members, which, in addition to its other duties, shall perform the duties hereinafter provided. The council shall also, at the same meeting, appoint a board of revision, composed of one member of Council from each ward. This board shall organize itself by choosing, from its number, a Chairman and Secretary, and shall keep minutes of its proceedings. It may adjourn from time to time. Special meetings may be called by the Chairman. Each member shall receive one dollar for attendance at a meeting. The Board shall adopt such rules and regulations as it may deem expedient to produce fairness and equality of assessments, and shall cause a copy of such rules and regulations, to be delivered to the Assessor, whose duty it shall be to observe the same. The Board shall have power, at any time, to examine the assessments while the Assessor is in progress of making them, and cause them to be conformed to such rules and regulations as they may have adopted in the premises.

What prop-
erty assessed.

SEC. 5. *And be it further enacted, as aforesaid,* That all real estate within the city shall be assessed, except real estate belonging to the United States, the State of Delaware, New Castle County, or the City of Wilmington, cemeteries and burying grounds, churches and meeting-houses, belonging to any religious society and used for public worship, and buildings owned and occupied by fire companies. The assessment of real estate shall be made according to the annual interest at six per centum upon

the estimated value of the property assessed if sold for cash. Every freeman above the age of twenty-one years, shall be rated for a capitation of poll tax, in addition to the assessment of his real estate; at a capital not exceeding two thousand dollars nor less than two hundred and fifty dollars.

SEC. 6. *And be it further enacted as aforesaid,* That the assessor shall complete the assessment for the city, in each year, before the fifteenth day of May, on which day he shall deliver the same to the chairman of the board of revision. The board upon receiving such assessment shall forthwith examine it, with power to revise, alter, or add any assessment. On or before the twenty-fifth day of May after receiving said assessment, the board shall cause it to be filed in the office of the Clerk of the Council who thereupon shall give public notice by advertisements, printed in two newspapers, and posted at the most public places within the city, that such assessment, being completed, is filed in his office for public inspection; and also designating the time fixed by this act for the sitting of the council for appeals. Such notice shall be continued until the time of the sitting of the council for appeals as aforesaid.

Assessment completed, when.

To be filed in the office of the Clerk of the Council.

Notice given.

Council for appeals.

SEC. 7. *And be it further enacted as aforesaid,* That on the fifth day of June, (or if that be Sunday, then on the day following,) the City Council shall sit to hear appeals from assessments, and shall continue to sit, for that purpose, for three successive evenings, and at such other times as may be necessary to adjudge appeals. Upon appeal the City Council shall have power to alter any assessment and to make additional assessments, and to determine and do whatever may appertain to justice and right. Appeals may be filed in writing in the clerk's office, or made directly to the Council. No appeal shall be received or heard, or adjudication of appeal made, nor shall the assessment list be altered or added to after the tenth day of June: *Provided,* that real estate not assessed by the assessor may be assessed by the City Council, at any time before the city election; previous notice of such intended assessment, designating the time at which the same will be made, being given by the clerk in writing, to the owner or owners or, if he, she or they be absent from the city, then to the person or persons in possession of the premises; and provided also that the City Council, at any time before the tenth day of August, after the assessment shall be completed, upon the application of any person who was residing within the city before the completion of the assessments, and was omitted therefrom, shall rate such persons for a capitation or poll tax, and shall thereupon cause his name to be added to the assessment lists. Real estate assessed, or persons rated as herein provided, after the completion of the assessments, shall be so assessed or rated upon both the city and school assessment.

Council to hear appeals, when.

Time of appeal limited.

Property or persons omitted—provision for.

Assessment
books to be the
property of the
city and kept
where

lists, such real estate or persons being so assessed or rated, shall thereupon be liable to pay taxes for the current year, at the rate per centum which shall have been determined by the Council, and necessary addition shall be made to the list provided for in section 9 of this act. The assessment books or lists shall be the property of the city, and shall be kept in the office of the clerk.

School assess-
ment.

How made

SEC. 8. *And be it further enacted as aforesaid.* That to the end that the sums necessary to be raised for the public schools in Wilmington may be assessed and collected by the same proceedings had for collecting the city tax, and, as constituting a part of the said city tax, the City Council shall, so soon as the city assessment shall have been completed as aforesaid, and before the thirteenth day of June in each year, cause to be made an assessment to be called the school assessment, which shall be made as follows, viz: the assessment of real estate within the city, shall be taken from the assessments of real estate on the city assessment; and the assessment of personal estates and persons, to wit: stock, plate and other personal property, and the rates for capitation or poll taxes shall be transferred from the assessment list of Wilmington Hundred standing in the Levy Court of New Castle County for the time then being, it shall be necessary to transfer amounts only without specification for particulars. No appeal shall be taken from the assessments so made and there shall be no variation of the assessments transferred; but if there be any person in Wilmington Hundred legally liable to be assessed for personal property, or rated for capitation or poll tax, not found on the assessment list of Wilmington Hundred, the City Council may assess such person for personal property, and rate him for a capitation or poll tax, in the school assessment as to law and right shall appertain, giving to such person due notice and opportunity to be heard. The school assessment shall not include the persons or estates of colored persons.

Amount of tax
determined

And apportioned.

Amount of
School tax

SEC. 9. *And be it further enacted as aforesaid.* That the assessments being so settled as aforesaid, the City Council, shall without delay, determine the whole amount of money necessary to be raised for the use of the city by taxation during the year of said assessment, and shall apportion such amount among the several persons and estates assessed upon the city assessment, according to a certain rate in and upon every hundred dollars of the said assessment, and so pro rata. The City Council shall also at the same time determine, according to a computation to be laid before them by the Board of Education, agreeably to the provisions of section 95 of chapter 73 of the Revised Statutes of this State, the sum necessary to be raised for the use of the public schools in said city by taxation during the year of said assessments, and

shall apportion such amount among the several persons and estates assessed upon the school assessment, according to a certain rate in and upon every hundred dollars of the said assessment, and so pro rata; and the amount so apportioned shall be collected, under the provisions hereinafter contained, as other city taxes, and shall constitute part of the city taxes, within all the provisions of law applicable to the same. The Clerk of the Council shall thereupon immediately make out a correct list showing the names of persons and estates assessed upon both the aforesaid assessments, with the whole amount of tax laid upon the several persons and estates under the foregoing provisions, and the said list, being signed by the President of the Council, and countersigned by the Clerk, shall be delivered to the receiver of taxes on or before the thirtieth day of June.

How apportion-
ed.

Assessment lists

How authentica-
ted.

SEC. 10. *And be it further enacted as aforesaid, That the City Council, at its first meeting in June, in each and every year, shall appoint a receiver of taxes, who shall have authority to receive all taxes paid after the said thirtieth day of June, and before the day following that on which the city election is held. On all taxes which shall be fully paid to the receiver before the first day of August, there shall be allowed to the persons or estates paying the same a deduction from the amount of the tax, at the rate of five cents on every dollar. But all taxes paid on or after the first day of August, and before the day following the day of holding the city election, shall be payable without any deduction as aforesaid, and also without any addition, as hereinafter provided in relation to taxes, paid after the day of holding the city election.*

Receiver of tax-
es, how appoint-
ed.
Duties.

Discount on tax-
es.

SEC. 11. *And be it further enacted as aforesaid, That all moneys collected by the receiver, under the foregoing provisions, shall be paid by him over to the Treasurer at least weekly, to wit: on every Saturday of the period during which taxes are payable to him. At the time of making such weekly payment as aforesaid, he shall file with the Treasurer a written affidavit, declaring that the sum so paid to the Treasurer, together with his former payments to the Treasurer, includes the whole amount received by him for the city taxes of the current year up to that date. The Treasurer may administer the oath or affirmation, and shall preserve the affidavit on file with the papers of his office. For all payments made by the receiver of taxes to the Treasurer as aforesaid, the Treasurer shall give and the receiver take, duplicate receipts; one of which the receiver shall forthwith deliver to the chairman of the Finance Committee of the City Council, who shall preserve the same. At the request of any person paying a tax, which has been assessed upon his person or property, the receiver shall make out and deliver to him a bill showing, in addi-*

Money collected
by receiver, paid
where and when.

Must file writ-
ten affidavit.

Treasur'r to give
duplicate re-
ceipts.

Duty of receiver. tion to the amount of the tax; how much of it is laid upon his person and personal property, as shown by the school assessment list, and how much of it is laid upon his real estate, and if it is laid upon more than one parcel of real estate, then how much of it is laid upon each parcel, describing each parcel according to the description thereof, appearing upon the city assessment list of the current year. All books and papers filed in the office of the Clerk of the Council, touching the assessment, receiving or collection of taxes, shall be open to the inspection of any person interested in the same.

Accounts of receiver to be audited when and how

SEC. 12. *And be it further enacted as aforesaid,* That after the city election in every year, the receiver of taxes shall appear before the Finance Committee, at such time and place as they shall appoint, and lay before them an account, in writing, verified by affidavit, showing the taxes received by him, their several amounts, dates of payment, and by whom they were paid, and also the several gross amounts paid by him to the Treasurer from time to time: and the Finance Committee may alter, adjust and settle such accounts according to law, and the right of the matter. In making such settlement the receiver shall, in respect to the taxes received by him before the first day of August as aforesaid, be chargeable with the full amount, (without any deduction of five per centum as aforesaid,) of so much of said taxes as shall not appear to the satisfaction of the committee to have been paid over by him to the Treasurer before the first day of August as aforesaid. The committee may adjourn from time to time. The acts of a majority shall be effectual, all being present. They may examine witnesses under oath or affirmation, to be administered by their chairman, and the chairman shall have power, by process of subpoena or attachment, directed to the High Constable of the city, to compel the appearance of witnesses. Such process may be executed at any place within the State. The account being adjusted, shall be reported by the Finance Committee to the Council at its next regular meeting. From the adjustment so made the receiver shall have a right of appeal to the City Council. The appeal shall be by petition to the Council, to be presented within one calendar month after the account has been reported to the Council, as before provided, and not after. The petition shall set forth the specific objections to the adjustment made by the Finance Committee, and the appeal shall be confined to the objections stated. The account, as settled by the Finance Committee, if there be no appeal, or by the Council, upon an appeal, shall be conclusive. If upon such final adjustment there be any balance due from the receiver to the city, the City Council shall take the necessary measures for the collection of the same.

Appeal, when & where made.

Settlement final, when

SEC. 13. *And be it further enacted as aforesaid,* That the

receiver of taxes, before entering upon the duties of his office, shall execute a bond, with a warrant of attorney, for the confession of judgment, in a penal sum, and with surety to be approved by the Finance Committee, or a majority of them, and with condition that he shall well and faithfully, in all respects, perform all the duties which may devolve upon him as receiver of taxes of said city, agreeably to the charter of the city, and the ordinances of the City Council. Such bond shall be taken in the corporate name of the city, and shall be filed with the Treasurer.

Receiver to give bond.

SEC. 14. *And be it further enacted as aforesaid,* That the City Council shall have power, by ordinance, to enjoin upon the Clerk of the Council or receiver of taxes any duty in addition to those herein specified, which it shall deem necessary or proper for carrying into effect the provisions of this act, and may enforce by suitable penalties any duties enjoined by this act, or by such ordinance as aforesaid.

Power of City Council.

SEC. 15. *And be it further enacted as aforesaid,* That if, during the period herein limited for the receiving of taxes as aforesaid, the receiver of taxes should refuse or neglect, or from any cause become disqualified from performing his duties, the City Council may provide for the receiving of taxes by such measures as in their judgment the exigency requires. An ordinance for this purpose may be passed at any meeting of the Council, without having been read or proposed at a previous meeting.

Neglect or failure of Receiver; how remedied.

SEC. 16. *And be it further enacted, as aforesaid,* That all taxes unpaid on the day next after the day of the city election shall be increased by the addition of five per centum on the amount thereof. A list of all such unpaid taxes showing the amount of each tax with such addition as aforesaid, and the person or estate from whom the same is due, shall be delivered by the receiver of taxes to the Council at its first regular meeting after the city election. The Council shall cause said list to be immediately delivered to the Collector, together with a warrant annexed thereto, signed by the President of the Council, and countersigned by the Clerk, commanding such Collector to collect and receive the several sums mentioned in said list, from the persons and estates from whom the same are payable. If the receiver of taxes shall neglect to return a list of unpaid taxes as aforesaid, the Council may take such measures as they may deem necessary to obtain such list.

Taxes increased when.

List of delinquents.

SEC. 17. *And be it further enacted, as aforesaid,* That upon the delivery to the Collector of such list and warrant as aforesaid, he and his sureties, his and their executors and adminis-

Responsibility of Collector.

Duties of receiver. lion to the amount of the tax; how much of it is laid upon his person and personal property, as shown by the school assessment list, and how much of it is laid upon his real estate, and if it is laid upon more than one parcel of real estate, then how much of it is laid upon each parcel, describing each parcel according to the description thereof, appearing upon the city assessment list of the current year. All books and papers filed in the office of the Clerk of the Council, touching the assessment, receiving or collection of taxes, shall be open to the inspection of any person interested in the same.

Accounts of receiver to be audited, when and how.

SEC. 12. *And be it further enacted as aforesaid,* That after the city election in every year, the receiver of taxes shall appear before the Finance Committee, at such time and place as they shall appoint, and lay before them an account, in writing, verified by affidavit, showing the taxes received by him, their several amounts, dates of payment, and by whom they were paid, and also the several gross amounts paid by him to the Treasurer from time to time; and the Finance Committee may alter, adjust and settle such accounts according to law, and the right of the matter. In making such settlement the receiver shall, in respect to the taxes received by him before the first day of August as aforesaid, be chargeable with the full amount, (without any deduction of five per centum as aforesaid,) of so much of said taxes as shall not appear to the satisfaction of the committee to have been paid over by him to the Treasurer before the first day of August as aforesaid. The committee may adjourn from time to time. The acts of a majority shall be effectual, all being present. They may examine witnesses under oath or affirmation, to be administered by their chairman, and the chairman shall have power, by process of subpoena or attachment, directed to the High Constable of the city, to compel the appearance of witnesses. Such process may be executed at any place within the State. The account being adjusted, shall be reported by the Finance Committee to the Council at its next regular meeting. From the adjustment so made the receiver shall have a right of appeal to the City Council. The appeal shall be by petition to the Council, to be presented within one calendar month after the account has been reported to the Council, as before provided, and not after. The petition shall set forth the specific objections to the adjustment made by the Finance Committee, and the appeal shall be confined to the objections stated. The account, as settled by the Finance Committee, if there be no appeal, or by the Council, upon an appeal, shall be conclusive. If upon such final adjustment there be any balance due from the receiver to the city, the City Council shall take the necessary measures for the collection of the same.

Appeal, when & where made.

Settlement final, when.

SEC. 13. *And be it further enacted as aforesaid,* That the

receiver of taxes, before entering upon the duties of his office, shall execute a bond, with a warrant of attorney, for the confession of judgment, in a penal sum, and with surety to be approved by the Finance Committee, or a majority of them, and with condition that he shall well and faithfully, in all respects, perform all the duties which may devolve upon him as receiver of taxes of said city, agreeably to the charter of the city, and the ordinances of the City Council. Such bond shall be taken in the corporate name of the city, and shall be filed with the Treasurer.

Receiver to give bond.

SEC. 14. *And be it further enacted as aforesaid,* That the City Council shall have power, by ordinance, to enjoin upon the Clerk of the Council or receiver of taxes any duty in addition to those herein specified, which it shall deem necessary or proper for carrying into effect the provisions of this act, and may enforce by suitable penalties any duties enjoined by this act, or by such ordinance as aforesaid.

Power of City Council.

SEC. 15. *And be it further enacted as aforesaid,* That if, during the period herein limited for the receiving of taxes as aforesaid, the receiver of taxes should refuse or neglect, or from any cause become disqualified from performing his duties, the City Council may provide for the receiving of taxes by such measures as in their judgment the exigency requires. An ordinance for this purpose may be passed at any meeting of the Council, without having been read or proposed at a previous meeting.

Neglect or failure of Receiver, how remedied.

SEC. 16. *And be it further enacted, as aforesaid,* That all taxes unpaid on the day next after the day of the city election shall be increased by the addition of five per centum on the amount thereof. A list of all such unpaid taxes showing the amount of each tax with such addition as aforesaid, and the person or estate from whom the same is due, shall be delivered by the receiver of taxes to the Council at its first regular meeting after the city election. The Council shall cause said list to be immediately delivered to the Collector, together with a warrant annexed thereto, signed by the President of the Council, and countersigned by the Clerk, commanding such Collector to collect and receive the several sums mentioned in said list, from the persons and estates from whom the same are payable. If the receiver of taxes shall neglect to return a list of unpaid taxes as aforesaid, the Council may take such measures as they may deem necessary to obtain such list.

Taxes increased when.

List of delinquents.

SEC. 17. *And be it further enacted, as aforesaid,* That upon the delivery to the Collector of such list and warrant as aforesaid, he and his sureties, his and their executors and adminis-

Responsibility of Collector.

trators, shall become, and are hereby declared to be, responsible for the whole amount of money, which it shall be his duty to collect, subject only to such just allowances as shall be made to him or them upon settlement with the Finance Committee, as hereinafter is provided.

Death, removal
or incompetency
of a Collector—
how provided
for.

SEC. 18. *And be it further enacted, as aforesaid,* That if a Collector die or remove from the city, or become incapable of performing his duties, the City Council may, upon petition by the sureties of such Collector, and being satisfied that it is a proper case for relief, appoint another person to collect the residue of the unpaid taxes, and may compel the delivery, to such person, of the list and warrant, or cause a new one to be issued to him, bond with surety being first given, as above required, from the original Collector; and thereupon he and his sureties, his and their executors and administrators, shall become responsible for the then uncollected taxes, subject to allowances as aforesaid, such appointment shall not discharge the sureties of the first Collector from any part of their original responsibility, but all sums collected by the substituted Collector, shall be credited to the first. All the powers, duties and liabilities of the first Collector shall devolve upon the substituted Collector and his executors and administrators, upon the final settlement with the Finance Committee, as hereinafter provided, the said committee shall make a just apportionment between the original Collector, or his representatives, and the substituted Collector, of the compensation allowed for the collection of taxes.

Compensation.

Power and duty
of Collector in
regard to delin-
quents.

SEC. 19. *And be it further enacted, as aforesaid,* That if any person assessed as aforesaid, shall neglect or refuse to pay the sum which such collector shall be required to collect from him, or any part thereof for five days after demand made, the said collector shall levy and make the same by distress and sale of the delinquent's goods and chattels, rendering the overplus if any, after deducting reasonable charges, to the owner or owners thereof; or if no such distress can be found by the collector, the said tax may be collected from or levied upon the goods and chattles of any of his tenants, if such there be, who shall be allowed to set off the amount thereof against any demand for rent on the part of such delinquent landlord; or if there be not rent sufficient to cover the amount so paid or levied it may be recovered by such tenants from the landlord with costs. And if any grounds, buildings or estate belong to a minor or minors, or person or persons, absent from the city, the tax laid upon the assessment of such grounds, buildings or estate, may be collected from the person or persons having the care of such grounds, buildings or estate; and the receipt of the collector for money so paid, shall be a sufficient voucher to all executors, administrators, guardians, trustees or attorneys, against those whom they represent. If any person,

from whom any tax is required to be collected, or their executors, administrators, guardians, trustees, or attorneys cannot be found, or shall refuse to pay the tax as aforesaid, and no goods or chattels of such person, sufficient to satisfy such tax, can be found, and the same cannot be collected from any tenant or tenants of such person, the Collector shall make, and file in the office of the Clerk of the City Council, a certificate of the facts, under oath or affirmation, and thereupon he may levy the said tax upon any grounds, buildings, or estate, which was the property of such delinquent at or after the laying of the said tax, by selling the same at public auction, after ten days notice by advertisement, in two newspapers printed in said city of Wilmington, if such there be, for the shortest term which will satisfy said tax and costs, and shall execute a deed conveying to the purchaser or purchasers all the estate and interest of such delinquent person in the premises sold; or if no such grounds, buildings or estate be found, the Collector shall take the body of such delinquent person, and deliver him to the keeper of the common jail of New Castle County, to be detained in safe custody until the said tax, with cost, be paid, or such person be legally discharged. All the powers herein vested in a Collector shall devolve upon, and be exercised by, his executors and administrators, except in cases where, upon the death of a Collector, a substitute shall be appointed by the Council, under section 18 of this act.

SEC. 20. *And be it further enacted as aforesaid,* That the Collector shall pay to the City Treasurer, at least weekly to wit: on every Saturday, such sums as he shall from time to time collect, and upon making such weekly payments, shall file with the Treasurer a written affidavit that the sums so paid, together with the sums previously paid, constitute the whole amount of taxes which shall have been collected or received by him, under his aforesaid order, up to the date of such affidavit. The Treasurer may administer the oath or affirmation. The Collector shall take from the Treasurer, (who shall give the same,) duplicate receipts for each payment, and shall forthwith deliver one of said receipts to the chairman of the Finance Committee.

Collector to make payment, when.
Must file an affidavit, when.
And take duplicate receipts

SEC. 21. *And be it further enacted as aforesaid,* That within the first week of December, (or if the aforesaid list and warrant shall not have been delivered to the Collector before the tenth day of October, then at the expiration of two months after such delivery,) the Collector shall appear before the Finance Committee, at such time and place as they shall appoint, and produce to them the list of taxes, with the warrant annexed, as aforesaid, together with his receipts for payments to the Treasurer; and thereupon the said committee shall ascertain and determine whether, after a just allowance for errors, delinquencies or otherwise,

Settlement of Collector with Finance Committee.

any and what sum is due and unpaid from such Collector to the city. The said committee, or a majority of them, shall make and sign two certificates of their determination in the premises, one of which shall be delivered to the Collector, and the other to the City Treasurer. If by such certificate any balance appears to be due and unpaid to the city, the Collector shall pay the same within fifteen days thereafter to the City Treasurer; and if such balance be not so paid, the City Treasurer shall certify the fact to City Solicitor, who shall forthwith take legal process for the collection of the same from the Collector and his sureties.

Act of Feb. 10,
1855, not to be
effected.

SEC. 22. *And be it further enacted as aforesaid,* That nothing in this act shall effect the provisions of the first section of the act entitled "A supplement to the act entitled 'An act for the benefit of public schools in Wilmington,'" passed at Dover, February 10th, 1855; but the taxes therein provided for shall be assessed and collected according to the provisions of said supplement, except that the warrant for the collection of such taxes shall be issued to the Collector of the city of Wilmington, who shall receive and collect the same, subject to all the provisions therein contained respecting the Collector of the first ward of said city.

Extending, widening or laying out and opening streets, lanes, or alleys, made of proceeding.

SEC. 23. *And be it further enacted as aforesaid,* That before any property or ground shall be taken or occupied for the purpose of extending, widening, laying out or opening any street, square, lane or alley, under section 63 of chapter 73, of the Revised Statutes, the owner or owners of such property or ground shall be paid or tendered such damages as they shall respectively be entitled to receive; which damages shall be assessed as follows, viz: upon the written application of the Mayor, under the direction of the Council, and reasonable notice to the persons interested, if residing in the city, the Associate Judge of the Superior Court of this State resident in New Castle County, shall issue a commission, under his hand, directed to five impartial freeholders of said county; two being freeholders within the city, and three being freeholders without the city, commanding them to assess the damages that may result from the extending, widening laying out or opening of such street, square, lane or alley, to the owner or owners of property or ground necessary to be taken or occupied therefor, taking into consideration all the circumstances of benefit and convenience, as well as of detriment, to result to such owner or owners, and to make return of their proceedings to the said Judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return in writing of their proceedings in the premises to the said Judge, who shall file the same in the office of the Clerk of

the Council. The return upon one commission shall not be conclusive; but upon application by the Mayor as aforesaid, or of any person interested, within fifteen days after the filing of such return, the Judge shall issue a commission of review, appointing five other freeholders as aforesaid, with like instructions as were contained in the first commission: *Provided*, that if a review be granted upon the application of a person or persons interested, the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return to a commission of review vary in the damages assessed, from the return to the original commission, the Judge shall grant a second commission of review upon the application of the Mayor as aforesaid, or if any person interested in the return to the commission of review within ten days after the filing of such return. If a review be not applied for in due time, the return to the original commission shall be conclusive as to the amount of damages. If the return to any two commissions correspond as to the amount of damages, such amount shall be conclusive. But if there be more than one return and none conclusive under the foregoing provisions, the Judge shall confirm such one of them as he shall deem most just, and the return so confirmed shall be conclusive. The Judge may set aside a return to a commission for inequality, in which case he shall issue another commission in its place; he shall also have power to issue commissions for his own information. The Judge shall have power to fill any vacancy in a commission. There shall be allowed to the commissioners, for their services, one dollar per day, to be paid by the party applying for the commission. The amount of damages being so ascertained, the City Council may pay or tender the same to the person or persons entitled thereto within two calendar months after the same shall have been finally ascertained, or if the person or persons so entitled reside out of, or are absent from the city during said period two months, then the same may be deposited to his or their credit, in the Bank of Delaware within said time, and thereupon the said property or ground may be taken or occupied for the uses aforesaid. All proceedings heretofore had under section 64 of chapter 73 of the Revised Code, in which the damages assessed have not been paid or tendered by the city, are hereby vacated; and new proceedings for the same purpose may be had under this act.

SEC. 24. *And be it further enacted as aforesaid*, That the City Council are hereby authorized, in their discretion, upon the application of ten or more freeholders residing or holding property on any street, to cause said street or any part thereof to be paved between the curb lines, agreeably to the true regulation of said street, under the direction of the street committee; and the said paving being completed, the City Commissioner shall forth-

*paving how
collected.*

with assess the expense thereof upon all the owners of property bordering or fronting on the streets where it is so paved, according to the number of feet contained in the street line of the property of such owners respectively, and shall lay such assessment before the City Council at its first stated meeting after the completion of the work. If such assessment shall be approved by the City Council, the Clerk of said City Council shall immediately enter the said approved assessment in a record book to be kept for that purpose, and the same being so recorded, shall, from the time of its entry as aforesaid, be and remain a lien upon the lands and buildings, of each of said owners, fronting on such street as aforesaid to the extent of the amount of his approved assessment, and as such lien shall have priority against any lien, incumbrance, or conveyance made or suffered by the owner or owners of such property after the recording of such assessment as aforesaid, and the City Commissioner shall forthwith present to each of said owners, or other persons having charge of said property, a bill for the proportion of such expense so assessed to such owner, and if the amount of said bill be not paid within sixty days after such presentation thereof, it shall be the duty of the Mayor of said city to issue a warrant, directed to the said City Commissioner, commanding him to levy the same, with all costs thereon, upon the goods and chattels of such owner, or if no such goods and chattels can be found within said city sufficient to satisfy said debts and costs, then to levy the same on the grounds or buildings of such owner fronting on such street as aforesaid, which said grounds or buildings, or any part thereof, shall be sold by said City Commissioner at public auction, upon ten days' notice, in two newspapers published in said city, and a deed from said City Commissioner shall convey or the purchaser of said ground or buildings, as full and complete a title to said premises, in fee simple, or otherwise, as if the same were executed by said owner thereof; and it shall be the duty of said City Commissioner out of the purchase money of the said premises so sold as aforesaid, to pay all costs arising from said process and sale, to the parties entitled thereto respectively, and to pay to the City Treasurer the amount of said approved assessment so assessed to such owner as aforesaid, for which he shall take, and the said City Treasurer shall give duplicate receipts, one of which shall be retained by said City Commissioner, and the other shall be by him forthwith transmitted to the chairman of the Finance Committee. The residue of said purchase money shall be immediately deposited by said City Commissioner in the Bank of Delaware, to the credit of the owner of the property so sold, for which said City Commissioner shall take from the cashier of said bank a certificate of said deposit, and file the same in the office of the Clerk of the City Council; and the said City Commissioner shall make return under his hand, of his proceedings under such warrant as aforesaid, into the office of said Clerk, to be there filed by said Clerk,

who shall also enter said return upon the record of said assessment so kept by him as aforesaid.

SEC. 25. *And be it further enacted as aforesaid,* That the provision of the foregoing section 24, for the assessment of the expense of paving a street upon the owners of the property fronting thereon, and the lien and collection of said assessment, shall be taken and construed to apply to the re-paving of a street which shall have been paved previously; and shall also be taken and construed to apply to the paving and curbing of the sidewalks of any street under the provisions of the present charter.

Provisions of section 24 extended to repairing streets, and paving and curbing sidewalks.

SEC. 26. *And be it further enacted as aforesaid,* That the 67th section of chapter 73 of the Revised Statutes of this State is hereby amended, so that hereafter if there be less than fifteen freeholders residing or holding property in any street, lane, or alley in said city, the City Council may, upon the application of a majority of such freeholders, issue their precept for the paving and curbing of the footways and gutters of such street, lane or alley as in said section is provided.

Sec. 67, chap. 73 of R. Statutes amended.

SEC. 27. *And be it further enacted as aforesaid,* That the City Council are hereby declared to have, and shall have authority, in its discretion, to let or demise for any term of years, not exceeding ten, and subject to such rents and reservations as it may deem expedient, the landings at the ends of the streets terminating upon the Brandywine Creek or the Christiana Creek; and may by the terms of any such demise or otherwise, and subject to such regulations as it may prescribe, permit such lessée or lessees, or other persons interested under such demise as aforesaid, to make or erect improvements for the purpose of manufacture or trade upon ground so demised: *Provided,* That in all cases any person or persons owning or holding land bounding upon such landings as aforesaid shall have, unobstructed, the reasonable use of so much and such part thereof as may be necessary for ingress and egress between said street and the land so owned or held. All demises heretofore made by the City Council, of any such landing as aforesaid, or permission given by the City Council for making such improvements as aforesaid, are hereby confirmed and declared to be, and the same shall be valid and effectual.

Council authorized to lease the landings at the end of the streets on the Brandywine and Christiana.

Not to obstruct owners of property, nor for other demises.

SEC. 28. *And be it further enacted as aforesaid,* That the City Council shall cause to be made a map or plan of the city, showing all the streets, squares, lanes and public alleys of the said city, with their several dimensions, ascents and descents, in conformity, as far as practicable, with the charter or ordinances of the city at the time such map is made. When completed and

Map or plan of the city

How authenti-
cated and dis-
posed of.

approved by the City Council, such map shall be signed by the Mayor and President of the City Council, sealed with the corporate seal, and deposited and kept in the Clerk's office. A duplicate of said map shall in like manner be signed and sealed and deposited and kept in the office for recording deeds in and for New Castle County. Such map, and the duplicate thereof, being so signed, sealed and deposited as aforesaid, shall be public records, and the same, or an office copy thereof, shall be competent evidence. The said map shall be deemed and taken to be the true map, plan or ground plot of said city; and all the streets, squares, lanes and alleys of the city shall be, and remain as they shall be laid down upon said map, with such extensions and alterations as may hereafter be made by authority of the laws of this State. The ascents and descents of all streets, lanes and alleys within the city shall be regulated and fixed conformably to said map. But the City Council may, by ordinance, regulate and fix the ascents and descents of all streets, lanes and alleys within the said city, the ascents and descents of which are not marked and laid down on the aforesaid map or plan: *Provided*, That the said ordinances shall be first sanctioned and approved by the citizens of the city, in general meeting assembled.

To be public re-
cords.

Council may re-
gulate ascents &
descents.

Ordinances to be
approved by the
citizens.

Mayor and Al-
derman to keep
record of judicial
proceedings.

SEC. 29. *And be it further enacted as aforesaid*, That the Mayor and Alderman of the city shall each keep a record of all judicial proceedings had before him under the charter or ordinances of the city: which record shall be the property of the city, and shall be kept in such custody and disposed of as the City Council may direct.

Sec. 88, chap. 73
of R. Code
amended

SEC. 30. *And be it further enacted as aforesaid*, That section 88 of chapter 73 of the Revised Statutes of this State is hereby amended by striking out the word "Assessor" wherever it occurs, and inserting in lieu thereof the word "Inspector."

Sec. 8, chap. 97
of R. Code not
to apply to ordi-
nances of city.

SEC. 31. *And be it further enacted as aforesaid*, That the power of a Justice of the Peace under section 8 of chapter 97 of the Revised Statutes, to punish offences against ordinances of a city or town, shall not hereafter extend to or include any offence against an ordinance of the city of Wilmington.

Council autho-
rized to widen
Water street

SEC. 32. *And be it further enacted as aforesaid*, That the City Council shall have power to cause the pavements or footways on the northerly side of Water street, or any other part thereof, to be widened to any breadth not exceeding in the whole twelve feet.

Ineligibility of
an officer, how
remedied

SEC. 33. *And be it further enacted as aforesaid*, That if any person elected or appointed to any office in the city of Wilmington shall be ineligible to the same, or shall fail to give bond for

the faithful performance of the duties of such office, (when such bond is required by law,) before the time fixed for entering upon the duties of his office, such office shall be thereupon vacant, and shall be filled as is provided by section 11 of chapter 73 of the Revised Statutes.

SEC. 34. *And be it further enacted, as aforesaid,* That the City Council shall have power by ordinance, to adopt any measures which it may deem necessary for carrying into full effect the provisions of this act, and the powers herein granted, touching the assessment, receiving and collection of taxes. Power of City Council.

SEC. 35. *And be it further enacted as aforesaid,* That the fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixty-first, sixty-fourth, sixty-fifth, sixty-sixth and sixty-ninth sections of chapter 73 of the Revised Statutes of this State, and all other provisions of said chapter, or of any act of the General Assembly of this State, which are inconsistent with the provisions of this act, are hereby repealed. Inconsistent sections and acts repealed

SEC. 36. *And be it further enacted, as aforesaid,* That this act shall take effect from the time of its acceptance, as hereinafter provided. For this purpose Eli Todd is hereby appointed the Assessor of the city, to hold said office under and subject to all the provisions of this act, until the first day of January next after the passage of this act. The first election of Assessor under this act, shall be made at the city election, to be held in September of the present year. The offices of Assessor for the several wards of the city, as the same exist at the passage of this act, are vacated and abolished. Act to take effect from the time of acceptance. Assessor appointed. First election of Assessors; when. Office of Assessor in the several wards vacated.

SEC. 37. *And be it further enacted as aforesaid,* That the High Constable and other City Constables of the city of Wilmington shall no longer be appointed by the City Council, as now provided by the 27th section of chapter 73 of the Revised Statutes of this State, but after the expiration of their present terms of office, the Mayor of the city of Wilmington for the time being, shall have the power and authority, and shall annually appoint said Constables, and shall have the power to supply, by new appointment, all vacancies that may occur in said office of Constable, and for good and sufficient cause may remove or suspend any Constable from office, stating in writing to the City Council the cause and reason for such suspension or removal. The Constable so removed or suspended may appeal to the City Council who shall, in a summary way, inquire into such causes and reasons assigned by the Mayor, and a decision of two-thirds of all the members of the City Council may annul the action of the Mayor in all such cases, otherwise the action of the said Mayor shall stand. Constables to be appointed; how.

approved and final. Appointments made by the Mayor under this section, shall not take effect until approved by the City Council, and for this purpose the Mayor shall make such appointments by communicating the same in writing to the Council.

Acceptance of
this act made:
when and how.

SEC. 38. *And be it further enacted, as aforesaid.* That the Mayor and Council of Wilmington, shall before the first day of April, in the year of our Lord, one thousand eight hundred and fifty-seven, certify to the Governor their acceptance of this act, or it shall be void. The certificate of such acceptance shall be made in pursuance of a resolution of the City Council. It shall be under the hand of the Mayor and the President of the City Council, and be sealed with the seal of the corporation; and it shall be filed in the Secretary's office.

Passed at Dover, February 20, 1857.

CHAPTER CCCLXXVII.

AN ACT to authorize and empower the Levy Court Commissioners of New Castle County to purchase and hold certain real estate.

Authorized to
purchase a lot as
a site for a house
for the keeper of
the bridge over
Appoquinimink
Creek.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Levy Court Commissioners of New Castle County be, and they are hereby authorized and empowered to purchase, take and hold them and their successors in office, for the use of the County of New Castle, certain land in said county, not exceeding one-half an acre, of Joshua B. Fennimore, or any other person they may think proper, at or near the new bridge over Appoquinimink creek, in said county, upon the new road leading from Thomas' Landing to Stewarts' Corner, for the purpose of erecting and keeping in repair, a suitable dwelling house for the keeper of said bridge.

Passed at Dover, February 20, 1857.

CHAPTER CCCLXXVIII.

A SUPPLEMENT to an act entitled an act concerning apprentices and servants, passed the 5th day of February Anno Domini 1827.

PREAMBLE, Whereas the Commonwealth of Pennsylvania did on the 23d day of March, Anno Domini 1826, incorporate the House of Refuge, and did, by the said act of incorporation, empower the managers of the said House of Refuge to bind out the children committed to their care as apprentices during their minority, and with their consent: *Provided*, that in the case of females the power of the said managers should not extend beyond the age of eighteen years, and *whereas*, the said Commonwealth of Pennsylvania did by an act passed the eleventh day of April, Anno Domini 1850, No. 311, extend the power and charge of the managers of the House of Refuge over females who, on their admission, may be over sixteen years, to the age of twenty-one years, and *whereas*, a number of the inmates of said House of Refuge, have with their consent been apprenticed by the said House of Refuge to citizens of this State, and *whereas*, it is desirable that there should be no doubt as to the validity of the said indentures:

Preamble reciting certain acts of Pennsylvania in relation to the House of Refuge.

SECTION 1. *Therefore be it enacted by the Senate and House of Representatives in General Assembly met:* That indentures of apprenticeship by which inmates of the said House of Refuge have heretofore been, or may hereafter be, with the consent of the said inmates, bound as apprentices to citizens of the State of Delaware, shall be as good and valid to all intents and purposes whatever, as if the said binding had been had within this State, and in conformity with the provisions of the laws of this State.

Binding by, in Pennsylvania rendered valid in this State.

Passed at Dover, February 20, 1857.

CHAPTER CCCLXXIX.

AN ACT to incorporate *Lafayette Lodge, No. 14, of Ancient York Masons, Wilmington, Delaware.*

Private Act.

Passed at Dover, February 20, 1857.

CHAPTER CCCLXXX.

AN ACT to change the name of the place called *Frederica Station.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the place called *Frederica Station* on the Delaware Railroad in Murderkill south election district, Kent County, and State of Delaware, shall from and after the passage of this act, be called and known by the name of *Felton*, which shall be its proper designation.

*Frederica Station
changed to Fel-
ton.*

Passed at Dover, February 20, 1857.

CHAPTER CCCLXXXI.

AN ACT to divorce *Cecelia Hawkins formerly Cecelia Nolen and Andrew Jackson Hawkins* from the bonds of matrimony.
Private Act.

Passed at Dover, February 20, 1857.

CHAPTER CCCLXXXII.

AN ACT to create an additional School District in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That James F. Burton, Josiah Simpler and Nehemiah D. Welsh be, and they are hereby appointed Commissioners to go upon and view School Districts numbers eighty-one, thirteen and eleven, in Sussex County, and if they deem it proper and necessary locate and lay out from said districts, one additional School District, as to them shall seem just and proper; and when the said Commissioners, or a majority of them, shall have so located and laid out said additional School District, they, or a majority of them, shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Sussex County, to be by him filed among the records of his office. Said return shall be made on or before the first day of July next; and within ten days thereafter, the said Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund; and from and after the first day of July aforesaid, the additional School District to be formed under the provisions of this act, shall become, and be deemed and taken to be a separate School District in Sussex County, with the capacity, right and powers of a School District, according to law, and shall be designated and numbered by its proper number, succeeding the highest number of the School Districts previously formed in the said county; and the said additional School District shall be entered by the Trustee of the School Fund for establishing schools in the State of Delaware, among the School Districts of said county, and an account opened therewith, and in all dividends hereafter made by said Trustee for establishing schools in the State of Delaware, the respective dividends which may be due, or hereafter may become due, the said original districts numbers eighty-one, thirteen and eleven, shall be equally divided, annually, among the districts numbers eighty-one, thirteen and eleven, and the said additional School District to be created under the provisions of this act, and the school voters in said additional School District and School Committee thereof, shall have all the rights and powers of school voters and a School Committee, respectively, according to the laws of this State; and all the acts of the General Assembly of this State for the general regulation, government and benefit of Free Schools within this State, shall be extended and applied to the said additional School District to be created under the provisions of this act.

Commissioners
to view districts,
and lay off new
district.

Return to Clerk
of the Peace.

Copy certified to
Trustee of
School Fund.

Dividends, how
divided.

School law: ex-
tended to new
distri t.

Commissioners
to be qualified.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act, shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity: and for each and every day the said Commissioners may be employed in the discharge of their duties, under the provisions herein contained, shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeals of Sussex County.

Their compensa-
tion, how paid.

School voters to
meet, where and
when.

SEC. 3. *And be it further enacted*, What if the additional School District be formed as aforesaid, the school voters in the said additional School District may meet at the place of meeting, in said additional School District, which the said Commissioners, or a majority of them, may deem proper to appoint, on the first Saturday of July next, at 3 o'clock in the afternoon, and appoint a chairman and secretary, and choose a Clerk and two Commissioners of the — District, who shall continue in office until the next stated meeting, and until successors are duly elected, the certificate of the proceedings shall be made, signed and delivered, according to the provisions of law relating to the certificates of the meetings of school voters. Notice of the meeting may be given by the Commissioners first above named, or a majority of them, and a failure to give notice shall not vitiate the proceedings.

Clerk and Com-
missioners.

Notice of meet-
ing.

Passed at Dover, February 29, 1857.

CHAPTER CCLXXXIII.

AN ACT to repeal an act therein mentioned.

Auth. p. 255,
chap. xxvi.

SECTION 1. *Be 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 amend the fifteenth section of

chapter 55, of the Revised Statutes of the State of Delaware," passed at Dover February 14, 1855, be, and the same is hereby ^{Act repealed.} repealed, made null and void.

Passed at Dover, February 23, 1857.

CHAPTER CCCLXXXIV.

AN ACT to create an additional School District in Milford Hundred, Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William J. Sapp, William D. Griffith, Joshua H. Hill, Samuel A. Short and William Haman be, and they are hereby appointed Commissioners to go upon and view School Districts Nos. 40 and 41, in Kent County, and locate and lay out from said Districts an additional School District, by dividing the said School Districts Nos. 40 and 41, into three such parts as to them shall seem just and proper; and when the said Commissioners, or a majority of them, shall have so located and laid out said additional School District, they, or a majority of them, shall make return of the said additional District so located and laid out, and also of the parts of the original Districts Nos. 40 and 41 remaining, after the said additional District shall have been laid off, describing plainly the metes and bounds of each, into the office of the Clerk of the Peace of Kent County, to be by him filed among the records of his office. Said return shall be made on or before the first day of June next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund, and from and after the first day of June aforesaid the additional School District to be formed under the provisions of this act, shall be deemed, and taken to be a School District of Kent County, and numbered 40½; and all the acts of the General Assembly of this State, for the general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional School District, to be created under the provisions of this act, and the Trustee of the School Fund, in the future distribution of

Commissioners to view the district, and lay off new district

Return to Clerk of the Peace

Copy to be certified to Trustee of School Fund.

School laws extended to new district

Distribution of
School Fund;
how made.

the School Fund applicable to School Districts in Kent County, shall have due regard to the return of said Commissioners, as the same may be made and filed as aforesaid, giving to the said additional School District in Kent County, an equal portion of the money in his hands annually applicable to School Districts Nos. 40 and 41, in Kent County, so that the share of the said additional School District, No. 40 $\frac{1}{2}$, of the distribution of the School Fund aforesaid, shall be composed entirely of the one equal third part of the shares of the above mentioned School Districts, out of which the said district is to be formed and created.

Commissioners
to be qualified.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act shall, severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity; and for each and every day the said Commissioners may be employed in the discharge of their duties under the provisions herein contained, they shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeal of Kent County.

Their compensa-
tion; how made.

Vacancies: how
filled.

SEC. 3. *And be it further enacted*, That in case any of the said Commissioners should die, remove from the county, or refuse to act, the vacancy or vacancies may be filled by the Judge of the Superior Court, residing in the county aforesaid; and in case the said Commissioners should fail to lay off and locate the said additional School District herein authorized, in time to make their return on or before the first day of June next, as herein before directed, then the time for making such return is hereby extended to the first day of June thereafter, and all the provisions of this act shall apply to such return, the same as if duly made on or before the first day of June next.

Passed at Dover, February 23, 1857.

CHAPTER CCCLXXXV.

AN ACT to repeal the act entitled an act to prevent swine from running at large within the limits therein mentioned. Ante p. 229 chap. cxxviii.

Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met.

SECTION 1. That the act entitled "an act to prevent swine from running at large within the limits therein mentioned," passed at Dover, February 15, 1855, be and the same is hereby repealed, made null and void. Act repealed.

Passed at Dover, February 23 1857.

CHAPTER CCCLXXXVI.

AN ACT to re-organize the "Farmers Mutual Fire Insurance Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* And it is hereby enacted by the same, (two-thirds of each branch concurring therein,) That David Wilson, James Springer, Jacob Chandler, Robert Walker, John T. Long, Jonathan Groves, Alexander H. Dixon, James Campbell, Samuel G. Chandler John W. Day, John Chandler, and Samuel Hanby, and such other persons as are or may hereafter be associated with them, and their successors, shall be, and they are hereby made, created and declared to be a body politic and corporate in law, by the name, style and title of the "Farmer's Mutual Fire Insurance Company," for the sole purpose of mutually insuring each other against loss by the destruction of property by fire; and under this name shall sue and be sued, and enjoy all the rights and privileges incident to a corporation; also may possess a common seal, and at their pleasure alter and renew the same. The persons herein named shall be the officers of the company with full power to transact Incorporation.

Name.

the business thereof, until successors shall be elected, the two first named being President and Secretary.

Company limited to certain Hundreds. SEC. 2. That the privilege of insuring property in the company shall be limited to the territory composing the Hundreds of Brandywine, Christiana, Mill Creek, and White Clay Creek, in the County of New Castle, with such restrictions as will be explained in the by-laws of the corporation.

Officers, elected when. SEC. 3. That the officers of the company shall be a President, Secretary and ten managers, all of whom shall be elected annually and remain in office one year, and until successors are chosen. *Quorum.* *Power of managers.* *Provided,* that one-third of the old managers shall be re-elected, a majority shall be a quorum to transact business, The President and Secretary shall be President and Secretary of the board of managers, and shall be considered as members thereof. The managers shall have power to fill all vacancies which may occur in office, to appoint an executive committee, which shall be composed of five of their number including the President and Secretary, one of whom shall be selected from each Hundred; and to call special meetings of the company when they may deem it necessary, or when requested by fifteen members in writing, stating the object of the meeting; and the members at such meeting shall have control over all questions to which their attention shall thus be directed. The President shall have power to convene the board of managers whenever the executive committee deem the interests of the company demand it.

Annual meetings where held. SEC. 4. That on the first Monday of January in the year of our Lord, one thousand eight hundred and fifty-eight, and on the same day thereafter in each year, the members of said corporation shall convene at the Mermaid Tavern in Mill Creek Hundred for the purpose of electing the aforementioned managers and the transacting of such other business as may seem necessary. *Notice.* Notice of all meetings of the corporation shall be given in the name of the President and Secretary, and it shall be the duty of the Secretary to procure their publication in two of the leading papers of the county, at least two weeks previous to said day of meeting; all elections of, in and for said company, shall be by ballot, and decided by a plurality of votes of the members present, to be conducted by three judges chosen from among the members not managers, who shall certify, under their hand, the result of the election, to be preserved with the papers of the company. *Election held how.*

Mode of doing. SEC. 5. That every person desiring to insure property in the company, shall make application to a manager or agent whose duty it shall be to view the property, and make out an applica-

tion containing its description and valuation; and said description and valuation shall be certified to by both contracting parties. And every person so applying for insurance shall deposit the application thus made out with the Secretary, who shall make an entry thereof on the books of the company, and give the insured an attested policy or contract of insurance signed by the President. The valuation so entered by the Secretary on the books of the company, with such additional rate for increased risk as will be explained in the by-laws of the corporation, shall form a "taxable basis," to remunerate any loss that may happen to the property of the company by fire: *Provided*, the company shall have power to refuse or impose a higher rate of taxation on property exposed to inordinate risk.

Act No.

SEC. 6. That when any property, so insured, shall be destroyed by fire, it shall be the duty of the Executive Committee to assess the damage; and levy a tax on the "taxable basis" of the property of each member, to meet the loss, with such addition for incidental expenses as necessarily arise from viewing and assessing the same, collecting taxes, settling with the Treasurer, and any other object legitimately arising from such transaction. They shall have power to collect, or to appoint collectors to receive and collect said taxes; and the collectors shall have the same power to collect the said taxes from the members of the company, that the collectors of county road and poor taxes have by law conferred on them to collect such taxes.

SEC. 7. That the insurance of the company shall be considered perpetual, but that a member may withdraw at the end of each year of the company, by giving notice thereof to the Secretary twenty days preceding the annual meeting, and alter his or her valuation at any time, by applying to the Secretary. And in case of the sale or assignment of the property insured, by the person insured and holding the policy, it shall be lawful for such person to assign and transfer to the purchaser the policy or contract of insurance, and such purchaser or assignee shall enjoy all the rights, and be subject to all the obligations of the person to whom the policy was originally given: *Provided*, That the consent of the President and Secretary shall be given and endorsed on the policy. The policy will not require renewal, but the insurance shall be subject to adjustment when either party shall require it.

SEC. 8. That this company will in no case insure more than \$2,500 in any one risk, whether insured by one or more persons; nor will it insure buildings that are partially insured in other companies, neither will any city, borough or village property be insured in this company.

Liabilities to
commence, when

SEC. 9. That the liabilities of the company shall not commence until property to the value of \$200,000 shall have been entered on the books of the company, and that the same shall cease and determine at any time when the insured amount of property shall fall below that sum.

By-laws.

SEC. 10. That any general meeting may make such by-laws, rules and regulations, and impose such penalties as the circumstances of the case may require: *Provided*, That no such by-laws, rules and regulations shall be repugnant to this charter, to the Constitution and laws of this State or of the United States.

One
when.

Quorum.

SEC. 11. That this act shall be taken and deemed to be a public act, and shall continue in force for twenty years: *Provided*, that the power is hereby reserved to the General Assembly to revoke this act of incorporation.

Passed

Passed at Dover, February 23, 1857.

CHAPTER CCCLXXXVII.

AN ACT to divide School District No. 59, Broad Creek Hundred, Sussex County.

Commissioners
to divide district

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Levin Hatch, Boaz Bell, Augustus Thompson and Henry S. Moore, all of Broad Creek Hundred, Sussex County, and State of Delaware, be, and they are hereby appointed Commissioners, under this act, and they, or a majority of them, are hereby authorized as soon as convenient, after the passing of this act, to take with them, or a majority of them, if it be deemed necessary, a skillful and impartial Surveyor, to go upon the lands embraced within the limits of School District No. 58, in Sussex County aforesaid, and divide the said District into two parts, in such manner as they, or a majority of them, may think most conducive to the interest of the citizens of said district, for the purpose of education, and it shall be the duty of the said Commissioners, or a majority of them, after the said District shall have been by them

laid out and divided, to make out a correct plot, and return, if surveyed, and if not surveyed, to make a correct return of their proceedings under this act, and the same to be returned to the Levy Court and Court of Appeals of said county at its next session after the said plot and return, or other proceedings shall have been so made as aforesaid, for confirmation by said Court, the same return shall be signed by a majority of the said Commissioners, and the said plot or return shall designate the divisional line of the said District. Plot and return.

SEC. 2. *Be it enacted*, That the provision of this act, of the act entitled an act for the establishment of Free Schools, with the several supplements thereto, be, and the same are hereby extended to each of the Districts formed by the division of District No. 59, so far as it regards the election of Commissioners and Clerks, in each of the said Districts, and their powers and duties in receiving and paying moneys, employing teachers, collecting taxes, and all matters necessary for maintaining and supporting a free school in each of said Districts. School laws extended to new district.

SEC. 3. *And be it enacted*, That the Trustee of the School Fund, in case the return and proceedings of the said Commissioners be confirmed by the Levy Court, as aforesaid, shall in the distribution next after the confirmation aforesaid, and annually thereafter, at the annual distribution of the School Fund to and among the several Districts of this State, divide the share of said District No. 59, into two equal parts, so that each part of said District may receive an equal share as is hereafter provided by this act. Dividends of School Fund.

SEC. 4. *And be it enacted*, That when the proceedings and return aforesaid of the Commissioners appointed, shall have been made to the said County Commissioners of the Levy Court, and they shall have confirmed the same, the said return or plot shall be filed amongst the papers belonging to the said Levy Court, and the Clerk thereof shall immediately notify the Trustee of the School Fund of the same. And the said Levy Court are hereby authorized to make such reasonable allowance to the Commissioners appointed by this act, and also to the Surveyor or other persons employed in the premises, as to them may seem right and proper, the said allowance to be deducted from the distributive share or portion of said School District No. 59. Plot and return to be filed.
Notice to Trustee of School Fund.
Allowance to Commissioners, &c.; how paid

Passed at Dover, February 23, 1857.

CHAPTER CCCLXXXVIII.

AN ACT to incorporate the owners and possessors of the marsh, cripple and low grounds therein described, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,) That the owners and possessors of the marsh, cripple and low grounds on both sides of Little Creek, above Pattens or Dover Landing, in Kent County, 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 Little Creek 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 impleaded, 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.

Incorporated

Name.

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.

Object of incorporation.

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 possessor of any marsh, cripple or low ground within the limits aforesaid, to pay his, her or their proportion of the expenses 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.

May tax owners of marsh, &c.

SEC. 4. And be it further enacted, That this act shall be taken and deemed to be a public act. Provided, that power is

Public act.

hereby reserved to the General Assembly to revoke this act of Revocation.
incorporation.

Passed at Dover, February 24, 1857.

CHAPTER CCCLXXXIX.

AN ACT *proposing an amendment to the Constitution for the purpose of abolishing life tenures in office.*

WHEREAS, Life tenures in office are incompatible with Republican institutions, and the enlightened spirit of the age. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each house deeming it necessary, and by and with the approbation of the Governor.)* That the following amendment be, and the same is hereby proposed to the fourteenth section of the sixth article of the Constitution of this State; that is to say: strike out the first clause of the said fourteenth section of the sixth article, the words "during good behaviour," and in lieu thereof insert and adopt the following, that is to say: for and during the term of twelve years, if so long they behave themselves well; the first term of the chancellor, and of each and all of the Judges to begin and commence on the fourth day of March A. D. 1859.

Amendment proposed to sec. 14 art. 6 of Constitution.

SEC. 2. *And be it further enacted,* That the Secretary of this State, be, and he is hereby directed, after the Governor shall have approved of the above proposed amendment, and this act duly to publish the above proposed amendment and this act in two or more newspapers of this State, for the consideration of the people of this State, at least three and not more than six months before the next general election for Senators and Representatives in this State.

Secretary of State directed to publish it after approval by the Governor

Passed at Dover, February 24, 1857.

CHAPTER CCCXC.

AN ACT *repealing the act entitled "an act taxing dogs in New Castle County, and for other purposes," passed at Dover, March 2, 1853, and the supplement thereto, passed at Dover, March 2, 1855.*

Acts repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the act entitled "an act taxing dogs in New Castle county, and for other purposes passed at Dover, March 2, 1853, and the supplement thereto, passed at Dover, March 2, 1855, be and the same is hereby repealed, made null and void.

Road Commissioners of different Hundreds to settle with the collectors of the tax

Tax how disposed of

SEC. 2. *And be it further enacted,* That it shall be the duty of the road commissioners of each and every Hundred in New Castle county, forthwith to settle an account with the persons who have collected the tax, authorized by the said act and supplement, and upon such settlement to collect by due process of law or otherwise, from such persons all such sum or sums of money which may remain in their hands on account of said tax; and it shall therefore be the duty of the said road commissioners to divide such sum or sums of money, with all such, which may heretofore have been received by them, and deposited in any bank by them to the "credit of the Sheep Fund," among the different school districts of their respective Hundreds.

SEC. 3. *And be it further enacted,* That the road commissioners shall be entitled to a commission of five per cent., upon the amount to be divided among the school districts as a compensation for their services under this act.

Passed at Dover, February 24, 1857.

CHAPTER CCCXCI.

AN ACT to repeal the act "entitled an act to authorize the widening of Water Street in the City of Wilmington.

SECTION 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, in the present year of our Lord, one thousand eight hundred and fifty-seven, the act entitled "an act to authorize the widening of Water Street in the City of Wilmington," passed at Dover, June 17th, 1836, shall be deemed and taken to be repealed, made null and void, and all and every the proceedings and actions, had and taken under the provisions of said act, and which shall not on the said first day of May next be completed and ended, shall be suspended and the power granted in said act, from the said first day of May next, shall be and the same is hereby revoked from that period.

Act to be void
after May 1, 1857.

Passed at Dover, February 24 1857.

CHAPTER CCCXCII.

AN ACT to amend the eightieth chapter of the Revised Code
"Of slaves."

R. Code chap. 80

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the eightieth chapter of the Revised Code of this State, entitled "of slaves," be, and the same is hereby amended, by striking out, in the eighteenth section, all after the enacting clause, and inserting in lieu thereof, the following: if any captain or commander of any vessel, or other person, shall carry or transport by water, or cause to be carried or transported by water out of this State, or if any conductor, manager, or any person having charge, management or direction of the running of any train of cars upon any railroad in this State, shall carry or transport, or cause or permit to be carried or transported, in any such train of

Sec. 18, of
amended.

Liabilities of
captains of ves-
sels or conduc-
tors, or mana-
gers on railroad.

Penalty.

cars, or out of this State, any person held to labor or service by any citizen or inhabitant of this State, or of any citizen or inhabitant of any other of the United States, and who may have escaped into this State, such captain, commander, conductor, manager, or other person, shall pay to the owner of such person held to labor or service, the sum of one thousand dollars, to be recovered by an action on the case, or on conviction thereof by indictment shall be subject to a fine of five hundred dollars, to be paid to the master or owner of such person held to labor or service as aforesaid, and if any negro or mulatto shall carry or transport by water any person so held to labor or service, he shall on conviction thereof by indictment, be punished as is prescribed by section 15 of this chapter.

Liability of company or lessees

SEC. 2. *And be it further enacted*, That if any conductor, manager or person having charge or management of any train of cars upon any railroad in this State, shall violate the provisions of the act to which this is a supplement, as hereby amended, it shall and may be lawful for the owner or owners of any such person held to labor or service; whether citizens or inhabitants of this State, or of either of the other of the United States, or of either of the Territories thereof, in addition to the penalties provided in section 18, as herein amended, to have, receive, and recover of and from the president, directors, and company, of any such railroad company, or if such railroad is leased to any other corporation, individual or individuals to have, receive and recover from such other corporation, individual or individuals, the lessees of such railroad, the sum of one thousand dollars, to be recovered by an action on the case in the Superior Court, in and for either of the counties of this State.

Travelling on road prima facie evidence of carrying out of State

SEC. 3. In any prosecution for a violation of this act, or in any suit brought under its provisions, proof that a person held to labor or service, in this or any other State, was suffered or permitted to travel upon any railroad without the assent of the owner of such person, shall be deemed and taken as evidence of carrying or transporting out of this State such person held to labor or service as aforesaid.

SEC. 4. *And be it further enacted*, That in any addition of the laws of this State hereafter to be published, the chapter aforesaid shall be printed as amended by this act.

Passed at Dover, February 24, 1857.

CHAPTER CCCXIII.

AN ACT to re-incorporate the Agricultural Society of New Castle County.

WHEREAS, The former act in incorporating the Agricultural Society of New Castle County expired on the sixteenth day of June, A. D. one thousand eight hundred and fifty-six; and *whereas* the members of the former association are desirous of renewing it, for the better encouragement of agriculture, and for improvement in the art of husbandry in general. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That Bryan Jackson, John T. Clark, T. J. Adams, Giles Lambson, Barney Keybold, Maxwell B. Ocheltree, John Jones, David W. Gemmill, John Wales, Charles I. Dupont, Anthony M. Higgins, Samuel Canby, George Pepper Norris, George R. Townsend, Charles W. Holland, Dr. I. A. Brown, Isaac S. Ellicott, Alexander H. Adams, Richard Jackson, Henry L. Tatnall, Zadoc Townsend, John W. Andrews, William D. Clark, Edward T. Bellah, Henry C. Burton, George Z. Tyabout, and others subscribers to the Agricultural Society of New Castle County, and their successors be, and they are hereby created and made a corporation and body politic, by the name and style of the Agricultural Society of New Castle County, and by that name shall have succession for and during the period of twenty years from the time of passing this act, and be capable by law to hold property real and personal, to sue and be sued, plead and be impleaded, answer and defend, be answered and defended, in all courts of law and equity, or in any place whatever, to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatever, and to make and have a common seal, and the same to change and renew at pleasure, and generally to do every other matter and thing necessary and proper to carry into effect the provisions of this act: *Provided* always, that the said corporation shall not at any time hold more than one thousand acres of land, and that the personal property of the corporation shall not exceed the sum of fifty thousand dollars.

SEC. 2. *And be it further enacted,* That the said corporation shall annually, on the first Thursday in November, at the city of

Election, when and where held.	Wilmington, or at such other time as by the by-laws hereafter to be made, may be appointed, elect from the members of the said corporation the following officers, viz: a President, ten Vice Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Councillor, and a Board of ten Directors, to hold
Officers, their term of office.	their offices for the term of one year from the day of their election, or until their duly qualified successors shall be prepared to enter upon the discharge of their duties; and that the President, Corresponding Secretary, Recording Secretary, and the Board of Directors, immediately after their election, shall constitute the Executive Committee, in whom shall be vested all the executive
Powers of officers.	power of the society, together with the entire control of its property, and the right and authority to make, from time to time, as they may deem expedient, such by-laws, and all other needful rules for the regulations and government of the affairs of the said corporation, and the same to change, add to, or amend in such manner as to them may seem necessary and proper: <i>Provided</i> always, that such by-laws and rules be consistent with the Constitution of the United States, and with the Constitution and the laws of the State of Delaware, and provided also, that the said corporation shall not be authorized to make or issue any bills or or notes in the nature of bank notes; and that it shall be limited and restricted in its business and objects to agricultural matters, and to the breeding and improvement of horses and cattle.
No banking privileges.	

SEC. 3. *And be it further enacted,* That the President, Vice President, Secretaries, Treasurer, Councillor and Directors of the association hereby incorporated, who were chosen at a meeting of the said association held in the city of Wilmington, on the first day of November last, A. D. one thousand eight hundred and fifty-six, shall be, and remain the officers of the said corporation until other officers shall be chosen and qualified to enter on the discharge of their duties according to the provisions of this act, and that the President, Corresponding Secretary, Recording Secretary, and Board of Directors then chosen shall constitute the Executive Committee and possess all the powers hereby vested in the Executive Committee by the second section of this act; and also that the Constitution of the said association, adopted at a meeting held at the city of Wilmington, on the thirtieth day of August last, A. D. one thousand eight hundred and fifty-six, shall be and remain the Constitution of the said corporation until the same shall be altered according to the provisions contained in the twelfth article of the said Constitution, or by future by-laws to be made by the said Executive Committee, in accordance with the provisions of the second section of this act.

SEC. 4. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and that the power to

revoke the same, at any time hereafter, is hereby reserved to the ^{Revocation.} Legislature.

Passed at Dover, February 24, 1857.

CHAPTER CCCXCIV.

AN ACT to incorporate the Delaware Hay and Land Improvement Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met. (two-thirds of each branch of the Legislature concurring therein.)* That Henry Todd, George P. Fisher, William Walker, William Collins, John C. Pennewill, Richard T. Lawrence, Napoleon B. Harris, Charles C. Babbitt, and such other persons as are or hereafter may be associated with them for the purpose of conducting the business of cutting, saving, transporting and selling salt hay, and improving the salt marsh on the Delaware Bay and its tributaries, shall be, and are hereby ordained and declared to be a body politic and corporate, by the name of the "Delaware Hay and Land Improvement Company," and by that name they and their successors and assigns, shall and may have continual succession for twenty years and no longer; and be capable to sue and be sued in courts of law and equity, to purchase, take, hold, enjoy, sell, alien and transfer lands, tenements and hereditaments, goods, chattels, vessels, boats, machinery and effects, of any nature, which may be connected with or conducive to the purposes for which the said company is established, and to have a common seal, to ordain by-laws for their own government, not repugnant to the Constitution or laws of the United States or of this State, and to enjoy the franchises incident to a corporation: *Provided* always, that the said corporation shall not have, nor exercise any banking powers whatsoever, and that the capital stock of said corporation shall not exceed one hundred thousand dollars.

SEC. 2. *And be it further enacted,* That the business and concerns of said corporation shall be managed by seven directors, who shall be stockholders, four of whom shall be citizens of this

State, and shall be elected at each annual meeting of the stockholders, which shall be held in Dover on the first Tuesday in July in every year, and shall continue in office until the next annual meeting of the stockholders, and until their successors be duly chosen. The directors shall be elected by ballot, by the stockholders in person or by proxy, who shall have a vote for every share of stock, and a majority of the votes given shall be necessary to a choice; and such ballot shall be made from time to time until the requisite number of directors shall be chosen. If any director cease to be a stockholder, or if any vacancy or vacancies shall occur therein by death, resignation, refusal to serve, or from any other cause, the remaining directors or director shall choose one or more directors to serve until the next election in course, or until successors shall be duly chosen; but if vacancies shall exist at any time in all the offices of directors, or if such directors shall not be chosen at the time appointed herein, this corporation shall not thereby cease, but in the former case such persons shall manage the business and concerns of the said corporation as may be provided by its by-laws, and in the latter case the directors shall continue in office until successors shall be actually chosen, and enter on the duties of their office. The directors shall choose from among their number a President, who shall have such powers and duties as shall be provided by the by-laws. The directors, until the first annual meeting after this act shall go into operation, and until others shall be appointed and shall act, shall be Henry Todd, George P. Fisher, Napoleon B. Harris, John C. Pennewill, William Walker, Richard T. Lawrence and Charles C. Babbitt.

By-laws. SEC. 3. *And be it further enacted,* That the by-laws shall be made by the directors of said company, subject to alteration or amendment at any time by consent of two-thirds of the directors.

Duty of Directors. SEC. 4. *And be it further enacted,* That the Directors shall keep or cause to be kept proper books of accounts, in which shall be regularly entered the transactions of the said corporation, which books shall at all times be subject to the inspection of the stockholders, and the directors shall cause to be exhibited to the stockholders, at their annual meeting, a statement of the affairs and doings of the company; and no director shall have any emolument except such as shall be allowed by the stockholders at their annual meeting.

Shares personal property. SEC. 5. *And be it further enacted,* That the shares of the capital stock shall be twenty-five dollars each, and be personal property, and shall be created, certified, held, arranged and assignable according to the provisions of the by-laws.

SEC. 6. *And be it further enacted,* That the capital stock shall be paid in such manner, and in such instalments, and at such times, as the Directors, or a majority of them, shall appoint, and the same shall be liable to be forfeited according to the provisions of the by-laws. Instalments;
how paid.

SEC. 7. *And be it further enacted,* That this act shall be deemed and taken to be a public act. Public act.

Passed at Dover, February 24, 1857.

CHAPTER CCCXCV.

AN ACT for the relief of David Lockwood.

Private act.

Passed at Dover, February 24, 1857.

CHAPTER CCCXCVI.

AN ACT for the relief of Edward Reed, the younger.

Private Act.

Passed at Dover, February 24, 1857.

CHAPTER CCCXCVII.

AN ACT in relation to, insane persons.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. If upon the trial of any person upon an indictment charging a crime punishable with death, or an assault with an intent to commit a rape, or murder, the defence of insanity shall be made and established to the satisfaction of the jury empaneled on said trial, and the fact charged shall be proved, it shall be the duty of the jury to return a verdict of "not guilty by reason of insanity," and upon the rendition of such verdict, the court, before which the issue shall have been tried, may upon motion of the Attorney General, order that the person so acquitted shall forthwith be committed, by the Sheriff, to the keeper of the Almshouse of the county wherein the case was tried, or of the county of the residence of said insane person, or the court may order such person to be placed at any Lunatic Asylum, or institution for insane persons in the United States. For this purpose the said court may appoint a trustee, whose duty it shall be to contract with any such asylum or institution for the admission and support of such insane person. The expenses of the removal of such insane person, and of his admission into and support at such asylum or institution, shall be borne by the trustee of the poor of the county where the act charged was committed, or of the county of such insane person's residence; but if any such insane person shall have any real or personal estate, said trustee of the poor may have for the expenses and charges so incurred as aforesaid, the same remedy as is provided in section 22, of chapter 48, of the Revised Statutes of this State in the case of insane persons supported in the county almshouse.

Provisions in case of insane persons charged with crime punishable with death

Trustee to be appointed.
His duty.
Expenses; how defrayed.

Remedy of trustee of poor.

Discretionary powers of C. of Gen. Sessions.

SEC. 2. The Court of General Sessions of the Peace and Jail Delivery of the county wherein such case shall have been tried, may order that such insane person charged and acquitted as aforesaid, shall be set at large whenever they shall be satisfied that the public safety will not be thereby endangered, or may order such person to be removed from any such asylum or institution to the almshouse of the county where he resided at the time of the commission of the act charged in the indictment, or of the county where the act charged was committed.

Passed at Dover, February 24, 1857.

CHAPTER CCCXCVIII.

AN ACT to enable James G. Shaw of the town of New Castle to wharf out into the River Delaware, at said town.

Private Act.

Passed at Dover, February 24, 1857.

CHAPTER CCCXCIX.

AN ACT to divorce James Mendenhall and Ann Mendenhall, his wife, from the bonds of matrimony.

Private act.

Passed at Dover, February 24, 1857.

CHAPTER CCCC.

AN ACT to incorporate the Trustees of the Delaware City Academy.

Private act.

Passed at Dover, February 24, 1857.

CHAPTER CCCCI.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Lewes and Millsborough Railroad Company."

First section of the act of Feb. 26, 1855, amended, making provision for the connection of the "Lewes and Millsboro'" and "Junction and Breakwater" railroad.

SECTION 1. *And be it further enacted as aforesaid,* That the first section of the act entitled "An act to amend the act entitled an act to incorporate the Lewes and Millsborough Railroad Company, passed at Dover, February 26, 1855, be, and the same is hereby so amended, that if the Junction and Breakwater Railroad Company, incorporated at the present session of the Legislature, should construct the railroad contemplated to be made from the Delaware Railroad by way of Milford to the Delaware Breakwater, then, and in that case, it shall be the duty and a legal obligation of the said united companies referred to in the said first section of the act aforesaid, according to the provisions of said act, within two years after the said Lewes and Millsborough Railroad shall have been continued and constructed to the south line of the State for the purpose of forming the connection in the said section provided for, to construct, equip and complete, and have in operation, a branch from the said Lewes and Millsborough Railroad, at or near Millsborough, to the said Junction and Breakwater Railroad at Georgetown, or at the nearest point where the latter road shall approach to Georgetown, so as to connect with the latter road at such point; provided the Junction and Breakwater Railroad shall have been constructed by that time to such point in the line of its projected location from Milford to the Breakwater; and the trains shall be so regulated and run over the said railroads, when thus connected, as to afford as good and favorable facility and opportunity to pass to and fro between Millsborough and Milford, as to and fro between Millsborough and Lewes, and the charges per mile for freight and passengers shall be as low between Millsborough and Milford, as between Millsborough and Lewes. And all the corporate powers, rights and privileges hereto conferred upon the said Lewes and Millsborough Railroad Company in regard to the survey, location, construction and equipment of the main line of their said railroad, and all the duties and liabilities arising therefrom, are hereby extended and applied to the said branch road herein provided for.

Regulation of trains.

Rates of freight.

Corporate powers of original charter extended to branch.

Location of road.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the said "The Lewes and Millsborough Railroad Company," in the location and construction of the said railroad from Lewes to Millsborough may locate and construct the same so as to run to or near Georgetown, in said County of Sussex, and thence, in a southerly direction, by or near Millsborough, Dagsborough and

Frankfort to the south line of this State, so as to unite and connect with any railroad that may be constructed in the State of Maryland, as contemplated in the said first section of said act of February 26, 1855,

SEC. 3. *And be it enacted, by the authority aforesaid, That for the purpose of enabling the said "The Lewes, and Millsborough Railroad Company," to locate and construct said extended railroad, as contemplated in this act, and for equipping and working their said railroad or railroads, the capital stock of said company may be, and the same is hereby increased to eight hundred thousand dollars, to be divided into shares as contemplated in the said original act of incorporation, and so much of said increased capital stock as the said company may deem necessary, may be called in by said company, and paid in by the subscribers to said increased capital stock of said company, in the same manner as is provided in the said original act of incorporation.*

Capital stock increased to eight hundred thousand dollars.

Passed at Dover, February 25, 1857.

CHAPTER CCCCII.

AN ACT to create an additional School District in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Joshua Webb, Purnell Tutman, John B. Hemmons, Charles Smith, and George Macklin be, and they are hereby appointed commissioners to go upon and view School Districts, Nos. 78, 66, 77 and 77½, in Sussex County, and locate and lay out from said Districts an additional School District, by dividing the said School Districts, Nos. 78, 66, 77, and 77½, into five such parts as to them shall seem just and proper, and when the said commissioners or a majority of them, have so located and laid out said

Commissioners.
Additional district to be laid out.

additional School District, they or a majority of them, shall make
 Return made where. return of the said additional District so located and laid out, and also
 of the parts of the original Districts, Nos. 78, 66, 77 and 77½, remain-
 ing after the said additional Districts shall have been laid off
 and when describing plainly the metes and bounds of each, into the office of
 the Clerk of the Peace of Sussex County, to be by him filed
 among the records of his office, said return shall be made on or
 before the first day of June next, and within ten days thereafter
 the said clerk of the Peace shall make a copy thereof and deliver
 Copy to be delivered to Trustee of School Fund. the same to the Trustee of the School Fund, and from and after
 the said first day of June aforesaid, the additional School Dis-
 trict to be formed under the provisions of this act, shall be deem-
 ed and taken to be a School District of Sussex County, and num-
 Acts of Assembly in relation to free schools extended to additional district. bered 78½, and all the acts of the General Assembly of this State
 for the general regulation, government and benefit of free schools
 within this State, shall be extended and applied to said additional
 School District, to be created under the provisions of this act,
 and the Trustee of the School Fund in the future distribution in
 Sussex County, shall have due regard to the return of said com-
 missioners as the same may be made and filed as aforesaid, giving
 Distribution of Fund. to the said additional School District in Sussex County, an equal
 portion of the money in his hands annually applicable to School Dis-
 tricts 78, 66, 77 and 77½ in Sussex County, so that the share
 of the said additional School District No. 78½ of the distribu-
 tion of the School Fund aforesaid, shall be composed entirely of
 the one equal fifth part of the shares of the above mentioned
 School Districts, out of which the said District is to be formed
 and created.

Commissioners to be sworn

SEC. 2. *And be it further enacted*, That the commissioners
 appointed by this act, shall severally, before entering upon the
 discharge of the duties imposed upon them by the provisions of
 this act take and subscribe an oath or affirmation, to perform
 the same with fidelity, and for each and every day the said com-
 missioners may be employed in the discharge of their duties under
 the provisions herein contained, they shall each have and receive the
 sum of one dollar, to be allowed by the Levy Court and Court of
 Appeals of Sussex County.

Compensation how paid.

Vacancies filled how

SEC. 3. *And be it further enacted*, That in case any of the said
 commissioners shall die, remove from the county, or refuse to act,
 the vacancy or vacancies may be filled by a Judge of the Superior
 Court residing in the county aforesaid, and in case the said com-
 missioners shall fail to lay off and locate the said additional
 School District herein authorized in time to make their return
 on or before the first day of June next as herein before directed,
 then the time for making such return is hereby extended to the
 first day of June thereafter, and all the provisions of this act

On failure to lay off time extended.

shall apply to such return the same as if duly made on or before the first day of June next.

Passed at Dover, February 26, 1857.

CHAPTER CCCIII.

AN ACT to amend Chapter 128 of the Revised Code, entitled *“Offences” against private property.* Code, chap. 128

Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met. That chapter one hundred and twenty-eight of the Revised Code be amended by adding thereto the following:

SECTION 20. If any person shall wilfully and maliciously place any log, stone, bar or obstruction on the road-bed or track of any railroad within this State, or shall wilfully and maliciously break-up or displace, injure or destroy such bed or track, or shall wilfully and maliciously change or remove any switch-bar, switch siding, signal or guard of, or on such railroad, or any bridge, culvert or appendage thereof, with intent to displace, or throw off, injure or destroy any engine, tender, train or car running or being thereon, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five hundred dollars, and imprisoned not exceeding one year; and if any engine, tender, train or car shall be thrown from the track, by reason of such obstruction, injury or act, the person so offending shall stand in the pillory one hour in addition to the above penalty; and if any person shall be killed by reason of such obstruction, injury or act, the person so offending shall be deemed guilty of murder of the first degree and of felony, and shall suffer death.

Section added prescribing penalties and punishment for injuries to or obstructions upon railroads.

Passed at Dover, February 26, 1857.

CHAPTER CCCCIV.

AN ACT to amend an act entitled "An act authorizing the persons therein named to raise a sum not exceeding six thousand dollars, by a lottery, for the purpose of erecting an Academy, &c., in the Village of Middletown, in the State of Delaware.

Act amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That an act entitled "An act authorizing the persons therein named to raise a sum not exceeding six thousand dollars by a lottery, for the purpose of erecting an academy, &c., in the village of Middletown, in the State of Delaware," passed at Dover, A. D. 1824, be, and the same is hereby amended, by striking out the words, "and for elementary schools," and also a room for "public worship," occurring in the tenth and eleventh lines of section one, and all that portion of said section one, after the word necessary, in the thirteenth line of said section.

Passed at Dover, February 26, 1857.

CHAPTER CCCCIV.

AN ACT regulating the appointment of Constables in Dagsboro' Hundred, Sussex County.

A Constable hereafter to reside within one mile of Washington, in Dagsboro', Sussex Co.

SECTION 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 passage of this act the Levy Court and Court of Appeals of Sussex County, in making their appointment of Constables for Dagsboro' Hundred, shall compel one of the aforesaid Constables to reside within one mile of the village of Washington, in said Hundred.

Passed at Dover, February 26, 1857.

CHAPTER CCCCVI.

AN ACT divorcing Rachel D. Brettingham from Samuel H. Brettingham.

Private act.

Passed at Dover, February 26, 1857.

CHAPTER CCCCVII.

AN ACT for the relief of Susan Prouty.

Private Act.

Passed at Dover, February 26, 1857.

CHAPTER CCCCVIII.

AN ACT for the benefit of Joseph Phillips and Hiram C. Phillips.

Private act.

Passed at Dover, February 26, 1857.

CHAPTER CCCCIX.

AN ACT to incorporate the Seaford and Lewes Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)* That Charles Wright, William H. Ross, James Stewart, Thomas A. Jones, George W. Green, James Anderson, David Popper, Asbury C. Pepper, Edward Wootten, John B. Waples, George W. Maull, William M. Hickman, Henry F. Rodney, Henry F. Hall, Benjamin Burton, Isaac H. Houston, Gardiner H. Wright, Phillip C. Jones, senior, Samuel M. Felton, Samuel M. Harrington, Charles I. Dupont, Jesse Sharp and Evan C. Stotsenberg, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any three of them, shall procure and cause to be, at such times and places, in or out of the State of Delaware, and on twenty days notice, suitable books for subscription to the capital stock of the Seaford and Lewes Railroad Company, and they shall permit all persons of lawful age, to subscribe in said books, in their own names, or in the name of any other person, or company who may authorize the same, for any number of shares in the said capital stock. The capital stock of said company shall not exceed five hundred thousand dollars, divided into twenty thousand shares of twenty-five dollars each.

SEC. 2. *And be it enacted by the authority aforesaid,* That when and as soon as one thousand shares shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be incorporated, by the name, style and title of "The Seaford and Lewes Railroad Company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal and mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew at pleasure: and also to ordain, establish and enforce such by-laws and regulations as shall be deemed necessary and convenient for the government of the said corporation, not being repugnant to the constitution and laws of this State, and of the United

States; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being and ordering of the same: *Provided*, that nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other liberties, privileges and franchises, but such as may be necessary or incident to the making and proper management of the said railroad.

SEC. 3. *And be it further enacted*, That the Commissioners aforesaid, as soon as conveniently may be, after one thousand shares shall be subscribed as aforesaid, after giving at least ten days notice thereof in two or more newspapers, published in the State of Delaware, and in one or more newspapers published in the city of Philadelphia, shall call a meeting of the said subscribers in Georgetown, to organize the said company by the choice and appointment of officers as is hereinafter mentioned, and which meeting shall be held at such time as shall be appointed in said notice, but may be adjourned from day to day, until the choice and appointment of officers shall be complete. Organization.

SEC. 4. *And be it further enacted*, That there shall be an annual meeting of the stockholders, on the second Monday in January every year, in the town of Seaford, for the purpose of electing directors, and for the transaction of other business. In all meetings of the stockholders regularly convened, those present may proceed to business, and all questions shall be determined by a majority of the votes given. All elections of stockholders shall be by ballot, and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the stockholders may be called at such places as the President and directors may deem expedient. Annual meeting.
Elections.
Occasional meetings.

SEC. 5. *And be it further enacted*, That at the first meeting of the stockholders to be held under the call of said Commissioners, and at every annual meeting of the stockholders to be held thereafter as aforesaid, they shall elect nine directors, a majority of whom shall be citizens of this State, and all of them stockholders in the said company. The first election of directors shall be conducted by two of the said Commissioners as judges thereof; and all subsequent elections of said directors shall be conducted by two of the stockholders not in the board, to be appointed by the directors for the time being, as judges for that purpose. The directors, immediately after their election, shall proceed to choose one of their number to be the President of their company, and of the said Board of Directors. The term of office of said President and directors shall be until the annual meeting of the stockhold- Directors: when and how elected.
President.
Term of office.

ers succeeding their election, and until their successors shall be duly chosen. The directors shall also appoint, immediately after their election, a Secretary and Treasurer of said company, who shall continue in office for the term aforesaid, and until their successors shall be duly appointed, unless sooner removed, for cause, by the directors. They shall require of the Treasurer, on his appointment, a bond, with sufficient security for the proper performance of the duties of his office, and of the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of directors shall constitute a quorum for the transaction of business, and in the absence of the President, may appoint a Chairman of the board, *pro tempore*. Vacancies in the Board of Directors, and in the offices of President, Secretary and Treasurer, may be filled by the remaining directors, to continue as aforesaid.

MEETINGS HELD, WHERE
POWERS OF DIRECTORS.

SEC. 6. *And be it further enacted, That the said President and directors shall hold their meetings in the town of Seaford, and in such other places as they may deem expedient on the line of the said road; and the said directors shall have the general direction, conduct and management of the property and works, affairs and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen and laborers as they shall deem necessary, and to fix the salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and to take bond from them, or any of them, with security, for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such engines, cars and other equipments and supplies for the road, and for that purpose to make and enter into such contracts and agreements with other persons and companies, as they may consider expedient and proper, and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all acts that may be necessary to effect the purposes for which the said company is hereby incorporated; and to this end to use the capital stock and funds of the said company, and to bind by their contracts, under the seal of the corporation, and the hand of the President, all the property and estate of the said company. They shall also have power to make and prescribe the by-laws and regulations for the government of the company, and to provide certificates of stocks, under the seal of the company, and the signature of the President, and countersigned by the Secretary, for all shares subscribed, and to prescribe the mode of assigning and transferring the same; and generally to do all such other matters and things as by this act, and the by-laws and regulations of the company they shall be authorized to do.*

SEC. 7. *And be it further enacted,* That it shall be the duty of the President and Directors to procure the certificates of stock for all the shares subscribed in said company, and cause the same, signed, sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable at the will of the holder, in the method prescribed in the by-laws of the company, and the assignee of any such certificate so transferred shall be a stockholder in said company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the instalments, forfeitures and penalties due, or to become due thereon, as the original subscriber would have been. Certificate of stock of assignable.

SEC. 8. *And be it further enacted,* That the subscribers to the said capital stock, shall pay to the Treasurer of the said company the instalments on each share by them subscribed, as the same shall be respectively called in pursuant to the public notice and call of the said directors; and if any subscriber shall omit for thirty days after any such call, to pay any such instalment, at the time and place appointed in said notice, he shall pay in addition to the said instalment, the sum of three dollars for each and every share by him subscribed for the delay of such payment, or the shares so held by him with all the previous instalments paid thereon may be declared forfeited to the company at the option of the directors. All sums of money which may accrue to the company under this section, may be sued for and recovered as debts of a like amount are recoverable by the laws of this State: *Provided,* that no stockholder shall be entitled to vote at any election, or in any meeting of the said company, on whose share or shares any instalment shall have been due and payable more than thirty days previous to such election or meeting, and is still unpaid at that time. Instalments, how paid. Omission to pay, penalties.

SEC. 9. *And be it further enacted,* That the said President and directors shall, from time to time, make and declare dividends of the net profits of the business of the company, or of such portions of such profits as they may deem advisable, the times for which shall be fixed by the by-laws, and public notice thereof, shall be given by the said President and directors, and at each annual meeting of the stockholders, it shall be the duty of the President and directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the company for that year. Dividends. Report.

SEC. 10. *And be it further enacted,* That the said company be, and they are hereby authorized, as soon as they conveniently can, to survey, locate and construct a railroad with one or more tracks Authorized to construct a railroad Location.

May connect
with Delaware
Railroad.

from some point on the Delaware railroad, at or near the town of Seaford, to be selected and fixed by the company hereby incorporated, and from the point so selected to the Delaware Bay; at or near the town of Lewes, having due regard, in the location and construction of said road, to the public convenience and the interests of the stockholders; and to connect or unite their said railroad at or near the said town of Seaford, with the said Delaware Railroad with the assent of the Delaware Railroad Company, and upon such terms and conditions as shall be arranged and agreed upon between the two companies, the said agreement to be reduced to writing and authenticated under the seals of the companies; and for the purpose of surveying, locating and constructing the said railroad as aforesaid, the said company shall have full authority to enter upon any land, public or private property necessary therefor, and to procure sand, gravel, wood and other material therefrom, and to obtain right and title to the same as hereinafter provided.

Condemnation of
lands for use of
company, how
effected.

SEC. 11. *And be it further enacted,* That whenever it shall be necessary for the said company to enter in and upon and occupy, for the purpose of making said railroad, any lands upon which the same may be located or take any earth, sand, gravel or other materials for the purpose aforesaid, and the parties cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to said land by such entry or occupation, or for the taking such earth, sand, gravel or other materials, it shall be lawful for the company hereby incorporated, by and through their President, to make application to the Superior Court for Sussex County, or to any Judge thereof, in vacation, first giving the other party, if within the State, at least five days notice in writing of such intended application, and the said Court or Judge shall thereupon appoint five judicious and impartial freeholders to view the premises and assess the damages, if any, which the said owner or owners will sustain by reason of the said railroad passing through, and in taking and using the same. The said freeholders shall be sworn or affirmed before some person in said County of Sussex, authorized by the laws of this State to administer oaths, before entering upon the premises, faithfully and impartially to perform the duty assigned them, and shall give ten days notice to the owner or owners of the premises, if within the State, and the same to the President of the company, of the time of their meeting for the discharge of their duty, which shall be upon the premises; and they shall make report in writing, under their hands, or the hands of a majority of them, to the term of the Superior Court in Sussex County, next after their appointment, which said Court shall thereupon confirm the said report, unless for good and sufficient reasons the said Court shall deem it just and proper to appoint five other judicious and

impartial freeholders to perform the duty in manner aforesaid, and to make return thereof at such time as the Court shall appoint, which return shall be final. When judgment of confirmation shall be rendered by the Court, on any report made as aforesaid, and the damages assessed shall be paid by the company to the party entitled, or into the Superior Court aforesaid for his or her use, whether they be under any disability or in or out of the State, the title to the land and premises described and condemned in said report for the purposes aforesaid, shall be absolutely vested in the said company, their successors and assigns. The fees of the freeholders and the Prothonotary in all such proceedings, shall be fixed by the Court, and in all cases shall be paid by the company.

SEC. 12. *And be it further enacted*, That whenever it shall be necessary or expedient for the said company to enter upon any portion of the Delaware Bay, or harbor of the Delaware Breakwater, or any shore, cape, or marsh the property whereof is in this State, it shall be lawful for them to enter upon the same, and to hold, use, occupy and enjoy so much thereof as shall be necessary and proper for the use and benefit of said company, and thereon to make and construct such piers, wharves, roads, houses and other needful buildings, structures and improvements, as may be conducive to the interests and objects of the said company.

Authorized to enter upon and use land of the State.

SEC. 13. *And be it further enacted*, That if, in the location of said railroad, it shall be found necessary or expedient to cross any navigable water course below the highest point of the usual navigation thereof by masted vessels, it shall be the duty of the said company to construct and keep in repair a bridge, with a sufficient passway and draw over the channel or the deepest part of the same, which shall be drawn as often as occasion shall require, at the expense of the company, for the free passage of such vessels, and it shall also be the duty of said company to construct and keep in repair good and sufficient passages across such railroad where any public road shall cross the same, so that carriages, horses, persons and cattle shall not be obstructed in crossing said railroad, it shall likewise be the duty of the said company when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across the same for the use of said farm.

Bridges.

Passages for public roads.

SEC. 14. *And be it further enacted*, That if any person or persons shall willfully and intentionally damage or obstruct the said railroad, or any part thereof, or any part of the works and property of the said company, they shall be liable to the company in a civil action for double the damage sustained, and shall

Injurious to railroad.

moreover be guilty of a misdemeanor and on indictment and conviction, shall be fined not exceeding one thousand dollars at the discretion of the Court.

Failure to elect officers.

SEC. 15. *And be it further enacted*, That that if at any time an election of officers of the said company shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards on giving ten days notice thereof in two newspapers published in this State, of the time and place of holding such election and it shall be lawful for the Governor of the State, for the time being, to supply any vacancies which may occur among the commissioners appointed by this act.

Tax to State.

SEC. 16. *And be it further enacted*, That the said company shall pay semi annually into the the treasury of the State, a tax at the rate of one-half of one per cent. per annum, on the capital stock of the company actually paid in, whenever the business of the company, shall over and above its liabilities or expenses yield to the stockholders a profit or dividend on such stock equal to the rate of eight per centum per annum.

Public act.

Perpetual.

Revocation.

SEC. 17. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such, in all courts of law and equity in this State; and that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said company, which power is hereby reserved to the Legislature.

Passed at Dover, February 26, 1857.

CHAPTER CCCCX.

AN AN to incorporate the Delaware and Pennsylvania Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met. (with the concurrence of two-thirds of each branch of the Legislature,)* That George W. Cummins, Francis D. Dunlap, James N. Sutton, Anthony M. Higgins, Henry L. Peckard, Sewell C. Biggs, George G. Cleaver, Joseph Cleaver, George Z. Tybout, William Bright, Jacob Morris, Benjamin N. Ogle, George Biggs, John Homan, John Ashhurst, Alexander Cattell, William Kennedy and William Ferris, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned that is to say: they, or a majority of of them, shall procure and cause to be opened at such times and places, and on such notice as they may deem proper, suitable books for subscription to the stock of the Delaware and Pennsylvania Railroad Company, and they shall permit all persons of lawful age, to subscribe in said books, in their own names, or in the names of any other person or company who may authorize the same, for any number of shares in the said stock. The capital stock of the said company shall not exceed one million of dollars, divided into twenty thousand shares of fifty dollars each.

Commissioners appointed.

Their duties.

Capital stock.

SEC. 2. *And be it further enacted as aforesaid,* That when and as soon as one thousand shares of the capital stock in said company shall be subscribed as aforesaid, the subscribers, their successors and assigns, shall be, and they are hereby declared to be incorporated, by the name and title of "The Delaware and Pennsylvania Railroad Company," and by the said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, real and personal estate, of every kind whatsoever, and the same to grant, mortgage sell, alien and dispose of, and to declare dividends of such portions of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure, and also to make and ordain, by-laws and regulations for the government of the said corporation, not inconsistent with the constitution and laws of the United States or of this State; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being and ordering of the

Incorporated.

Corporate powers.

same: *Provided*, that nothing herein contained shall confer any banking privileges on the said company, or any other liberties, franchises, or privileges but those which are properly incident to such a corporation.

Organization. SEC. 3. *And be it further enacted as aforesaid*, , That as soon as one thousand shares shall be subscribed as aforesaid, the said Commissioners, after giving at least ten days notice thereof in two or more newspapers, published in this State, shall call a meeting of the said subscribers in Delaware City, to organize the said company by the choice and appointment of officers as hereinafter mentioned, and which meeting shall be held at such time as shall be appointed in said notice.

Annual meeting. SEC. 4. *And be it further enacted as aforesaid*, That there shall be an annual meeting of the stockholders, on the second Monday in January every year, in Delaware City aforesaid, for the purpose of electing directors, and for the transaction of other business. In all meetings of the stockholders regularly convened, those present may proceed to business. All questions shall be determined by a majority of the votes given. All elections by stockholders shall be by ballot, and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the stockholders may be called, and at such places as the President and directors may deem expedient.

Elections.

Occasional meetings. SEC. 5. *And be it further enacted as aforesaid*, That at the first meeting of the stockholders to be held under the call of the said Commissioners, and at every annual meeting of the stockholders to be held thereafter as aforesaid, they shall elect nine directors, a majority of them shall be citizens of this State, and all of them stockholders in the said company. The first election of directors shall be conducted by two of the said Commissioners as the judges thereof; and all subsequent elections of said officers shall be conducted by two of the stockholders not in the board, to be appointed by the directors for the time being, as judges for that purpose. The directors, immediately after their election, shall proceed to choose one of their number to be the President of their company, and of the said board, and their term of office shall be until the annual meeting of the stockholders succeeding their election and until their successors shall be duly chosen. The directors shall also appoint, immediately after their election, a Secretary and Treasurer of said company, who shall continue in office for the term aforesaid, and until their successors shall be duly appointed, unless sooner removed, for sufficient cause, by the directors. They shall require of the Treasurer, on his

Directors; when and how elected.

President.

Term of office.

appointment, a bond, with sufficient security for the proper performance of the duties of his office, and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of directors shall constitute a quorum for the transaction of business, and in the absence of the President, may appoint a Chairman of the board, *pro tempore*. Vacancies in the Board of Directors, and in the offices of President, Secretary and Treasurer, may be filled, by the remaining directors, to continue as aforesaid.

SEC. 6. *And be it further enacted as aforesaid,* That the President and directors shall hold their meetings in Delaware City, as aforesaid, and in such other places as they may deem expedient on the line of the said road; and the said directors shall have the general direction, conduct and management of the property and works, affairs and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen and laborers as they shall deem necessary, and to fix the salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and to take bond from them, or any of them, with security, for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such engines, cars and other equipments and supplies for the road, and for that purpose to make and enter into such contracts and agreements with other persons and companies, as they may consider expedient and proper, and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all acts that may be necessary to effect the purposes for which this said company is hereby incorporated; and to this end to use the capital stock and funds of the said company, and to bind by their contracts, under the seal of the corporation, and the hand of the President, all the property and estate of the said company. They shall also have the power to make and prescribe the by-laws and regulations for the government of the company, and to provide certificates of stock, under the seal of the company, and the signature of the President, and countersigned by the Secretary, for all the shares subscribed, and to prescribe the mode of assigning and transferring the same; and generally to do all such other matters and things as by this act, and the by-laws and regulations of the company they are and shall be authorized to do.

SEC. 7. *And be it further enacted as aforesaid,* That it shall be the duty of the President and directors to procure certificates of stock for all the shares subscribed in said company, and cause

Certificates, assignable. the same, signed and sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable at the will of the holder, in the method prescribed in the by-laws of the company, and the assignee of any such certificate so transferred shall be a stockholder in said company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the instalments, forfeitures and penalties due, or to become due thereon, as the original subscriber would have been.

Instalments, how paid. *SEC. 8. And be it further enacted as aforesaid,* That the subscribers to the said capital stock shall pay to the Treasurer of the said company the instalments on each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the said directors, and if any subscriber shall omit for thirty days, after any such call, to pay any such instalment at the time and place appointed in said notice, he shall pay in addition to the said instalment at the rate of two per cent. a month for the delay of such payment, or the shares so held by him, with all the previous instalments paid thereon, may be declared forfeited to the company, at the option of the directors. **Omission to pay, penalty.** All sums of money which may accrue to the company under this section may be sued for and recovered, as debts of a like amount are recoverable by the laws of this State: *Provided,* that no stockholder shall be entitled to vote at any election or in any meeting of the said company, on whose share or shares any instalments shall have been due and payable more than thirty days previous to such election and meeting, or is still unpaid at that time.

How recoverable.

Provide

Dividend *SEC. 9. And be it further enacted as aforesaid,* That the said President and directors shall, from time to time, make and declare dividends of of the nett profits of the business of the company, or of such portions of such profits as they may deem advisable, the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them, and at each annual meeting of the stockholders it shall be the duty of the President and directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the company for that year.

Location of railroad. *SEC. 10. And be it further enacted as aforesaid,* That the said company be, and they are hereby authorized to survey, locate and construct a railroad, with one or more tracks, as follows, that is to say: from some point on the Delaware River and north of the Delaware and Chesapeake Canal, convenient to Delaware City, to be selected and fixed by the said company hereby incorporated, and from the point so selected and fixed on

the Delaware River to the Maryland or Pennsylvania line north of the Philadelphia, Wilmington and Baltimore Railroad as may be deemed best by said company, and by such route as said company may deem proper, and to cross or connect or unite their said railroad within the limits before described, with the New Castle and Frenchtown Turnpike and Railroad Company's railroad, or with the Delaware Railroad, or with the Philadelphia, Wilmington and Baltimore Railroad upon such terms and conditions, as shall be arranged and agreed upon between the said companies respectively, to be reduced to writing, and authenticated under the seals of the companies, and the hands of the said companies respectively, and for the purpose of surveying, locating and constructing the said railroad as aforesaid, the said company shall have full authority to enter upon any land, public or private property necessary therefor, and to procure sand, gravel, wood and other materials therefrom, and to obtain right and title to the same, as hereinafter provided.

Authority to
connect with
other roads.

SEC. 11. *And be it further enacted as aforesaid, That whenever any land, sand earth, gravel or other materials necessary to be taken and used in the construction of the said railroad cannot be procured or purchased of the owner thereof by agreement between him and the company, the latter may apply to the Superior Court of New Castle County, in term time, or to any Judge thereof, in vacation, first giving the other party at least five days notice in writing of the intended application, if within the State, and the said Court or Judge shall appoint five judicious and impartial freeholders to view the premises, and assess the damages which the owner or owners will sustain by reason of the said railroad passing through it, in taking and using the same, the said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace, or Notary Public before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days written notice to the owner or owners of the premises, if within this State, and the same to the President of the company of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing, under their hands or the hands of a majority of them; any report made as aforesaid, and the damages assessed shall be paid by the company to the party entitled, or deposited to the credit of such owner or owners in the Delaware City Bank, subject to his, her or their order, whether they be under disability, or in or out of the State, the title to the land and premises described and condemned in said report for the purposes aforesaid shall be absolutely vested in the said company, their successors and assigns. The fees of the freeholders and the prothono-*

Condemnation
of lands for bene-
fit of railroad,
how effected.

tary in all such proceedings shall be fixed by the Court, and in all cases shall be paid by the company.

Shore of Delaware River how acquired.

Writ of *ad quod damnum* allowed.

Provision for minors, or persons refusing to receive the damages assessed.

Vacancy of commissioners how supplied.

SEC. 12. *And be it further enacted as aforesaid,* That whenever it shall be necessary or expedient for the said company to enter upon or occupy any portion of the shore of the River Delaware for the use of said company it shall be lawful for them to enter upon the same, and hold, use, occupy and enjoy so much thereof as shall be necessary and proper for the use and benefit of said company, and they are to make and construct such piers, wharves, docks, roads, houses and other needful buildings, structures, and improvements as may be conducive to the interests and objects of the said company, and the damages to the owner or owners of any such shore or land so taken and used by the said company shall be ascertained and paid as are herein before provided, in this act in relation to other property to be taken for the use of said company, provided, however, that if either party as well the owner or owners of any such shore or land mentioned in this section of or of any lands, materials or other property mentioned in the preceding section, or this act, as also the said company shall be dissatisfied with the damages assessed by the Commissioners as herein before provided; such party may on application to the Prothonotary of the Superior Court of the County where the said shore, land or other property lies, within thirty days after such assessment by the said Commissioners, sue out a writ of *ad quod damnum*, requiring the sheriff, in the usual form to inquire of twelve impartial men of his bailiwick of the damages assessed, and their report shall be final. Whereupon the said company paying the damages so assessed as last aforesaid, shall become entitled to have, hold, use and enjoy the said land for the purposes by them required as aforesaid, and in case any owner of land, necessary for the purposes of said company shall be a minor, or non-resident, or for any cause incapable of receiving, or unwilling, or neglecting to receive said damages, or to call upon the said company for the same the said company may deposit the amount of the said damages to the credit of such owner, or owners in the Delaware City Bank, subject to his, her or their order, whereupon the said company shall be entitled to have, hold, use and enjoy the said land and premises required for the purposes of said company, for or on account of which damages shall have been so assessed; and in case of the death, or refusal, or inability to serve of any such commissioner the said Superior Court in term time, or any Judge thereof in vacation, upon the application of said company may fill any such vacancy, and the commissioner or commissioners thus appointed, being first qualified as herein before required, shall

have full power to act in the premises as and with the other Commissioners first appointed.

SEC. 13. *And be it further enacted as aforesaid,* That if, in the location of said railroad, it shall become necessary or expedient to cross any navigable water course below the highest point of the usual navigation thereof by masted vessels, it shall be the duty of said company to construct and keep in repair a bridge, with a sufficient passway and draw over the channel or the deepest part of the same, which shall be drawn as often as occasion shall require, at the expense of the said company, for the free passage of such vessels, and it shall also be the duty of said company to construct and keep in repair good and sufficient passages across such railroad where any public road shall cross the same, so that carriages, horses, persons and cattle shall not be obstructed in crossing said railroad, it shall likewise be the duty of said company when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across the same for the use of said farm, and further it shall also be the duty of said company to fence in the whole line of their said railroad by a good and substantial fence, but they may compromise with the owner or owners of any land through which the said railroad may be located, to make and provide, at the expense of the said company, cattle guards instead of said fence, in or upon the lands of such owner or owners.

SEC. 14. *And be it further enacted as aforesaid,* That the said company shall have full power and authority to buy, lease, build and hold houses, shops, depots, bridges and other necessary works and improvements, and also real estate necessary for their corporate purposes, and when the final survey of any part or parts of said road shall be made by the company's engineers, such survey shall be recorded in the Recorder's of the county where the land surveyed is situated, and the record thereof shall be evidence of the route and limits of said railroad.

SEC. 15. *And be it further enacted as aforesaid,* That on the completion of said railroad, or any section thereof, it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls, freights and passage of persons and property as they shall from time to time think reasonable and proper.

SEC. 16. *And be it further enacted as aforesaid,* That if any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any building, depot, house, shop, bridge, car or other property of the said company,

Penalty. or by them constructed, or made under the authority of this act, or shall in any manner obstruct the free passage along the said railroad, he, she or they, so offending, shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered, with costs of suit, before any Justice of the Peace, or in any court having cognizance thereof, by action of debt, or on the case, in the name and for the use of said company, and every person so offending shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined, not exceeding one thousand dollars, and imprisoned at the discretion of the court.

Failure to elect officers, effect. SEC. 17. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said company shall not be held and had pursuant to the provisions and appointments of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards on giving ten days notice thereof in two newspapers published in this State, of the time and place of holding such election, and it shall be lawful for the Governor of this State, for the time being, to supply any vacancies which may occur among the commissioners appointed by this act.

Governor to supply vacancies among Commissioners.

Tax to State. SEC. 18. *And be it further enacted as aforesaid,* That the said company shall pay semi-annually into the treasury of the State, a tax at the rate of one-half of one per cent. per annum, on the capital stock of said company actually paid in, whenever the business of said company, shall over and above its liabilities or expenses yield to the stockholders a profit or dividend on such stock equal to the rate of nine per centum per annum.

Public act. SEC. 19. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such, in all courts of law and equity in this State; and that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said company, which power is hereby reserved to the Legislature.

Perpetual.

Revocation.

Passed at Dover, February 26, 1857.

CHAPTER CCCCXI.

AN ACT to create an additional School District in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Levi B. Moore, James Delaplain and Harlan Cloud, be, and ^{Commissioners.} they are hereby appointed Commissioners to go upon and view School District No. 34, in New Castle County, and if they deem it proper and necessary, locate and lay out from said district one ^{Their duties.} additional School District, as to them may seem just and proper; and when the said Commissioners, or majority of them, shall have so located and laid out said additional School District, they, or a majority of them, shall make return of the same, describing ^{Return made, where.} plainly the metes and bounds thereof, into the office of the Clerk of the Peace of New Castle County, to be by him filed among the records of his office. Said return shall be made on or before the first day of June next, and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the ^{Copy to be delivered to Trustee of School Fund.} same to the Trustee of the School Fund; and from and after the first day of June aforesaid, the additional School District to be formed under the provisions of this act shall become and be deemed and taken to be a separate School District in New Castle County, with the capacity, rights and powers of a School District according to law, and shall be designated and numbered by its ^{Numbered.} proper number succeeding the highest number of the School District, previously formed in the said county; and the said additional School District shall be entered by the trustee of the School Fund for establishing schools in the State of Delaware among the School Districts of said county, and an account opened therewith, and in all dividends hereafter made by said Trustee for ^{Dividends, how made.} establishing schools in the State of Delaware, the dividend which may be due, or hereafter may become the said original District number 34 shall be equally divided annually between District No. 34, and the said additional School District to be enacted under the provisions of this act; and the school voters in said additional School District and the School Committee thereof shall have all the rights and powers of school voters and a School Committee respectively, according to the laws of this State. And all ^{Acts of Assembly in relation to free schools extended to additional district.} the acts of the General Assembly of this State for the general regulation, government and benefit of free schools within this State, shall be extended and applied to the said additional School District, to be created under the provisions of this act

Commissioners
to be sworn.

SEC. 2. That the commissioners appointed by this act, shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act take and subscribe an oath or affirmation, to perform the same with fidelity, and for each and every day the said commissioners may be employed in the discharge of their duties under the provisions herein contained, shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeals of New Castle County.

Compensation
how paid.

School voters, to
meet, where.

SEC. 3. That if the additional School District be formed as aforesaid, the school voters in the said additional School District may meet at the place of meeting in additional School District which said Commissioners, or a majority of them, may deem proper to appoint, on the second Saturday of June next, at three o'clock in the afternoon, and appoint a Chairman and Secretary, and choose a clerk and two Commissioners of the district, who shall continue in office until the next stated meeting, and until successors are duly elected. The certificate of the proceedings shall be made, signed and delivered according to the provisions of law relating to the certificates of the meetings of school voters.

Clerk and Com-
missioners.

Certificate.

Notice of meet-
ing.

Passed at Dover, February 27, 1857.

CHAPTER CCCCXII.

AN ACT to revive and re-enact an act entitled "An act for the relief of the heirs of James Price, deceased."

Private act.

Passed at Dover, February 27, 1857.

CHAPTER CCCCXIII.

AN ACT to divorce *Mary Ann Lewes and Jesse C. Lewes from the bonds of matrimony.*

Private Act.

Passed at Dover, February 27, 1857.

CHAPTER CCCCXIV.

AN ACT for the relief of certain devisees of *Edward Tatnall, deceased.*

Private act.

Passed at Dover, February 27, 1857.

CHAPTER CCCCXV.

A SUPPLEMENT to the act entitled "*An Act to incorporate the town of Leipsic, and for other purposes,*" passed at Dover, February 26, 1852.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,) as follows, viz:

SECTION 1. Whenever the town Alderman shall be absent from any election for Commissioners of the town of Leipsic, or when- Incapability of Alderman. Remedied.

ever he shall be absent from said town, or incapable from sickness or other sufficient cause, of the performance of any duty required of him, under the provisions of the act to which this is a supplement, or under the provisions of the several acts of the General Assembly in relation to the town of Dover, which appertain to the Alderman of that town, as the same are applied and extended by the eighth section of the act to which this is a supplement, it shall be the duty of the Commissioners of said town of Leipsic, or a majority of them, to appoint some free white male resident of said town of Leipsic, other than one of their own body, to act as Alderman for the time being, and the official acts of the Alderman so appointed shall be as valid and effectual as if done by the Alderman duly appointed under section 8 of said act, to which this is a supplement.

Powers of Commissioners.

SEC. 2. The town Commissioners shall have power to open, according to their respective courses, and distances and width, as the same are marked and represented on the map or plot of said town, made by Robert D. Crockett, Surveyor, and Westcott Campbell, Alexander Laws and Thomas W. Maclay, Town Commissioners, on the seventeenth day of September, A. D. 1858, the following streets, viz: Second street, Chestnut street, Denney street, Lombard street, Brown street, Stout street and Hutoka street or alley; they shall also have power to lay out and open a new street to be called Walnut street, of the width of forty feet, equi-distant from Chestnut and Denney streets, and parallel thereto, and another new street to be called West street, of the width of forty feet equi-distant, or as nearly so as may be deemed expedient from Denney street, and the angle made by the junction of Front and Second streets, and to run parallel with said Denney street.

Damages upon opening streets, how ascertained and paid.

The damages to be occasioned to any person by the opening of any of said streets shall be assessed by two freeholders, one of whom shall be chosen by the Town Commissioners and the other by the party suffering such damage, and shall be paid out of the town funds, or duly tendered, before the property of any person in whose favor the damages may be assessed shall be appropriated for the opening of said street as aforesaid. In case the two freeholders so selected as aforesaid, cannot agree, they may call in a third freeholder, and the assessment made by any two of the three, shall be as though it had been made by the two first chosen. In such assessment the said freeholders shall consider all the circumstances of convenience or detriment to the parties. If any party shall neglect or refuse, for the space of five days after application by said Town Commissioners to choose such freeholder, said Commissioners may apply in writing to the Chief Justice of this State, or to the resident Judge of Kent County, who shall thereupon appoint such freeholders on behalf of the party so refusing or neglecting; said freeholders, before

entering upon the land, shall be sworn to perform the duty herein enjoined with fidelity and impartiality. If either party shall be dissatisfied with the damages so assessed as aforesaid, such party may, on application to the Prothonotary of Kent County, within fifteen days after such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff of said county, in the usual form to inquire of twelve impartial men of his bailiwick, of the damages aforesaid, and their report shall be final. The said jurors shall be sworn or affirmed in the same manner as the freeholders, and the Town Commissioners, on paying or depositing the amount of damages found by said report, may immediately proceed to open the street. The costs of the inquisition shall be paid by the unsuccessful party. The fees of the freeholders shall be one dollar a day each, to be paid by the Commissioners. The fees of the jurors shall be one dollar a day each.

SEC. 3. The said Town Commissioners shall, by virtue of their offices, have the superintendence and oversight of all the roads and streets within the limits of said town of Leipsic, and no overseer of said roads or streets shall be appointed by the Levy Court of Kent County; but the said Levy Court shall annually appropriate, for the repairs of said roads or streets, a sum of money not less than fifty nor more than one hundred dollars, to be disbursed by said Commissioners, who shall settle their accounts for repairs to said roads or streets annually with the Levy Court. The bridge and causeway, recently constructed within the limits of said town of Leipsic, shall be repaired any kept in order, as other bridges and causeways of the kind are now repaired and kept in order in Kent County.

Superintendence
of roads given to
Commissioners.

Sum to be appro-
priated by Levy
Court.

Settlement with
Levy Court.

Bridge & cause-
way, how kept

Passed at Dover, February 27, 1857.

CHAPTER CCCCXVI

AN ACT imposing upon the Committee of School District No. 61, in New Castle County, certain duties and for other purposes.

Preamble reciting the reasons for the law.

WHEREAS, James Corbit, M. D., late of St. George's Hundred in New Castle County, by his will, dated on or about the fifteenth day of June, in the year of our Lord, one thousand eight hundred and fifty-six, bequeathed certain loans, or public securities, amounting in all to nine hundred and fifty dollars, to the School Commissioners of School District No. 61, in said county, in trust, to be laid out as to a part thereof stated in, said will in the purchase of a library for the use of the public school of said district, and as to the other part, being two certificates of loan of the Philadelphia, Wilmington and Baltimore Railroad Company, one for three hundred dollars, and the other for three hundred and fifty dollars, that it should remain unsold, but the interest thereof should be applied to the making of annual additions to said library, and that the principal, when due, should be re-invested, and the future income thereof applied to the same purpose; all which will fully appear by the aforesaid will. And whereas the said bequest was accepted by the said district, a small library was purchased and a house was built by the voters of said district for the keeping of said library; and the library itself, called by them the "Corbit Library," by which name it is now known. And whereas it is deemed best by the voters of the aforesaid School District, that the said library should be so united therewith, as that it shall be a part of the duty of the School Committee of the district, in their official capacity, to take charge of said library, and to have permission to apply a certain portion of the annual income, from the State, of said district, to compensating a librarian, &c., and they have made application to this General Assembly to enact a law for that purpose: and it being deemed reasonable that said application should be granted. Therefore,

Duty of School Committee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That hereafter it shall be the duty of the School Committee of School District No. 61, of New Castle County, and their successors in office, to take under their special charge the library in said district, called "The Corbit Library," and to employ a suitable person, at the expense of said district, to be the librarian or keeper of said library: and to make all such rules and

regulations with respect to such library, and to the use of the books thereof, as in their judgment will best promote the object intended by the founder thereof, the said James Corbit, M. D., conforming their said rules always to the will of the testator.

SEC. 2. *And be it further enacted*, That it shall be the further duty of the said School Committee to collect, when the same falls due, the income or interest on the funds now belonging to said library, or that may hereafter be given by private donation or grant for the use and benefit thereof, and apply and appropriate the same annually towards the purchase of books of a useful character for said district, so that there may be a regular annual increase thereof, according to the design of the testator, as expressed in his said will. Powers of committee.

SEC. 3. *And be it further enacted*, That whenever the aforesaid loan of the said railroad company held as aforesaid, for the benefit of the said library, shall be paid off, it shall be the further duty of the said School Committee to re-invest the same in some good and safe security, of an equally convertible character, and apply the income thereof, in the manner herein before designated, with respect to the interest now arising from said investment; and should any sum of money be given to or for the use of the said library it shall also be their duty, if the same be not invested, and no specific trust or purpose be expressed by the donor in regard to the disposition thereof, to receive the same and invest it as above in this section provided, with respect to the loan of the said railroad company, and apply the income thereof to the annual increase of the said library; and so from time to time as may be necessary to protect said investment, and secure the punctual payment of the interest thereof. All investments made under authority of this act, shall be in the name of said school district and shall be sacredly held for the aforesaid use and benefit of said library, and be not used for any other object. Disposition of principal when paid off.
Donations, how disposed of.

SEC. 4. *And be it further enacted*, That the school committee of the aforesaid district shall annually apply the sum of thirty dollars, out of the dividend of said district, of the School Fund, towards the compensation of the keeper or librarian of said library, and for the purpose of enabling them to execute the duties imposed upon them by this act; and with the consent of the voters of said district, expressed at their annual meeting, they may apply a further sum arising from the same source, to the same or any other purpose advantageous to said library. They shall keep a regular account of all their receipts of money, as the Trustees of the said library fund, and of their expenditures of in- Pay of librarians.
Accounts to be kept.

terest and of the aforesaid sum of thirty dollars, as well also of any and all further sum or sums of money that may be allowed by any annual meeting of the voters of said district, and shall render a separate account thereof to the said district and also to the auditor. And furthermore, their oath of office shall be held and taken to embrace the performance of their duties, under the aforesaid will of the testator aforesaid, and also under this act. This act shall be a public act, and shall be publicly read by some one of the School Committee of said district in every annual meeting of the voters of said district.

Passed at Dover, February 27, 1857.

CHAPTER CCCCXVII.

R. Code, chap.
18.

AN ACT to amend Chapter 18 of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Chapter 18 of the Revised Statutes of the State of Delaware be, and the same is hereby amended by striking out the words "Brick Tavern House, now occupied by Milton Nichols," occurring in lines eight and nine of section 1 of said Chapter, and inserting in lieu thereof the words Rodney Inn, now occupied by Sarah Donnan.

Chapter 18 of R.
amended.

Passed at Dover, February 28, 1857.

CHAPTER CCCCXVIII.

AN ACT *in relation to obtaining goods under false pretences*

WHEREAS, A failure of justice frequently arises from the subtle distinctions, between larceny and fraud: for remedy whereof. Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That if any person shall, by any false pretence, obtained (obtain) from any other person any chattel, money or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanor, and upon conviction thereof shall suffer such punishment, by fine or imprisonment or by both, as the Court shall deem proper under the circumstances: *Provided* always, that, if upon the trial of any person indicted for such misdemeanor, it shall be proved that he obtained the property in question, in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor, and no such person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts. Made a misdemeanor. Punishment

Passed at Dover, February 28, 1857.

CHAPTER CCCCXIX.

AN ACT *for the relief of School District No. 19 in New Castle County.*

WHEREAS, It appears to the General Assembly that the sum now authorized by law to be raised by taxation in School District No. 19, is inadequate for the suitable education of the scholars in said district in New Castle County. Preamble. Therefore,

Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:

SECTION 1. That it shall and may be lawful for School District No. 19 in New Castle County, to lay and raise by taxation or otherwise, the sum of six hundred dollars, annually for the support of the schools in said District in the same manner as is now provided by law.

Authorized to
lay higher tax.

Passed at Dover, February 28, 1857.

CHAPTER CCCCXX.

AN ACT concerning Free Schools.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That, that portion or section of country in Baltimore Hundred in Sussex County, included between School Districts Numbers 30, 31 and 32, and bordering on the dividing line between this State and the State of Maryland, and which was surveyed and laid off as one of the School Districts in said County, but which has never been numbered or allowed any distributive share in the School Fund of this State, be, and the same is hereby declared a School District, and shall be numbered School District eighty-seven in said county, and that said School District shall be entitled to its full and equal share with the original School Districts in said County, in any further distributions or apportionments of dividends by the Trustee of the School Fund in this State.

Portion of Baltimore Hundred made an original school district.]

Passed at Dover, February 28, 1857.

CHAPTER CCCCXXI.

AN ACT to amend Chapter Sixteen of the Revised Code.
Of Elections.

R. Code, chap.
16.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 5 of chapter 16 of the Revised Code be and the same is hereby amended, by striking out in the second line thereof the word "either," and the words "or fewer," so that the said section shall read as follows: "If in reading out the ballots at any election, a ballot shall be found to contain the names of more persons voted for, for any office, than by law ought to be voted for, for such office such part of the ballot shall be rejected and the residue shall be read."

Section 5 of
amended.

Passed at Dover, February 28, 1857.

CHAPTER CCCCXXII.

AN ACT repealing Section 13, of Chapter 55 of the Revised Code.

R. Code, chap.
55.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.* That section 13, of chapter 55 of the Revised Code, entitled "For the protection of Fish, Oysters, and Game," be, and the same is hereby repealed, made null and void.

Section 13 of
amended

Passed at Dover, March 2, 1857.

CHAPTER CCCCXXIII.

AN ACT to enable David M. Reynolds to locate certain vacant land in Broadkill Hundred, Sussex County, and to complete his title to the same.

Private act.

Passed at Dover, March 2 1857.

CHAPTER CCCCXXIV.

A SUPPLEMENT to the act entitled "An Act to incorporate The Farmers' Union of Kent County.

First section of
original act
amended

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: (two-thirds of each branch concurring, That the act to which this is a supplement be, and the same is hereby amended in the following particulars, viz: First, by substituting for the first section thereof after the enacting clause these words "That William Lewis, William B. Harris, Andrew J. Colley, Peter Miller, Thomas L. Madden, Avery Draper, William Aaron, William Slay, George Jones, John H. Powell, Thomas Jackson, William Caulk, John Hunn, Martin Ford, Jonathan H. Lowber, Daniel McBride, Sylvester Purnell and William H. Bonwill, and all other persons who are members of the association 'known as the Farmers's Union of Kent County,' together with their successors be, and they are hereby declared to be a body politic and corporate, under the name of the Farmers' Union of Kent County, and by that name shall have succession for twenty years and no longer, and a common seal, may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this State. The capital stock of said company shall not exceed twenty-five thousand dollars, and shall be divided into five hundred shares of fifty dollars each. The

Incorporated
style

Capital Stock
\$25,000

first annual meeting of said company shall be held at Camden, on the third Saturday in April next at 2 o'clock, P. M., of which any one or more of the persons herein before named may give notice by advertisements, posted in Camden, Hazletville, Willow Grove and Lebanon at least ten days. The stockholders present at said meeting shall proceed to elect five Directors, a Treasurer, and a Secretary; the directors elected shall on the same day elect one of their number President." *Second*, By striking out all after the word "aforesaid," in the first line of section two, down to the words "seal and" inclusive, in line eight of said section, and inserting in place thereof the words, "The said company shall have." *Third*, By striking out the two last lines of section three, and substituting therefor as follows: "In all elections by the stockholders of said company, and in the decision of all questions by said stockholders each share of stock shall confer the right to cast one vote on the person owning it or his proxy: *Provided*, that no number of shares shall confer upon the person owning it, or his proxy, to vote more than four votes on any question or at any election."

First annual meeting, when and where held.

Section 2, of amended.

SEC. 2. *And be it further enacted*, That the said act to which this is a supplement, as the same is hereby amended, shall be republished among the acts of this session.

Original act as amended to be republished.

Passed at Dover, March 2, 1857.

CHAPTER CCXLIV.

AN ACT to incorporate the Farmers' Union of Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,)* That William Lewis, William B. Harris, Andrew J. Call-
 ey, Peter Miller, Thomas L. Madden, Avery Draper, William Sluy, George Jones, John H. Powell, Thomas Jackson, William Caulk, John Hum, Martin Ford, Jonathan H. Lowber, Daniel McBride, Sylvester Purwell and William H. Bonwill, and all other

Commissioners.

Incorporated.
Style.

Capital stock
\$20,000.

First annual
meeting, when
and where held.

persons who are members of the association known as the Farmers' Union of Kent County, together with their successors, be, and they are hereby declared to be a body politic and corporate, under the name of the Farmers' Union of Kent County, and by that name shall have succession for twenty years and no longer, and a common seal, may sue and be sued, plead and be impleaded, answer and be answered in any Court of law or equity in this State. The capital stock of said company shall not exceed twenty-five thousand dollars, and shall be divided into five hundred shares of fifty dollars each. The first annual meeting of said company shall be held at Camden, on the third Saturday in April next, at 2 o'clock, P. M., of which any one or more of the persons herein before named, may give notice by advertisements posted in Camden, Hazletville, Willow Grove and Lebanon at least ten days. The stockholders present at said meeting shall proceed to elect five Directors, a Treasurer, and a Secretary, the Directors elected shall on the same day elect one of their number President.

Corporate pow.
ers.

SEC. 2. *And be it further enacted as aforesaid,* The said company shall have full power and authority to purchase and receive, have, hold and enjoy, to them and their successors, real and personal estate, not to exceed of the former kind of property at any one time fifty acres, and to build and construct wharves, granaries, store-houses and other needful buildings and improvements for the storing of grain and other produce, at some suitable and convenient place as the said company shall deem advisable, and to buy or build and own one or more vessels suitable for navigation, and to employ persons to sail or run the same in the shipment of grain and other produce, and to charge, receive and collect just and reasonable storage and freight for the storing and shipment of grain and other produce as aforesaid, and to do whatever else may be essential and proper to the due execution and enjoyment of the powers and privileges herein granted, and to grant, alien, mortgage and dispose of the real and personal property of said company, and to borrow money on the credit and security of the same, and to make, ordain and establish by-laws and regulations for the government of said company, not inconsistent with the laws and constitution of this State, and of the United States, and to declare dividends of such portion of the profits of said company as it may deem advisable. But nothing herein contained shall confer upon said company any banking powers or privileges whatsoever.

Board of Directors;
how chosen.

SEC. 3. The business of the said company shall be managed and conducted by a board of five directors, who shall be stockholders, and who shall be chosen at every annual meeting of the

said company, the time and place of which shall be appointed by the by-laws, after the first meeting herein before provided for. They shall all be chosen and be residents of the said county as aforesaid, and immediately after their election they shall appoint one of their number to be the President of the said Company, and they may appoint a Treasurer and Secretary, and such other officers and agents of the company as they may deem necessary, and may take bond and security from them in the name of the company, for the faithful performance of the duties of their office and the trusts reposed in them. They, and all officers appointed by them, shall continue in office one year, and until their successors shall be chosen and appointed, and the bonds and obligations of the latter shall, in all cases, have the same duration. The said board shall have authority to call in and collect the subscriptions of stock in such shares or instalments, at such times and on such notices as they may consider proper, and any subscriber failing to pay the same, or any instalment thereof, shall be liable therefor, with interest from the time of payment, in an action at the suit of said company, or any instalment or instalments previously paid may be declared forfeited for the use of the company by the said directors. They shall have the power to prescribe the by-laws, rules and regulations for the conduct and management of the business and affairs of said company, and to procure subscriptions to the remaining and full amount of said capital stock of said company. They shall submit to the stockholders at every annual meeting a written report on the transactions, profits and losses, state and condition of said company. All questions before the said board shall be determined by a majority of the directors. In all elections by the stockholders of said company, and in the decision of all questions by said stockholders each share of stock shall confer the right to cast one vote on the person owning it, or his proxy: *Provided*, That no number of shares shall confer upon the person owning it or his proxy to vote more than four votes on any question, or at any election.

Their powers & duties.

Subscriber failing to pay instalment of stocks, liability.

By-laws.

SEC. 4. *And be it further enacted as aforesaid*, That in case of the death, resignation or removal from the said county of any director or officer of said company, the vacancy may be filed by the Board of Directors, to continue until the next annual meeting, and until a successor shall be duly chosen as aforesaid; and if at any time an election of directors should not be made as aforesaid, the said company shall not thereby be dissolved, but it shall be lawful at any time thereafter to make such election on due notice given as aforesaid.

Vacancies

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

Stock deemed
personal prop-
erty.

shares of capital stock in said company shall be deemed and taken to be personal property, and shall be assignable and transmissible as such in all cases, pursuant to the by-laws.

Penalty for dam-
age to any pro-
perty of the com-
pany.

SEC. 6. *And be it further enacted as aforesaid,* That if any person shall wilfully injure, damage or destroy any of the real or personal property of said company, or shall aid, abet, counsel or advice the same, he shall be guilty of a misdemeanor, and liable to indictment, and on conviction shall forfeit and pay a fine of not more than five thousand dollars, and shall also be liable to the said company in a civil action for the full amount of the damage sustained.

Public act.

SEC. 7. *And be it further enacted as aforesaid,* That this act shall be deemed and held to be a public act, and may be pleaded and given in evidence in all cases as such; that the same shall continue in force twenty years and no longer, without the enactment of the Legislature, and that the power to revoke the same in the meanwhile, is hereby reserved to that body.

Revocation.

Passed at Dover, February 26, 1855.

CHAPTER CCCXXV.

AN ACT to prevent certain obstructions to the navigation of St. Jones' Creek, in Kent County.

Obstructions
arising from de-
fective wharves
to be removed
by the owner.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That whenever any obstruction to the navigation of St. Jones' Creek shall occur, by reason of dirt or other material falling or being washed into said creek, in consequence of any wharf thereon being out of proper repair, it shall be the duty of the owner of said wharf to remove said obstruction without delay; and if he fail to do so, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than twenty nor more than five hundred dollars; and fur-

Penalty for ne-
glect.

thermore, the Court of General Sessions of the Peace and Jail Delivery shall, if the nuisance be existing at the time of the conviction, make a like order for its abatement as in the case of nuisances to public roads.

SEC. 2. *And be it further enacted*, That this act shall not apply in the case of obstructions arising from the non-repair of any wharfing upon said creek done by authority of Kent County aforesaid, for protection of a public road; but it shall nevertheless be the duty of the overseer of said road, immediately to remove such obstructions, and the said county shall be chargeable with the expenses thereof, although such expense may exceed the sum appropriated by the Levy Court to the repair of the road or roads of which he is overseer.

Provision in relation to wharfing by Kent County.

Passed at Dover, March 2, 1857.

CHAPTER CCCCXXIV.

A SUPPLEMENT to Chapter 104 of the Revised Statutes of the State of Delaware. R. Code. chap 104

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, as follows, to wit:

SECTION 1. A writ of foreign attachment may be issued out of the Superior Court of this State against any corporation, aggregate or sole, not created by or existing under the laws of this State, upon affidavit made by the plaintiff or any other credible person, and filed with the prothonotary of said court, that the defendant is a corporation not created by, or existing under the laws of this State, and is justly indebted to the said plaintiff in a sum of money, to be specified in said affidavit, and which shall exceed fifty dollars.

Foreign attachment may issue against a corporation, where.

Proceedings,
what

SEC. 2. The said writ shall be framed, directed, executed and returned, and like proceedings had as in the case of a foreign attachment issued under the Chapter to which this act is a supplement, except that attachments to be issued under this act shall be dissolved only in the manner hereinafter provided.

Judgment,
when obtained.

SEC. 3. In any attachments to be issued under this act, judgment shall be given for the plaintiff at the second term after the issuing of the writ, unless the defendant shall have caused an appearance by attorney to be entered, in which case the like proceedings shall be had as in suits commenced against a corporation by summons: *Provided*, however, that an appearance by attorney to be entered as aforesaid, shall not dissolve the attachment, but the same shall continue to bind the property or money attached as in other cases, unless the defendant shall, upon causing such appearance to be entered, also bring into court the sum of money specified as the plaintiff's demand in the affidavit, to be filed as aforesaid, with all costs then accrued, or unless he shall give security in such form and to such amount as the court may direct for the payment of any judgment that may be recovered in said proceedings with costs. Money brought into court under the provisions of this section shall abide the final judgment in the cause, and thereupon shall by the order of the court, or of the Chief Justice in vacation, be applied in satisfaction of such judgment as may be recovered by the plaintiff, or if judgment be rendered for the defendant the same shall be refunded to him: *Provided*, however, that no disposition of said sum of money shall be made until after the expiration of one month from final judgment as aforesaid, and if within said period a writ of error be taken to said judgment the said sum of money shall remain in the court, subject to the determination of the proceedings in error.

Proviso.

Attachment dissolved, how.

Disposition of
money brought
into Court.

Passed at Dover, March 2, 1857.

CHAPTER CCCCXXVII.

AN ACT to create an additional School District in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Thomas Cabbage, Joel Clement and James G. Longfellow, be and they are hereby appointed Commissioners to go upon and view School Districts Numbers 24, 29 and 30, in Kent County, and locate and lay out from said districts one additional School District, as to them shall seem just and proper. And when the said Commissioners, or a majority of them, shall have so located and laid out said additional School District, they, or a majority of them, shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Kent County, to be by him filed among the records of his office, said return shall be made on or before the first day of June next; and within ten days thereafter the Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund. And from and after the first day of June aforesaid, the additional School District to be formed under the provisions of this act, shall be deemed and taken to be a School District of Kent County, and numbered in continuation of School Districts already established by law in said county, and all the acts of the General Assembly of this State for the general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional School District to be created under the provisions of this act, except that in the distribution of the School Fund, the share or dividend of districts Nos. 24, 29 and 30, as heretofore existing, shall be divided into four parts, and the School District hereby created shall, in the annual distribution, be entitled to one-fourth part of such dividend, and the districts remaining as Nos. 24, 29 and 30, shall each be entitled to one-fourth part thereof.

SEC. 2. *And be it further enacted,* That the commissioners appointed by this act, shall severally, before entering upon the discharge of the duties above described, take and subscribe an oath or affirmation, to perform the same with fidelity. The said commissioners shall for each and every day employed in the discharge of such duties receive the sum of one dollar each, to be allowed by the Levy Court of Kent County.

SEC. 3. *And be it further enacted,* That if the additional

Commissioners appointed to lay off new district.

Return made, where.

Copy to be delivered to Trustee of S. Fund.

Acts of Assembly in relation to free schools extended to additional district.

Dividends, how made.

Commissioners to be sworn.

Compensation, how paid.

School voters, to
meet, where.

School District be formed as aforesaid, the school voters in the said additional School District may meet at the place of meeting in said additional School District which the said Commissioners, or a majority of them, may deem proper to appoint, on the first Saturday of July next, at three o'clock in the afternoon, and appoint a Chairman and Secretary, and choose a clerk and two Commissioners of the district, who shall continue in office until the next stated meeting; and until successors are duly elected. The certificates of the proceedings shall be made, signed and delivered according to the provisions of law relating to the certificates of the meeting of school voters. Notice of the meeting may be given by the Commissioners first above named, or a majority of them, and failure to give notice shall not vitiate the proceedings.

Notice of meet-
ing.

Passed at Dover, March 2, 1857.

CHAPTER CCCCXXVIII.

AN ACT to incorporate "*The Wilmington Sangerbunde, No. 1.*"

Private act.

CHAPTER CCCCXXIX.

AN AN for the regulation of the town of Lewes, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the limits of the town of Lewes, shall begin at the north corner at the mouth of Canary Creek, 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 yards 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 north-easterly 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 boundary, thence running across Lewes Creek south-westerly home to the place of beginning.

Limits of town defined.

SEC. 2. *And be it further enacted,* That the inhabitants of the said town of Lewes, shall, on the first Saturday of April in each and every year, between the hours of two and six o'clock in the afternoon, elect five Commissioners and one Treasurer and one Collector for the said town to continue in office for one year, and until their successors shall be duly chosen. All elections of said officers shall be by ballot, and every inhabitant of the said town, having a right to vote for representatives in the Legislature, and having resided one month at least in said town, next before he offers to vote, shall be entitled to vote at said elections. The Commissioners shall be freeholders, as well as inhabitants in the said town, and the Treasurer and collector shall be inhabitants thereof, and they shall all be qualified voters under this act. The first election of officers under this act shall be held and conducted by the Justice of the Peace residing in said town, who may appoint a Clerk to assist him in recording and tallying the votes; and all subsequent elections shall be held and conducted by three fair and impartial voters of the town, to be appointed for that purpose by the Commissioners, for the time being, and who shall be duly qualified, before entering upon the duty, to discharge it with fidelity. As soon as the election shall be closed, the presiding officer shall

Town election, where held and who elected.

Commissioners to be freeholders.

First election, by whom held.

Subsequent elections.

count the votes, and furnish, under their hands, certificates of election to the officers elected.

Commissioners
incorporated.

SEC. 3. *And be it further enacted,* That the Commissioners elected, pursuant to the provisions of this act, shall be called and known by the name of the Commissioners of the town of Lewes, and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded in all courts of law and equity in this State or elsewhere, and shall have authority to do and execute all other matters and things, which bodies politic and corporate may lawfully do, and not inconsistent with the purposes and objects of this act.

Authority of
Commissioners.

SEC. 4. *And be it further enacted,* That the Commissioners of the said town shall have authority to cause all streets, lanes, alleys and public grounds within the same to be opened, repaired and put in proper order, and to fill and close up ditches, drains and sluices, and to cause others to be cut, and opened and cleansed, in such places, and at such times as they may deem necessary; and to levy ground rents on all buildings erected on public ground in the said town, not to exceed one dollar in the hundred of the value of the said building in any case; and to cause all such buildings as are dilapidated and decayed, and encroach upon any street, lane, alley or public passway in said town or abridge and contract the same, to be removed at the expense of the said town. Before the said Commissioners shall proceed, however, to remove any such building, they shall sue out a writ of *ad quod damnum*, from the Superior Court of the State of Delaware in and for Sussex County to ascertain by a jury of twelve men the value of the building or buildings thus to be removed, and on paying or tendering to the owner the damages so assessed, they shall have full power and authority to cause the same to be forthwith removed. The said Commissioners shall also have power to regulate the streets, lanes and alleys of the town; and, on complaint of any citizen, to examine any chimney, stove-pipe, fixtures or other matter dangerous to the town, and if deemed so by them, to require it to be repaired or remedied; to prevent or remove nuisances and obstructions in the streets; to prohibit the firing of guns or pistols, the making of bon-fires, or setting off fire-works, or any dangerous sport or practice in the said town, and to prevent and suppress any riotous, turbulent, disorderly or noisy assemblage of persons within the said town; and for any of these purposes to make and publish ordinances imposing penalties, not exceeding in any case five dollars, and to sue for and recover the same, as like amounts may be recovered by the laws of this State. They shall also have power to appoint a Town Constable, and, when occasion

shall require special constables to assist him; and to provide and keep a lock-up-house, or town prison; and it shall be the duty of the said constable and his assistants when appointed on the requirement of any of the said commissioners, and without further warrant forthwith to seize and arrest any riotous, turbulent, disorderly or noisy person offending against this provision, and carry him before any Justice of the Peace residing in the said town, or before the chairman of the said Board of Commissioners, who for this purpose shall have the powers of an Alderman, and the said Justice or the said Alderman as the case may be, is hereby authorized and required to hear the case, and on conviction of any such offender, to impose a fine not exceeding five dollars with costs of prosecution, and to commit the offender to the public jail of the county until such fine and costs be paid, or he may in his discretion, instead of such fine, commit the offender to the lock-up-house or town prison, for a specified time, not to exceed ten days. The said town constable in any proceeding under this act shall have all the powers of a county constable, and shall be entitled to double the fees of such constable in like cases; and the fees of the said Alderman shall be the same as those of a Justice of the Peace. It shall be the duty of the said Alderman, or of any Justice of the Peace residing in the said town, upon complaint made before him of any riotous, turbulent, disorderly or noisy assemblage of persons as aforesaid, to issue his warrant to the said constable, commanding him to arrest and bring the offenders before the said Alderman or Justice for trial. The said Commissioners shall also have authority to establish regulations, and to impose fines not to exceed in any case five dollars; to prevent and restrain horses, mules, cattle and swine from running at large within the limits of the said town.

Alderman, his powers and duties.

SEC. 5. *And be it further enacted*, That the said commissioners shall choose one of their number to be chairman of the Board, and all questions among them shall be decided by the vote of a majority of them. Vacancies in the Board may be supplied by the remaining members, to continue until the next election, and until their successors shall be duly elected. They shall be conservators of the peace within the limits of the said town, and each of the said commissioners, before entering upon the duties of his office, shall be sworn or affirmed, in due form of law, to discharge the duties of his office with justice and fidelity.

Chairman of Board.

Vacancies how supplied.

SEC. 6. *And be it further enacted*, That the said Commissioners shall also have the general supervision and trustship of the public land on the north-east side of Lewes Creek, called Cape.

Commissioners to have supervision of the Cape.

"The Cape," with power to lease the same or any part thereof, for terms not exceeding three years and to sell the timber and wood thereon, and to sue for and recover damages for any trespass that may be committed by any person on said cape lands, timber or wood. And the said commissioners shall have authority to assess and impose taxes on persons and property in the said town for the improvement and regulation of the same, not to exceed in the aggregate any year, the nett sum of five hundred dollars, and to expend the same together with such fines and penalties as may be collected, and with the proceeds arising from the sale of timber and wood from the cape as aforesaid, in improving and repairing the streets and sidewalks; and the public grounds along the banks of the creek, and the bridges and footwalks, and in filling up and opening ditches, sluices and drains, and in such other repairs and improvements of the said town and creek as they may deem advisable. They shall also have authority to order and direct any person to fill up any ditch or drain running through his land into any of the said streets, and on his neglect or refusal to comply, to have the same done at his expense, and to sue and recover the expense thereof before any Justice of the Peace. They shall hear complaints and appeals from all persons, who shall conceive themselves aggrieved, by any tax or assessment they may impose upon them, and for that purpose the assessment shall be made out and published one month before any tax shall be collectable.

May stop up
drains.

May hear com-
plaints and ap-
peals.

SEC. 7. *And be it further enacted,* That the treasurer and collector shall each give bond to the commissioners of the town of Lewes, in their corporate name, with approved security, in such sum as they shall deem sufficient for the full performance of the duties of their respective offices, and the faithful discharge of the trusts reposed in them. All taxes and moneys accruing to the said town under any provision of this act, shall be payable to the treasurer, by whom the same shall be held subject to the orders of the commissioners; it shall be the duty of the collector to collect all said taxes, fines and moneys, and to pay over the same to the treasurer. They shall receive such compensation for their services as the commissioners shall allow them. If any treasurer or collector shall omit for ten days after his election to give bond as required by law, the commissioners shall appoint another in his place, to continue until the next election, and until his successors shall duly be chosen. The commissioners shall also have authority to supply any vacancy in the office of treasurer or collector, to continue as aforesaid.

Treasurer and
Collector to give
bond.

Compensation
for service.

Vacancies—how
supplied

SEC. 11. *And be it further enacted,* That this shall be deem-

and taken to be a public act, and may be pleaded and given in ^{Public act.} evidence as such, in all courts of law and equity in this State.

SEC. 9. *And be it further enacted,* That all acts, and parts of ^{Inconsistent} acts, heretofore enacted on this subject, and which are inconsis- ^{acts repealed.} ent with the provisions of this act, be, and the same are hereby repealed.

Passed at Dover, March 2, 1857.

CHAPTER CCCCXXX.

AN ACT to amend the act for the benefit of Public Schools in ^{Vol. 10, p. 644.} Wilmington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch,)* That the act passed at Dover, February 9, 1852, "for the benefit of Public Schools in Wilmington," be amended in the sixth section, by striking out these words, viz: "specifying every item," and substituting in place thereof these words, viz: "setting forth aggregates under appropriate heads," and said act shall be in force as so amended. ^{Sixth section of, amended.}

Passed at Dover, March 3, 1857.

CHAPTER CCCCXXI.

A SUPPLEMENT to the act entitled "*An Act for the preservation of the Presbyterian Meeting House and Grave Yard, in the town of Dover.*"

Private Act.

Passed at Dover, March 2, 1857.

CHAPTER CCCCXXII.

R. Code, chap.
132.

AN ACT to repeal section 2 of Chapter 132 of the Revised Code.

Section 2 of, pro-
hibiting bowling
alleys, repealed.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That section 2 of chapter one hundred and thirty-two of the Revised Code of the State of Delaware, prohibiting the existence of bowling alleys or ten-pin alleys, be, and is hereby repealed, and that hereafter it may be lawful for any person of a good moral character to keep and maintain a bowling alley or ten-pin alley; providing the said bowling alley or ten-pin alley is kept in an orderly manner; and providing further, that it may not be used for purposes of gambling, but simply as a means of recreation and exercise.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXXXIII.

AN ACT to enable the Trustees of Mount Salem Cemetery to
to sell a certain portion of real estate.

Private act.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXXXIV.

AN ACT to prevent the Banks of this State from issuing notes
of a less denomination than five dollars.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware, in General Assembly met,*

SECTION 1. That from and after the first day of July next, no
Bank in this State shall issue or put in circulation notes or bills
of a denomination less than five dollars, under a penalty of one
hundred dollars, which may be recovered of any bank violating
this act in an action of debt, in the name of the State Treasurer
for the use of the State.

After 1st July
next Banks pro-
hibited from is-
suing notes less
than five dol-
lars.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXXXV.

AN ACT to vest in the heirs of *Elizabeth Fisher, deceased, the title of this State in certain escheated lands, late the property of Joseph Waggoner, deceased.*

Private Act.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXXVI.

AN ACT to incorporate the *Milford Literary Association.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring,) That Jacob Y. Foulk, James H. Bell, Alex. N. Hall, P. Foster Causey jr., Thomas F. Hammersley, Fred. R. Ennis, Thomas J. Lewis, William W. Hazzard, David S. Truitt, and others that now are or hereafter*

Incorporation. *be, and they are hereby constituted a body politic and corporate, in fact and in law, to have continuance and succession for the term of twenty years by the name of Milford Literary Association.*

Name,

SEC. 2. *And be it enacted, That the said corporation and their successors shall and may be authorized to purchase, take, hold, receive and enjoy any property whatsoever, which may be devised, given or conveyed to them, or received by the payment of fees, dues, fines, and also to grant, alien, demise, convey, assign or transfer the same in such manner and form, as the said association may deem expedient; and shall have a common seal, with power to change the same at their will and pleasure, and may*

Corporate powers.

sue and be sued, plead and be impleaded, in any court of law and equity in this State and elsewhere.

SEC. 3. *And be it further enacted*, That the members of this corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of said corporation, and to properly manage its affairs conformable to the provisions of this act, and to the regulations of said corporation, and from time to time, to make, alter, repeal and again re-enact such by-laws and rules as they shall deem expedient for the good government thereof: *Provided*, such by-laws and rules be not contrary to the laws and Constitution of this State and of the United States. ^{Power of mem- bers.}

SEC. 4. *And be it further enacted*, That the said corporation shall have power to hold or possess in any manner goods, chattles, rights, credits, lands and tenements or any other property, the clear annual income of which shall not exceed the sum of one thousand dollars, and shall not possess any banking powers other than the lending of money on security, for permanent investment. ^{Limitation of property.} ^{No Banking powers.}

SEC. 5. *And be it further enacted*, That this shall be deemed and taken to be a public act, and the power to revoke this charter at any time is hereby reserved to the legislature. ^{Public Act.} ^{Revocation.}

Passed at Dover, March 3, 1857.

CHAPTER CCCCXXXVII.

AN ACT authorizing Isaac Cirwithen and Riley W. Bennett, to change and vacate certain old roads therein mentioned.

Private act.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXXXVIII.

AN ACT *regulating the sale of intoxicating liquors, &c.*

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

**Sale of liquor
prohibited ex-
cept by law.**

SECTION 1. No person shall by himself, his servant or agent, directly or indirectly, sell any intoxicating liquors, except as hereinafter provided.

**Retailers of
goods, wares,
etc., may sell, in
what quantity,
and how licensed**

SEC. 2. Any free white citizen of this State, who is of the age of twenty-one years or upwards, and is a licensed retailer of goods, wares and merchandise, and the aggregate cost value of whose stock on hand is not less than three hundred dollars, may apply to the Clerk of the Peace of the county in which he may reside, for a license to sell intoxicating liquors in quantities not less than a quart. And upon the application for such license, paying to the said Clerk of the Peace a fee of twenty dollars for the use of the State, it shall be the duty of the said Clerk of the Peace to issue a license, under his hand and the seal of the court to such retailer of goods, wares and merchandise. Any such retailer of goods, wares and merchandise procuring such license as aforesaid, shall have full power and authority thereby to sell intoxicating liquors of all kinds and descriptions in any quantity not less than a quart; subject, however, to the provisions hereinafter mentioned. Any license issued under this section shall be a separate and special license for that particular privilege and no other, and shall state that the fee of twenty dollars is paid, and that the applicant therefore is a licensed retailer of goods, wares and merchandise, the aggregate cost value of whose stock on hand is not less than three hundred dollars. The license shall authorize the selling of intoxicating liquors only at one place, and only for one year from the day on which it was issued. The Clerk of the Peace shall require any applicant for such license as aforesaid, to make an oath or affirmation that he is a licensed retailer of goods, wares and merchandise, and that the aggregate cost value of his stock on hand is not less than three hundred dollars, and any one making a false oath or affirmation in the premises, shall be subject to all the pains and penalties of wilful and corrupt perjury. The fee to the Clerk of the Peace for issuing such license aforesaid, shall be one dollar, to be paid by the applicant therefor.

SEC. 3. Any free white citizen of this State who is of age

of twenty-one or upwards, who may desire to sell intoxicating liquors exclusive of any other goods, wares and merchandize, may apply to the Clerk of the Peace of the County in which he may reside, for a license to sell the same, and upon the applicant for such license, paying to the said Clerk of the Peace a fee of fifty dollars for the use of the State, it shall be the duty of the said Clerk of the Peace to issue a license under his hand and the seal of the court, for the sale of intoxicating liquors to such applicant who may desire the same, exclusive of any other goods, wares and merchandize. The person procuring such license as last aforesaid, shall have full power and authority thereby to sell intoxicating liquors of all kinds and descriptions, in any quantity not less than a quart, subject, however, to the provisions hereafter mentioned. The license issued under this section shall be a special license for that particular privilege and no other, and shall state that the fee of fifty dollars is paid, and that the applicant therefor desires to sell intoxicating liquors exclusive of any other goods, wares, and merchandize, and shall authorize the selling of intoxicating liquors only at one place, and only for one year from the day on which it was issued. The fee to the Clerk of the Peace for issuing such license as last aforesaid shall be one dollar, to be paid by the applicant therefor.

License to sell
intoxicating li-
quors alone how
obtained.

SEC. 4. No person having a license to sell intoxicating liquors under the provisios of the preceding section, shall have authority thereby to sell intoxicating liquors by any measure less than a quart, or to sell intoxicating liquors to any person when drunk, or knowingly to sell intoxicating liquors to any minor, or to any slave, or shall suffer or permit any intoxicating liquors which he has sold, to be drunk in his store-house or its dependencies, or shall suffer any disorderly persons to remain in his store house or its dependencies: and any such person having license as aforesaid violating either of the provisions of this section, shall upon conviction thereof as hereafter provided, forfeit and pay for the first offence a fine of five dollars besides costs, and in default of payment thereof shall be imprisoned not less than one or more than ten days; and for the second offence shall forfeit and pay a fine of ten dollars beside costs, and in default of payment thereof shall be imprisoned not less than three nor more than twenty days; and for the third offence shall forfeit and pay a fine of ten dollars beside costs, and in default of payment thereof shall be imprisoned not less than five nor more than thirty days and such third conviction shall *ipso facto* work a forfeiture of his license, and the offender shall not be re-licensed for the term of one year from the time of such third conviction.

Quantity to be
sold under a li-
cense of the pre-
ceding section,
not less than a
quart

Restrictions as
to sale.

Penalty for first
violation.

Second.

Third.

SEC. 5. No person shall keep a tavern without having first

Tavern license,
how obtained

obtained a license from the Governor, which shall be granted on the recommendation of the Judges of the Court of General Sessions setting forth that the person recommended is a fit person and well qualified to keep a tavern. Such recommendation shall not be granted unless the petitioner is so qualified, and has necessities suitable for travellers, nor unless his house is necessary for public accommodation, and is in a proper and convenient place and stage for the entertainment for travellers.

Petition for tavern license; necessary state-ments

Fees for license; how graded.

Authorized to sell in any quantity

SEC. 6. The petition for such recommendation shall state the intention of the petitioner to keep a tavern with or without the sale of intoxicating liquors, and the license shall conform thereto. The fees for a license with a privilege to sell intoxicating liquors shall be as follows: to any person who owns or occupies a house premises the assessed value of which shall be less in amount than the sum of fifteen hundred dollars, the sum of twenty dollars; to any person who owns or occupies a house and premises the assessed value of which is fifteen hundred dollars and less than three thousand dollars, the sum of twenty-five dollars; to any person who owns or occupies a house and premises the assessed value of which is three thousand dollars and less than forty-five hundred dollars, the sum of thirty dollars; to any person who owns or occupies a house and premises the assessed value of which is forty-five hundred dollars and less than six thousand dollars, the sum of thirty-five; and to any person who owns or occupies a house and premises the assessed value of which is six thousand dollars and over, the sum of fifty dollars; for a license without such privilege the sum of five dollars. Any person procuring such license with the privilege to sell intoxicating liquors shall have full power and authority thereby to sell intoxicating liquors in any quantity, subject, however, to the provisions hereafter mentioned. Such license shall continue in force for one year only from the day on which it is issued. *Provided*, that if a house be duly licensed and the tenant be changed during the year, it shall be lawful for the new tenant to keep such house under said license until the end of the next term of said court in the county. The fee to the Clerk of the Peace for issuing such license shall be one dollar to* be paid to the applicant therefor.

License to keep an ale-house; how obtained

SEC. 7. No person shall keep an ale-house or victualling house without a license from the Governor to be granted upon the recommendation of twelve or more free white reputable citizens residing in the neighborhood in which such house is intended to be kept, setting forth that he is a fit person and well qualified to keep such house, and has suitable accommodations for the pur-

*So in original.

pose. The fee for such license shall be ten dollars for the use of the Staté, and one dollar to the Clerk of the Peace for the issuing thereof; such license shall continue in force for one year only from the day on which it was issued, provided that if such a house be duly licensed and the tenant be changed during the year, it shall be lawful for the new tenant to keep such house under said license until the expiration of the year for which it was granted. No license to keep an ale-house or victualling house shall authorize the sale of any intoxicating liquors except ale or other malt liquors; and the person procuring a license to keep an ale-house or victualling house under the provisions of this section shall have full power and authority thereby to sell ale and other malt liquors, subject, however, to the provisions hereafter mentioned.

SEC. 8. No person having a license to keep a tavern, ale-house, or victualling house under the provisions of the foregoing section, shall have authority thereby to sell intoxicating liquors to any person when drunk, or knowingly to sell intoxicating liquors to any minor, or to any slave. And any such keeper of a tavern, ale-house or victualling house violating either of the provisions of this section, shall upon conviction thereof, as hereafter provided forfeit and pay for the first offence a fine of five dollars besides costs, and in default of payment thereof shall be imprisoned not less than one nor more than ten days; and for the second offence shall forfeit and pay a fine of ten dollars besides costs, and in default of payment thereof shall be imprisoned not less than three nor more than twenty days; and for the third offence shall forfeit and pay a fine of ten dollars besides costs, and in default of payment thereof shall be imprisoned not less than five nor more than thirty days, and such third conviction shall *ipso facto* work a forfeiture of his license, and the offender shall not be re-licensed for the term of one year from the time of such third conviction.

Sale of intoxicating liquors by tavern and ale-house keepers restricted; how.

Penalties for violation

SEC. 9. If any tavern-keeper or the keeper of any ale-house or victualling house shall suffer any person to continue drinking and tipping in his house at unseasonable hours of the night, or shall suffer any disorderly person to remain in his house; or shall knowingly suffer any game upon which anything of value is betted or hazarded, to be played in his house or its dependencies, or if the keeper of any ale-house or victualling house shall sell any intoxicating liquors except ale, or other malt liquors, he shall upon conviction thereof, as hereafter provided, forfeit and pay for the first offence a fine of five dollars besides costs, and in default of payment thereof shall be imprisoned not less than one nor more than ten days; and for the second offence shall forfeit and pay a fine of ten dollars besides costs, and in

Tipping prohibited.

Gaming also.

Penalty of ale-house keepers selling any but malt liquors.

default of payment thereof shall be imprisoned not less than three nor more than twenty days; and for the third offence shall forfeit and pay a fine of ten dollars besides costs, and in default of payment thereof shall be imprisoned not less than five nor more than thirty days, and such third conviction shall also *ipso facto* work a forfeiture of his license, and he shall not be re-licensed for the term of one year from the time of such third conviction.

Distillers and
manufacturers
authorized to
sell—how.

Penalty for vio-
lation of this
section.

SEC. 10. Nothing in this act contained shall be deemed and taken to forbid or prevent any person from distilling or manufacturing into intoxicating liquors any fruit or grain the products of his own soil, or of which he may be possessed, or fruit which he may purchase, and from selling the same by any measure not less than a quart without a license therefor: *Provided*, however, that if any person distilling or manufacturing intoxicating liquors, from fruit or grain the product of his own soil or of which he may be possessed, shall sell any intoxicating liquor by any measure less than a quart, such person shall upon conviction thereof, as hereafter provided, forfeit and pay for the first offence a fine of five dollars besides costs, and in default of payment thereof shall be imprisoned not less than one nor more than ten days; and for a second or any subsequent offence shall forfeit and pay a fine of ten dollars besides costs, and in default of payment thereof shall be imprisoned not less than five nor more than thirty days.

Penalty for sel-
ling without li-
cense

SEC. 11. If any person shall keep a tavern ale-house or victualling house without a valid license as required by this act, or if any person other than the distiller or manufacturer or intoxicating liquors from fruit or grain the products of his own soil or of which he may be possessed as mentioned in the preceding section of this act, shall without having a valid license therefor as prescribed by this act, sell any intoxicating liquors by a measure of a quart or upwards, or if any person not being a licensed tavern-keeper, keeper of ale-house or victualling house, with the privilege of selling intoxicating liquors under the provisions of this act, shall sell any intoxicating liquors by any measure less than a quart, such person shall upon conviction thereof as herein-after provided, forfeit and pay for the first offence a fine of ten dollars besides costs and in default of payment thereof shall be imprisoned not less than three nor more than twenty days; and for a second or any subsequent offence shall forfeit and pay a fine of twenty dollars besides costs, and in default of payment thereof shall be imprisoned not less than ten nor more than forty days.

SEC. 12. Every prosecution for a violation of the provisions of this act herein before contained, shall, (if the offender reside in the city of Wilmington,) be heard and determined by the Mayor thereof or by any Justice of the Peace residing in said city; or, (if the offender does not reside in said city,) shall be heard and determined by any Justice of the Peace residing or holding an office in the Hundred where the offence was committed; but any person convicted may within five days thereafter, appeal from any final judgement rendered against him by the said Mayor or any Justice, to the Court of General Sessions of the Peace and Jail Delivery of the county in which such judgment was rendered. Such person appealing shall enter into recognizance, with sufficient surety, in such sum as the said Mayor or Justice shall determine conditioned for his appearance at the said court at the next term thereof, to be holden in the county wherein said judgement was rendered, to answer to the complaint whereon said judgment was rendered, and for his abiding the judgment that may be rendered by the said court. The Mayor or Justice shall bind the witnesses for the State for their appearance to testify in case an appeal shall be taken; shall transmit immediately a certified copy of his record to the Clerk of the Peace of the county, who shall enter the appeal. The Attorney General shall on such appeal appear for the State, and the trial shall be by jury. The fees to the Mayor or Justice for any prosecution under this act shall be the same as are now provided for other criminal matter cognizable before them.

Prosecutions for violations of the act in the city of Wilmington—where heard.

Appeal granted

How proceeded in.

SEC. 13. Whenever any person having license to sell intoxicating liquors under the provisions of this act, shall have been convicted a third time of selling intoxicating liquors contrary to any of the provisions herein before contained in that behalf, and shall not appeal from such judgment of conviction within the time limited in the preceding section, it shall be the duty of the Mayor of the City of Wilmington, (if such third conviction happen before the said Mayor,) or of any Justice, before whom such third conviction happened, to transmit within ten days after the time limited in the next foregoing section for an appeal to be taken, a certified copy of the record of such third conviction to the Clerk of the Peace of the county, in which such third conviction happened, which record shall be filed by the said Clerk of the Peace, in his office, and shall be evidence that such person has been convicted a third time and has forfeited his license, and is not to be re-licensed for the term of one year from the time of such conviction. Any Mayor of the City of Wilmington, or any Justice neglecting to transmit such record as aforesaid, within the time above limit, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment in the

Person convicted of a third violation of the act, record sent to C. of Peace

Penalty for neglect to transmit the record.

Court of General Sessions of the Peace and Jail Delivery, of the County where he may reside, shall be fined twenty dollars besides costs of conviction.

Sale on Sunday prohibited.

SEC. 14. No license issued or granted under any of the provisions of this act, shall confer power or authority to sell intoxicating liquors on the Lord's day commonly called Sunday.

Penalty for selling on the Sabbath.

SEC. 15. If any person shall sell intoxicating liquors by any measure whatever on the Lord's day commonly called Sunday, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall for every such offence be fined twenty dollars besides costs. The term Lord's day or Sunday as used in this act, shall be construed to embrace the space of time included between the hour of twelve o'clock of the night preceding and the hour of twelve o'clock of the night succeeding the day commonly called Sunday.

Term Sunday; meaning.

Intoxicating liquors; meaning.

SEC. 16. The term intoxicating liquors as used in this act, shall be construed to mean, extend to and include any vinous, spirituous, malt or brewed liquors or any admixture thereof, and all liquors that can intoxicate, and are adapted to use as a beverage.

Not necessary to prove the kind of liquor in a prosecution for illegal sale.

SEC. 17. In any proceedings for a violation of any of the provisions of this act, it shall not be necessary to specify or prove the precise kind of liquor which is the subject of the charge; but to allege it as intoxicating liquor only, and proof of the unlawful act charged in relation to any such liquor shall be deemed sufficient, although the particular kind may not be able to be shown.

Fees arising from licenses appropriated to School Fund.

SEC. 18. All fees for licenses taken out under the provisions of this act, (except the fee of one dollar to the Clerk of the Peace for the issuing thereof,) shall go into and constitute a part of the School Fund of this State, and in all future dividends among the school districts in this State, the same shall be divided and apportioned according to the laws in force for the division of other funds devoted to that object.

Fines and forfeitures to the Treasurer of the Poor.

SEC. 19. All fines and forfeitures which accrue and be received under the provisions of this act, shall be paid over, by the officer receiving the same, to the Treasurer of the Poor of the county, wherein such convictions were had for the use of the poor of the county.

SEC. 20. All acts and parts of acts inconsistent with or supplied by this act, or any of its provisions are hereby repealed. Inconsistent acts repealed.

SEC. 21. The Secretary of State shall cause this act to be published in all the newspapers of this State, for the space of one month from its passage, and shall certify to the Governor the publication of the same, the sum due therefor, stating all items of charge by each of the newspapers, and the Governor shall, upon the reception of such certificate, draw orders on the State Treasurer for the payment of the said publication, and the State Treasurer shall pay the same out of any moneys in the Treasury, not otherwise appropriated. Secretary of State to publish this act for one month in all the newspapers of the State.
Expenses how paid.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXXXIX.

AN ACT for the relief of the administrator of Joseph J. Hearn, deceased.

Private Act.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXL

A FURTHER SUPPLEMENT to the act entitled "*An Act to incorporate a company for the purpose of cutting and making a Canal between the Chesapeake Bay and Bay or River Delaware, or the waters thereof.*"

Sec. 13 of,
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the 13 section of the aforesaid act as the same is printed in the third volume of the laws of this State, be and the same is hereby amended by striking out all therein between the word "shares" in the third line and the proviso, and inserting in lieu thereof the following: "in such form as shall be authorized for that purpose by the Chesapeake and Delaware Canal Company, at any meeting of said proprietors authorized by the act aforesaid, or any supplement thereto.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXLI

Ante, p. 245.

AN ACT to amend the act entitled "*A Supplement to Chapter 19 of the Revised Statutes of the State of Delaware.*" Title "*of elections in Wilmington Hundred.*"

Places of holding elections changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the places for holding the elections for State and county officers in the five election districts created by said supplement, in Wilmington Hundred, shall hereafter be as follows, to wit: in the first election district, being the first ward of the City of Wilmington, at the house known as the "White Horse Tavern," now occupied by Richard K. Jones; in the second election district being the second ward of said city, at the Odd Fellows' Hall; in

the third election district, being the third ward of said city, at the house known as "The Lafayette Hotel," now occupied by Sylvester Rhinehardt; in the fourth election district, being the fourth ward of said city, at the most southern window of the City Hall, looking into Market street; and in the fifth election district, being the fifth ward of said city, at the house known as "The Farmers' and Mechanics' Inn," now occupied by John Righter.

SEC. 2. *And be it further enacted*, That the second section of said supplement be, and the same is hereby repealed. Section 2 of repealed.

SEC. 3. *And be it further enacted*, That the provisions of section 2 of chapter 18 of the Revised Statutes of this State shall be construed as extending to the places by this act appointed for holding elections for State and county officers. Section 2 chap. 18 of R. Code extended to places appointed by this act.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXLII.

AN ACT in relation to Free Schools.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the Trustee of the School Fund in the apportionment of the share of each of the counties of this State of the income of the School Fund among the school districts of the several counties in August next, and annually thereafter, shall distribute and apportion the same equally among all the districts in the respective counties without regard to the fact whether the said districts are original or subdivided, and so that each district in the same county, whether original or subdivided, shall receive the same sum or share, except that in the apportionment of the share of New Castle County among the several districts there- School Fund of the several counties to be distributed equally among the several school Districts thereof.

Exception—in N. Castle Co. one

seventh part set
apart for Wil-
mington

of, the said Trustee shall set apart one-seventh part thereof, and shall distribute the same among the districts contained within the limits of the city of Wilmington, and the residue among the remaining districts equally. United districts shall be entitled to the several shares of the districts of which they are composed.

Levy Court au-
thorized to re-
ceive applica-
tions to divide
districts, and ap-
point Commis-
sioners for that
purpose.

SEC. 4. *And be it further enacted*, That whenever a petition shall be presented to the Levy Court of either county signed by twelve or more owners or holders of real estate in any school district or districts contiguous to each other, praying that an additional district may be formed from the district or districts in which they reside, the said Levy Court shall appoint three judicious and impartial persons residing in said county, and without the limits of the districts immediately effected by the petition, who shall go to the said district or districts, and inquire concerning the propriety of laying out an additional district therefrom, and if, after careful examination, the said Commissioners should be of opinion that an additional district should be laid off, they shall locate and lay off such additional district as to them shall seem just and proper, and when the said Commissioners, or a majority of them, shall have located and laid out said additional district, they, or a majority of them, shall make return of the said additional district, so located and laid out and also of the part or parts of the original district or districts remaining after the said additional district shall have been laid off, describing plainly the metes and bounds of each into the office of the Clerk of the Peace of said county, to be by him filed among the records of his said office, and within ten days thereafter the said clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund. From and after the time of such return by the Commissioners into the office of the Clerk of the Peace, the additional district so located and laid off shall be deemed and taken to be a school district of said county, and numbered in continuation of school districts in said county, and all the acts of the General Assembly of this State for the general regulation, government and benefit of free schools shall be extended and applied to said additional district, and the Trustee of the School Fund, in the distribution of the School Fund applicable to school districts in said county, shall give to said additional district an equal proportion of the money in his hands applicable to school districts in said county. No such additional district shall be located and laid off by the Commissioners unless the same would, if laid off, contain at least thirty-five white children over five years of age. In case said Commissioners shall determine that no additional district is necessary, they shall make return thereof to the Clerk of the Peace of said County to be filed in his office.

Mode of proceed-
ing.

School laws to
be extended to

District must
contain 35 white
children

SEC. 3. *And be it further enacted,* That the Commissioners before entering upon the duties prescribed shall each take an oath or affirmation, to perform the same with fidelity. They shall each receive one dollar for each day's service, to be allowed by the Levy Court of said county.

Commissioners to be sworn. Compensation — how paid.

SEC. 4. *And be it further enacted,* That in case any additional district is created under the provisions of this act, in order that none may be even temporarily deprived of a school, the inhabitants of the portion of the district or districts included within said additional district shall continue to have and enjoy as before, the privileges and benefit of the school in the original district or districts from which they were taken, until the day of the next annual stated meeting of the school voters in this State, when they can organize.

Inhabitants to enjoy their former privileges until organization.

SEC. 5. *And be it further enacted,* That in case the school commissioners of any school district shall not be able to procure by agreement with the owner a lot of land suitable and proper for the erection of a school house for the use of the district, it shall and may be lawful for the said School Commissioners to apply to the Levy Court of their county, who shall thereupon appoint three judicious and impartial freeholders of said county, residing without the limits of said school district, to select a site for such school house and appurtenances, not to exceed half an acre in any case. The said Commissioners shall, as soon as conveniently possible after the said appointment, notify the said freeholders and fix a day when they shall meet in said district to select such site, and shall also give notice to the inhabitants of said district of the time so fixed by notices, posted in five of the most public places in said district, at least ten days before the day of meeting. The said freeholders shall on the day so fixed proceed to the said district, taking with them a surveyor if necessary, and shall select such site as they may deem most suitable for the purposes aforesaid, and shall cause a plot and description of the same to be made out and delivered to the Commissioners, who shall within thirty days after such delivery, lodge the same in the Recorder's office of the proper county to be recorded.

Mode of procuring site for school house

SEC. 6. *And be it further enacted,* That the said freeholders shall also at the time of selecting and locating the site, assess the damages of the owner or owners, taking into consideration all circumstances of convenience or injury, but in making such assessment they shall allow at least the cash value of the land taken and shall certify their award to both parties, owners and Commissioners, whereupon, upon payment of the damages so assessed, the said land so taken shall become and be the proper-

Damages how assessed.

Case of a minor
or non-resident

ty of the said school district for the purpose aforesaid. In case any such owner or owners be a minor, non-resident, or from any cause incapable of receiving, or unwilling or neglecting to receive said damages, the said School Commissioners may deposit the same to the credit of such owner or owners, in the Farmers' Bank of the State of Delaware, or any branch thereof, and such deposit shall operate as payment.

On failure of
Commissioners
to meet, may be
called again—
how.

SEC. 7. *And be it further enacted*, That in case the said freeholders should fail to meet on the day fixed, the Commissioners may call them out again upon like notice to the district as above provided. The said freeholders shall have power to adjourn from time to time. The decision of a majority shall be as good as that of the whole. The fees of the freeholders shall be one dollar per day. All the expenses shall be borne by the district.

Expenses how
born.

Passed at Dover, March 3, 1857.

CHAPTER CCCCXLIII.

AN ACT to divorce *John Luff and Jane Luff* his wife, from the bonds of matrimony.
Private Act.

Passed at Dover, March 4, 1857.

CHAPTER CCCCXLIV.

AN ACT to prevent horses and mules from running at large in the town of Odessa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* Penalty for suffering horses, etc., to run at large, how recovered.
That the owner or keeper of any horse, mare, gelding or mule of the age of twelve months or upwards, who shall suffer the same to be at large out of such owner or keeper's enclosed ground, within the limits of the town of Odessa, in New Castle County shall forfeit and pay to the State, for the use of the School Fund, the sum of five dollars, to be recovered with costs of suit, before any Justice of the Peace for the said county.

Passed at Dover, March 4, 1857.

CHAPTER CCCCXLV.

AN ACT in relation to apprentices bound under the laws of other States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* Foreign indentures made valid in this State.
That indentures of apprenticeship, duly executed under the laws of this State, whereby any non-resident minor is bound to a person residing in this State, shall be valid to all intents and purposes, and shall confer on the master or mistress all the rights, and subject him or her to all the obligations and duties which masters and mistresses of indentured apprentices are invested with, or subject to, by the laws of this State : *Provided always,* Proviso.
that the said indentures duly verified, under some public seal of

the State in which they are executed, be recorded in the Recorder's office of the county of the master or mistress' residence, within three months from their date, otherwise they shall be void. Nothing contained herein, however, shall be taken to change, or in any manner effect any covenant contained in said indentures.

Passed at Dover, March 4, 1857.

CHAPTER CCCCXLVI.

AN ACT for the benefit of Sarah A. Cathell, late Sarah A. Saunders.

Private act.

Passed at Dover, March 4, 1857.

CHAPTER CCCCXLVII.

R. Code chap. 48 AN ACT to amend Chapter 48 of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,) That Chapter 48 of the Revised Statutes of the State of Delaware, shall be, and the same is hereby amended, by adding*

to the third section of said chapter as the same is printed and published, immediately after the words "twenty thousand dollars," in the sixth line of said section these words, "except that in the County of New Castle, the said corporation may hold, under the provisions of this section, such property, real and personal, and rights and credits, not exceeding in amount one hundred thousand dollars." Third section of, amended

SEC. 2. *And be it enacted,* That the fifth section of said chapter 48 shall be, and the same is hereby further amended by adding to said section these words, "the chairman of said trustees of the poor may, at any time, call occasional meetings of the said trustees, who, when so met and assembled, shall have all the rights and powers as are vested in them at their stated quarterly meetings." Fifth section of, amended.

SEC. 3. *And be it further enacted,* That the 8th section of said chapter 48 shall be, and the same is hereby further amended by striking out in the third line thereof, immediately after the words, "written order of," and before the words "trustees of the poor," the word "two," and in inserting in lieu thereof the word "one," and also by changing the word "trustees" in the said third line of said section, to the word "trustee," and in any edition of said Revised Statutes to be hereafter published, the said chapter 48 shall be printed as amended by this act. Eighth section of, amended.

Passed at Dover, March 4, 1857.

CHAPTER CCCXLVIII.

AN ACT to authorize the School Commissioners of School District No. 46, in the town of Laurel, Sussex County, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Joseph Smith and Cyrus C. Windsor Commissioners of School District No. 46, in the town of Laurel, and Sussex County, Commissioners appointed.

Their authority
and duty.

ty, or their successors in office, be, and they are hereby authorized and empowered to sell, either by private sale or public auction, the lot or piece, parcel or tract of land belonging to said School District No. 46, and the said Commissioners, or their successors in office, may by their deed of bargain and sale convey the said lot and parcel of land to the purchaser thereof in fee simple, and the said Commissions, or their successors in office, are hereby further authorized and empowered to purchase, in their name as Commissioners of said School District, with the proceeds of the sale of said lot first above mentioned, a lot of land in said district, and to build thereon a house suitable for a free school, the said last mentioned lot and building thereon erected, to be for the sole use and purpose of a free school, and subject to all the provisions of the acts of Assembly in relation to free schools.

Passed at Dover, March 4, 1857.

CHAPTER CCCXLIX.

AN ACT to admit testimony on trial of indictment for libel.

Truth of matter
charged as libel-
lous may be gi-
ven in evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That from and after the passage of this act, on the trial of indictments for writing or publishing a libel, the truth of the matter charged as libellous may be given in evidence; and if the jury, in any such case, shall find that the act was induced by good motives, and with no malicious intent, and that the matter so charged is true, it shall operate to the acquittal of defendant or defendants.

SEC. 2. *And be it further enacted,* That in actions for damages for the writing or publishing a libel, where the truth is pleaded and given in evidence; if it be found that the same was written or published properly for public information, and with

no malicious or mischeivous motives the jury may find for the defendant or defendants.

Passed at Dover, March 4, 1857.

CHAPTER CCCCL.

AN ACT to amend an act entitled "A further supplement to the act entitled 'An act to authorize the owners and possessor of the marsh and low grounds, commonly called and known by the name of the Culbreth's Marsh, situate in the forest of Murderkill and Dover Hundreds, in Kent County, to cut a ditch or drain through the same.'"

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That section 3 of the act entitled "A further 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 Culbreth's Marsh, situate in the forest of Murderkill and Dover Hundreds, in Kent County, to cut a ditch or drain through the same,' " be, and the same is hereby amended by striking out the word "shall" in line two of said section, and inserting in lieu thereof the word "may," and by striking out the word "fifty-six" in the fourth line of the same section, and inserting in lieu thereof the word "fifty-seven."

Section 3 of,
amended.

Passed at Dover, March 4, 1857.

CHAPTER CCOCLI.

AN ACT in relation to the execution of judgments in civil actions.

Execution may be issued at any time within five years upon a judgment in a civil action.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That an execution may be issued upon a judgement in a civil action at any time within five years from the time when such judgment was entered or rendered, or from the time when such judgement became due; or to collect any instalment of a judgment within five years from the time when such instalment fell due. This section shall only apply to cases when no execution has been previously issued to collect such judgment or instalment, and to cases where one or more have been issued for such purpose, and it appears by the return of the officer that such judgment or instalment, as the case may be, has not been paid or satisfied. As to all such* cases the law shall remain as at present.

No judgment presumed to be paid unless it appears otherwise than by the fact of the levy.

SEC. 2. *And be it further enacted,* That no judgement shall be deemed to be paid or satisfied, in whole or in part, by a levy on execution process, unless it appear otherwise than by the fact of such levy that such payment or satisfaction has been made.

Passed at Dover, March 4, 1857.

CHAPTER CXCCLII.

R. Code, chap. 55.

SUPPLEMENT to Chapter 55 of the Revised Statutes of the State of Delaware.

Missapillon and Murderkill creeks excepted from the provisions of sec. 3, chap. 55.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the provisions of section 3 of chapter 55 of the Revised

*So in original.

Statutes of the State of Delaware shall not apply to Mispillion or Murderkill Creek, but the culling and refuse oysters taken from either of the aforesaid creeks shall be deposited on the shore under penalty of forfeiting ten dollars for every violation of this section, to be collected as all penalties and forfeitures are collectable, under section 23 of chapter 55 as aforesaid.

Refuse oysters—
where deposited.
Penalty for vio-
lation.

Sec. 2. And be it further enacted by the authority aforesaid, That it shall be unlawful for any person to catch or take oysters in either of the aforesaid creeks, between the first day of May and the first day of September in any year, under penalty of forfeiting ten dollars, to be collected as provided for in the preceding section.

Oysters not to
be taken from
May 1 to Sept. 1.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLIII.

AN ACT to extend the provisions of section 4 of chapter 58 of the Revised Statutes of this State to school No. 10, in Sussex County, as originally laid out.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the provisions of section 4 of chapter 58 of the Revised Statutes of this State be, and they are hereby extended and applied to school district No. 10, in Sussex County as originally laid out.

Provisions of,
extended to
school district
No. 10 in Sussex
County.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLIV.

AN ACT for the suppression of Gaming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

Penalty for
keeping or being
concerned in
gaming table,
faro banks, &c.

That if any person or persons shall keep or exhibit a gaming table, faro bank, sweat cloth, roulette table, or other device, under any denomination, at which cards, dice or any other game of chance is played for money, or other thing of value, or shall be a partner or concerned in interest in the keeping or exhibiting such table, bank, sweat cloth, or other device, he she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars, and in default of the payment thereof, shall be imprisoned for a term of not less than one month or more than twelve months. Any such table, bank, sweat cloth, or other device may be seized by order of any Court, or under a warrant from any Justice of the Peace, and immediately destroyed; and all the money and everything of value staked or exhibited upon or at such table, sweat cloth, bank or other device, may also be seized under such order or warrant by any sheriff, deputy sheriff, constable, coroner, or deputy coroner, and the money so seized, after deducting forty per centum thereof for the services of such officer for said seizure, shall be deposited by such officer to the credit of the treasurer of the poor of the county in which such seizure may be made, in the Farmers' Bank in said county.

Table, bank,
money, &c.
may be seized
how disposed of

SEC. 2. *And be it further enacted,* That if any person or per-

Person letting
house for pur-
poses of gaming.

sons shall let or demise to any other person or persons any house, out house or other building, or any room or suit of rooms, knowing that the same is or are to be used for the purpose of gaming, or shall suffer or permit any such house, out-house or other building, or any room or suit of rooms over which he, she or they have the possession or control to be occupied or used for such purpose he, she or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than twenty dollars, and in default of the payment thereof shall be imprisoned for a term of not less than one month nor more than three months.

Penalty

Passed at Dover, March 4, 1857.

CHAPTER CCCCLV.

AN ACT to amend Chapter 106 of the Revised Code.

R. Code, chap.
106.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the first paragraph of section 4 of chapter 106 of the Revised Statutes be stricken out, and the following inserted in lieu thereof, "In all actions in the Superior Court upon bills, notes, bonds or other instalments of writing for the payment of money, or for the recovery of book accounts, and in all actions of scire facias on judgment or mortgages, judgment by default shall be entered upon motion by the plaintiff, or his attorney, on the last day of the regular term to which the original process is returnable, notwithstanding appearance by the defendant, unless the defendant, or if there be more than one, one or more of them, shall have previously filed in the cause an affidavit, stating that he or they verily believes or believe there is a legal defence to the whole or part of such cause of action, and setting forth the nature and character of the same; if the defence be to a part only of the cause of action, the defendant, or if there be more than one, any one or more of them, shall, in such affidavit, specify the sum which he or they admits or admit to be due, and judgment shall be entered for the plaintiff, at his election, for the sum acknowledged to be due: *Provided*, That no judgment shall be entered by virtue of this section unless the plaintiff, or if there be more than one, some one or more of the plaintiffs, shall, on or before the first day of the term to which the original process is returnable, file in the office of the Prothonotary a copy of the instrument of writing, book entries or claim, or in case of a scire facias a certified abstract or transcript of the judgment or mortgage, with an affidavit stating the sum demanded, and that he or they verily believe that the same is justly and truly due: *And provided also*, that upon any judgment under this section, a stay of execution for six months shall be granted, on security being given by the defendant for the payment of such judgment with interest and costs, in such form as by the rules of the court shall be prescribed. In case of a suit by or against a corporation, the affidavit by the Cashier or Treasurer shall be sufficient in this section.

First paragraph
of section 4 of
stricken out and
supplied.Judgment may
be entered at the
first term unless
there be an affi-
davit of defence.

Provide

Copy of the cause
of action to be
filed.

Provide.

Stay of execu-
tion on security.suit by or
against a corpo-
ration.*Passed at Dover, March 4, 1857.*

CHAPTER CCCCLVI.

AN ACT to create an additional School District in New Castle County, out of School Districts Nos. 56 and 57 in said County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,*
 That there shall be, and hereby is, laid off from School Districts numbers 56 and 57, in New Castle County, the following parts thereof, included within these lines, to wit: Beginning at the Turnpike road, on the Maryland line, east of George Boulden's residence, then running with said Turnpike road to a point near Thomas Lindle's orchard, thence in a straight line crossing Jesse Boulden's farm on the west of his residence, and on the east of Nathan T. Boulden's residence and Jacob Cazier's residence, to a point on the Chesapeake and Delaware Canal, thence with said Canal to the Maryland line, and with said Maryland line to the place of beginning, and that said part included within said lines shall be a separate School District. That is to say, School District No. 83, in New Castle County, and shall have and enjoy all the powers, privileges and functions of a School District in said county, and all laws of the State applicable to the School Districts of the State generally shall apply to said School District No. 83, so laid off, and the place of meeting of the school voters of said part so laid off shall be at the residence of James Boulden until a school house shall be built in said district, and, then at the school house.

New School District laid off from Districts 56 and 57 in N. Castle Co

Numbered

School laws extended to new District.

Place of meeting.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLVII.

AN ACT to create an additional School District in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*
 That William Townsend, John W. Hall and Caleb Smithers, be,
 Commissioners to view and lay off new District

and they are hereby appointed Commissioners to go upon and view School Districts numbers 38, 35 and 30, in Kent County, and locate and lay out from said districts one additional school district as to them shall seem just and proper. And when the said Commissioners, or a majority of them, shall have so located and laid out said additional School District, they or a majority of them, shall make a return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace ^{Return made, where.} of Kent County, to be by him filed among the records of his office, said return shall be made on or before the first day of June next, ^{And when.} and within ten days thereafter the Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School ^{Copy to be delivered to Trustee of S. Fund.} Fund. And from and after the first day of June aforesaid, the additional School District to be formed under the provisions of this act shall be deemed and taken to be a School District of Kent County, and numbered in continuation of School Districts already ^{Numbered.} established by law in said county, and all the acts of the General Assembly of this State for the general regulation, government and benefit of Free Schools within this State, shall be extended ^{School law extended to new district.} and applied to said additional School District to be created under the provisions of this act, and the Trustee of the School Fund in the future distribution of the School Fund applicable to School ^{Dividend.} Districts in Kent County, shall have due regard to the return of said Commissioners so made as aforesaid, giving to the said additional School District in Kent County an equal portion of the money in his hands which would have been annually applicable to said School Districts Nos. 38, 35 and 30, provided no additional School District had been created under the provisions of this act.

SEC. 2. *And be it further enacted,* That the Commissioners ^{Commissioners to be sworn.} appointed by this act shall severally, before entering upon the discharge of the duties herein imposed, take and subscribe an oath or affirmation to perform said duties with fidelity, which oath or affirmation shall be administered by a Justice of the Peace, and the said Commissioners are hereby authorized to take with them a skilful and impartial Surveyor, if they shall deem it necessary, to assist them in the discharge of their duties, and the said Commissioners and Surveyor shall receive such compensation ^{Compensation, how paid} for their services as shall be allowed by the Levy Court of Kent County.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLVIII.

AN ACT to incorporate "The Agricultural Society of Sussex County, Delaware."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,)*

Incorporation. That Peter F. Causey, William V. Coulter, James Anderson, Caleb S. Layton, Isaac M. Fisher, Thomas A. Jones, Capt. Charles Wright, Dr. John R. Sudler, Isaac N. Fooks, Philip Short, cf I., Nathaniel Horsey, William W. Dashiell, Benjamin Burton, Robert B. Honston, Capt. Henry Hickman, Ebe Walter, Paynter Framo, Gardner H. Wright, Nathaniel W. Hickman, and Doct. Henry F. Hall, and all others who may become associated with them for agricultural improvements, together with their successors, be, and they are hereby declared to be one body corporate and politic in deed and in law, under the name, style and title of the Agricultural Society of Sussex County, Delaware, and by that name shall have perpetual succession and a common seal,

Name.

Corporate powers. may sue and be sued, plead and be impleaded, answer and be answered 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 for perpetuating, well-ordering and governing the affairs of the said society, and for carrying into full and complete effect the designs of said institution.

Limitation of property SEC. 2. *And be it further enacted as aforesaid,* That "The Agricultural Society of Sussex County, Delaware," shall, by that name, be able and capable in law to have, take, hold, possess, enjoy and retain to them and their successors, by purchase, gift, grant, lease or devise, or bequest, any land, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality whatsoever, providing the clear annual income arising from the same shall not exceed five thousand dollars, and the same to sell, grant, demise, alien or dispose of as to the said society may seem most beneficial to the well being of the same, and generally shall have power to act and transact all matters and things which bodies politic and corporate may lawfully do.

SEC. 3. *And be it further enacted as aforesaid.* That the

said society to promote and encourage agricultural and horticultural pursuits, and improvements in good husbandry and tillage of the soil, improvements in the breed of stock of all kinds, the objects of its institution, shall have right and power to ordain and grant premiums and medals, or other gratuities as rewards of merit, exertions, discovery or improvement on the objects aforesaid, as they shall from time to time judge proper. Objects of the society.

SEC. 4. *And be it further enacted as aforesaid.* That the officers of this society shall be a President, two Vice Presidents, a Treasurer, a Recording Secretary, a Corresponding Secretary and a Board of Managers, consisting of twenty members, two of whom shall be selected from each hundred of the county. The officers shall be elected at each annual meeting, and shall remain in office one year, or until successors are elected. The President, Vice President, Treasurer, Recording and Corresponding Secretaries shall be *ex-officio* members of the Board of Managers, in addition to the other twenty. The society may appoint, from time to time, such subordinate officers and agents as they may deem proper. The society upon a call of those persons named in the first section of this act, or a majority of them, may designate and fix the times and places of holding their annual, quarterly, or other meetings, the mode of elections of officers, and the method of conducting business, all which matters shall be subject to the alteration and control of the society, from time to time, as they may deem proper. The duties of the officers above named shall be such as generally pertain to such officers in kindred associations, and the special duties of those officers may be more fully defined and appointed by the society at any time, and from time to time as may be deemed expedient, and vacancies in said offices may be filled according to the order and rules of said society. Officers. How chosen and when. Term of office. Duties of officers.

SEC. 5. *And be it further enacted as aforesaid,* That every matter herein contained shall be construed and taken most favorably for the said corporation: *Provided*, however, that the said society shall not possess or exercise any banking powers. Banking powers prohibited.

SEC. 6. *And be it further enacted as aforesaid,* That this act of incorporation shall continue in force for twenty years from the passage thereof, unless sooner revoked by the Legislature of this State, the power to revoke which is hereby reserved to the Legislature. Continuance. Revocation.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXI.

Vol 10, p 652 AN ACT supplementary to the act entitled "An act to provide for the payment of certain sums of money to the State by the New Castle and Frenchtown Turnpike and Railroad Company, and for other purposes," passed at Dover, February 7, 1852.

Preamble recit-
ing the provi-
sions

WHEREAS, It has been represented to this Legislature, by the memorial of the New Castle and Frenchtown Turnpike and Railroad Company, that the requirement made by one of the provisions of the fifth section of the act to which this is a supplement, to run a daily line from Philadelphia to Baltimore, and from Baltimore to Philadelphia, for the transportation of passengers, commencing the First day of December* in each and every year, is a burthensome and expensive tax on the company, and that no public or private interest is promoted by the running of the said line. Therefore,

Railroad Co. re-
leased from their
obligation to run
a daily line on
said road and au-
thorized to use
the rails, spikes,
&c., in the ex-
tension of the
Del. R. R. or any
road running
from the Del. R.
R. towards Ma-
ryland.

SECTION 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 provisions of the fifth section of the act to which this is a supplement as requires the New Castle and Frenchtown Turnpike and Railroad Company in each and every year thereafter, to run at least one daily line from Philadelphia to Baltimore, and from Baltimore to Philadelphia for the transportation of passengers, commencing on the first day of April and ending on the first day of December, be and the same is hereby made null and void. And the said, the New Castle and Frenchtown Turnpike and Railroad Company may use the rails, spikes and other materials of the said railroad lying west of the Delaware Junction in the extension of the Delaware Railroad towards the State of Maryland, or in the construction of any line running from the Delaware Railroad towards the Maryland line, at the option of the said, the New Castle and Frenchtown Turnpike and Railroad Company; and said rails, spikes and other materials shall be valued by one or more disinterested and competent appraisers to be selected by the New Castle and Frenchtown Turnpike and Railroad Company, and that the said, the New Castle and Frenchtown Turnpike and Railroad Company shall subscribe for the stock of the Delaware Railroad which may be hereafter created or issued for the purpose of the extension of the Delaware Railroad to the

Rails, spikes,
&c., to be val-
ued - how

*So in original.

Maryland line or to the stock of any other railroad company running towards the Maryland line from the Delaware Railroad, at its option; to the amount of said valuation and pay for said subscription in the iron, spikes and materials so be valued as aforesaid: *Provided* always, however, that the said company is not and shall not hereby be released from any other requirement or obligation imposed upon them by the act to which this is a supplement.

Road not releas'd
from any other
requirements.

SEC. 2. *And be it further enacted*, That as a consideration for the passage of this supplement, the said, the New Castle and Frenchtown Turnpike and Railroad Company shall, on the first day of January, or within thirty days thereafter, in each and every year hereafter, until the first day of January in the year of our Lord, one thousand eight hundred and seventy-two, inclusive pay to the County Treasurer of New Castle County for the use of said County, the sum of one thousand dollars.

Road to pay as
a consideration
to the Treasurer
of New Castle
Co \$1000 per
year until 1872
inclusive.

SEC. 3. *And be it further enacted*, That unless this act shall be accepted by the said, the New Castle and Frenchtown Turnpike and Railroad Company, and such acceptance shall be duly certified to the Governor by the first day of June next, succeeding the passage hereof, this act shall be void and of no effect.

This act to be
void unless ac-
cepted by the
company before
the 1st day of June
and their accep-
tance certified to
the Governor

Passed at Dover, March 4, 1857.

CHAPTER CCCLX.

AN ACT to divide school districts Nos. 37 and 39 in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Henry Calloway, Stephen H. Anderson and Beniah Tharp, be and they are hereby appointed Commissioners to go upon and view school districts Nos. 37 and 39, in Kent County, and lay off

Commissioners
to lay off new
district.

Limits defined.

an additional school district thereout, in the following manner, to wit: beginning at a point on the Delaware Railroad at the Kent and Sussex line, and in the southern boundary line of school district No. 39, in Kent County, and from thence running up the Delaware Railroad, a northwardly direction, to a prong of white marsh ditch, on land of Moses Harrington, now in the tenure of Solomon Murphy, thence running a northwesterly course between lands of Beniah Tharp and James Rust, and leaving Stephen Redden, sr., on the west side, and land of William Tharp, now in tenure of William Hamilton, on the east side of said line, and from thence running a northwardly course until it intersects northmost boundary line of school district No. 39 near the Hammonds town road, and from thence running a westerly course with the said northern boundary line of district No. 39, until it touches school district No. 37, and then taking so much from the eastern part of School district No. 37, as the said Commissioners herein appointed, may deem necessary to complete and constitute an additional school district out of the said districts Nos. 37, and 39, and the part so taken off of said district No. 37 shall be by such line or lines as the said Commissioners may deem proper and most convenient to the school voters in said district No. 37, and said additional school district hereby created; and when the said Commissioners or a majority of them shall have so laid off said additional school district, they shall make return of the same describing plainly the metes and bounds thereof into the office of the Clerk of the Peace of Kent County to be by him filed among the records of his office, said return shall be made on or before the first day of July next, and within ten days thereafter, the Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund. And from and after the first day of July aforesaid, the additional school district to be formed under the provisions of this act, shall be deemed and taken to be a school district of Kent County and numbered in continuation of school districts already established by law in said county, and all the acts of the General Assembly of this State, for the general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional school district to be created under the provisions of this act.

Return to the Clerk to the Peace.

Copy delivered to Trustee of School Fund

Numbered School laws extended to new district.

Commissioners to be sworn

SEC. 2. *And be it further enacted,* That the Commissioners appointed by this act shall severally take and subscribe an oath or affirmation to perform the duties herein imposed with fidelity, before entering upon the discharge of said duties, which oath, shall be administered by a Justice of the Peace; and the said Commissioners are hereby authorized to take with them a skilful and impartial surveyor, if they shall deem it necessary, to assist them in the discharge of their duties; and the said Commission-

ers. and surveyor shall receive such compensation for their services as shall be allowed by the Levy Court of Kent County.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXI.

AN ACT authorizing the appointment of additional Notaries Public, in Murderkill Hundred, Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the number of notaries public for Murderkill Hundred, in Kent County, shall hereafter be four instead of two, and the Governor shall have power to issue commissions to meet this change in the law; but one of said additional notaries shall be appointed to reside in Frederica, and the other in Camden. If a notary appointed to reside in either of said places, shall remove therefrom, his office shall become vacant, and another person be appointed in his place.

Two additional
Notaries allowed
to Mur. Hun-
dred.

Passed at Dover, March 4, 1857.

Limits defined.

an additional school district thereout, in the following manner, to wit: beginning at a point on the Delaware Railroad at the Kent and Sussex line, and in the southern boundary line of school district No. 39, in Kent County, and from thence running up the Delaware Railroad, a northwardly direction, to a prong of white marsh ditch, on land of Moses Harrington, now in the tenure of Solomon Murphy, thence running a northwesterly course between lands of Beniah Tharp and James Rust, and leaving Stephen Redden, sr., on the west side, and land of William Tharp, now in tenure of William Hamilton, on the east side of said line, and from thence running a northwardly course until it intersects northernmost boundary line of school district No. 39 near the Hammondtown road, and from thence running a westerly course with the said northern boundary line of district No. 39, until it touches school district No. 37, and then taking so much from the eastern part of School district No. 37, as the said Commissioners herein appointed, may deem necessary to complete and constitute an additional school district out of the said districts Nos. 37, and 39, and the part so taken off of said district No. 37 shall be by such line or lines as the said Commissioners may deem proper and most convenient to the school voters in said district No. 37, and said additional school district hereby created; and when the said Commissioners or a majority of them shall have so laid off said additional school district, they shall make return of the same describing plainly the metes and bounds thereof into the office of the Clerk of the Peace of Kent County to be by him filed among the records of his office, said return shall be made on or before the first day of July next, and within ten days thereafter, the Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School Fund. And from and after the first day of July aforesaid, the additional school district to be formed under the provisions of this act, shall be deemed and taken to be a school district of Kent County and numbered in continuation of school districts already established by law in said county, and all the acts of the General Assembly of this State, for the general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional school district to be created under the provisions of this act.

Return to the Clerk to the Peace.

Copy delivered to Trustee of School Fund

Numbered School laws extended to new district.

Commissioners to be sworn.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act shall severally take and subscribe an oath or affirmation to perform the duties herein imposed with fidelity, before entering upon the discharge of said duties, which oath, shall be administered by a Justice of the Peace; and the said Commissioners are hereby authorized to take with them a skilful and impartial surveyor, if they shall deem it necessary, to assist them in the discharge of their duties; and the said Commission-

ors. and surveyor shall receive such compensation for their services as shall be allowed by the Levy Court of Kent County.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXI.

AN ACT authorizing the appointment of additional Notaries Public, in Murderkill Hundred, Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the number of notaries public for Murderkill Hundred, in Kent County, shall hereafter be four instead of two, and the Governor shall have power to issue commissions to meet this change in the law; but one of said additional notaries shall be appointed to reside in Frederica, and the other in Camden. If a notary appointed to reside in either of said places, shall remove therefrom, his office shall become vacant, and another person be appointed in his place.

Two additional
Notaries allow'd
to Mur. Hun-
dred.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXII.

Ante p. 311.

A SUPPLEMENT to the act entitled "*An Act dividing Murderkill Hundred into two election districts.*"

Act amended.
place of voting
in S election
district changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the act entitled "*An act dividing Murderkill Hundred into two election districts,*" be, and the same is hereby amended by striking out in the two last lines of section one of said act, the words, "*the town of Frederica, in the district school house in said town,*" and inserting in lieu thereof the words "*Felton at the tavern house now occupied by George C. Herring,*" and also by inserting in line six, section four of said act, between the word "*district*" first occurring in said line, and the word "*and,*" the words "*and shall have the right to vote at such election whether a resident of Murderkill north election district or of Murderkill south election district.*"

SEC. 2. *And be it further enacted,* That in all future publications of the laws of this State the said act shall be published as hereby amended.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXIII.

AN ACT *dividing Murderkill Hundred into two election districts.*

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

May. Hon. &
v. G. & into two
E. Districts

SECTION 1. For the purpose of holding elections for State and county officers in Murderkill Hundred, the said Hundred shall be divided into two election districts, by the following line, viz:

beginning at Dover River at the White Store Landing, and running thence with the road to Locustville, thence with the road from Locustville to Canterbury, until it reaches the fork of said road, near the said town, thence by the southern road leading into said town, until it reaches the main road leading from Canterbury to Frederica, thence with said road to White Hall, thence with the road running past the school house in District No. 24 to Mount Moriah, thence with the road leading from Mount Moriah to Sandtown, thence with the road leading from Sandtown to the Maryland line to said line. All that part of said hundred north of said dividing line shall be one election district, to be called Murderkill North Election District, and all that part of said hundred south of said line shall be the other election district, to be called Murderkill South Election District.

North E. Dis-
trict.
South E. Dis-
trict.

The elections for the said Murderkill North Election District shall be held in the town of Camden, at the office occupied by Garrett Luff, adjoining the store-house in the tenure of Nickols and Rickards; and the elections for Murderkill South Election District shall be held in Felton at the tavern-house now occupied by George C. Herring.

Elections, where
held.

SEC. 2. At the said places shall be held the general election, all special elections for the members of the General Assembly and Representatives in Congress, elections for electors of President and Vice President of the United States, and elections for Assessor of the said hundred, and for Inspectors of the said election districts. The electors residing in the said hundred shall vote in the election district in which they shall at the time reside.

Electors to vote,
where.

SEC. 3. All the laws of this State touching elections held in the several hundreds of the State, shall apply to elections for the same offices of the said election districts, excepting only so far as the general law for the election of Assessors and Inspectors is qualified by the provisions hereinafter contained.

Election laws to
apply to elec-
tions in said dis-
tricts.

SEC. 4. There shall be elected in accordance with the provisions of chapter 17 of the Revised Statutes, one Assessor for Murderkill Hundred, and one Inspector for each of the said districts. In such election for Assessor and Inspectors, the Collector of said hundred shall be the presiding officer of Murderkill North Election District, and shall have the right to vote at such election, whether a resident of Murderkill North Election District or of Murderkill South Election District, and some qualified voter of the district to be appointed by the Levy Court of Kent County, in the month of March next previous to the election, shall be the presiding officer for Murderkill South Election District, and shall have all the powers and perform all the duties of the presiding

Assessor.
Inspectors.

Presiding off-
cers, whom and
how appointed.

officer of such election, according to law; and if at any election for Assessor and Inspector in said Murderkill South Election District, a presiding officer shall not have been appointed or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of section 10 of chapter 18 of the Revised Statutes. The Levy Court of Kent County shall at the time of the appointment make provision for the furnishing, by the Collector, of a list of the voters of the said hundred, to the person appointed as presiding officer as aforesaid.

List of voters.

Certificates of election.

SEC. 5. Immediately upon closing the election for Assessor and Inspector of the said election districts and ascertaining the state of the vote, the presiding officer and judges of the election in each of said districts shall make and sign certificates, according to law of the election of inspectors, varying from the form prescribed for that purpose, by omitting the Assessor, and in lieu of including the election of Assessor in such certificate, they shall make and sign a certificate of the number of votes given for each candidate voted for as Assessor.

Presiding officers to assemble when.

In case of a tie

SEC. 6. The said presiding officers and judges of both the said election districts shall assemble on the day next succeeding said election, at 12 o'clock M., at the place of voting in Murderkill North Election District aforesaid, and ascertain the aggregate number of votes given in both the said districts for Assessor. The candidate having the highest number of votes shall be declared duly elected Assessor, and the presiding officers and judges shall make, sign and deliver certificates of said election, according to law. If two candidates for said office shall have the highest and an equal number of voters, the Collector or presiding officer of said Murderkill North Election District shall give a casting vote, which shall elect the candidate in whose favor it is given.

Passed at Dover, March 2, 1855.

CHAPTER CCCCLXIII.

AN ACT to enable George G. Cleaver and Francis D. Dunlap, to sink piers out in the River Delaware, at Delaware City.

SECTION 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 George G. Cleaver and Francis D. Dunlap to sink out-piers or wharf-out into the deep waters of the River Delaware, at Delaware City, in front of their property in said town, lying and being between the property now in the occupation of the Treverton Coal Company and property of John Ashurst, with a river front of about two hundred and eighty-eight feet.

Authorized to wharf-out into the Delaware.

SEC. 2. *And be it further enacted,* That if any person or persons shall wilfully destroy, or otherwise injure the said piers or pier, or wharf of the said George G. Cleaver and Francis D. Dunlap, or of either of them, any person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined in any sum not exceeding one hundred dollars, or imprisoned for a period not exceeding one year, or both fined and imprisoned at the discretion of the Court.

Penalty for injuring the piers.

SEC. 3. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Public act.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXIV.

AN ACT to create an additional School District in New Castle County.

New district defined.

School law extended to.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That there shall be and is hereby laid off from school districts Nos. 59, 60, and 61, of New Castle County, the following parts thereof included within these limits, viz: beginning in the middle of Drawyers' Creek at the forks thereof, thence up the south fork thereof, to Thomas' mill pond, thence up said pond and the north fork of the same to the public road leading from Middletown to Summit Bridge, thence up said road, to the Willow Bridge, thence down the stream from said bridge to Eccles' mill pond, thence down the said pond to the creek, and down the said Drawyers creek by the north fork of the same to the place of beginning; and those parts included within these above described lines shall be a separate school district to be called No. 82 in New Castle County, and shall have and enjoy all the rights, privileges and powers of a school district in said county, and all laws and parts of laws of this State that are applicable to the school districts generally shall apply to this school district so laid off.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXV.

AN ACT to incorporate the William Penn Building and Loan Association, of the town of New Castle.

Commissioners

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring therein,)* That George Janvier, James Truss, Samuel Thompson, James Crippen, Peter

Vandiver, and such other persons as now are, or at any time hereafter be, associated with them, shall, from and after the third day of March in the year of our Lord, one thousand eight hundred and fifty-seven, and they are hereby created and made a body politic and corporate by the name, style and title aforesaid, for the purpose of accumulating a fund from monthly contributions and fines, premiums on loans, and interest on investments, for the benefit of its members, and they and their successors are hereby ordained declared a body politic and corporate, in fact and in law, and by the name, style and title aforesaid shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or courts of law or equity in this State or elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands whatsoever, with all the legal incidents of a corporation aggregate; and the said corporation may have and use a common seal, and at their pleasure alter or renew the same, and by the name, style and title aforesaid, shall have continuance and succession for a term not exceeding twelve years from and after the passage of this act.

Incorporated
Name.

Purposes.

Corporate powers

Continuance 12
years.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the affairs of said corporation shall be conducted by a President, Vice President, Secretary, Treasurer, and nine Managers, who shall constitute a Board of Directors, seven of whom shall be a quorum. The President, Vice President, Secretary and Treasurer shall be elected on the second Thursday in April annually. There shall be nine managers elected on the second Thursday in April A. D., eighteen hundred fifty-seven, who shall, within ten days thereafter, meet and divide themselves into three classes, and draw lots for one, two and three years. Those drawing one year shall have their places supplied at the succeeding annual election; those drawing two years shall have their places supplied at the second succeeding annual election; and those drawing three years shall have their places supplied at the third succeeding annual election; and at every annual election after the year of our Lord, one thousand eight hundred and fifty-seven three managers shall be elected to serve three years. The board shall have power to fill all vacancies that may occur in their own body during the year.

Affairs, by whom
conducted

Directors.

President, &c.,
elected, when

Managers elect-
ed, when.

How classed.
Their places sup-
plied, how

SEC. 3. *And be it further enacted by the authority aforesaid,* That the said corporation shall, by the name, style and title aforesaid, be able and capable of purchasing, receiving, having, holding and enjoying to them and their successors and assigns, lands, tenements, hereditaments, annuities, money, securities, goods and chattels, of what nature or kind soever, real, personal

General powers

Limitation of property. and mixed, provided the same shall not exceed the sum or value of one hundred and twenty thousand dollars; and the same from time to time, at their pleasure, to sell, grant, demise, bargain, alien and dispose of; also to make such laws, rules, contracts and regulations, and the same to alter, amend or repeal as they and their successors shall deem to be proper and expedient for the good government and conducting the affairs or business of said corporation; and generally to do all and singular the matters and things proper for the well being of said corporation: *Provided*, the same shall not be contrary to this act, the Constitution and laws of the United States, or of the State of Delaware, and that nothing herein contained shall confer upon said company or corporation any banking power or privileges whatever.

No banking powers conferred.

SEC. 4. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

Public act.
Revocation.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXVI.

AN ACT to incorporate the Smyrna Coal Gas Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (with the concurrence of two-thirds of each branch,)* That a company shall be, and is hereby established for the purpose of constructing gas works in the town of Smyrna, and lighting the said town with gas. The capital stock of said company shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each.

Company established.
Capital stock.

SEC. 2. *And be it further enacted*, That William Cummins,

George Davis, William C. Eliason, William Temple, Ayres Stock-
 ley, Samuel M. Fisler, James R. Clements, David Cummins and
 John Mustard, be, and they are hereby appointed Commissioners
 to receive subscriptions to the said capital stock, and to open a
 book or books for that purpose at such times and places, and
 under such regulations as they, or a majority of them, shall deem
 proper.

Commissioners
 appointed—
 their duties.

SEC. 3. *And be it further enacted,* That when and as soon
 as five hundred shares shall be subscribed, the subscribers, their
 successors and assigns, shall be and are hereby declared to be a
 corporation and body politic, by the name of "The Smyrna Coal
 Gas Company," and by that name shall have continuance for the
 period of twenty years, and may make and have a common seal,
 and shall be able to sue and be sued, plead and be impleaded, in
 courts of law or equity.

Incorporated.

Name.

SEC. 4. *And be it further enacted,* That the business and con-
 cerns of the said corporation shall be managed by seven directors.
 The said directors shall be chosen by the stockholders from among
 their number, and whenever a director ceases to be a stockholder,
 his place shall be vacated. They shall choose one of their num-
 ber to be President. They shall meet according to the by-laws
 of the corporation; any four of them shall form a quorum for the
 transaction of business, and if the President shall be absent a
 President may be appointed *pro tempore*. Whenever a vacancy
 in the Board of Directors shall occur the remaining directors shall,
 by a majority of the board, choose a director to fill the vacancy.
 The said directors shall have power to appoint a Treasurer,
 Secretary and other officers such as they may deem proper, and
 to take such security for the faithful performance of their
 duties as they may deem requisite. The said directors may
 make by-laws and regulations for the government of the said
 company, and may modify, amend and repeal them at pleasure.

Directors, how
 chosen.

Vacancies.

SEC. 5. There shall be an annual meeting of the stockholders
 on the first Monday in May in each and every year, during the
 continuance of the corporation. An election of directors shall
 be held at the annual meeting before mentioned in each and every
 year. If said meeting shall not take place, or said directors shall
 not be elected on the day appointed, the corporation shall not
 for that reason be dissolved, but the directors, then in office, shall
 continue to perform all their duties, and shall retain all their pow-
 ers, until such annual meeting shall take place, and such election
 be made. Occasional meetings of the stockholders may be called

Annual meet-
 ing.

Occasional

Elections—
how held.

in the manner prescribed by the by-laws. All elections shall be by ballot. The stockholders respectively shall be entitled to as many votes as they shall respectively hold shares, one vote for every share, and the stockholders who may be absent from such meetings shall be entitled to vote by proxy in all elections, and on every subject and question which may come before the meeting; but no share shall confer a right to vote unless the same shall have been *bona fide* held for one callendar month prior to the meeting.

Organization.

SEC. 6. *And be it further enacted*, That as soon as the number of five hundred shares shall be subscribed as aforesaid, the Commissioners aforesaid, or a majority of them, shall give notice thereof in such manner as they may deem advisable, and in such notice shall appoint a time and place in the said town of Smyrna, for the said subscribers to meet, in order to organize the said company, at which meeting the said subscribers shall elect seven directors who shall serve until the first Monday in May then next ensuing, and until others be duly chosen.

Subscriptions,
how paid.

SEC. 7. *And be it further enacted*, That when the books shall be opened by the Commissioners to receive subscriptions as aforesaid, every subscriber shall pay to the said Commissioners at the time of subscribing the sum of five dollars on each share for the use of the company, and no subscription shall be valid unless the same be so paid. The residue of the amount so subscribed for shall be paid in such manner, in such instalments, and at such times as the President and directors shall appoint. At least ten days notice shall be given of the manner and time which they shall appoint for the payment of any instalment. Such notice may be by publication in one newspaper printed in Smyrna or otherwise, as the directors shall think proper.

Failure to pay
result.

SEC. 8. *And be it further enacted*, That if any of the instalments which may be called for as aforesaid, shall not be paid within thirty days next after the time in said call appointed for the payment thereof, the said directors may either declare such share or shares forfeited on which default is made, in which case they may be disposed of, at the pleasure of the corporation, or they may sue for and recover the instalment or instalments, or part or parts so remaining unpaid, and no stockholder who shall refuse or neglect to comply with any call so made shall, during the time of such refusal or neglect, be entitled to vote at any meeting, or receive any dividend. In case of the forfeiture and disposal of any such share, the person or persons who shall become the proprietors of such forfeited shares shall be members of the corporation as fully and effectually as the original subscri-

bers, entitled to the same privileges, and subject to the same liabilities and restrictions.

SEC. 9. The said directors shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver such certificate, signed by the President, and countersigned by the Secretary, and sealed with the common seal of said corporation, to each person, for such share or shares of stock as by such person are respectively owned, and such certificate may include one or more shares at the option of the holder. The stock shall be assignable and transferable in the manner provided by the by-laws.

Certificates of
stock assignable.

SEC. 10. *And be it further enacted*, That the said corporation is created for the purpose of lighting with gas the said town of Smyrna, and for furnishing such individuals residing therein, as may desire the same, with a supply thereof, and for that purpose the said corporation shall have power to manufacture, distribute and sell gas for the production of artificial light, and to make and erect the necessary apparatus for manufacturing, introducing and distributing the same, and to construct the requisite buildings and machinery, and to purchase and prepare the necessary materials, with the right to enter upon any public street or highway for the purpose of laying down the pipes necessary for conducting said gas, and to repair, alter and inspect the same, doing as little damage as possible to the streets, lanes, and alleys, and repairing the injuries that may be done to the same with as little delay as possible, and to secure the citizens from accident and danger whilst so laying down or repairing their pipes. The said corporation shall have power to acquire, by way of lease, or by purchase in fee simple, and to have, hold and enjoy such real estate as may be necessary for carrying on the business of the corporation, and may make and execute an obligation, mortgage or other security for securing the purchase money, and other liabilities created by the purchase of the necessary effects of said corporation. They shall also have power, with the consent of a majority of the stock represented at any general meeting, or at any special meeting called for the purpose, to borrow money to an amount not exceeding the amount of said capital stock authorized by this act, and to make and execute a mortgage or mortgages, pledge or pledges, of the property and effects of said corporation, for securing the payment of the sum or sums borrowed, or give such other form of security as may be agreed on by the parties.

Objects and powers of the Company.

SEC. 11. *And be it further enacted*, That the directors of said company shall declare dividends of so much of the nett profits as shall appear to them advisable, on the first Monday in May

Dividends.

and November in each year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.

Penalty for
using the pipes
without authori-
ty.

SEC. 12. *And be it further enacted,* That if any person shall open a communication into any gas pipe of said company without authority therefor, or shall let on the gas after it has been stopped by said company for repairs or other purposes without lawful excuse, or shall put up any pipes or burners in addition to the pipes originally put up and inspected, and introduce into them gas, without authority, such person shall forfeit not less than five nor more than fifty dollars, to be recovered before any Justice of the Peace as debts of like amount are recoverable by any person who will sue, and one-half of the sum recovered shall be for the use of the person suing, and the other half for the use of the company.

Injury to prop-
erty of com-
pany; penalty.

SEC. 13. *And be it further enacted,* That if any person shall wilfully and maliciously destroy or injure any building, erection or other work of said company, or wilfully and maliciously destroy, injure, stop or obstruct any gas pipe, gas post, burner, reflector or any thing appertaining thereto, such person shall be guilty of a misdemeanor, and upon conviction by indictment shall be fined not exceeding one hundred dollars, or imprisoned not exceeding one year, or both in the discretion of the Court. Such criminal proceedings shall not impair the right of the company to proceed by civil action to recover damages for such injury.

Public act.
Revocation.

SEC. 14. *And be it further enacted,* That this act shall be deemed a public act, and the right of appeal is hereby reserved to the Legislature.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXVII.

AN ACT to incorporate the Delaware Hall Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,) as follows, to wit:

SECTION 1. That Willard Hall, Joseph Shipley, John Wales, Mahlon Betts, George W. Sparks, Charles W. Howland, Jesse Lane, Samuel McColley, Washington Jones, Victor Du Pont and Charles H. Gordon, together with such other persons as may become stockholders as hereinafter provided, and their successors, be, and they are hereby created a body corporate, under the name of "The Delaware Hall Company," and by that name shall have succession, with power to sue and be sued in all courts of law and equity, to purchase, take, hold, grant, sell and alien lands, tenements, hereditaments, goods, chattels and effects, to have and use a common seal, to ordain by-laws for its government, and generally to exercise and enjoy all the powers and franchises incident to a corporation, except banking powers.

SEC. 2. The object of this corporation shall be to purchase a suitable site for, and to erect and maintain, within the city of Wilmington, a public hall or building to be called "Delaware Hall," and to be devoted to the purpose of popular improvement in science, literature and the arts.

SEC. 3. The capital stock of the corporation shall not exceed one hundred thousand dollars, divided into shares of twenty-five dollars each, to be employed for the object before mentioned: *Provided*, however, if deemed necessary by the directors, a portion of the building to be erected may be let for other purposes than those directly contemplated by this charter: *And provided also*, that the income to be derived from the use of said building may be disposed of as the directors may determine. Shares of the capital stock shall be personal estate, and shall be certified, held and assigned as the by-laws may direct.

SEC. 4. The persons named in the first section of this act are appointed Commissioners to procure subscriptions to the capital stock; and for that purpose they shall open books of subscription at such times and places and under such regulations as they, or a

May organize,
when.

majority of them, may determine; and whenever subscriptions shall have been made to the capital stock, to the amount of thirty thousand dollars, they shall call a meeting of the stockholders for the purpose of organizing the company. If any Commissioner appointed in this act shall decline to perform the duties of said appointment, the remaining Commissioners may appoint another person to act in his place.

Arrangements
may be entered
into with the
Young Men's As-
sociation, &c.,
of Wilmington.

SEC. 5. The Commissioners named in this act, if they deem it expedient, may take the subscriptions to the capital stock of the corporation in such manner that the payment of the capital subscribed shall be subject to the carrying into effect by the directors, of any arrangement which may be determined upon by the Commissioners, whereby either there shall be secured to "The Young Men's Association for Mutual Improvement, of the City of Wilmington," an interest as a stockholder in the corporation hereby created, or the use of suitable apartments in the building to be erected. Such arrangement, if determined upon, shall be specified in the subscription books, and being so specified, its being carried into effect shall be a condition of the payment of the subscribed capital, and shall be obligatory upon the directors after the organization of the company. For this purpose the directors shall have power, if deemed expedient, to issue certificates of stock to "The Young Men's Association for Mutual Improvement, of the City of Wilmington," without requiring therefor any subscription or payment towards the capital of the corporation; and such certificates shall entitle "The Young Men's Association for Mutual Improvement, of the City of Wilmington," to all the privileges and benefits of stockholders, subject to any conditions or reservations which may be made by the Commissioners a part of the original arrangement specified in the subscription books.

Directors, when
and how elected

SEC. 6. The stockholders, at a meeting to be called as aforesaid, and annually thereafter, upon such day in each year as the by-laws shall appoint, shall elect by ballot, and by a majority of votes, nine directors, who shall be stockholders, to continue in office one year, and until successors are duly chosen. A failure to elect directors shall not dissolve the corporation. Vacancies in the board may be filled by the other directors. At all elections, and in determining all questions at stockholders' meetings, each stockholder shall be entitled to cast as many votes as he has shares of stock, votes shall be cast in person and not by proxy: *Provided*, That stock of this corporation held by another corporation shall be represented and voted in such mode as may be provided by the by-laws of the corporation holding the stock. Special meetings of the stockholders may be called as the by-laws shall direct.

Special meet-
ings.

SEC. 7. The affairs and business of the corporation shall be managed by the directors, a majority being competent to act, they shall elect one of their number President, and may appoint a Secretary and Treasurer, and employ such other officers, agents and servants as they may deem necessary; may fix their compensation and secure their fidelity by bond or otherwise. They shall have power to make by-laws, rules and regulations for the government of the corporation, subject to amendment, repeal or addition by the stockholders at an annual meeting. They shall call for the payment of the stock subscribed, at such times and in such instalments as they may deem expedient.

Affairs of corporation, how managed.

Powers of Directors

SEC. 8. If any subscriber to the capital stock shall refuse or neglect to pay any instalment on the stock subscribed for or held by him or her, for thirty days after the time appointed for the payment thereof and notice to him or her, the directors may either declare such stock forfeited, and sell the same for the benefit of the corporation, or may, in the name of the corporation, sue for, and recover the sum remaining unpaid, with costs and interest thereon, and such delinquents shall not, during the time any instalments shall be due and unpaid, be entitled to vote at any meeting of stockholders, or to receive any dividends on their stock.

Refusal or neglect to pay instalments on stock, how remedied.

SEC. 9. This act shall be a public act, and the Legislature reserves the power of revocation.

Public act. Revocation.

Passed at Dover, March 4, 1857.

CHAPTER CCCLXVIII.

AN ACT to incorporate a Bank in Smyrna under the name of
"The Citizens' Bank of Smyrna."

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring,) That John Mustard, William Denney, William Cummins, Samuel M. Fidler, Robert Hill,

Commissioners
to open books.

When and
where.

Notice to be
given.

Manner of sub-
scribing.

Books to be kept
open, how long.

Two-fifths of
capital stock
held by non-
residents.

John H. Bewley, Samuel H. Holding, William Temple, Thomas Carrow, Isaac Short, James F. Downs, Thomas B. Lockwood, William Collins, Ebenezer Clouk, and Walter McMullen, be, and they are hereby appointed Commissioners to do and perform the things hereinafter mentioned, that is to say: they, or any five of them, shall, on or before the first Tuesday in August next, procure a sufficient number of suitable books, one of which shall be opened in Smyrna, and the others, if it shall be deemed advisable by the said Commissioners, at such other place or places as they shall think proper, in each of which books they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the Citizens' Bank of Smyrna the sum of fifty dollars for each and every share of stock set opposite to our respective names in such manner, sums, and at such times as shall be directed by the President and directors of said Bank," and shall thereupon give notice in two newspapers published in this State, and in such other papers as they may deem proper, at least twenty days, of the time and place or places when and where the said books will be opened to receive subscriptions for the capital stock of the said Bank, at which time and place or places two or more of the said Commissioners shall attend, and permit all persons of lawful age who shall offer, to subscribe in the manner following, that is to say: on the first day on which the said books are opened, no person shall subscribe for more than forty shares, either in his own name or as attorney for another, and on the second day on which the said books shall be opened the same restriction shall apply, and if, at the expiration of the second day, the whole number of one thousand shares shall not have been subscribed, then on the third day, or any subsequent day, on which the said books shall be opened, it shall be lawful for any person in his own name, or as attorney for another, to subscribe for any number of shares of the said stock until the whole number of one thousand shares shall be subscribed. The Commissioners shall keep the books open at least three days, and at least six hours in each day, unless the whole number of one thousand shares shall have been before that time subscribed; upon ascertaining which, they may close the books. If it should so happen that more than one thousand shares shall be subscribed, then the Commissioners, or a majority of them, are hereby authorized and directed to deduct from the highest subscription or subscriptions until the shares be reduced to the proper number.

SEC. 2. *And be it further enacted,* That the said Commissioners, in receiving subscriptions to the said capital stock shall not suffer or permit more than two-fifths of the said capital stock to be subscribed for by persons not residing in this State, either

personally or by attorney, and in case it should so happen that more than two-fifths of said stock shall have been subscribed for by non-residents as aforesaid, then the commissioners shall deduct from said subscriptions last subscribed by such non-residents until the aggregate amount so subscribed for by them shall be reduced to two-fifths. And if at any time after the Bank hereby established shall have commenced business, and during the continuance of the said corporation, it shall so happen that by subscription or sale a proportion of said stock greater than a majority shall be held or owned by persons not residing in this State, either in their own names or in the name of any other person as attorney; then the share or shares constituting such majority or overplus, and last subscribed or sold and transferred on the books of the corporation, shall be forfeited by the directors for the benefit of the said corporation, and in case of the removal of any stockholder from the State, so that he ceases to be a citizen, if the amount of stock held or owned by him shall increase the amount of stock held or owned out of the State to a proportion greater than a majority, it shall be incumbent on such stockholder to sell and transfer his said stock, or so much thereof as will reduce the amount so held or owned out of the State to less than a majority, to some person or persons resident within this State, within three months from the time of such removal, or the same shall be forfeited by the said directors for the benefit of the corporation

If majority be held by non-residents excess to be forfeited.

Removal of stockholders from State shall sell excess, when.

SEC. 3. *And be it further enacted,* That the capital stock of the said company shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each.

Capital stock.

SEC. 4. *And be it further enacted,* That each subscriber to the stock of said company shall pay to the commissioners aforesaid, at the time of subscribing for the same, the sum of five dollars on each share subscribed. It shall be lawful for the directors of the said company appointed in the manner herein-after directed to call in, and demand of the stockholders respectively, all such sums of money as are by them subscribed, by instalments not exceeding ten dollars per share, upon giving thirty days previous notice to the stockholders, in two newspapers printed in this State, and in such other newspapers as the said directors shall deem proper; and in case of failure in the payment of all or any part of the said instalments at the time or times so required, every share on which such failure shall have occurred and the interest or dividends on all moneys previously paid may be forfeited by the said directors for the benefit of the corporation, or in case they should not elect to forfeit the said share or shares, it shall and may be lawful for the said corporation to sue either at law by action of debt or as-

Subscription money how paid.

Public act.

sumpsit, or in equity for the recovery of any sum or sums of money due or to become due as aforesaid from any subscriber; and in all suits, either at law or in equity, in the courts of this State by or against the said company, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings, or given in evidence.

Subscribers incorporated.

Name.
Continuance.

Powers.

SEC. 5. *And be it further enacted*, That as soon as the whole amount of one thousand shares shall have been subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be incorporated, by the name, style and title of "The Citizens' Bank of Smyrna," and by that name shall have continuance and succession for the term of twenty years from the date of this act, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity; to purchase, take, receive, have, hold and enjoy, to them and their successors, lands, tenements, goods, chattels and effects of whatsoever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of, and also to have a common seal, and the same to break, alter or renew at their pleasure.

May commence
business, when.

SEC. 6. *And be it further enacted*, That the said Bank shall have power to commence business as soon as the sum of twenty thousand dollars shall have been actually paid in, and deposited in its vaults and not before; one-half of which shall be in specie, and the other half in notes of the Banks of this State, or of Philadelphia, paying specie; and it shall be the duty of the directors to make a statement under oath or affirmation, of the description and amount of such deposits, and transmit the same to the Governor of this State, previous to the Bank going into operation.

Directors.

SEC. 7. *And be it further enacted*, That for the proper management of the business and affairs of the said corporation, there shall be seven directors, who shall be elected by the stockholders in the manner and at the times hereinafter directed, and who shall choose a president from among their number. They shall be stockholders at the time of their election, and also during the term of service, and shall be citizens of this State.

Meeting of
stockholders to
organize com-
pany

SEC. 8. *And be it further enacted*, That the commissioners aforesaid, as soon as conveniently may be after the capital stock has been subscribed as aforesaid, shall give ten days notice in two newspapers printed in this State, and in such other newspapers as they may deem advisable, of the time and place in Smyrna, at which the subscribers shall meet in order to organize

the said company, and the said Commissioners, or any two of them, may hold the election, at which time and place the said subscribers shall choose, by a majority of the votes present, to be given in person or by proxy, seven directors; and the said directors shall, at their first meeting after their election, choose one of their number to be President; and shall manage and conduct the business and affairs of the company until the second Tuesday in May, in the year one thousand eight hundred and fifty-eight, and there shall be another meeting of the stockholders on the said second Tuesday in May; in the year one thousand eight hundred and fifty-eight, and on the same day in every year thereafter, in Smyrna, of which twenty days notice shall be given as aforesaid, at which meeting and meetings the stockholders shall choose, by a majority of votes present, given in person or by proxy, seven directors, who shall continue in office for one year; and until others be chosen, and in case of a vacancy or vacancies in the Board of Directors, by death, resignation or otherwise, the remaining directors shall have power to fill such vacancy or vacancies by election from among the stockholders of the said Bank; and the said directors shall, at the first meeting after the election, choose a President from among their number. Special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the directors, upon the request in writing of stockholders owning five hundred shares of stock, or whenever the directors shall deem it necessary, and on all occasions of voting, each stockholder shall be entitled to one vote for each share held by him, which has been so held by him three calendar months before the day of voting. At every election of directors two stockholders not being directors shall be appointed judges of the said election by the stockholders present, who shall decide upon the qualification of voters and declare who has been elected, and certify the same to the existing Board of Directors. In case it should happen at any time that an election of directors shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the directors, according to the provision of this act:

Election of directors.

President.

Annual meeting of stockholders.

Special meetings

Voters.

Corporation not dissolved by failure to elect directors.

SEC. 9. *And be it further enacted,* That all the corporate powers of the said company shall be exercised by the directors, and such officers and agents as they shall appoint. The directors, shall have power to make all by-laws, rules and regulations necessary and proper for the government of the company, and not repugnant to the Constitution and laws of this State or of the United States, but no by-law shall be enacted or repealed unless by a vote of two-thirds of all the directors. On all questions before the board the President shall vote as a director.

Corporate powers, exercised by whom.

Meetings of the directors, either stated or special, shall be called or held as the by-laws shall prescribe, and three directors shall constitute a quorum for the transaction of business. The directors shall allow such salaries to the President and other officers as they shall deem reasonable, but no director shall be entitled to any salary unless the same shall have been allowed by the stockholders.

Banking powers.
Fundamental articles.

What lands may
be held by cor-
poration.

Rate of interest.

Bills and notes,
by whom signed.

Banking house
to be kept at
Smyrna

Corporation sub-
ject to sec. 6
chap. 71, R.
Code.
Stock assignable
Amount of debts
limited.

Cashier and offi-
cers to give bond
&c.

Semi-annual tax
to State.

SEC. 10. *And be it further enacted,* That the said corporation is hereby vested with banking powers, and that, in the exercise of the same, the following shall be fundamental articles of its government, that is to say: First, The said corporation shall hold no lands, tenements or hereditaments but such as shall be required for the convenient transaction of its business, or such as shall be *bona fide* mortgaged or pledged to it as security for debts, or purchased at sales upon judgments or decrees which have been obtained for such debts. Second, The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans and discounts. Third, All bills and notes not under the corporate seal of the company shall be signed by the President and by such officer of the board as shall be appointed by the directors for that purpose. Fourth, The said company shall keep their banking-house in Smyrna, and their notes shall be made payable there, in reference to which it is hereby declared to be subject to the operation of section 6 of chapter 71 of the Revised Code, entitled "Of Banks." Fifth, The stock of the said corporation shall be assignable and transferable in such manner as shall be prescribed by the by-laws. Sixth, The total amounts of debts which the said corporation shall at any time owe, whether by notes, bill or otherwise, deposits not included, shall not exceed double the amount of capital actually paid in. In case of excess the directors constituting the board under whose administration such excess was contracted or created shall be individually liable, in an action of debt, for such excess, but any director or directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act creating it shall be exonerated by forthwith giving notice of the fact, and of such absence or dissent to the stockholders at a general meeting, which such director or directors shall have power to call for that purpose. Seventh, The directors shall require from the Cashier and accounting officers of the bank such bond and security for the faithful performance of their duties as shall be prescribed by the by-laws.

SEC. 11. *And be it further enacted,* That the said corporation shall semi-annually pay into the Treasury of this State, for the

use of the State, a tax of one-half of one per centum per annum on the amount of capital actually paid in.

SEC. 12. *And be it further enacted*, That the stockholders of the said company shall have power to increase the capital stock of the said Bank to one hundred thousand dollars, and the number of shares to two thousand: *Provided*, that at any general or special meeting of the stockholders, the consent of the owners of two-thirds of the capital stock is given so to do. Stock may be increased to \$100,000.

SEC. 13. *And be it further enacted*, That the power of revoking this act is hereby reserved to the Legislature. Revocation.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXIX.

AN ACT to improve the navigation of Broadkill Creek by cutting and making a canal from a point at or near what is called "Peter's Field" to the Delaware Bay, at or near the "Cedar Row."

SECTION 1. *Be it enacted by the Senat and House of Representatives of the State of Delaware in General Assembly met*, That Samuel Martin, George W. Atkins, Aaron Marshall, William V. Coulter and William C. Prettyman, be, and they are hereby appointed Commissioners, with full power and authority to view and examine whether the said canal be necessary; and upon viewing the grounds and marsh through which it is proposed to cut and make it, if the said Commissioners, or a majority of them, shall be of the opinion that it is convenient and necessary, then they are hereby ordered to lay out the same in such manner as they, or a majority of them, shall judge most proper, from or near said point on said creek called "Peter's Field," to some point on the Delaware Bay at or near "Cedar Row." Commissioners appointed, their duties.

Damages assessed

SEC. 2. *And be it enacted*, That the said Commissioners are further directed and required to assess and to allow to the person or persons, through whose lands or marsh the said canal may pass, such damages as they shall think such person or persons may be entitled to, in consequence of the cutting and making of the said canal, which damages shall be paid or tendered before the said improvement is commenced or undertaken.

Appeal granted, where

SEC. 3. *And be it enacted*, That in case any person or persons, through whose lands or marsh the said canals 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 Superior Court held in and for the County of Sussex, who are hereby authorized and required to appoint five substantial and disinterested freeholders to go upon and view the said lands or marsh, whose duty it shall be to assess such damages as they shall deem proper and right; which assessment when made and returned, under their hands and seals, or the hands and seals of a majority of them, shall be final and conclusive; *Provided*, the said appeal be made within six months after the damages assessed by the said Commissioners shall be made known to the persons respectively in whose favor they are assessed.

Managers appointed; their duties.

SEC. 4. *And be it enacted*, That John Ponder, David Hazzard and Caleb R. Paynter, be, and they are hereby appointed managers for cutting and making the said canal, with full power and authority to collect and receive all sums of money that may be given or subscribed thereto, and when said managers shall have collected, by subscription or donation, a sufficient sum to enable them to cut and make the said canal, it shall and may be lawful for them, or a majority of them, and they are hereby required and enjoined to lay out and expend the same in making and completing the said improvement.

Vacancies. How filled

SEC. 5. *And be it enacted*, That if either of the said Commissioners, or either of the said managers shall die, resign or refuse or neglect to act, it shall and may be lawful for the Governor of this State, for the time being, to appoint others in their place or stead.

Commissioners and managers to be sworn

SEC. 6. *And be it enacted*, That every Commissioner and manager before acting under this act shall take an oath or affirmation before a Justice of the Peace, in and for Sussex County, to perform all the duties required of him by this act with impartiality and fidelity.

SEC. 7. *And be it enacted*, That if any person or persons shall designedly fill up or obstruct the said canal when cut and made, or shall injure or obstruct the navigation of said creek, he, she or they so offending shall incur a penalty of any sum not exceeding one hundred dollars with full costs of prosecution, to be recovered by indictment in the Court of General Sessions of the Peace in Sussex County. Penalty for obstructing the navigation.

SEC. 8. *And be it enacted*, That until the amount expended in cutting and making the said canal, with all costs attending the same, with legal interest, shall be fully satisfied and paid, it shall and may be lawful for the managers aforesaid, or any person authorized by them to demand and receive from the master or commander of every vessel navigating said creek, the sum of two cents per ton for every time such vessel shall pass up the said creek, above the said canal, or shall pass down the said creek from above the said canal: and in case the master or commander of any vessel as aforesaid, shall neglect or refuse to pay the said sum of two cents per ton for every ton, she may measure to the said managers, or to any person authorized by them to demand and receive the same as aforesaid, then and in every such case, it shall and may be lawful for the said managers and they are hereby authorized and empowered to issue a warrant in the name of the State of Delaware, directed to any constable, in and for Sussex County, commanding him to levy such sum by distress and sale of any part of the rigging, tackle or furniture belonging to such vessel, and after retaining the sum or sums which may be due, and the costs which have accrued on the sale of the said rigging, tackle or furniture, to return the balance of proceeds of such sale to the said master or commander of such vessel, or to the owner or owners thereof: *Provided*, however, that every master or commander of such vessel, who shall have subscribed to the cutting and making of the said canal, shall have the privilege of navigating the said creek free from the payment of tolls until the amount, at the rate of two cents per ton for every time the vessel he commands ascends or descends the said creek as aforesaid, shall equal his description: *Provided*, nevertheless, that no toll shall be demanded from any flat, lighter or open boat passing or re-passing the same. Tolls, when and how collected.

SEC. 9. *And be it enacted*, That it shall be the duty of the managers aforesaid, and they are hereby authorized and empowered as soon as the said canal shall be completed, so that a vessel drawing five feet water may pass through the same at a common tide, to stop or dam up said creek at each extremity of the said canal so as to turn the waters of said creek through the same. Creek to be stopped up, where and when.

Managers to
keep a book.

SEC. 10. *And be it enacted* That it shall be the duty of the managers aforesaid, to keep a book and have entered therein all moneys received by them, and from whom; and also the moneys expended by them in cutting and making the said canal, and to whom paid, which book shall be open to the inspection of all subscribers to the said improvement, and to all other persons who may have any interest in the navigation of said creek.

Managers to
give bond.

SEC. 11. *And be it enacted*, That the managerr aforesaid, before entering upon the duties required by this act shall give bond jointly and severally to the Governor of the State of Delaware in the sum of two thousand dollars, conditioned for the faithful discharge of the trust reposed in them.

Compensation.

SEC. 12. *And be it enacted*, That every Commissioner and manager shall, for every days' service under this act, receive one dollar.

Amount of toll
how ascertained.

SEC. 13. *And be it further enacted*, That for the purpose of ascertaining the amount and rate of toll each and every vessel may be liable to pay under the provisions of this act, that it shall be the duty of each and every master or commanding officer of any such vessel to produce to the treasurer, or other officer authorized to collect any such toll, theregister or license of every such vessel when demanded, under the penalty of ten dollars with costs of suit to be recovered before any Justice of the Peace in and for Sussex County to be applied to the use and benefit of the canal aforesaid.

Bridge and draw
across public
road.

SEC. 14. *And be it further enacted*. That if it shall be found necessary or expedient to cross the public road leading from Milton to the Delaware Bay it shall be the duty of the said company to construct and keep in repair a bridge with a sufficient passway and draw over the said canal, and at the public road leading from the village of Milton to the Delaware Bay, as aforesaid, which shall be drawn as often as occasion shall require, at the expense of said company, for the free passage of vessels; it shall likewise be the duty of the said company to provide, erect and keep in repair a gate for the benefit of the owner or owners of the marsh, that will be cut off or detached from the residue owned by said owner or owners, in order to keep off from said marsh so cut, cattle and other stock not the property of such owner or owners.

Penalty for sul-
dering bridges to
decay.

SEC. 15. *And be it further enacted*, That when the said bridge and gate are so made, if the said company shall refuse or neglect to keep the same in good repair the said company

shall be liable to pay any person aggrieved thereby all damages sustained by such person, in consequence of such refusal or neglect, to be sued for and recovered before any Justice of the Peace, or any court having cognizance thereof, and the service of process, upon any officer or agent of said company shall be good and available in law.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXX.

A FURTHER ADDITIONAL SUPPLEMEN *to the act entitled*
"An act to survey, lay out and regulate the streets of Smyrna,
and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Repre-*
sentatives of the State of Delaware, in General Assembly met,
 That the Commissioners of the town of Smyrna, shall, by virtue
 of their office, have the superintendence and oversight of all the
 roads and streets now opened, or hereafter to be opened, within
 the limits of the town of Smyrna, as the said limits are now
 established or may hereafter be extended, and no overseer of
 any of said roads or streets shall be appointed by the Levy
 Court of Kent County; but the said Levy Court shall annually
 appropriate for the repair of said roads and streets a sum of
 money, not less than one hundred and fifty dollars, and shall
 make an order for the payment thereof to the said commissioners,
 which sum so appropriated shall be expended for that purpose
 and no other. The said commissioners shall account to the
 Levy Court for the said money in the same manner as overseers
 of roads in said county.

Commissioners to have oversight of streets &c.

Levy Court to appropriate \$150.

Commissioners to settle with L. Court

SEC. 2. *And be it further enacted,* That the said town commissioners shall severally receive and be allowed for each days

Compensation.

actual service rendered by him on the said roads or streets, the sum of one dollar, and for each half days service the sum of fifty cents, but no compensation shall be allowed for any fraction less than half a day.

Money may be appropriated how.

SEC. 3. *And be it further enacted,* That the said Commissioners be and they are hereby authorized to appropriate any money that now is, or hereafter may be, in the Treasury of said Town, except the sum which may be appropriated by the Levy Court under the provisions of section 1 of this act, to the purchase of public lamps for said Town and to lighting the streets thereof.

Assessments when and how made

SEC. 4. *And be it further enacted,* That the Assessor of the said Town of Smyrna shall annually, in the month of June, and at the same time which he makes the valuation and assessment of the real estate in said town, as provided in section 10 of the Act to which this is a supplement, also make an assessment of all the white male citizens residing in said Town above the age of twenty-one years, as well those not owning as those owning real estate within the limits of said Town, and the duplicate which the Assessor is required by the said section to deliver to the Commissioners, shall contain the names of all such persons with their respective personal assessments. The Commissioners shall assess the person as well as the real estate of the Assessor, and add the same to the duplicate, and the taxes shall be levied, assessed and raised on the real estate and persons thus valued and assessed in just and equal proportions and rates. The list which the Commissioners are required by section 11 of said act to deliver to the Treasurer, shall also, in addition to the names of the owners and amount of the real estate, contain the names and assessment of persons and the tax to be levied on the whole valuation and assessment, with the rate per hundred dollars; and the Treasurer, in collecting the said tax, shall have the same powers as are by law given to the collector of county rates and levies.

Commissioners may hear appeals

SEC. 5. *And be it further enacted,* That when the said duplicate shall have been delivered by the Assessor to the said Commissioners as aforesaid, they shall between the first and fifth days of July cause a full and complete transcript thereof to be hung up at the hotel now occupied by Tilghman Foxwell in said town, there to remain for the space of twenty days thereafter for public information, and the said Commissioners shall, on the Monday next after the expiration of the said twenty days, hold a Court of Appeal, which shall continue open from nine o'clock, A. M., to twelve o'clock, M., and from two o'clock to five o'clock, P. M., of

said day, when they shall hear and determine appeals from the said assessment. Notice of the hanging up of the list shall be given by the Commissioners by publication in a newspaper published in said town, or by notice posted in six or more public places in said town, and at the same time, and in the same manner notice shall be given of the time and place, when and where they will sit to hear appeals.

Sec. 6. *And be it further enacted*, That whenever the Commissioners of said town shall have proceeded, under section six of the act entitled "A further additional supplement to the act entitled 'An act to survey, lay out and regulate the streets of Smyrna, and for other purposes,'" passed at Dover, March 1, A. D. 1855, to locate and lay out any new street, and shall have fixed the compensation therefor as provided in said act, it shall be the duty of the said Commissioners, immediately after the survey and location of the said street, to notify, in writing, the owner or owners of the real estate through or over which such new street may run, of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damages allowed by the Commissioners, he may, within ten days after receiving notice from the Commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said Commissioners or some one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the Justice of the Peace oldest in commission residing within said town, who shall, within three days thereafter, and upon notice to the said Commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of Duck Creek Hundred owning no real estate in said town and residing without its limits, and the remaining twelve shall be freeholders owning real estate within said town and residing within its limits. The said commissioners shall, upon receiving said notice from the Justice, immediately notify all persons owning real estate on the said street and residing in said town, who have notified them of their intention to appeal, of the time and place, when and where the said names will be selected, and at the time and place mentioned in the notice of the Justice of the said appellants, or as many of them as choose, and the said commissioners shall attend. The appellants, their agent or attorney, shall first strike out one of said

Mode of proceeding to open new streets, &c.

names, and the Commissioners, their agent or attorney, shall strike out another, until each have struck seven. Such striking shall be so confined and regulated as to leave the remaining seven freeholders located as follows, viz: four resident in the said town and three residing out of said town, who shall constitute the freeholders, who shall determine concerning the necessity of said street, and assess the damages of all the owners of real estate through or over whose grounds the same street shall run, who shall have notified the Commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all the parties, appellants and Commissioners. In case either side, Commissioners or appellants be not represented before the Justice or shall refuse to strike, the Justice shall strike for such party, so absent, neglecting or refusing. Any party, appellant or Commissioners, may, within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residents, notice to the holders of any real estate, call out the said freeholders, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in case they shall deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve, he shall forfeit the sum of twenty dollars, to be recovered in an action of debt, before any Justice of the Peace of Kent County, in the name of the Town Commissioners, for the use of said town. If in any case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the Commissioners then acting during the term for which they were elected. The act of a majority of the said freeholders shall be as good as the act of the whole making any such award or assessment of damages.

Costs, how paid.

SEC. 7. *And be it further enacted*, That if, on any such appeal the award shall be against the necessity of a street, or the said freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town. But if the freeholders shall affirm the necessity of the street and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. The fees of the freeholders shall be one dollar per day.

Damages to be first paid.

SEC. 8. *And be it further enacted*, That the damages which may be assessed upon the occasion of opening any new street shall be paid out of the town funds, or duly tendered before the

property of any person, in whose favor the damages are assessed shall be appropriated for the opening of any such street; and in case any such owner or owners, in whose favor such damages are assessed, shall be a minor, non-resident, or shall refuse to receive or be incapable for any cause of receiving the same such damages may be deposited in the Bank of Smyrna, to the credit of such person or persons, and subject to his or their order, and such deposit shall operate as payment.

SEC. 9. *And be it further enacted*, That the provisions of this act securing the right of appeal, from the determination of the Commissioners as to the propriety of new streets, and from the assessment of damages, shall be and are hereby extended to all cases of new streets already determined by the Commissioners, to be opened under the provisions of the act of March 1, 1855, aforesaid, where the same have not already been opened: *Provided*, that the owner or owners shall take their appeal within twenty days from the passage of this act, and in case of any such appeal, all the provisions of this act shall apply so far as the same are capable of being pursued in relation thereto.

This act ex-
tended to str.
already deter-
mined upon.

Passed at Dover, March 4, 1857.

CHAPTER CCCCLXXI.

AN ACT to incorporate the Milford Coal Gas Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (with the concurrence of two-thirds of each branch.)* That a company shall be, and is hereby established for the purpose of constructing gas works in the town of Milford, and lighting the said town with gas. The capital stock of said company shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each.

Company estab-
lished.

Capital stock.

Commissioners
appointed—
their duties.

SEC. 2. *And be it further enacted*, That Peter F. Causey, Curtis S. Watson, Truston P. McColley, Henry B. Fiddeman, Daniel Currey, Thomas Wallace, James R. Lofland, William Tharp, James R. Mitchell, John A. Hazzard, George C. Tumlin and John W. Adkins be, and they are hereby appointed commissioners to receive subscriptions to the said capital stock, and to open a book or books for that purpose at such times and places, and under such regulations as they, or a majority of them, shall deem proper.

Incorporated.

Name.

SEC. 3. *And be it further enacted*, That when and as soon as five hundred shares be subscribed, the subscribers, their successors and assigns, shall be and are hereby declared to be a corporation and body politic, by the name of "The Milford Coal Gas Company," and by that name shall have continuance for the period of twenty years, and may make and have a common seal, and shall be able to sue and be sued, plead and be impleaded, in courts of law or equity.

Directors, how
chosen.

Vacancies.

SEC. 4. *And be it further enacted*, That the business and concerns of the said corporation shall be managed by seven directors. The said directors shall be chosen by the stockholders from among their number, and whenever a director ceases to be a stockholder his place shall be vacated. They shall choose one of their number to be President. They shall meet according to the by-laws of the corporation; any four of them shall form a quorum for the transaction of business, and if the President shall be absent a president may be appointed *pro tempore*. Whenever a vacancy in the Board of Directors shall occur the remaining directors, shall by a majority of the Board choose a director to fill the vacancy. The said directors shall have power to appoint a Treasurer, Secretary and other officers such as they may deem proper, and to take such security for the faithful performance of their duties, as they may deem requisite. The said directors may make by-laws and regulations for the government of the said company, and may modify, amend and repeal them at pleasure.

Annual meet-
ings

SEC. 5. *And be it further enacted*, There shall be an annual meeting of the stockholders on the first Monday in May in each and every year, during the continuance of the corporation. An election of directors shall be held at the annual meeting before mentioned in each and every year. If said meeting shall not take place, or said directors shall not be elected on the day appointed the corporation shall not for that reason be dissolved, but the directors, then in office, shall continue to perform all their duties, and shall retain all their powers, until such annual meeting shall take

place, and such election be made. Occasional meetings of the stockholders may be called in the manner prescribed by the by-laws. All elections shall be by ballot. The stockholders respectively shall be entitled to as many votes as they shall respectively hold shares; one vote for every share, and the stockholders who may be absent from such meetings shall be entitled to vote by proxy in all elections, and on every subject and question which may come before the meeting; but no share shall confer a right to vote unless the same shall have been *bona fide* held for one calendar month prior to the meeting.

Occasional.
Elections—
how held.

SEC. 6. *And be it further enacted,* That as soon as the number of five hundred shares shall be subscribed as aforesaid, the Commissioners aforesaid, or a majority of them, shall give notice thereof in such manner as they may deem advisable, and in such notice shall appoint a time and place in the said Town of Milford, for the said subscribers to meet, in order to organize the said company, at which meeting the said subscribers shall elect seven directors who shall serve until the first Monday in May then next ensuing, and until others be duly chosen.

Organization.

SEC. 7. *And be it further enacted,* That when the books shall be opened by the Commissioners to receive subscriptions as aforesaid; every subscriber shall pay to the said Commissioners at the time of subscribing, the sum of five dollars on each share for the use of the company, and no subscription shall be valid unless the same be so paid. The residue of the amount so subscribed for shall be paid in such manner and in such instalments, and at such times as the President and directors shall appoint. At least ten days notice shall be given of the manner and time which they shall appoint for the payment of any instalment. Such notice may be by publication in one newspaper printed in Milford or otherwise, as the directors shall think proper.

Subscriptions,
how paid.

SEC. 8. *And be it further enacted,* That if any of the instalments which may be called for as aforesaid, shall not be paid within thirty days next after the time in said call appointed for the payment thereof, the said directors may either declare such share or shares forfeited on which default is made, in which case they may be disposed of, at the pleasure of the corporation, or they may sue for and recover the instalment or instalments, or part or parts so remaining unpaid, and no stockholder who shall refuse or neglect to comply with any call so made shall, during the time of such refusal or neglect, be entitled to vote at any meeting, or receive any dividend. In case of the forfeiture and disposal of any such shares the person or persons who shall become the proprietors of such forfeited shares shall be members of the corporation as fully and effectually as the original subscri-

Failure to pay,
result.

Commissioners
appointed—
their duties.

SEC. 2. *And be it further enacted*, That Peter F. Causey, Curtis S. Watson, Truston P. McColley, Henry B. Fiddeman, Daniel Currey, Thomas Wallace, James R. Lofland, William Tharp, James R. Mitchell, John A. Hazzard, George C. Tumlin and John W. Adkins be, and they are hereby appointed commissioners to receive subscriptions to the said capital stock, and to open a book or books for that purpose at such times and places, and under such regulations as they, or a majority of them, shall deem proper.

Incorporated.

Name.

SEC. 3. *And be it further enacted*, That when and as soon as five hundred shares be subscribed, the subscribers, their successors and assigns, shall be and are hereby declared to be a corporation and body politic, by the name of "The Milford Coal Gas Company," and by that name shall have continuance for the period of twenty years, and may make and have a common seal, and shall be able to sue and be sued, plead and be impleaded, in courts of law or equity.

Directors, how
chosen.

Vacancies.

SEC. 4. *And be it further enacted*, That the business and concerns of the said corporation shall be managed by seven directors. The said directors shall be chosen by the stockholders from among their number, and whenever a director ceases to be a stockholder his place shall be vacated. They shall choose one of their number to be President. They shall meet according to the by-laws of the corporation; any four of them shall form a quorum for the transaction of business, and if the President shall be absent a president may be appointed *pro tempore*. Whenever a vacancy in the Board of Directors shall occur the remaining directors, shall by a majority of the Board choose a director to fill the vacancy. The said directors shall have power to appoint a Treasurer, Secretary and other officers such as they may deem proper, and to take such security for the faithful performance of their duties, as they may deem requisite. The said directors may make by-laws and regulations for the government of the said company, and may modify, amend and repeal them at pleasure.

Annual meet-
ings.

SEC. 5. *And be it further enacted*, There shall be an annual meeting of the stockholders on the first Monday in May in each and every year, during the continuance of the corporation. An election of directors shall be held at the annual meeting before mentioned in each and every year. If said meeting shall not take place, or said directors shall not be elected on the day appointed the corporation shall not for that reason be dissolved, but the directors, then in office, shall continue to perform all their duties, and shall retain all their powers, until such annual meeting shall take

place, and such election be made. Occasional meetings of the stockholders may be called in the manner prescribed by the by-laws. All elections shall be by ballot. The stockholders respectively shall be entitled to as many votes as they shall respectively hold shares, one vote for every share, and the stockholders who may be absent from such meetings shall be entitled to vote by proxy in all elections, and on every subject and question which may come before the meeting; but no share shall confer a right to vote unless the same shall have been *bona fide* held for one calendar month prior to the meeting.

Occasional.
Elections—
how held.

SEC. 6. *And be it further enacted*, That as soon as the number of five hundred shares shall be subscribed as aforesaid, the Commissioners aforesaid, or a majority of them, shall give notice thereof in such manner as they may deem advisable, and in such notice shall appoint a time and place in the said Town of Milford, for the said subscribers to meet, in order to organize the said company, at which meeting the said subscribers shall elect seven directors who shall serve until the first Monday in May then next ensuing, and until others be duly chosen.

Organization.

SEC. 7. *And be it further enacted*, That when the books shall be opened by the Commissioners to receive subscriptions as aforesaid, every subscriber shall pay to the said Commissioners at the time of subscribing, the sum of five dollars on each share for the use of the company, and no subscription shall be valid unless the same be so paid. The residue of the amount so subscribed for shall be paid in such manner and in such instalments, and at such times as the President and directors shall appoint. At least ten days notice shall be given of the manner and time which they shall appoint for the payment of any instalment. Such notice may be by publication in one newspaper printed in Milford or otherwise, as the directors shall think proper.

Subscriptions,
how paid.

SEC. 8. *And be it further enacted*, That if any of the instalments which may be called for as aforesaid, shall not be paid within thirty days next after the time in said call appointed for the payment thereof, the said directors may either declare such share or shares forfeited on which default is made, in which case they may be disposed of, at the pleasure of the corporation, or they may sue for and recover the instalment or instalments, or part or parts so remaining unpaid, and no stockholder who shall refuse or neglect to comply with any call so made shall, during the time of such refusal or neglect, be entitled to vote at any meeting, or receive any dividend. In case of the forfeiture and disposal of any such shares the person or persons who shall become the proprietors of such forfeited shares shall be members of the corporation as fully and effectually as the original subscri-

Failure to pay,
result.

bers, entitled to the same privileges, and subject to the same liabilities and restrictions.

Certificates of
stock assignable.

SEC. 9. *And be it further enacted*, That the said directors shall procure certificates or evidence of stock for all the shares of said company, and shall deliver such certificate, signed by the President, and countersigned by the Secretary, and sealed with the common seal of corporation, to each person, for such share or shares as by such person are respectively owned, and such certificate may include one or more shares at the option of the holders. The stock shall be assignable and transferable in the manner provided by the by-laws.

Objects and powers of the Company.

SEC. 10. *And be it further enacted*, That the said corporation is created for the purpose of lighting with gas the said town of Milford, and for furnishing such individuals residing therein, as may desire the same, with a supply thereof, and for that purpose the said corporation shall have power to manufacture, distribute and sell gas for the production of artificial light, and to make and erect the necessary apparatus for manufacturing, introducing and distributing the same, and to construct the requisite buildings and machinery, and to purchase and prepare the necessary materials, with the right to enter upon any public street or highway for the purpose of laying down the pipes necessary for conducting said gas, and to repair, alter and inspect the same, doing as little damage as possible to the streets, lanes, and alleys, and repairing the injuries that may be done to the same with as little delay as possible, and securing the citizens from accident and danger whilst so laying down or repairing their pipes. The said corporation shall have power to acquire, by way of lease, or by purchase in fee simple, and to have, hold and enjoy such real estate as may be necessary for carrying on the business of the corporation, and may make and execute an obligation, mortgage or other security for securing the purchase money, and other liabilities created by the purchase of the necessary effects of said corporation. They shall also have power, with the consent of a majority of the stock represented at any general meeting, or at any special meeting called for the purpose, to borrow money to an amount not exceeding the amount of said capital stock authorized by this act, and to make and execute a mortgage or mortgages, pledge or pledges, of the property and effects of said corporation, for securing the payment of the sum or sums borrowed, or give such other form of security as may be agreed on by the parties.

Dividends

SEC. 11. *And be it further enacted*, That the directors of said company shall declare dividends of so much of the nett profits as shall appear to them advisable, on the first Monday in May

and November in each year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.

SEC. 12. *And be it further enacted,* That if any person shall open a communication into any gas pipe of said company without authority therefor, or shall let in the gas after it has been stopped by said company for repairs or other purposes without lawful excuse, or shall put up any pipes or burners in addition to the pipes originally put up and inspected, and introduce into them gas, without authority, such person shall forfeit not less than five nor more than fifty dollars, to be recovered before any Justice of the Peace as debts of like amount are recoverable by any person who will sue, and one-half of the sum recovered shall be for the use of the person suing, and the other half for the use of the company.

Penalty for
using the pipes
without authori-
ty.

SEC. 13. *And be it further enacted,* That if any person shall wilfully and maliciously destroy or injure any building, erection or other work of said company, or wilfully and maliciously destroy, injure, stop or obstruct any gas pipe, gas post, burner, reflector or any thing appertaining thereto, such person shall be guilty of a misdemeanor, and upon conviction by indictment shall be fined not exceeding one hundred dollars, or imprisoned not exceeding one year, or both in the discretion of the Court. Such criminal proceedings shall not impair the rights of the company to proceed by civil action to recover damages for such injury.

Injury to prop-
erty of com-
pany; penalty.

SEC. 14. *And be it further enacted,* That this act shall be deemed a public act, and the right of appeal is hereby reserved to the Legislature.

Public act.
Revocation.

Passed at Dover, March 5, 1857.

CHAPTER CCCCLXXII.

Ante p 319,
Chap. CCLXXIX.

AN ACT to repeal the act entitled "An Act to prohibit the use of gill nets or seines in the waters of Broad Creek in this State."

Act repealed.

SECTION 1. Be 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 prohibit the use of gill nets or seines in the waters of Broad Creek in this State," passed at Dover March 2, 1855, be, and the same is hereby repealed, made null and void.

Passed at Dover, March 5, 1857.

CHAPTER CCCCLXXIII.

AN ACT to enable the Delaware Hay and Land Improvement Company to survey and locate certain vacant Salt Marsh, and to complete their title to the same.

Private act.

Passed at Dover, March 5, 1857.

CHAPTER CCCCLXXIV.

AN ACT to amend Chapter 8 of the Revised Code, entitled "Of the Levy Court." R. Code, chap. 8.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That chapter 8 of the Revised Code, "Of the Levy Court," be, and the same is hereby amended in section 22 thereof, by inserting in the second line of said section, between the word "February" and the word "in," the words "or March." Section 22 of, amended.

SEC. 2. *And be it further enacted,* That in case of any vacancy occurring in the office of County Treasurer, in either of the counties of this State, in any manner, it may and shall be lawful for the Levy Court of said county, and it shall be the duty of said Levy Court to fill such vacancy, by appointing some substantial citizen of said county to be County Treasurer at any time thereafter, and it shall be the duty of the person so appointed to give bond as already provided by law. Vacancies in office of County Treasurer, how provided for.

SEC. 3. *And be it further enacted,* That upon the happening of any vacancy in the said office of County Treasurer in either of the counties of this State, when the Levy Court of said county is not in session, it shall be the duty of the chairman, President or presiding officer of said Levy Court to give notice, in writing, within ten days thereafter, to the Commissioners of said Court to meet at the usual place of meeting, on some reasonable day thereafter, to be named by him in said notice for the purpose of filling such vacancy, and that upon the meeting of said Levy Court it shall be their duty immediately to proceed to the appointment of a County Treasurer for said county, and to make the same. Vacancy happening when L. Court is not in session.

SEC. 4. *And be it further enacted,* That upon the happening of any vacancy in the said office of County Treasurer, in either of the counties of this State, while the Levy Court of said county is in session, it shall be the duty of the said Levy Court immediately to proceed to the appointment of a County Treasurer for said county, and to appoint the same. Vacancy while L. Court is in session.

SEC. 5. *And be it further enacted,* That the provisions of this act shall extend and apply to any vacancy in the said office of County Treasurer which may have already happened, as well as to any vacancy in said office, which shall hereafter happen, and Mode to apply to cases that have already happened, ex post facto.

that a majority of the Commissioners of said Levy Court, who may meet or be in session as herein before mentioned, shall have power and authority to fill said vacancy by appointing a County Treasurer, although a majority of the whole number of said Commissioners may not be present at the meeting or session of said Levy Court, any law or statute of this to the contrary notwithstanding.

Passed at Dover, March 5, 1857.

CHAPTER CCCCLXXV.

AN ACT to repeal the act entitled "An act to authorize Jacob Brown and James Wooters to erect gates across a road.

Private act.

Passed at Dover, March 5, 1857.

CHAPTER CCCCLXXVI.

AN ACT to authorize William W. Dashiell to erect gates across a road.

SECTION 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 William W. Dashiell to erect and place two gates across a road running through his lands, leading from a point opposite the dwelling house of David H. Boyce in the road passing from Laurel to Concord, into a certain other road leading from the Concord road to the road passing from Laurel to Georgetown, at such places as shall best suit his convenience. Authorized to erect gates across a road.

SEC. 2. *And be it enacted,* That if any person or persons shall injure or destroy the said gates, or either of them, or open them, or either of them, and leave them, or either of them, open, he, she or they shall forfeit and pay for every such offence a sum not exceeding five dollars, which may be recovered as debts of like amount are recoverable by the laws of this State, by any person who shall sue for the same, and shall also pay to the person or persons injured, all damages that may be sustained by reason of such neglect or wilfulness: *Provided,* it shall be the duty of the said William W. Dashiell, or the person or persons to whom the lands upon which the said gates may be placed, shall or may at any time belong, to keep the said gates in good repair, and convenient to be opened and shut. Penalty for injury to, or leaving open.

Passed at Dover, March 5, 1857.

CHAPTER CCCCLXXVII.

R. Code, chap. 34. AN ACT to amend Section 5 of Chapter 34 of the Revised Code.

Chap. 34, Sec. 5
of, amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That section five of chapter 34 of the Revised Code, be, and the same is hereby amended by striking out the word "Hundred," at the end of said section, and adding thereto the following: "or Murderkill Hundreds."

Subsequent editions of the laws published as amended.

SEC. 2. *And be it further enacted,* That in all editions of the laws hereafter to be published, the said section shall be published as hereby amended.

Passed at Dover, March 5, 1857.

CHAPTER CCCCLXXVIII.

R. Code, Chap. 60. AN ACT to amend Chapter 60 of the Revised Statutes of the State of Delaware "concerning Roads and Bridges."

Section 11 of
amended

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 11 of chapter 60 of the Revised Statutes of the State of Delaware, "concerning Roads and Bridges," be, and the same is hereby altered and amended as follows, viz: strike out all after the word "Kent" in the third line of said section 11 to the word "chargeable" inclusive, in the eighth line of said section, and insert in lieu thereof the following, to wit: "and Sussex counties by the said counties respectively," so that the same shall hereafter read and be construed as follows, to

wit: "in Kent and Sussex Counties, by the said Counties respectively."

SEC. 2. *And be it further enacted as aforesaid*, That sections 19, 20 and 22 of said chapter 60 be, and the same are hereby repealed. Secs. 19, 20 and 22 repealed.

SEC. 3. *And be it further enacted as aforesaid*, That said chapter 60 be, and the same is hereby further altered, amended and supplied as follows, viz: by inserting in lieu of said section 19 hereby repealed, as follows, viz: "Section 19. It shall be the duty of each overseer of roads in Sussex County to employ so many men as he shall deem necessary to repair the roads, and to purchase materials for the repairs of bridges within his limits, for which each person so employed shall receive a certain sum for each and every days work on said roads, said sum to be fixed and determined by the Levy Court of Sussex County, at their session in the month of March in each and every year. Ten hours shall be deemed and considered a day in estimating said work. In payment for said work and materials, the said overseer shall, for the want of funds in his hands, draw an order on the County Treasurer of said county for the amount due for work and materials, which said order shall be countersigned by Levy Court Commissioner for the Hundred in which said work may be done or materials provided, and which said order, drawn and countersigned as aforesaid, shall be a sufficient voucher for the County Treasurer of Sussex County." Secs. 19, 20 and 22 supplied.

By inserting in lieu of said section 20, hereby repealed, the following, viz: "Section 20. Each overseer of roads in Sussex County shall keep a true and correct account of all work done, materials provided, of all orders drawn by him under the provisions of this act, with the date, items and amounts, and the names of the persons employed to work, or of whom materials were purchased, and shall render the same to the Levy Court of Sussex County, at its session in the month of February in each year, under oath or affirmation, 'that all the work in said account stated was truly done, and all the materials therein mentioned were provided; that said account is in every item just and true, and that the work and materials therein mentioned were necessary for the repairs of roads and bridges under his charge.' Each overseer shall settle his account with the said Levy Court at its session in the month of February in each and every year."

And by inserting in lieu of said section 22, hereby repealed, the following viz: "Section 22. Each overseer of roads in Sussex County, shall before entering upon his duties, take an oath or affirmation, which may be administered by any Levy Court Commissioner, that in engaging or employing work or ma-

materials he will act fairly and impartially without favor or prejudice to any one, that he will not give an order on the County Treasurer for work or materials unless the same shall have been faithfully performed or provided; that he will not engage or employ any person or persons to work or furnish materials unless the same shall be necessary for the mending or repairing the roads or bridges within his limits, and that he will perform the duties of his office with diligence and fidelity."

Passed at Dover, March 5, 1857.

CHAPTER CCOCLXXIX.

AN ACT for the payment of claims against the State.

SECTION 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 directed to pay the following claims: To J. T. Heald, for binding Revised Codes, one hundred and twenty-one dollars and eighty-one cents. To A. J. Taylor, for expenses in regard to and attendance upon the Court of Errors and Appeals, twenty-two dollars. To Jeremiah Stevenson, for services and expenses incurred in arresting and bringing into the State a fugitive from justice, as per requisition from Governor, seventy-five dollars. To John Reynolds, sheriff, for nine days attendance on Court of Errors and Appeals, thirteen dollars and fifty cents. To Richardson and Robbins, for fixing furnaces, three dollars and thirty-seven cents. To S. C. Leatherbury, for attendance as bailiff on Court of Errors and Appeals, fitting up the halls of both houses, &c., seventeen dollars and ninety seven cents. To Henry Harper for cutting wood, eight dollars and fifty cents. To C. A. Cowgill for taking charge of books and papers, twenty dollars. To James Cowgill and son, for furniture for Representative Hall and for fitting up the same, five hundred and ten dollars. To W. T. Abdricks, late auditor, for stationery, &c.,

State Treas. to
pay J. T. Heald.

A. J. Taylor.

J. Stevenson.

John Reynolds.

Richardson and
Robbins.
S. C. Leather-
bury.

H. Harper.

J. Cowgill.

W. T. Abdricks.

fifty-five dollars. To Thomas Hawkins, for serving three requisitions upon the Governor of Pennsylvania, one hundred and fifty dollars. To Jas. Ready, for serving requisition upon Governor J. Ready of Pennsylvania, fifty dollars. To David Smith, for repairs on D. Smith. State House, ten dollars. To John Wyatt, for cabinet work, fixing locks, &c., in Senate and Representative Halls, forty-seven dollars and seventy-five cents. To Samuel Culbreath, for twenty tons of coal, one hundred and fifty-one dollars and sixty-one cents. To David F. Burton, for stationery, oil, candles, cutlery, coal and wood, for the use of General Assembly, five hundred and thirty-two dollars and seventy-nine cents. To R. D. Hoffecker, for printing, three dollars and seventy-five cents. To Henry H. Eckel, for printing, two hundred and fourteen dollars and nine cents. To Geo. W. Vernon, for printing, two hundred and seventeen dollars and nine cents. To Francis Vincent, for printing, one hundred and fifty dollars. To C. P. Johnson, for printing, two hundred and seventeen dollars and forty-six cents. To Wharton and Harrington, for printing, eighty-seven dollars and twenty-five cents. To Geo. W. S. Nicholson, for printing, one hundred and ninety-two dollars and thirty-five cents.

Passed at Dover, March 5, 1857.

RESOLUTIONS.

CHAPTER CCCCLXXX.

Preamble.

WHEREAS, The State of Delaware is a large stockholder in the Delaware Railroad Company; and whereas the act of the General Assembly of said State, which authorized the subscription on the part of the State, for the said stock in the Delaware Railroad Company aforesaid, made no provision for the appointment of directors on the part of said State, to represent her interest therein; and whereas, in the opinion of this General Assembly, a due regard to the public interest demands that some suitable agent should be appointed to represent said stock in behalf of said State of Delaware, aforesaid, in the election of directors and other officers for the management of the affairs of the said Delaware Railroad Company. Therefore,

Moses Harrington appointed to represent and vote the stock of this State in the Delaware Railroad.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Moses Harrington, of Kent County, be, and he is hereby authorized and appointed to represent and vote the shares of the State of Delaware in the capital stock of the Delaware Railroad Company at the elections to be held for directors and other officers to be elected for the government of said company in the same manner, and according to the same regulations provided for the voting of the proxies of absent private stockholders of the said Delaware Railroad Company.

Adopted at Dover, January 8, 1857.

CHAPTER CCCOLXXXI.

Joint Resolution in regard to a mole or pier at the Delaware Breakwater.

WHEREAS, The great and important advantage realized from the construction of the Delaware Breakwater at Cape Henlopen would be much enhanced, and would become more available to the coast-wise and foreign commerce of the country, as well as the commerce of the Bay and River, Delaware, if the mole or pier formerly erected by the Federal Government to connect the harbor with the main land, but, which it has since suffered for the want of repairs to go down, were re-built in a better and more substantial manner, or a new one were constructed in lieu thereof. Therefore,

Preamble reciting the decay of the mole formerly erected and the need of a new one.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That the Senators and Representative from this State, in Congress, be, and they are hereby requested, to urge upon the General Government the immediate and pressing necessity of a liberal and adequate appropriation for the re-building of the said mole or pier to connect the harbor of the Delaware Breakwater with the main land, or for the erection of a new one in lieu thereof.

Our Senators and Representative in Congress requested to urge the necessity of.

Resolved, That copies of these resolutions be signed by the Speaker of each House of the Legislature, and transmitted without delay to our Senators and Representative in Congress.

Attested copies of these resolutions to be transmitted to our Senators and Representative.

Adopted at Dover, January 12, 1857.

CHAPTER CCCOLXXXII.

Joint Resolution appointing Bank Directors.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That the follow-

Directors of Farmers' Bank and its branches appointed on the part of the State.

ing persons be, and they are hereby appointed directors of the Farmers' Bank of the State of Delaware and its branches, on the part of the State, agreeably to the act of the General Assembly in such case made and provided: for the principal Bank at Dover Edward Ridgley, Huhn Jenkins and Wilson L. Cannon. For the branch at Wilmington, Thomas Clyde, Nathan T. Boulden and Robert R. Robinson. For the branch at New Castle, Elihu Jefferson, William T. Reed and James Crippen. For the branch at Georgetown, Matthew Rench, Henry Wolf and William W. Dulany.

Adopted at Dover, January 28, 1857.

CHAPTER CCCCLXXXIII.

Wm. J. Clark appointed State Treasurer.

Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate: That William J. Clark be, and he is hereby appointed State Treasurer.

Adopted at Dover, January 29, 1857.

CHAPTER CCCCLXXXIV.

Aaron B. Marvel appointed Auditor of Accounts.

Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate: That Aaron B. Marvel be, and he is hereby appointed Auditor of Accounts.

Adopted at Dover, January 29, 1857.

CHAPTER CCCCLXXXV.

Joint Resolution in relation to the removal of Dr. Stephen Green from the office of Prothonotary of Sussex County.

WHEREAS, This General Assembly has understood, though not ^{Preamble.} officially informed by his Excellency the Governor, either by his message or otherwise, of the recent removal of Dr. Stephen Green from the office of Prothonotary of the Superior Court in and for Sussex County. Therefore,

Be it Resolved 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 inform this General Assembly whether he has removed the said Dr. Stephen Green from the said office of Prothonotary, and when, and under what authority; whether any and what charges were preferred against the said Stephen Green, and officially communicated to the Governor, which constituted the ground of such removal. ^{Governor called upon for information.}

Adopted at Dover, February 12, 1857.

CHAPTER CCCCLXXXVI.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That both Houses of the Legislature will adjourn on Thursday, the 5th of March, *sine die.* ^{Adjournment.}

Adopted at Dover, February 20, 1857.

CHAPTER CCCCLXXXVII.

Resolution in relation to the Bank of Smyrna.

Preamble recit-
ing memorial &
grievances.

WHEREAS, The President, Directors and Company of the Bank of Smyrna, by their memorial to this General Assembly, represent that the said corporation by the 20th section of the act creating it, was required to pay to the State a tax at the rate of one-half of one per cent. per annum, on the capital stock paid in, that at the next session of the General Assembly, to wit: on the 7th of February, 1822, the said act was altered and supplied by an act, the 6th section of which is in these words: "That the 20th section of the act to which this is a supplement, and so much of the 23d section as relates thereto, be, and the same are hereby repealed; and that in lieu of other taxes, the said President, Directors and Company of the Bank of Smyrna shall pay the Treasurer of this State a tax, semi-annually, at the rate of one-fourth of one per centum on the whole capital stock of the said Bank actually paid in, for and during the continuance of the said Bank, from and after the first day of September next." That at the session of 1837 the said acts and all others relating to said corporation, were re-enacted without change, and that they were again re-enacted on the 13th day of February, 1855, with the addition of section two of the act of that date, which declared that the tax to be thereafter paid by said Bank should be one-half instead of one-fourth of one per cent. per annum: *And whereas*, the said corporation further represents that the act passed on the 24th day of February, 1855, entitled "An act to tax the surplus or contingent fund of the Banks of the State of Delaware," is not applicable to said Bank by reason that it is in conflict with the provisions of the aforesaid sixth section of the act of the 7th of February, 1822, and the second section of the act of the 13th of February, 1855, and that although the tax on the surplus fund has been paid by it, yet it has been done under protest, with the belief on the part of its Board of Directors, strengthened by the advice of counsel, that it was not liable therefor: *And whereas*, the said corporation desires relief in the premises at the hands of this Legislature, either by the passage of an act to declare that the act of the 24th of February, 1855, does not apply to said Bank, and to order the payment back of the tax so paid under protest as aforesaid, or such other relief as will render certain the liability of said Bank, or its non-liability, under said last mentioned act; and it being deemed just and proper that the question between

the said Bank and this State should be definitely settled. 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 authorized to enter into an amicable action with the aforesaid corporation in the Court of Errors and Appeals, and submit the questions in controversy in relation to the liability of the said corporation to pay the tax created under the act of the 24th of February, 1855, to the decision of said Court upon a case stated: The said Court, for the purpose of entertaining and deciding said questions, shall have original and also final jurisdiction; and its judgment shall have the same effect upon the said Bank, if rendered against it, as a judgment in debt would have in the Superior Court.

State Treasurer authorized to enter into an amicable action with the Bank in the Court of Errors and Appeals.
Court to have original and final jurisdiction.

Resolved further, That in said action the State shall stand as plaintiff, and be represented by the Attorney General. The State Treasurer shall report the decision of said Court to the General Assembly at its next session.

Attorney General to represent the State.

Adopted at Dover, February 25, 1857.

CHAPTER CCCCLXXXVIII.

Resolution for the relief of John E. Spicer.

WHEREAS, It is clearly shown to this General Assembly that Preamble.
a certain negro boy named Dennis Boyce, alias Dennis Jefferson, an indentured servant to John E. Spicer, of Sussex County, and State of Delaware, was, at the October term of the Court of General Session of the Peace and Jail Delivery for Sussex County, in the year 1848, convicted of a crime for which the said Court ordered the said negro servant to be sold to the highest bidder, in order to pay the costs of prosecution and the restitution money, by the force of which sentence the said servant was sold from his said master while there yet remained some ten

months of the time he was to have served the said John E. Spicer, and did sell for a sum more than sufficient to indemnify the said State for the prosecution and to pay the restitution money, and yielded an excess of sixty-four dollars and nine cents, that went into the Treasury of the said State, more than eight years ago. Therefore,

Be it 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 pay to John E. Spicer, the sum of the excess, which his negro servant, Dennis, brought when he was sold from his said master by the authority of the State, in order to pay back the restitution money and the costs of his prosecution, which excess is the sum of sixty-four dollars and nine cents, to be paid to the said John E. Spicer, as compensation for the loss of the said negro servant's service.

Adopted at Dover, February 26, 1857.

CHAPTER CCCCLXXXIX.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That A. Armstrong and Moses Harrington, on the part of the Senate, and Edward Sheppard, John B. Penington and James Ponder, on the part of the House, be, and they are hereby appointed a Committee on the part of this General Assembly, whose duty it shall be to meet at Dover on the Third Tuesday of January, A. D. 1858, for the purpose or settling the accounts of the State Treasurer, and receiving the report of the Auditor of Accounts for the current year.

Resolved, That it shall be the duty of the said Committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or a majority of them, to be published in two of the news-

papers, printed in this State, for the space of one month from the time of effecting the same.

Resolved, That the said Committee have full power and authority to audit the accounts of the Clerk of the House of Representatives, and the Clerk of the Senate, for superintending the printing of the journals of the two Houses of the Legislature during the present session, and for making indexes thereto; also the accounts of the Secretary of the State for superintending the printing of the acts of the present session and for making indexes to the same, and to make such allowances for said services as they may think just and proper; which said allowance shall be paid by the State Treasurer upon orders drawn by the Chairman of the said Committee in favor of said Clerks.

Committee to audit accounts for superintending printing journals, &c.

Account of Secretary of State for printing laws, &c.

Paid by orders on State Treasurer.

Resolved, That said Committee shall receive the same compensation as is by law allowed to members of the General Assembly, to be paid by the State Treasurer upon orders drawn by the Chairman of said Committee, out of any money in the hands of the said State Treasurer, not otherwise appropriated, and the Chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee to be paid in like manner.

Compensation to Committee, how paid.

Adopted at Dover, March 2, 1857.

CHAPTER CCCCXC.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met; That Edward Ridgley be, and he is hereby appointed to take charge of the books and papers of the Senate and House of Representatives.

E. Ridgley to take charge of the books, papers, &c., of the Senate and H. of Representatives.

Resolved further, That John McDowell be, and he is hereby authorized and requested to purchase the necessary stationery for the next General Assembly, and the State Treasurer is hereby directed to pay to the said John McDowell, or his order, the sum of fifty dollars to enable him to carry the provisions of this reso-

John McDowell to purchase stationery for the next session of the Legislature.

lution into effect; and the said John McDowell is hereby directed to present his accounts and vouchers to the next session of the Legislature for their allowance.

Adopted at Dover, March 3, 1857.

CHAPTER CCCCXCI.

Z. Butler to
take charge of
the Senate
Chamber and
House of Repre-
sentatives.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That Zadoc Butler be, and he is hereby appointed to take charge of the chamber of the Senate and of the hall of the House of Representatives, and the library room and to take care of the furniture belonging to the same.

Resolved further, That it shall be the duty of the said Zadoc Butler to pay strict attention to the proper airing of the said rooms, and to the furniture belonging to each, and keep the same in the best condition within his power, and that he be required strictly to enforce the rules made, or lawfully to be made for the regulation of said library, and the use of the books therein.

Compensation.

Resolved further, That for the faithful performance of the duties above specified, the State Treasurer shall pay to the said Zadoc Butler the sum of fifty dollars per annum. The first year to commence on the day succeeding the day of the adjournment of this General Assembly.

Adopted at Dover, March 3, 1857.

CHAPTER CCCCXCII.

Joint Resolution authorizing the State Treasurer to borrow a certain sum of money.

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 authorized to borrow any sum or sums, not exceeding in the whole amount *twenty* thousand dollars, to be applied and used towards the payment of the current expenses of the State until the next session of the Legislature, and that the faith of the State be, and the same is hereby pledged for the payment of the said sum or sums of money, not exceeding in the whole the amount aforesaid, with interest at six per centum per annum, and that the Treasurer shall receive for his services one-eighth of one per centum out of the money so obtained.

State Treasurer may borrow, not exceeding, \$20,000, at 6 per cent.

Adopted at Dover, March 5, 1857.

CHAPTER CCCCXCHII.

Joint Resolution appropriating \$150 to for Secretary of State transcribing, &c., the Revolutionary Papers.

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 pay to James R. Lofland, Secretary of State, the sum of one hundred and fifty dollars, in full for his compensation for transcribing, indexing and binding the Revolutionary Rolls and Papers, which he was authorized to copy, index and have bound by a resolution of the General Assembly March 2, 1855.

\$150 appropriated to Secy of State for transcribing, etc., Revolutionary Rolls.

Adopted at Dover, March 5, 1857.

CHAPTER. CCCCXCIV.

Joint Resolution authorizing State Treasurer to pay Secretary of State \$150 to defray the contingent expenses of his office.

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 authorized and directed to pay to James R. Lofland, Secretary of State, one hundred and fifty dollars, to be applied by him to the payment of the contingent expenses of his office, an account of which shall be submitted to the General Assembly, at the next regular session thereof.

\$150. appropriated
ed to contingent
fund of Sec. of
State.

Adopted at Dover, March 5, 1857.

SECRETARY'S OFFICE,DOVER, *June 20th*, 1857.

IN obedience to the directions of an Act of the General Assembly of the State of Delaware, entitled "An Act concerning the keeping of the papers belonging to the Executive Department, and the Acts of the General Assembly, and the printing and disposal of the Laws and Journals," I have collated with and corrected, by the original rolls now in this office, and caused to be published this edition of the laws of the said State, passed by the General Assembly, at its late session, which commenced on Tuesday the first day of January, and closed on Thursday the fifth day of March, in the year of our Lord, one thousand eight hundred and fifty-seven.

J. R. LOFLAND,

Secretary of the State of Delaware.

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1. The first of these is the fact that the majority of the population of the United States is of European descent. This is a fact which has been recognized by the government and the people of the United States for many years. It is a fact which has been recognized by the government and the people of the United States for many years. It is a fact which has been recognized by the government and the people of the United States for many years.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

L A W S
OF THE
STATE OF DELAWARE,

PASSED AT A
SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,
ON TUESDAY, THE FOURTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD
One Thousand Eight Hundred and Fifty-Nine,

AND OF THE
INDEPENDENCE OF THE UNITED STATES

THE EIGHTY-THIRD.

PUBLISHED BY AUTHORITY.

DOVER, DELAWARE.
PRINTED BY GEORGE W. S. NICHOLSON.
1859.

1911

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L A W S

OF THE

S T A T E O F D E L A W A R E .

CHAPTER CCCCXCV.

A SUPPLEMENT to the Act entitled "*An Act to regulate the building of Wharves in the City of Wilmington,*" passed at Dover, February 6, 1855.

W H I E R E A S , It has been represented to this General Assembly Preamble. that there is an error in the plot and return of the Commissioners acting under the authority of the act to which this is a supplement; in this: that the land-mark at the terminus of West Street, on the Christiana River, and another at the terminus of Tatnall Street, on said river, as well as the limits and distances between the same, are not the act and deed of the said Commissioners, but were placed on said return and plot by some means unknown to said Commissioners; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Evan C. Stotsenburg, Calvin Tagart, John M. Turner, and Jesse Sharp, Surveying Commissioners, appointed by the act to which this is a supplement, be, and they are hereby authorized, required and directed, to review the said river Christiana where the same points the city of Wilmington, between West and Tatnall streets, and thereupon to re-adjust and determine a certain limit and distance to which wharves may be extended out into the said river; such limit to be ascertained by certain fixed distances, to be computed and measured from such land-marks as the said Commissioners may for that purpose adopt. And the

Commissioners appointed to determine distances to which wharves may be extended.

Return. said Commissioners, as soon as conveniently may be after re-adjusting and determining such limit as aforesaid, shall make return of their proceedings in the premises under their hands, or the hands of a majority of them, to the City Council of Wilmington aforesaid. The said return shall be filed with the original return and plot, and preserved in the office of the Clerk of the City Council. The said clerk shall also cause the said return to be recorded in the office for Recording Deeds in and for New Castle County, and the original return and plot, together with the return made in pursuance of this act, shall be taken together and deemed and considered as one return, and the record of the same, or a duly certified copy thereof, shall be competent evidence in all courts of law and equity in this State.

Where filed.

To be recorded.

Provisions of original act extended to this act; vol. 11, p. 181.

SEC. 2. *And be it further enacted,* That all the provisions of the act to which this is a supplement; not inconsistent herewith, shall extend to and be a part of this act.

Passed at Dover, January 14, 1859.

CHAPTER CCCCXCVI.

AN ACT *to establish and confirm the title of Sarah Hitchens to a certain tract of land in Milford Hundred, Kent County, and State of Delaware.*

Private Act.

Passed at Dover, January 15, 1859.

CHAPTER CCCCXCVII.

AN ACT *for the relief of William Little and others.*

Private Act.

Passed at Dover, January 18, 1859.

CHAPTER CCCCXCVIII.

AN ACT to divorce *Mary Fitzgerald* from her husband, *Charles A. Fitzgerald*, and to change the names of *Mary Fitzgerald*, *George B. Fitzgerald*, *William R. Fitzgerald*, and *Linda Fitzgerald*, to *Mary Dickson*, *George B. Dickson*, *William R. Dickson*, and *Linda Dickson*.

Private Act.

Passed at Dover, January 18, 1859.

CHAPTER CCCCXCIX.

AN ACT to divorce *Margaret A. Knight* and *George H. Knight* from the bonds of matrimony.

Private Act.

Passed at Dover, January 19, 1859.

CHAPTER D.

AN ACT to divorce *Sarah P. P. Chamberlain* and her husband, *Charles Chamberlain*, from the bonds of matrimony.

Private Act.

Passed at Dover, January 20, 1859.

CHAPTER DI.

AN ACT to incorporate the *Wilmington Navigation Company*.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch concurring,) That John A. Griffin, Charles I. DuPont, Eli Todd, Robert R. Robinson, Charles Moore, William Thatcher, Washington Jones, John Ferris, and Edward Bringham, be, and they are hereby appointed, Commissioners to do and perform the several things hereinafter mentioned; that is to say, they, or any three or more of them, shall, at such time or times as they may deem expedient, procure one or more books, one of which books shall be opened in the city of Wilmington, Delaware, and if the said Commissioners consider it advisable, other books may be opened at such other place or places as they shall deem proper and necessary, and in each book or books that are opened for subscription they shall enter as follows: We, whose names are hereunto subscribed, do promise to pay to the President and Directors of the Wilmington Navigation Company, or unto any person that may be lawfully authorized to receive the said money, the sum of fifty dollars, lawful money of the United States of America, for each and every share of stock set opposite to our respective names, in such manner and proportions and at such time or times as shall be determined by the President and Directors of the said Company, in pursuance of an Act of the General Assembly of the State of Delaware, entitled "An Act to incorporate the Wilmington Navigation Company." Witness our hands, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____. And shall thereupon give notice in two or more of the newspapers printed in the said city of Wilmington, and such other newspapers and by such other notice as they may deem proper, at least fifteen days, of the time and place or places when and where said book or books shall be opened to receive subscriptions for the capital stock of the said Wilmington Navigation Company, at which time and place or places two or more of the said Commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said book or 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 said stock; and the said Commissioners shall keep the said book or books open at least three days, and at least six hours during each day, unless eight thousand five hundred shares shall have been subscribed be-

Commissioners
to open books.

Where.

Notice.

Books to be kept
open at least
three days.

fore the expiration of that time; and whenever there shall have been eight thousand five hundred shares subscribed for, they shall close the said book or books; and if at the expiration of the said three days, the book or books aforesaid shall not have eight thousand five hundred shares therein subscribed, the said Commissioners may, if they deem it proper, adjourn from time to time and transfer the book or books from place to place until the eight thousand five hundred shares shall be subscribed, of which adjournments and transfers the Commissioners aforesaid shall give such notice as they consider the occasion may require. But no subscription shall be valid unless the person so subscribing shall pay unto the said Commissioners an instalment of five dollars on each and every share so subscribed, for the use of the said Company, of which not less than one dollar on each and every share so subscribed must be paid at the time of subscribing therefor or the subscription will not be received, and the balance on said instalment, of five dollars on each and every share so subscribed, must be paid unto the said Commissioners on or before the day appointed by the Commissioners for organizing the said Company and going into an election for Directors thereof; and in case any subscriber, for any share or shares of the aforesaid stock, neglects to pay thereon the whole of the said instalment of five dollars on each and every share so subscribed for, at the time and in the manner as aforesaid, then each and every such share or shares, and all that had been paid thereon, shall be forfeited to and for the use of said Company, and the subscriber's name or names shall be stricken off the book or books of said Company; and no subscriber to said stock shall vote at the election for Directors of the Company at the time of organizing the said Company, unless he, she or they have paid unto the said Commissioners, previous to and before voting, the full instalment as aforesaid, of five dollars on each and every share for which he, she or they had subscribed on the aforesaid book or books, all payments to the Company for or on account of the stock of said Company, to be made in lawful money of the United States of America; and as soon as the said Company shall go into operation, and the President and Directors thereof duly elected, the said Commissioners shall forthwith deliver up unto the said President and Directors so elected, to and for the use and benefit of said Company, all and every book or books and papers, and also all moneys received by said Commissioners for payments on account of said stock subscribed for, after deducting therefrom reasonable charges and expenses that may have been incurred by the said Commissioners or others on account of the said Company, and a reasonable compensation for their services; but none of said charges or accounts will be allowed and paid, unless said accounts are approved by the said Commissioners and the President and Directors of said Company.

Subscription not to be valid unless subscribers pay five dollars on each share subscribed for.

Neglect to pay forfeiture of subscription.

When company organized commissioners to deliver up books.

President and directors authorized to dispose of residue of shares not subscribed for.

Notice thereof.

No share to be sold for less than fifty dollars, unless a majority of stockholders determine otherwise.

Capital stock.

Fifteen hundred shares to be retained by the company.

Retained shares; how disposed of.

SEC. 2. *And be it further enacted,* That in case the aforesaid subscription book or books shall not have eight thousand five hundred shares therein subscribed when they are taken possession of by the President and Directors of the said Company, then the President and Directors of said Company shall have the right and power to sell and dispose of, to and for the use and benefit of the said Company, any part or portion of said residue of said shares which shall not have been subscribed for as aforesaid, also all and every share or shares that may have been or may be forfeited to the said Company, also all and every share or shares that may be purchased by the President and Directors of the said Company for and on the account of said Company; and, if they deem proper, they may sell said share or shares at public auction, to the highest and best bidder or bidders for the same, after giving public notice, at least twenty days, of the time and place of such public sale or sales, by advertisement inserted in two or more newspapers printed in the said city of Wilmington, and such other notice as they may deem proper: *Provided, nevertheless,* That the said shares of stock shall not be sold or disposed of by any such sale for less than fifty dollars for each and every share so sold as aforesaid, unless the Stockholders, by the vote of the holders or owners of the majority of the shares of said capital stock issued, agree to limit the lowest price for said shares at less than fifty dollars per share, the vote to be taken by ballot for or against a lower limit on said shares, at any annual or special meeting of the Stockholders of said Company, and according to the forms and restrictions for taking votes as prescribed by this act, the payments for said shares so sold to be made by the purchaser or purchasers thereof in such manner as the President and Directors of the said Company may order or the by-laws thereof direct, if not contrary to the requirements of this Act.

SEC. 3. *And be it further enacted,* That the capital stock of the said Company shall not exceed five hundred thousand dollars, divided into ten thousand shares of fifty dollars each, eight thousand five hundred of said shares to be open for subscription, and sold as aforesaid, and the remaining fifteen hundred shares to be retained by the Company for the purpose of allowing the captains or masters of vessels belonging to the said Company an opportunity of subscribing therefor; and the said captains or masters of vessels belonging to the said Company may subscribe for said retained shares, by complying with the conditions of the President and Directors and by-laws of the said Company in regard to said retained shares, but no other person or persons will be permitted to subscribe therefor. If, at the expiration of three years from and after the day of organizing the said Company, there should remain any of said retained shares that are not subscribed for, then the President and Directors of said Company, whenever

they consider that it is no longer desirable to retain said shares open for the subscription of the said captains or masters as aforesaid, may then sell or dispose of each and every share so remaining of said retained shares, and if sold, to be disposed of at public auction in the city of Wilmington, Delaware, after giving such notice, and under such restrictions, and in the same manner as prescribed for the sale of shares at public auction by section second of this act. At all the annual meetings, and all other lawful meetings of the stockholders of said company, each and every stockholder who may be entitled to vote by the requirements of this act, shall be allowed one vote for each share of the capital stock held and owned by him, her or them, in said company, which vote may be given in person or by proxy duly authorized; but no stockholder, after the organization of said company, shall be permitted at any of the said meetings to vote on any share of stock of which he, she or they, have not been the owner thereof for thirty days previous to and up to the time of offering said vote. Any stockholder, by writing executed under hand and seal in the presence of two subscribing witnesses, may depute any other member or stockholder to vote and act as his, her or their proxy, at any annual or other lawful meeting of the stockholders, or transact such other business as he, she or they may order with the said company.

Stockholders entitled to one vote for each share if owned thirty days previous to time of voting.

Proxies; how appointed.

SEC. 4. *And be it further enacted*, That the capital stock of the said company is hereby declared to be personal estate, and shall be assignable and transferable at pleasure, if the requirements of this act and the by-laws of the said company had been complied with in regard to said transfers, and may be assigned and transferred in person or by attorney duly authorized, but only on the book or books which the president and directors of said company shall keep or cause to be kept for that purpose, and always in the presence of the president or treasurer or such other person or persons as may be appointed in accordance with the by-laws of the company for that purpose, (subject, however, to all payments due and that may become due thereon,) and no transfer shall be valid or effectual until such transfer shall be entered or registered in said book or books as aforesaid; but the president or treasurer of the said company, or any other person or persons who may be appointed in accordance with the by-laws of said company to witness the transfer of shares of stock, shall not permit any stockholder whom they know to be indebted to the said company to make a transfer of any share or shares of said stock, or pay such stockholder any dividend thereon, until said debt is paid or secured or settled to the satisfaction of the president and treasurer or directors of said company, but instalments on shares of stock that have not been called in, and instalments for which the day appointed for the payment thereof may not have arrived, shall not prevent a transfer or dividend.

Capital stock personal estate.

Assignable; how.

Stockholders indebted to company not allowed to transfer stock unless debt be paid or settled.

When one thousand shares subscribed company incorporated.

Name.

Powers.

Not to exercise banking powers.

Affairs of company managed by board of directors.

Qualifications of directors.

Vacancies in board.

SEC. 5. *And be it further enacted,* That when one thousand shares of the said capital stock may be subscribed for as aforesaid prescribed by this act, the subscribers, their successors and assigns, shall be, and they are hereby declared to be, incorporated by the name style and title of the Wilmington Navigation Company, and by the same name the subscribers and their assigns shall have succession for the term of twenty years from the date of this act, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, to purchase, acquire, receive, build, or have built and completed, rebuild, renew or repair, own, use, charter, hold and enjoy to them and their successors and assigns, any ships, brigs, schooners, or any other kind of vessel or vessels or shares of vessels, lands, wharves, tenements and hereditaments, goods, chattels, and all estate, real, personal and mixed, of what kind and quality soever, which shall or may be required or necessary for the purpose of conducting a general freighting business, such as the carrying of freight and passengers in vessels, or such other lawful business as may be done with vessels, and for building and completing, or rebuilding, renewing or repairing the said vessels, and for protecting and securing the property belonging to the said company, and may from time to time sell, mortgage, grant, demise, alien or dispose of any of the property belonging to said company whenever they may deem it proper so to do, and to make and declare dividends of such portion of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, to ordain, establish and enforce such by-laws and regulations as shall be deemed necessary and convenient for the government of the said company and employees thereof not being repugnant to the Constitution and laws of this State and of the United States, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same: *Provided,* That the said company shall not have nor exercise any banking powers whatsoever.

SEC. 6. *And be it further enacted,* That the stock, property, business affairs and concerns, and all the corporate powers of said company, shall be managed and conducted by a board of nine directors; and the majority of the whole board of directors thereof shall always be residents of the State of Delaware, and all of them shall be citizens of the United States of America, and stockholders at the time of their election and during their directorship: if at any time the number of stockholders should be less than nine, then during that time a less number than nine directors shall be competent to transact the business and concerns of said company, at the discretion of said stockholders. Any vacancy in the said board of directors, occasioned by inability to

serve in the office of director, or by the removal from the aforesaid State of any member of the board of directors, or by death, resignation, or otherwise, shall be filled by the directors remaining in the board, or a majority thereof, and according to the requirements of this act and the by-laws of said company, by appointing any stockholder they may deem proper, that may be so qualified to net, to serve until the succeeding annual meeting. *Provided*, That the removal of any director from this State shall not operate to vacate his place, should there be a majority of the board of directors still residing in the said State; and should any director vacate his place by removing from the State, it shall be considered the last director so removing therefrom.

SEC. 7. *And be it further enacted*, That if, after giving at least thirty days' previous notice, by advertisements inserted in not less than two newspapers printed in the aforesaid city of Wilmington, of the time and place in said city appointed by the president and directors of the said company for the payment of any proportion or instalment on the share or shares of the said capital stock that may be called in, any subscriber or stockholder should neglect or refuse to pay such proportion or instalment at the place appointed, for the space of thirty days after the time appointed for the payment thereof, every such subscriber or stockholder, or his, her, or their assigns shall, in addition to the proportion or instalment so called for, pay a penalty at the rate of two per centum per month on every dollar of said proportion or instalment, from the day appointed as aforesaid for the payment thereof, for the delay of such payment; and if any subscriber or stockholder should neglect or refuse to pay said proportion or instalment and the additional penalty, at the place appointed, within six months after the time appointed as aforesaid for the payment thereof, the share or shares of such subscriber or stockholder, and all moneys thereon paid, and all dividends that may be due or become due thereon, shall be forfeited to, and for the use of said company, and may be sold or disposed of by said company in the manner ordered for the selling or disposing of forfeited shares in pursuance of this act. But if the president and directors of the said company, or a majority of them, should deem it more beneficial to the interests of said company, they shall have full power and authority, instead of forfeiting said share or shares, to recover from all or any defaulting subscribers or stockholders, by due course of law, brought before any justice of the peace, mayor or alderman of the said city of Wilmington, or in any court having competent jurisdiction of the same, such unpaid proportions or instalments, with the aforesaid penalty, together with the full costs of suit; and any stockholder who shall neglect or refuse to comply with any call so made for said proportions or instalments as aforesaid, shall not, during the time

Subscribers neglecting to pay thirty days after notice.

Penalty.

Neglect to pay within six months. Penalty.

Not more than ten dollars on each share to be called for at any one instalment.

of such neglect or refusal, be entitled to vote at any of the meetings of said stockholders, nor shall any stockholder, during the time of such neglect or refusal, demand or be paid any dividend. *Provided*, That not exceeding ten dollars on each share shall be called for at any one instalment by said president and directors, nor less than thirty days between the times appointed for the payment thereof, unless in cases where a share or shares of stock may be sold by them after the organization of said company, and an agreement is made to the contrary at the time of such sale.

When one thousand shares are subscribed for, commissioners to give notice of the time and place for organizing company.

SEC. 8. *And be it further enacted*, That the commissioners aforesaid, as soon as they can conveniently, after one thousand shares of said stock is subscribed for as aforesaid, shall give at least fifteen days' previous notice, by advertisements inserted in two or more newspapers printed in the aforesaid city of Wilmington, and such other notice as they may deem proper, of the time and place in said city of Wilmington for the said subscribers to meet, in order to organize the said company; and the said commissioners, or any two of them, may hold the election and receive votes, according to the restrictions prescribed in section first, and other parts of this act. The subscribers to the said stock that may be entitled to vote, shall be allowed one vote for each share of stock subscribed for or owned by him, her, or them; and they shall choose or elect by ballot, by a majority of the votes given in and received at such meeting, either in person or by proxy duly authorized, nine directors, to be elected as follows: three of them shall be elected to serve until the first annual meeting of the company after their election, and three others shall be elected to serve until the second annual meeting of the company after their election, and the other three shall be elected to serve until the third annual meeting of the company after their election, and until others are duly elected in their places.

Election; how held.

Manner of electing directors.

Annual meeting of stockholders to be held on last Thursday in February in every year.

Place. Notice thereof.

At each annual meeting one-third of the Directors to be elected.

All vacancies to be filled.

SEC. 9. *And be it further enacted*, That there shall be an annual meeting of the stockholders of said company on the first Thursday of February in every year during the continuance of the corporation; said meeting shall be held at such time and place in the aforesaid city of Wilmington as may be appointed by the president and directors of said company, of which meeting they shall give at least thirty days' notice in two or more newspapers printed in the said city of Wilmington, and such other notice as they may deem proper. At every such annual meeting of the company, directors to the number of one-third part of the whole board of directors shall be chosen or elected by ballot by the said stockholders that may be entitled to vote, to serve for the term of three years, or until the third annual meeting of said company after their election and until others are duly elected in their places; and should there have been any vacancy in the

board of directors during the past year, since the preceding annual meeting of the company, they shall also choose or elect by ballot a director or directors to serve until the expiration of the term for which the said director or directors so vacating were elected; but if the said directors should not be chosen or elected on the day when, pursuant to this act, they ought to have been so chosen or elected, or if vacancies should exist in all the offices of directors, the said corporation shall not from that cause be deemed to be dissolved, but it shall be lawful to hold said election during any day to which the annual meeting may be adjourned, or at any special meeting called for holding the said election, said adjourned and all special meetings of the company to be held in the said city of Wilmington; and, in the former case, the directors for the time being may continue to hold their offices until new directors shall have been chosen or elected in their stead; and, in the latter case, such persons shall manage the business and concerns of said company as may be provided for by the by-laws thereof. Special meetings of the stockholders of the company shall be called by the president and directors of said company, upon a request to them in writing of stockholders holding and owning not less than one-third of the whole number of shares of said capital stock that may have been sold or issued by the said company; and special meetings of the stockholders may also be called by the president and directors of said company when they consider it desirable so to do, of which adjourned and special meetings they shall give at least fifteen days previous notice, in two or more newspapers printed as aforesaid, of the time and place for holding said meetings. At every such election of directors of the said company held at any of the aforesaid meetings after the first organization of said company, two stockholders of the said company, not being directors, or two disinterested persons, shall be appointed judges of the said election by the majority of the stock held by stockholders that may be entitled to vote, that may be present at the time appointed to open the said election; and the said judges shall, before acting as such, be sworn or affirmed before any one authorized to administer oaths or affirmations by the laws of this State, well and fairly, according to law, and as prescribed by this act conduct the election for which they are appointed judges. The said judges shall decide upon the qualifications of voters as prescribed by this act, and shall, when the said election is closed, count the votes and declare to the meeting who has been elected, and certify the same to the existing board of directors; and the stockholders of said company that may be assembled at such meeting, and that may be entitled to vote by the requirements of this act, shall choose or elect by ballot, by a majority of the votes given in and received at such meeting, either in person or by proxy duly authorized, the directors that are required to be so chosen or elected.

Failure to elect directors not to work a dissolution of the corporation.

Special meetings; when and how called.

Notice thereof.

Judges at election of directors.

To be sworn or affirmed.

Duties.

by this act, if it should happen at any election that two or more persons have an equal number of votes, so that no choice shall have been made as to such persons, then the stockholders herein before authorized to vote at such election, shall proceed to ballot a second time; and if no choice should be made by the majority of votes given in and received, then the judges may, if they deem proper, determine by a plurality of votes given in by other ballots by those entitled to vote, which of the persons so having an equal number of votes shall be elected the director or directors, so as to complete the whole number so to be elected. Directors may be eligible to a re-election.

Directors at first meeting after their election to choose a president.	SEC. 10. <i>And be it further enacted,</i> That the directors of said company, at their first meeting after each election, shall choose a president from their number, who shall hold his office (at the discretion of the majority of the board of directors) for one year,
Term of office.	or until the succeeding annual meeting or his successor is chosen, and he may be eligible to a re-election if he continues to be a member of the board of directors. The president shall have such
Powers.	powers, duties and compensation as shall be provided by the by-laws of said company, and may vote on all occasions in the board of directors as a director. The majority of the board of directors shall constitute a quorum for the transaction of business, but
Majority of directors to constitute a quorum.	no by-law shall be made, altered or repealed by the vote of less than two-thirds of the board of directors. The president and directors of said company are hereby empowered to make (as prescribed by this act) such by-laws and regulations as may be required for the company, and alter and repeal the same; they
President and directors to make by-laws.	may also call in by instalments, at such time or times as they may deem it expedient for the interests of said company, and in accordance with the restrictions prescribed in section seventh and other parts of this act, the residue or balance which may be
To call in unpaid instalments.	unpaid on any share of the said capital stock; and they shall, as soon as they can conveniently after the organization of said company, procure certificates or evidences of stock, as evidence for
To procure certificates of stock, and deliver the same to the persons entitled thereto.	the shares of stock of said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of said company, unto each person entitled thereto, certifying or stating the number of shares of the capital stock of the said company subscribed for or owned and held by him, her or them, which certificate or evidence of stock must agree and conform with the books of said company, and may be transferred as hereinbefore prescribed by
Directors to keep minutes of their proceedings, and books containing number of shares of stock and of transfers thereof, and also account books.	this act. The directors shall cause regular minutes of their proceedings as a board to be made and preserved in a book, and also a regular book or books to be opened and kept, containing a record of the number of shares of the capital stock owned by each stockholder, and of all transfers of said stock, and such transfers

shall be made only in the book or books so provided; and they shall at all times keep, or cause to be kept, proper books of account of the business transactions of said company, which books shall be subjected to the inspection of any of the stockholders whenever they may request it, and exhibit to them at the annual meeting of the company the condition of the affairs and the proceedings of said company for each year, in such form as the by-laws may require, and shall hold stated and other meetings of the board of directors in conformity with the by-laws of said company.

SEC. 11. *And be it further enacted*, That the president and directors of said company shall have the power and authority to make contracts with any person or persons, to make sales of any of the property of said company, real estate, personal and mixed, to make purchases of any kind of vessel or vessels, or shares of vessels, materials, and other property of whatever kind soever, which the interests of said company may require, which is not contrary to the requirements of this act and the by-laws of said company, and shall have the power and authority to appoint and employ a secretary and treasurer, captains or masters of the vessels belonging to said company, and of those of which they may own the majority of the parts or shares thereof, and such other officers, agents, seamen, artizans, and other persons, as shall be necessary or requisite to carry into effect and execute all the powers granted by this act to said company, and power and authority to remove and dismiss, at the discretion of said president and directors, any of those persons so appointed, or that may be in the employ, and also any other person or persons who may be captain or master of any vessel or vessels belonging to said company, and of those of which they may own the majority of parts or shares thereof; and if they judge it necessary or expedient, they may exact and take from their officers and agents, or from any other person who may be appointed and employed, or any person with whom they may have contracts, bonds with security for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts, and prescribe the form thereof, and generally to do all such other acts, matters and things, as by this act, and the by-laws of said company, they are authorized to do, and to fix, allow and pay such compensation as shall be agreed upon; and to this end, and for such purposes as aforesaid, and under such regulations as this act and the by-laws prescribe, they shall use and employ the capital stock and the funds of said company, and bind by their contracts, deeds, or other writings, under seal of the said company and the hand of the president thereof, all the property and estate, common stock and joint funds of the aforesaid company.

SEC. 12. *And be it further enacted*, That should there be any clear profits from the business of said company, that dividends of

Powers of president and directors.

Dividends.

When declared and paid.

Notice of time and place of payment.

Not to exceed nett profits.

Directors making dividends that impair capital stock to be individually liable.

Company may at any time be dissolved by a vote of the owners of not less than three fourths of the capital stock favorable thereto.

Public act.

Power to revoke reserved to the Legislature.

so much of said clear profits as may appear advisable to the president and directors of said company, shall be declared at least twice a year, and paid at any time during business hours, after the expiration of ten days therefrom, unto the stockholders, on demand at the place of payment; and they shall give public notice of the time and place of payment, previous to the time appointed for said payment, in two or more newspapers printed as aforesaid; but they shall in no case exceed the amount of net profits actually acquired by the company, so that the capital stock shall ever* be thereby impaired. If the said directors should make any dividends which would impair the capital stock of said company, the director or directors consenting thereto shall be liable in their individual capacities to said company, for the amount of the stock so divided; and each director present when such dividend is made or declared, shall be adjudged to be consenting thereto, unless he forthwith enters his protest on the minutes of the board, and gives public notice thereof to the stockholders within ten days after the time of declaring such dividend. *Provided always,* That the business of said company may be closed, and the company dissolved at any time by the vote of the holders or owners of not less than three-fourths of the shares of said capital stock issued being favorable thereto, the vote to be taken by ballot for or against dissolving the company, at any annual meeting of the said company, and according to the forms and restrictions for taking votes, as herein before prescribed by this act. If the stockholders should, by a vote of not less than three-fourths of the capital stock issued, decide to dissolve said company and close the business thereof, then in that case the president and directors of said company may close the business thereof, and proceed to declare a dividend or dividends of all the property, of whatever kind soever, belonging to the said company.

SEC. 13. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and in all actions and proceedings at law may be pleaded and given in evidence as such, and the authority to revoke the same is hereby reserved to the Legislature.

Passed at Dover, January 20, 1850.

* So in original.

CHAPTER DII.

AN ACT to divorce *Sarah Griffith* (formerly *Sarah Bowen*) and *Richard Griffith* from the bonds of matrimony.

Private Act.

Passed at Dover, January 21, 1859.

CHAPTER DIII.

AN ACT to authorize the trustees under the will of *Griffith Minshall*, deceased, to sell and convey certain real estate therein devised.

Private Act.

Passed at Dover, January 21, 1859.

CHAPTER DIV.

AN ACT for the relief of *Mary Bell*, *John Bell*, *Joseph Bell*, *Isaac Bell*, *Anna Bell*, *Lenard Bell* and *Alexander Bell*.

Private Act.

Passed at Dover, January 20, 1859.

CHAPTER DV.

Revised Code,
chapter 111. AN ACT to amend Section 53 of Chapter 111 of the Revised Statutes of the State of Delaware.

Section 53 of
amended. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That section 53 of chapter 111 of the Revised Statutes of this State be, and the same is hereby amended, by inserting after the word "section," at the end of the fourth line, and before the word "and," at the beginning of the fifth line, the words "or under section 15 of chapter 99."*

Passed at Dover, January 26, 1859.

CHAPTER DVI.

AN ACT for the relief of Ann Shoemaker.

Private Act.

Passed at Dover, January 26, 1859.

CHAPTER DVII.

AN ACT for the Encouragement of Internal Improvements in the State of Delaware.

Aid of State
granted.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That, for the purpose of encouraging Internal Improvements in this State, the aid of this State be, and hereby is given, in the manner hereinafter specified, to the following named corporations: that is to say, to "The Delaware Railroad Company," to "The Maryland and Delaware Railroad Company," to "The Mispillion and Choptank Railroad Company," to "The Junction*

and Breakwater Railroad Company," to "The Frederica Railroad Company," to "The Murderkill Navigation Company;" and also for the purposes of improving the navigation of Duck Creek, otherwise called Smyrna Creek; of stopping the mouth of Old Duck Creek; of building an academy at Felton, in Kent County; of improving the navigation of the creek leading up to Leipsic, in Kent County; of building an academy at Concord, in Sussex County; of building a store-house, ticket-office and water-tank at Townsend, in New Castle County; of building a Methodist Protestant Church at Townsend aforesaid; of finishing the fencing of the Delaware Railroad in New Castle County; of increasing the shares of the school fund of the eleven school districts in Appoquinimink Hundred, in New Castle County; and of aiding in the building of a new court-house, and the public offices, at New Castle, in this State.

SEC. 2. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful to raise by lotteries, as hereinafter provided, the moneys necessary for and hereby appropriated to the purposes mentioned in the first section of this act.

Lotteries authorized.

SEC. 3. *And be it further enacted, by the authority aforesaid,* That, in consideration of the sum of seven hundred and twenty thousand dollars, to be paid to the State Treasurer of this State, as hereinafter provided, Richard France, of the city of Baltimore, in the State of Maryland, be, and he is hereby authorized and empowered, and he has special liberty to prepare schemes of lotteries, to sell lottery-tickets, and to draw lotteries in this State, by himself, his agent or agents, assignee or assignees, for the term of twenty years from and after the passage of this act.

Richard France empowered to prepare schemes and draw lotteries.

For twenty years.

Sec. 4. *And be it further enacted, by the authority aforesaid,* That before the said Richard France, his agent or agents, assignee or assignees, shall exercise any of the privileges hereby conferred, he shall give bond to the State of Delaware, with security to be approved by the governor, or by the chancellor, or by any one of the judges of the Superior Court of this State, conditioned for the payment of all prizes sold and drawn in any of the lotteries authorized by this act, and also for the payment by the said Richard France, or by his assignee or assignees, to the State Treasurer of this State, of the sum of seven hundred and twenty thousand dollars of lawful money, as follows: that is to say, the sum of eighteen thousand dollars, part thereof to be paid on or before the first day of July now next ensuing, and the further sum of eighteen thousand dollars on or before the first day of January now next ensuing, and the balance thereof in thirty-eight equal semi-annual instalments of eighteen thousand dollars each, to be paid on or before the first day of July, and the first day of January, in each and every year thereafter.

Bond for payment of prizes.

Also for payment of \$720,000, \$18,000 on the first day of July next, \$18,000 on the first day of January next, balance in thirty-eight equal semi-annual instalments, to be paid, first day of July and first day of January, in every year thereafter.

SEC. 5. *And be it further enacted, by the authority aforesaid,* That upon a failure to pay to the State Treasurer aforesaid, any one of the several payments, as provided for in the fourth section of this act, within thirty days after the same shall have become due and payable, then all the grants, liberties and privileges herein contained and specified, shall from thenceforth cease and be of no effect.

On failure to pay within thirty days, grant forfeited.

SEC. 6. *And be it further enacted, by the authority aforesaid,* That the said sum of seven hundred and twenty thousand dollars be, and the same is and shall be appropriated to and divided among the corporations, and for the purposes hereinbefore named, in the following proportions: that is to say, to "The Delaware Railroad Company" the sum of one hundred and six thousand dollars, to be applied exclusively to the extension of said railroad from Seaford south to the line of Maryland; to "The Maryland and Delaware Railroad Company" the sum of one hundred and fourteen thousand dollars; to "The Mispillion and Choptank Railroad Company" the sum of seventy-four thousand dollars; to "The Frederica Railroad Company" the sum of forty-eight thousand dollars; to "The Junction and Breakwater Railroad Company" the sum of two hundred and seventy-six thousand dollars; to "The Murderkill Navigation Company" the sum of ten thousand dollars, to be paid to Robert J. Lowber, Paris T. Carlisle, S. C. Boon, Joseph H. Whitaker and Joseph Smithers, or the directors of the said company for the time being; the sum of ten thousand dollars, to be paid to Jefferson Moore, Alfred O. Clifton and David Needles, commissioners appointed for the purpose of building an academy, purchasing and improving the grounds necessary therefor, at Felton, in Kent county, and such other buildings and improvements at Felton as the said commissioners may deem proper, out of any surplus of money that may remain after the building the said academy and making said improvements; the sum of ten thousand dollars for the improvement of the navigation of Duck Creek, otherwise called Smymna Creek; the sum of ten thousand dollars for the stopping of the mouth of Old Duck Creek, the said last-mentioned sums of ten thousand dollars each, to be paid to George W. Cummins, Isaac Short and Jonathan Brown, commissioners hereby appointed to superintend and conduct such last-named improvements; the sum of ten thousand dollars for the improvement of the navigation of the creek leading up to Leipsie, in Kent County, the said last-mentioned sum to be paid to Thomas H. Denny, Alexander Laws and George W. Spicer, commissioners hereby appointed to superintend and conduct said last-named improvements; the sum of two thousand dollars for the purpose of building an academy at Concord, in Sussex County, the said last-mentioned sum of two thousand dollars to be paid to Thomas A. Jones, George W.

Money distributed.
How.

\$106,000 to the Delaware Railroad Company, for extension.

To M. & D. R. R. Co., \$114,000.
To M. & Choptank R. R. Co., \$74,000.

To Fred'a R. R. Co., \$48,000.

To J. & Breakwater R. R. Co., \$276,000.

To M. Nav. Co., \$10,000.

\$10,000 for an academy at Felton, and other buildings.

\$10,000 for improvement of Duck Creek.

\$10,000 for stopping mouth of Old Duck Creek.

\$10,000 for improvement of Leipsie Creek.

\$2,000 for an academy at Concord.

Green and James Morgan, commissioners hereby appointed to superintend and conduct the said last-mentioned building and improvements; the sum of five thousand dollars for the building a store-house, ticket-office and water-tank at Townsend, in New Castle County; the sum of four thousand dollars for the purpose of building a Methodist Protestant Church at Townsend aforesaid, which said last-mentioned sum of four thousand dollars to be paid to John M. Naudain, Levi W. Lattomus and William Wilson, commissioners hereby appointed to build the said church, which said church, when built, shall be free for the use of all other orthodox Christian denominations, when not in the actual use of the said Methodist Protestant Society; and the said sum of four thousand dollars, for the building the said store-house, ticket-office and water-tank, shall be paid to "The Delaware Railroad Company" for the purposes aforesaid; the sum of three thousand dollars, to be paid to the said "The Delaware Railroad Company," for the purpose of finishing the fencing of said Delaware Railroad in New Castle County; the sum of eleven thousand dollars, that is to say, the sum of one thousand dollars to each of the eleven school districts in Appoquinimink Hundred, in New Castle County, to be paid to each of the school committees of said several school districts; and the remaining twenty-seven thousand dollars to be paid to the Levy Court of New Castle County, or to their order, to aid in the building of a new court-house, and the necessary public offices, in the town of New Castle, in this State. And upon the payment of the said several sums of money aforesaid, as the same shall severally be made to the State Treasurer aforesaid, it shall be the duty of the said State Treasurer, within thirty days after the receipt of each and every payment as aforesaid, to pay over to the said several corporations and commissioners aforesaid their just, full and proportionable shares, *pro rata*, of such several payments, in proportion to the said several sums to the said corporations and commissioners appropriated by this act. *Provided*, That no money hereby appropriated shall be paid by the said State Treasurer, to be expended by either of the said corporations or commissioners, in or for the construction of any railroad or other improvements without the limits of this State.

\$5,000 for store-house, tank, &c. at Townsend Station.
\$4,000 for M. P. Church at Townsend.

\$3,000 to fence Del. R. R. in New Castle Co.

\$1,000 to each of the eleven school districts in Appoquinimink H., N. C. County.

\$27,000 to Levy Court, N. Castle Co., for building new court-house and public offices.

State Treasurer to pay over within thirty days.

Pro rata.

Provided; that none of the money be expended for any improvements out of this State.

SEC. 7. *And be it further enacted by the authority aforesaid*, That the Governor of this State shall appoint two Commissioners to superintend the drawings of all lotteries by this act authorized; and he shall have power to fill any vacancy that may occur in the said office of commissioner; and the said commissioners shall receive each the sum of one dollar for actual attendance at each drawing of said lotteries, to be paid by the said Richard France, or his agent or agents, assignee or assignees.

Governor to appoint two commissioners.

Fees: how paid.

Public act.

SEC. 8. *And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and it shall take effect from its passage.*

Passed at Dover, January 26, 1859.

CHAPTER DVIII.

A FURTHER ADDITIONAL SUPPLEMENT to the Act entitled "*An Act to extend the time for recording of Deeds.*"

Time for recording deeds, &c., extended to Jan. 1, 1861.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all deeds or letters of attorney, concerning lands, tenements, or hereditaments, sealed and delivered on or before the first day of January one thousand eight hundred and fifty nine, first being acknowledged or proved and the acknowledgment or proof certified according to the laws of this State in force at the time when such acknowledgment or proof was made, may, with the certificate of the acknowledgment or proof and all endorsements and annexations be recorded in the office for recording of deeds in the county wherein such lands, tenements and hereditaments or any part thereof are situated, if lodged in such office on or before the first day of January, in the year of our Lord, one thousand eight hundred and sixty one; and the said record, or a copy thereof, shall be sufficient evidence. And from and after the first day of January, in the year last aforesaid, no deed or letter of attorney, sealed before the first day of January, in the year of our Lord one thousand eight hundred and fifty-nine, shall be recorded.*

Passed at Dover, January 27, 1859.

CHAPTER DIX.

AN ACT vesting in the widow and children of John Endser, deceased, the right of the State of Delaware in certain real estate.

Private Act.

Passed at Dover, January 27, 1859.

CHAPTER DX.

AN ACT to allow an additional Justice of the Peace in Sussex County.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each House concurring,) That the county of Sussex shall be entitled to one justice of the peace in addition to the number now allowed by law, and that he shall be appointed and continue to reside in Broadkilm Hundred, and in the town of Milton.

An additional justice of peace allowed to Sussex County. To reside at Milton.

Passed at Dover, January 27, 1859.

CHAPTER DXI.

AN ACT to divorce John Morris and Hester Ann Morris, his wife, formerly Hester Ann Whaley, from the bonds of matrimony.

Private Act.

Passed at Dover, January 27, 1859.

CHAPTER DXII.

Revised Code,
chapter 86.

AN ACT to extend the provisions of Chapter 85 of the Revised Statutes in cases of the partition of real estate where there is a widow of the intestate.

Provisions of
chapter 85,
Revised Code,
touching parti-
tion of intestate
real estate,
touching right of
widow to elect.

Extended to
proceedings
hereafter had.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That all the provisions of chapter 85 of the Revised Statutes of this State, touching the partition of intestate real estate in cases where there is or shall be a widow of the intestate, so far as said provisions or any of them concern the right of the widow to elect, to take in lieu of dower by metes and bounds an equivalent share of the valuation money or proceeds of sale of the whole of the intestate real estate, so far as said provisions or any of them are intended or adapted to give effect to said right or to said election when made, and to secure such equivalent share to the widow so electing to take the same, be, and the same are hereby extended, to all proceedings hereafter had for the partition of intestate real estate, as well with respect to lands, tenements and hereditaments of which the owner thereof shall have died intestate before the date at which the Revised Statutes of this State took effect, as with respect to lands, tenements and hereditaments of which the owner thereof shall have died intestate since said date.

Passed at Dover, January 27, 1859.

CHAPTER DXIII.

AN ACT for the relief of Parthenah A. Tarr.

Private Act.

Passed at Dover, January 27, 1859.

CHAPTER DXIV.

AN ACT to incorporate the New Castle Building and Loan Association of the town of New Castle.

WHEREAS, On the third day of April, A. D. eighteen hundred and fifty-eight, Andrew C. Gray, George Janvier, Allen V. Lesley, James Crippen, Thomas M. Ogle, James G. Shaw, Ferdinand Leckler, William Herbert, John Janvier, and Peter B. Vandiver and others, associated themselves together, and assumed the name and style of the "New Castle Building and Loan Association:" and whereas the said association has not yet been chartered by an act of the General Assembly; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring therein,) That the said* Andrew C. Gray, George Janvier, Allen V. Lesley, James Crippen, Thomas M. Ogle, James G. Shaw, Ferdinand Leckler, William Herbert, John Janvier, and Peter B. Vandiver, and such other persons as now are or may at any time hereafter be associated with them, shall, from and after the passage of this act, and they are hereby created and made a body politic and corporate, by the name, style and title aforesaid, for the purpose of accumulating a fund from the monthly contributions and fines, premium on loans, and interest on investment, for the benefit of its members; and they and their successors are hereby ordained and declared a body politic and corporate in fact and in law, and by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or courts of law or equity in this State and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands whatsoever, with all the legal incidents of a corporation aggregate; and the said corporation may have and use a common seal, and at their pleasure alter or renew the same, and by the name, style and title aforesaid, shall have continuance and succession for a term not exceeding twelve years from the passage of this act.

Preamble.

Subscribers

Incorporated.

Powers.

Limited to twelve years.

SEC. 2. *And be it further enacted, by the authority aforesaid,* That the business of the said corporation shall be conducted and managed by a president, secretary and treasurer and nine directors, all of whom must be shareholders. Seven directors shall constitute a quorum. All the officers of the association shall be elected on the first Saturday in April, A. D. eighteen hundred and fifty-nine, and on the first Saturday in April annually there-

Officers.

Time of election

after. The present officers of the association shall continue in office until the first annual election.

SEC. 3. *And be it further enacted, by the authority aforesaid,* That the said corporation shall, by the name, style and title aforesaid, be able and capable of purchasing, receiving, having, holding, and enjoying to them and their successors and assigns, lands, tenements, hereditaments, annuities, money, bonds, mortgages, securities, goods and chattels of what nature or kind soever, real, personal and mixed: *Provided,* The same shall not exceed the sum of one hundred and twenty thousand dollars; and the same from time to time at their pleasure to sell, grant, demise, bargain, alien, convey, assign and dispose of, also to make such laws, rules, contracts and regulations, and the same to alter, amend or repeal as they and their successors shall deem to be proper and expedient for the good government and conducting the affairs or business of the said corporation, and generally to do all and singular the matters and things proper for the well being of the said corporation. *Provided,* The same shall not be contrary to this act, the constitution and laws of the United States or of the State of Delaware, and that nothing herein contained shall confer upon said company or corporation any banking power or privileges whatever.

SEC. 4. *And be it further enacted, by the authority aforesaid,* That all the acts and doings of the association referred to in the title of this act since its organization, are hereby legalized and confirmed, and shall be taken and deemed in law and equity to be the acts and doings of the corporation hereby created, and that all the property, rights, credits, effects, bonds, mortgages, securities, and other estate, real or personal, shall become the property, and the right and title thereof shall be vested in the same, in the same manner and to the same effect as if the said rights, credits, property, effects, bonds, mortgages, securities, and other estate, real and personal, together with the right and title, had originally belonged to this corporation.

SEC. 5. *And be it further enacted, by the authority aforesaid,* That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

. Passed at Dover, January 27, 1859.

CHAPTER DXV.

AN ACT to incorporate Wilmington and Brandywine Council,
No. 3, O. U. A. M., of Wilmington, Del.

SECTION 1. *Be 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 branch thereof concurring,) That William B. Scout, John Walker, jr., Amour C. Mitchel, John S. Bicking, John Bowers and John F. Sanders, and such other persons as now are or hereafter may become members of Wilmington and Brandywine Council, No. 3, O. U. A. M., located in the city of Wilmington, in New Castle County, State of Delaware, shall be by virtue of this act one body politic and corporate in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of "Wilmington and Brandywine Council, No. 3, Order of United American Mechanics of the State of Delaware, in the city of Wilmington." Members
Incorporated
for twenty years.
Name.

SEC. 2. *And be it further enacted,* That the said corporation and their successors, during the term of their corporate existence, shall be capable in law to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages, or money, or any other property whatsoever which may be devised, given or conveyed to, or received by the payment of fees, dues and fines, and also to grant, sell, let, bestow, assign or transfer the same, and do all other matters relating thereto by the name and title aforesaid; and shall have a common seal, with authority to break, alter and renew the same at pleasure; may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere, in any and all manner of actions, suits, complaints, pleas, causes and matters whatsoever. Powers.

SEC. 3. *And be it further enacted,* That the members of the corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of the said corporation, and properly manage its affairs conformable to the provisions of this act and to the by-laws of the said corporation, and from time to time make and establish such by-laws and rules as they shall deem proper and necessary for the good government thereof. *Provided,* Such by-laws and rules be not contrary to the laws and constitution of this State or of the United States. Officers.
By-laws.

SEC. 4. *And be it further enacted,* That the said corporation shall not have power to hold or possess in any manner, goods, Property limited to \$5,000.

No banking
privileges.

Public act.

Revocation.

chattels, rights, credits, lands or tenements, or any other property the clear income of which shall exceed the sum of five thousand dollars; and shall not possess any banking power, other than the loaning of money on security for permanent investment.

SEC. 5. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and the power to revoke this charter at any time is hereby reserved to the Legislature.

Passed at Dover, January 27, 1859.

CHAPTER DXVI.

Vol. 11, p. 458.

A SUPPLEMENT to the Act entitled "An Act to incorporate the Young Men's Association for Mutual Improvement of the city of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, as follows, to wit: (two-thirds of each branch of the Legislature concurring herein.)

Name changed
to the Wilming-
ton Institute.

SECTION 1. That the name and style of the corporation created by the act to which this is a supplement, be, and the same is hereby changed, from that of "The Young Men's Association for Mutual Improvement of the city of Wilmington," to that of "The Wilmington Institute," by which last-mentioned name the said corporation shall continue to have succession for the purposes named in the act aforesaid, and with all the powers and franchises incident to a corporation under the laws of the State of Delaware.

Members of the
Library Com-
pany of Wilming-
ton to be mem-
bers of the Wil-
mington Insti-
tute.

Property, &c.,
of the Library
Company to be
vested in the
Wilmington
Institute.

SEC. 2. That the members at present being of the Library Company of Wilmington, shall be members of the corporation created by the act to which this is a supplement, and the said membership shall be perpetuated, governed or dissolved according to the constitution and by-laws of the said corporation; and that all the immunities and franchises, and all the rights, properties and effects, credits and dues belonging to the said "The Library Company of Wilmington," shall be and are hereby vested in the aforesaid corporation, herein named and styled "The Wilmington Institute."

SEC. 3. That no misnomer of the corporation created by the act to which this is a supplement, in any deed, will, testament, gift, grant, demise, contract, or other instrument, shall avoid or vitiate the same: *Provided*, There be sufficient to ascertain the intent of the parties.

No misnomer of the corporation shall vitiate any deed, gift, &c.

SEC. 4. That this act shall take effect from the day of its passage; it shall also be deemed and taken to be public, and shall continue in force for twenty years, unless sooner revoked by the Legislature.

Public act.

Passed at Dover, January 27, 1859.

CHAPTER DXVII.

AN ACT dissolving the bonds of matrimony between Comfort C. Bryon and Jacob Bryon, her husband.

Private Act.

Passed at Dover, January 28, 1859.

CHAPTER DXVIII.

AN ACT to enable William T. Otwell, to locate certain vacant land in Dagsborough Hundred, Sussex County, and to complete his title to the same.

Private Act.

Passed at Dover, January 28, 1859.

CHAPTER DXIX.

AN ACT to change the name of the place called Clark's Corner or Junction Station.

Clark's Corner
or Junction
Station changed
to Harrington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the place called Clark's Corner or Junction Station, on the Delaware Railroad, in Mispillion Hundred, Kent County, and State of Delaware, shall, from and after the passage of this act, be called and known by the name of Harrington, which shall be its proper designation:

Passed at Dover, January 31, 1859.

CHAPTER DXX.

Vol. 10, p. 320.

A FURTHER SUPPLEMENT to the Act entitled "An Act to limit the city debt of Wilmington, and to provide for the discharge thereof," passed February 21st, 1849.

Mayor and council of Wilmington authorized to borrow \$15,000, for the improvement of the city water-works.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch of the Legislature concurring therein,) That the mayor and council of Wilmington shall have power and authority, under an ordinance of the city council, to borrow the sum of fifteen thousand dollars, bearing interest at the rate of not more than six per centum per annum, payable semi-annually, the said sum of fifteen thousand dollars to be payable at such time or times and in such manner as the ordinance shall prescribe, and to be appropriated to the improvement of the city water-works in Wilmington, in laying a new main from the city pumps to the reservoirs; and should any surplus of the money so to be borrowed, remain unexpended after the completion of said improvement, the same shall be applied towards the extension of the water-pipes in the said city.

Surplus; how applied.

Sec. 2. *And be it further enacted,* That the city council shall \$1,000 to be appropriated annually, in the month of July, appropriate the sum of one thou-

sand dollars for the redemption of the loan authorized by the next
 foregoing section until the entire amount of the same shall have
 been redeemed. The first appropriation under this section shall
 be made in the month of July in the year of our Lord one thou-
 sand eight hundred and sixty.

ally for the re-
 demption of said
 loan.

First appropria-
 tion to be made
 in July, 1860.

SEC. 3. *And be it further enacted*, That the mayor and council
 of Wilmington shall have power and authority, under an ordinance
 of the city council to be passed with the concurrence of four-fifths
 of all the members for the time being of the city council, at any
 time hereafter, to borrow for the purposes hereinafter mentioned
 any sum or sums of money not exceeding in the aggregate forty
 thousand dollars, bearing interest at the rate of not more than
 six per centum per annum, payable semi-annually—the sum or
 sums of money so to be borrowed to be payable at such time or
 times, and in such manner, as by ordinance shall be prescribed.
 Any money which shall be borrowed under the authority of this
 section may be appropriated for either or both the purposes fol-
 lowing as the city council shall, at any time, by ordinance to be
 passed as aforesaid, determine: that is to say, for the purchase of
 additional mill power on the Brandywine for the use of the city
 water works and also for the purchase of land in or near said
 city of Wilmington suitable for an additional reservoir, and for
 the construction of such reservoir, and of other works necessary
 for its use; but no sum of money borrowed under the authority of
 this section shall be appropriated to any other purpose whatever.

Also authorized,
 by vote of four-
 fifths of city
 council, to bor-
 row \$40,000.

How appropri-
 ated.

SEC. 4. *And be it further enacted*, That if any loan shall be
 effected by the mayor and council of Wilmington, under the au-
 thority of the next foregoing section, the city council of said city
 shall thereafter annually, in the month of July, appropriate a
 sum equal to five per centum upon the whole amount of such
 loan for its redemption, until the entire amount of the same shall
 have been redeemed. The first appropriation for the redemp-
 tion of said loan shall not be made within a less time than one
 year after the loan shall be effected.

Five per centum
 of last loan to be
 appropriated an-
 nually for its
 redemption.

Passed at Dover, January 31, 1859.

CHAPTER DXXI.

AN ACT to divorce *Harriet Miller* from her husband, *Evans Miller*.

Private Act.

Passed at Dover, January 31, 1859.

CHAPTER DXXII.

AN ACT to divorce *William H. Short* and *Caroline M. Short*,
his wife, from the bonds of matrimony.

Private Act.

Passed at Dover, January 31, 1859.

CHAPTER DXXIII.

AN ACT to divorce *Sarah Ann Brown* and her husband, *John D. Brown*, from the bonds of matrimony.

Private Act.

Passed at Dover, February 1, 1859.

CHAPTER DXXIV.

AN ACT to authorize the laying out a Public Road in Kent County.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That James Postles, James Sharp, William Sapp, Joseph H. Owens, and John Quillen, be and they are hereby appointed commissioners to open a public road in Milford Hundred, Kent County, beginning at a public road leading from the road between Milford and William Sapp's, on the lands of said William Sapp and William Masten, thence by the nearest and best route until it intersects a public road leading from Milford to Frederica, on the lands of James Sharp and Hezekiah Masten, in the hundred and county aforesaid, (where formerly there was a road called the Old Mill Road;) and the said commissioners, or a majority of them, shall have authority and they are hereby required to cause the same to be surveyed and opened as aforesaid, and to assess any damages which may accrue to the owner or owners of any land through which the said public road shall pass.

Commissioners to open public road in Milford Hun., Kent Co. where to be located.

Commissioners to assess damages.

SEC. 2. The expenses and damages, if any, attending the opening and making of the said road, shall be defrayed by the voluntary subscription of such persons as may be interested in opening the said road; and when opened and accepted by the Levy Court of said county, the same shall be kept in repair as other public roads in said county.

Damages; how paid.

SEC. 3. The commissioners, before entering upon the duty herein before mentioned, shall be severally sworn or affirmed to perform the duties imposed upon them by this act faithfully and impartially, according to the best of their skill and judgment; and they shall receive, for every day they are engaged in the performance of their duties under this act, the sum of one dollar each, to be paid by the parties interested as aforesaid.

Commissioners to be sworn or affirmed.

How paid.

Passed at Dover, February 1, 1859.

CHAPTER DXXV.

AN ACT to prevent the hauling of Seines longer than twenty Fathoms in the Salt and Fresh Ponds in Baltimore Hundred, Sussex County.

Drawing of
seines or nets
longer than
twenty fathoms
in ponds of Bal-
timore Hundred,
Sussex County,
prohibited.

SECTION 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 passing of this act, no person or persons shall haul or draw a seine or seines connected in any manner, or a net or nets connected longer than twenty fathoms, in either the salt or fresh ponds in Baltimore Hundred, Sussex County.

Penalty, \$20.00.

How applied.

Nets or seines to
be destroyed.

SEC. 2. *And be it further enacted,* That if any person or persons, after the passing of this act, haul or draw a seine or seines connected in any manner, in the salt or fresh ponds, or either of them, every such person so offending shall, for every such offence, forfeit and pay the sum of twenty dollars, to be recovered, with cost of suit, before any justice of the peace for Sussex County, in the same manner that debts not exceeding one hundred dollars are now recoverable by law; and the said sum of twenty dollars shall be applied the one-half thereof to the use of the person or persons suing for the same, and the other half thereof to School District No. 28, in Sussex County; and it shall be a part of every such judgment that the said seine or seines, or net or nets complained of, shall be destroyed; and a separate warrant shall be issued by such justice of the peace aforesaid, to be directed to any constable of the said county, to cause such seine or seines, or net or nets, to be destroyed; and such warrant shall be sufficient authority for so doing.

Passed at Dover, February 1, 1859.

CHAPTER DXXVI.

AN ACT for the benefit of Amelia Saulsbury, a non-resident free negro.

Private Act.

Passed at Dover, February 1, 1859.

CHAPTER DXXVII.

AN ACT to divorce *Mary C. Buckley*, (formerly *Mary C. Davis*)
and *Thaddeus S. W. Buckley* from the bonds of matrimony.

Private Act of 1888

Passed at Dover, February 2, 1859.

use of the public, and not for other purposes. The same is hereby declared to be a public highway for the use of the public, and not for other purposes.

CHAPTER DXVII.

AN ACT to divorce Mary Ann McFarraw and George McFar-
raw, and to ran from the bonds of matrimony to them, &c.

Private Act.

Passed at Dover, February 2, 1859

que a ele não deu lugar. O juiz não se pronunciou sobre a validade ou não da ignomina, mas os laudos do júri não foram considerados para a decisão final. O juiz declarou que a ignomina não era uma pena, mas uma sanção social, e que a decisão do júri não era vinculativa para o juiz. O juiz também declarou que a ignomina não era uma pena, mas uma sanção social, e que a decisão do júri não era vinculativa para o juiz.

CHAPTER DXXIX

AN ACT for the benefit of the heirs at law of Isaac and Thomas Willen, deceased.

Private Act.

Passed at Dover, February 2, 1859

CHAPTER DXXX.

Vol. 8, p. 78.

A SUPPLEMENT to the Act entitled "*An Act to incorporate a Company for making an Artificial Turnpike Road from the borough of Wilmington to the village of Christiana, in New Castle County,*" passed at Dover, January 30, 1815.

Portion of turnpike road made public highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch of the Legislature concurring herein,) That, from and after the passage of this act, all that portion of the turnpike road made by the company incorporated by the act to which this is a supplement under its provisions, which extends from the junction of said turnpike with a public road, known as the Ogletown Road, to the village of Christiana, shall be, and the same is hereby declared to be, a public highway, free for the use of the public, without toll or charges.

And to be kept in repair as other public roads.

SEC. 2. *And be it further enacted,* That from and after the passage of this act, so much of the aforesaid turnpike as may become free for the use of the public under the foregoing section, shall, together with any bridge or bridges erected or to be erected thereon, be kept in repair and maintained in the same manner as other public roads and bridges in the hundred where such portion of said turnpike is situated are repaired and maintained; and the company incorporated by the act to which this is a supplement shall be, and it is hereby declared to be, exempt from all obligation and liability for or in respect to the repairing or maintenance of the afore-mentioned portion of said turnpike.

Company to accept this act within six months, or to be void.

Now accepted.

Certificate of acceptance to be filed in office of Secretary of State.

SEC. 3. *And be it further enacted,* That the said company, incorporated by the act to which this is a supplement, shall, within six months after the passage of this act, certify to the Governor their acceptance of the same, or it shall be void and of no effect. The certificate of such acceptance shall be made in pursuance of a resolution adopted by the stockholders of said company, or a majority of them, present and voting according to the provisions of the third section of the act incorporating said company, either at the next ensuing annual meeting thereof, or or at any meeting called by the president upon two weeks' notice in one or more newspapers of this State. The certificate shall be under the hand of the president and secretary of said company, and it shall be filed in the office of the Secretary of State.

Passed at Dover, February 2, 1859.

CHAPTER DXXXI.

AN ACT to protect certain birds in the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That it shall not be lawful for any person to kill, take or destroy, in any of the counties of this State, any ortolan or reedbird or rail, between the first day of July and the fifth day of September in any year, under penalty of forfeiting, for every one so killed, taken or destroyed, one dollar; and every person having such bird or birds in possession, shall be deemed to have killed, taken or destroyed the same, unless he proves to the contrary: *Provided,* That this act shall not prohibit any person from killing such bird or birds on his own lands at any time.

The destruction of ortolan, reedbird or rail prohibited between the 1st day of July and the 5th day of Sept.

Penalty, \$1.

Possession presumptive evidence of killing.

Proviso.

SEC. 2. *And be it further enacted,* That if any person, not a citizen of this State, shall kill any such bird upon land not owned or occupied by himself, without license from the owner or occupant thereof, he shall forfeit and pay five dollars for each and every bird so killed, and shall be liable also as a trespasser.

Non-resident prohibited from killing such birds except on his own lands. Penalty.

SEC. 3. *And be it further enacted,* That all penalties and forfeitures incurred under this act shall belong to the informer, and be for the use of any one who will sue for the same in his own name; and the same shall be recoverable before any justice of the peace, if under one hundred dollars.

Penalties to belong to informer.

If recovered.

SEC. 4. *And be it further enacted,* That the Secretary of State shall cause this act to be published in at least three newspapers printed in the State, for a period of four weeks prior to the first day of September next.

Secretary of State to publish this act.

Passed at Dover, February 2, 1859.

CHAPTER DXXXII.

AN ACT to create an additional School District in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Lot Cloud, A. H. Grimshaw, M. D., and Samuel McCaulley, be and they are hereby appointed commissioners, to go upon and view school districts number three, (3) and eight, (8,) in New Castle County, and locate and lay out from said districts one additional school district, as to them shall seem just and proper. And when the said commissioners, or a majority of them, shall have so located and laid out said additional school district, they, or a majority of them, shall make return of the same, describing plainly the metes and bounds thereof, unto the office of the clerk of the peace of New Castle county, to be by him filed among the records of his office; said return shall be made on or before the first day of June next; and within ten days thereafter the clerk of the peace shall make a copy thereof, and deliver the same to the trustee of the School Fund. And from and after the first day of June aforesaid, the additional school district, to be formed under the provisions of this act, shall be deemed and taken to be a school district of New Castle county, and numbered in continuation of school districts already established by law in said county; and all the acts of the General Assembly of this State for the general regulation, government, and benefit of free schools within this State, shall be extended and applied to said additional school district to be created under the provisions of this act; and the trustee of the School Fund, in the future distribution of the School Fund applicable to school districts in New Castle County, shall have due regard to the return of said commissioners, as the same may be made and filed as aforesaid, giving to the said additional school district in New Castle County an equal proportion of the money in his hands annually applicable to school districts of said county.

Commissioners to locate an additional district out of Nos. 3 and 8 in New Castle Co.

Return.

Where filed.

When made.

Clerk of peace to deliver copy to trustee of school fund.

School laws to be applicable to the new district.

Commissioners to be sworn or affirmed.

Compensation.

SEC. 2. *And be it further enacted,* That the commissioners appointed by this act shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity; and for each and every day the said commissioners may be employed in the discharge of their duties, under the provisions herein contained, they shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeals of New Castle County.

Passed at Dover, February 2, 1859.

CHAPTER DXXXIII.

AN ACT to enable the Governor to appoint an additional Justice of the Peace and Notary Public for Sussex County.

SECTION 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 to appoint an additional justice of the peace for Sussex County, who shall reside at the town of Seaford, in North West Fork Hundred; also, to appoint said justice of the peace a notary public, with all the privilege and powers relating to such office, *also to appoint said justice a notary public.*

SECTION 2. And be it further enacted, That this act shall repeal all laws or parts of laws, so far as they may be inconsistent herewith, and be deemed a public act. *Inconsistent acts repealed.*

Passed at Dover, February 2, 1859.

CHAPTER DXXXIV.

AN ACT to repeal the Act entitled "An Act to prevent the Banks of this State from issuing notes of a less denomination than five dollars." *Vol. 11, p. 492.*

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

SECTION 1. That the act entitled "An act to prevent the banks of this State from issuing notes of a less denomination than five dollars," passed at Dover, March 3, 1857, be and the same is hereby repealed, made null and void. *Acts prohibiting banks from issuing notes of less denomination than \$5 repealed.*

Passed at Dover, February 2, 1859.

CHAPTER DXXXV.

Vol. 11, p. 60. **[AN ACT to amend an Act entitled "An Act in relation to Roads and Highways in Mill Creek Hundred, in New Castle County."]*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the act entitled "An act in relation to public roads and highways in Mill Creek Hundred, in New Castle County," be amended as follows, viz.: insert after the word "aforesaid," and before the word "and," where they occur in the sixteenth line of section 4 of said act, "but at any sale no purchaser of any one section shall be entitled to bid for any other section subsequently offered for sale, until such section shall have been offered and refused to be taken by any other bidder."

Sec. 4 amended.

Passed at Dover, February 3, 1859.

CHAPTER DXXXVI.

AN ACT to divorce *Mary Ann Gray* and her husband, *Peter Gray*, from the bonds of matrimony.

Private Act.

Passed at Dover, February 3, 1859.

* No title in original.

CHAPTER DXXXVII.

AN ACT to amend Chapter 61 of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.* That Chapter 61 of the Revised Statutes of Delaware be and the same is heroby amended by adding the following to said chapter as a fourth section thereof: "Any person may erect, or raise a dam to raise water for working any mill, upon and across any stream in this State, where it is not navigable, upon the terms and conditions, and subject to the regulations hereinafter expressed. No such dam shall be erected to the injury of any mill lawfully existing above it upon the same stream; nor to the injury of any mill site above it on the same stream; nor shall any dam be so erected or raised as to back the water upon any lands of a contiguous owner through or over which there is a fall of more than three feet; nor unless the person or persons applying shall be the owner or owners of the land where the abutment of said dam is built on one side of the stream. The Court of General Sessions of the Peace and Jail Delivery within each county shall have jurisdiction on all applications to authorize the building or raising of any dam in such county. The proceedings shall be by petition to the court upon fourteen days' notice, in writing, to all persons owning or holding land that will be affected by raising or building such dam; and such notice may be served to persons residing in the county personally, or by leaving a copy at his or her dwelling house; and persons residing out of the county by a copy sent to their address by mail. The court shall by order appoint five disinterested and substantial freeholders of the county as commissioners, directing them to go upon and view the premises embraced within the application for authority to raise or erect any dam; and in conformity with section 2 of this act, after due and careful examination of these premises, they shall determine to what height it shall be lawful for the person or persons making application to raise or build such dam; and they shall affix some durable mark at some place convenient and contiguous to such dam, to designate the height thereof: they shall also assess the full value of the damages that each owner of the lands may sustain by reason of the erection or raising of such dam, taking into consideration the benefit as well as damages accruing to such owners; and shall make return in writing, on the first day of the next term of the court holden after their appointment, of their proceedings, clearly set forth in writing under their hands or the hands of a majority of them. Before the said

Revised Code,
chapter 61,
amended by add-
ing thereto
another section.

Power to erect
dams granted.

Terms and con-
ditions.

Court of General
Sessions of the
Peace and Jail
Delivery to have
jurisdiction upon
applications to
raise or build
dams.

Proceedings.

Notice.

How served.

Order of court
appointing com-
missioners.

Duties of.

Return; when
made.

Commissioners to be sworn or affirmed.	commissioners shall enter upon the discharge of their duties under this act, they shall severally take and subscribe an oath or affirmation to perform their duty with fidelity. The commissioners may employ a surveyor or civil engineer to go upon the premises
Compensation.	with them, if they deem it necessary. The commissioners and surveyor, or civil engineer, shall be paid the sum of two dollars for each and every day they may be employed under the order. If any owner or owners of land affected by raising or building any dam, shall be dissatisfied with the damages assessed to him or them, as returned by the commissioners or a majority of them on an order for viewing, and shall apply to the court, within six days after the return, for an order of review, the court shall
Review.	grant such order, and appoint five other suitable persons to review the premises and reassess the damages to the lands of such persons as join in the application for a review, and which are or will be damaged by the raising or building of said dam. If no greater damages are allowed to the owner of any land than were given on the first order, said owner shall not receive any larger sum than is assessed by the commissioners appointed on the order of review.
Expenses; how paid.	All expenses on each order of court shall be paid by the person or persons who apply for the order. Whenever any person or persons who make any application to raise or build any dam, shall have paid the damages assessed in conformity with this act, or in case of a refusal to receive any of said damages, shall have made a lawful tender of the sums so refused, he or they shall have authority to raise or build such dam to the height as returned by the commissioners, or a majority of them, who were appointed upon his or their petition.
Chapter 61 of Revised Code to be published as amended.	SEC. 2. <i>And be it enacted</i> , That in any edition of the laws of this State, to be hereafter published, the said Chapter 61 of the Revised Statutes of the State of Delaware shall be printed as herein by this act amended.

Passed at Dover, February 3, 1859.

CHAPTER DXXXVIII.

(CHAPTER 61 REVISED CODE, AS AMENDED.)

CONCERNING MILLS.

Sec. 1. Rates of toll.

2. Injuries to ancient mill-vents by new.
How inquired of and redressed.Sec. 3. Liability of upper mill discharging
water without notice to lower mill.

SECTION 1. The legal toll for grinding wheat, rye, indian corn, buckwheat, or malt, shall be, in New Castle County, a tenth part; in Kent and Sussex, for grinding wheat, or malt, a tenth part, and for grinding indian corn, rye, and buckwheat, an eighth part; and if any miller shall take more toll than this, he shall forfeit and pay fifteen dollars, and costs, to any one who will sue for the same.

SEC. 2. If the owner of a mill, now built, shall be injured by any mill-race, dam, or pond, to be made by any other person, the Superior Court shall, upon his petition, issue a writ to the sheriff, commanding him to summon a jury of twelve lawful men to view the premises in the presence of the parties, or upon due notice to them, and to appear at the next term of the said court to determine, after due trial, whether any and what damage the plaintiff has sustained by means of said race, dam, or pond; and the court shall render judgment according to such verdict, with costs, and may issue execution therefor. But if the jury shall, by their verdict, find that such race, dam, or pond, so injures any mill above or below it that it ought not to continue, the said court shall order the maker thereof to abate the same, and may enforce such order by imprisonment; and may also order the party injured to abate the same.

No petition shall be filed, under this section, after six years from the accruing of the cause of such action, saving the rights of infants, femes covert, and insano persons, for one year after disability removed.

SEC. 3. If any owner, or tenant, of any mill worked by water-power, shall, wilfully and knowingly discharge from the pond an unusual quantity of water; or if, by the accidental breaking, overflowing, of any mill-dam, an unusual quantity of water should be discharged, it shall be the duty of the owner, tenant, or person having 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, tenant, or keeper, who may reside at or nearest to any mill which may be situated next below upon the same stream; and for neglect-

ing to give such notice, the offender shall pay double the damages which may be sustained by the owner, tenant, or keeper, of any such lower mill, with costs of suit.

Power to erect
dams granted.

Terms and
conditions.

Court of General
Sessions of the
Peace and Jail
Delivery to have
jurisdiction upon
applications to
raise or build
dams.

Proceedings.
Notice.

How served.

Order of court
appointing com-
missioners.

Duties of.

Return; when
made.

Commissioners
to be sworn or
affirmed.

Compensation.

SEC. 4. Any person may erect, or raise a dam to raise water for working any mill, upon and across any stream in this State, where it is not navigable, upon the terms and conditions, and subject to the regulations hereinafter expressed. No such dam shall be erected to the injury of any mill lawfully existing above it upon the same stream; nor to the injury of any mill site above it on the same stream; nor shall any dam be so erected or raised as to back the water upon any lands of a contiguous owner through or over which there is a fall of more than three feet; nor unless the person or persons applying shall be the owner or owners of the land where the abutment of said dam is built on one side of the stream. The Court of General Sessions of the Peace and Jail Delivery within each county shall have jurisdiction on all applications to authorize the building or raising of any dam in such county. The proceedings shall be by petition to the court upon fourteen days' notice, in writing, to all persons owning or holding land that will be affected by raising or building such dam, and such notice may be served to persons residing in the county personally, or by leaving a copy at his or her dwelling house, and persons residing out of the county by a copy sent to their address by mail. The court shall by order appoint five disinterested and substantial freeholders of the county as commissioners, directing them to go upon and view the premises embraced within the application for authority to raise or erect any dam; and in conformity with section 2 of this act, after due and careful examination of these premises, they shall determine to what height it shall be lawful for the person or persons making application to raise or build such dam; and they shall affix some durable mark at some place convenient and contiguous to such dam, to designate the height thereof; they shall also assess the full value of the damages that each owner of the lands may sustain by reason of the erection or raising of such dam, taking into consideration the benefit as well as damages accruing to such owners, and shall make return in writing, on the first day of the next term of the court holden after their appointment, of their proceedings clearly set forth in writing under their hands or the hands of a majority of them. Before the said commissioners shall enter upon the discharge of their duties under this act, they shall severally take and subscribe an oath or affirmation to perform their duty with fidelity. The commissioners may employ a surveyor or civil engineer to go upon the premises with them, if they deem it necessary. The commissioners and surveyor, or civil engineer, shall be paid the sum of two dollars for each and every day they may be employed under the order. If any owner or owners of land

affected by raising or building any dam, shall be dissatisfied with the damages assessed to him or them, as returned by the commissioners, or a majority of them, on an order for viewing, and shall apply to the court within six days after the return for an order of review, the court shall grant such order, and appoint five other suitable persons to review the premises and reassess the damages to the lands of such persons as join in the application for a review, and which are or will be damaged by the raising or building of said dam. If no greater damages are allowed to the owner of any land than were given on the first order, said owner shall not receive any larger sum than is assessed by the commissioners appointed on the order of review.

Review.

All expenses on each order of court shall be paid by the person or persons who apply for the order. Whenever any person or persons who make any application to raise or build any dam, shall have paid the damages assessed in conformity with this act, or in case of a refusal to receive any of said damages, shall have made a lawful tender of the sums so refused, he or they shall have authority to raise or build such dam to the height as returned by the commissioners, or a majority of them, who were appointed upon his or their petition.

Expenses; how paid.

CHAPTER DXXXIX.

AN ACT to incorporate the Camden Union Camp-ground, in Kent County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring as follows, viz. :)

SECTION 1. Charles M. Wharton, Isaac Jump, Edward Lord, Isaac L. Crouch, Benjamin B. Townsend, Richbell Allaband, William McGonegal, Ezekiel Dawson, and Edmund J. Yard, are hereby made and declared to be a corporation and body politic, by the name of "The Camden Union Camp-ground for the Methodist Episcopal Churches of Delaware and Philadelphia," and by that name shall have succession for twenty years, and no longer; may sue and be sued, plead and be impleaded, may have and use a common seal, and may take, hold and receive by deed, gift or otherwise, any property real, personal or mixed, and have

Persons incorporated.

Name.

To continue for twenty years.

Corporate powers.

and hold the same to them, their successors and assigns, and may grant, demise and dispose thereof.

Trustees.
Powers of to fill
vacancies.

Manner of.

Quarterly Con-
ference recom-
mending the ap-
pointment of
trustee, the
board of trustees
to appoint person
recommended.

SEC. 2. The persons named in the foregoing section are hereby appointed permanent trustees of said corporation, with power to direct and manage the affairs thereof, and to fill vacancies occasioned by death, resignation or removal, as follows, viz.: In the event of the death, resignation, or removal from Philadelphia of any trustee residing there, a trustee shall be appointed from Philadelphia to fill the vacancy; in case of the death, resignation, or removal from Dover of any trustee residing there, the vacancy shall be filled by the election of another residing in Dover; in case of the death, resignation, or removal from the town of Camden of any trustee residing there, the vacancy shall be filled by the election of another residing in Camden; in case of the death, resignation, or removal of a trustee residing within the limits of Camden Circuit, as at present organized, and without the limits of the town of Camden, the vacancy shall be filled by the election of a trustee residing in that part of said circuit, without the limits of said town; and in case of the death, resignation, or removal of a trustee residing in Willow Grove Circuit, the vacancy shall be filled by another elected from said circuit. If also, at any time, the Quarterly Conference of any circuit or station embracing in its charge the church of which any trustee is or was last a member, shall on good and sufficient ground recommend to the board of trustees the appointment of another trustee in the place of one acting at the time of such recommendation, it shall be the duty of said board to remove and appoint in accordance with such recommendation.

Officers.

Annual meeting,
when and where
held.

Notice thereof.

Duties
of officers.

Secretary and
treasurer to give
security.

Trustees to
make by-laws.

Managers;
duties of.

SEC. 3. The trustees shall choose one of their number as president, and another as secretary and treasurer, at each annual meeting. The time for holding said annual meeting shall be the first Thursday in July: said meeting shall be held at Camden, Dover, or on the camp-ground, as a majority of said trustees may determine. Four weeks' notice of said meeting shall be duly published in two Delaware newspapers, and in the Christian Advocate and Journal, by the secretary and treasurer. A majority of said trustees shall constitute a quorum to do business. The secretary and treasurer shall have charge of the books and papers, shall keep the minutes of the meetings, and the accounts of the corporation. Any trustee shall have a right at all times to inspect the books. The secretary and treasurer shall be required to give security, in a sum to be fixed by the board of trustees, for the faithful discharge of his duties, and shall render his account annually to the board. The board of trustees may enact all necessary by-laws not inconsistent with the constitution or laws of this State or of the United States. They shall at their annual meeting appoint twenty-seven managers, whose duty it shall be to

preserve order on the camp-ground, and to manage the police arrangements thereof.

SEC. 4. The provisions of Section 10 of Chapter 39 of the Revised Statutes of this State, are applicable to the corporation hereby created. The yearly rents and profits of the whole real estate held by said corporation, clear of all expenses incident to the holding of camp-meetings, shall not exceed the sum of one thousand dollars; and said clear yearly rents shall be applied to beautifying, improving, and enlarging the camp-ground, and for such other purposes as the board of trustees may deem proper.

Sec. 10 of chap. 39 Revised Code applicable to this corporation. Yearly rents not to exceed \$1,000. How applied.

SEC. 5. It shall not be lawful for the keeper of any regularly established tavern or store, or for any person regularly established with a license to sell intoxicating liquor alone, under the provisions of the act entitled "An act regulating the sale of intoxicating liquors, etc.," passed at Dover March 3, 1857, or the keeper of any ale-house under the provisions of said act, located between the boundaries of said Camden Camp-ground and the limit of the town of Camden as at present laid out, in the direction of the said town, or within a half mile of said camp-ground in any other direction, to sell, offer for sale, or dispose of, or offer to dispose of any intoxicating liquor, bread, food, or other provisions or articles, during the continuance of the camp-meeting there held, or on the day before its commencement, without a written permission signed by a majority of the managers. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars: *Provided*, That nothing in this act contained shall extend or apply to any person who may have taken out a license to keep a store, tavern, or ale-house, or to sell intoxicating liquor as aforesaid, and become established as the keeper of such store, tavern, or alehouse, or for the sale of intoxicating liquor as aforesaid, within the limits aforesaid, during the period for which said license may have been granted; *And provided further*, That nothing herein contained shall in any way affect the provisions of Section 3 of Chapter 131 of the Revised Statutes of this State; but the penalty provided for in this section shall be cumulative.

No hotel-keeper, store-keeper, or keeper of an ale-house, shall sell liquors, provisions, &c., within certain limits, during camp-meeting, without permission from managers. Penalty for violation. Provided. Sec. 3 of chapter 131 not affected hereby. Cumulative.

SEC. 6. Power is hereby reserved to the Legislature to revoke this act of incorporation.

Revocation.

Passed at Dover, February 3, 1859.

and hold the same to them, their successors and assigns, and may grant, demise and dispose thereof.

Trustees,
Powers of to fill
vacancies.

Manner of.

Quarterly Con-
ference recom-
mending the ap-
pointment of
trustee, the
board of trustees
to appoint person
recommended.

SEC. 2. The persons named in the foregoing section are hereby appointed permanent trustees of said corporation, with power to direct and manage the affairs thereof, and to fill vacancies occasioned by death, resignation or removal, as follows, viz.: In the event of the death, resignation, or removal from Philadelphia of any trustee residing there, a trustee shall be appointed from Philadelphia to fill the vacancy; in case of the death, resignation, or removal from Dover of any trustee residing there, the vacancy shall be filled by the election of another residing in Dover; in case of the death, resignation, or removal from the town of Camden of any trustee residing there, the vacancy shall be filled by the election of another residing in Camden; in case of the death, resignation, or removal of a trustee residing within the limits of Camden Circuit, as at present organized, and without the limits of the town of Camden, the vacancy shall be filled by the election of a trustee residing in that part of said circuit, without the limits of said town; and in case of the death, resignation, or removal of a trustee residing in Willow Grove Circuit, the vacancy shall be filled by another elected from said circuit. If also, at any time, the Quarterly Conference of any circuit or station embracing in its charge the church of which any trustee is or was last a member, shall on good and sufficient ground recommend to the board of trustees the appointment of another trustee in the place of one acting at the time of such recommendation, it shall be the duty of said board to remove and appoint in accordance with such recommendation.

Officers.

Annual meeting,
when and where
held.

Notice thereof.

Duties
of officers.

Secretary and
treasurer to give
security.

Trustees to
make by-laws.

Managers;
duties of.

SEC. 3. The trustees shall choose one of their number as president, and another as secretary and treasurer, at each annual meeting. The time for holding said annual meeting shall be the first Thursday in July: said meeting shall be held at Camden, Dover, or on the camp-ground, as a majority of said trustees may determine. Four weeks' notice of said meeting shall be duly published in two Delaware newspapers, and in the Christian Advocate and Journal, by the secretary and treasurer. A majority of said trustees shall constitute a quorum to do business. The secretary and treasurer shall have charge of the books and papers, shall keep the minutes of the meetings, and the accounts of the corporation. Any trustee shall have a right at all times to inspect the books. The secretary and treasurer shall be required to give security, in a sum to be fixed by the board of trustees, for the faithful discharge of his duties, and shall render his account annually to the board. The board of trustees may enact all necessary by-laws not inconsistent with the constitution or laws of this State or of the United States. They shall at their annual meeting appoint twenty-seven managers, whose duty it shall be to

preserve order on the camp-ground, and to manage the police arrangements thereof.

SEC. 4. The provisions of Section 10 of Chapter 39 of the Revised Statutes of this State, are applicable to the corporation hereby created. The yearly rents and profits of the whole real estate held by said corporation, clear of all expenses incident to the holding of camp-meetings, shall not exceed the sum of one thousand dollars; and said clear yearly rents shall be applied to beautifying, improving, and enlarging the camp-ground, and for such other purposes as the board of trustees may deem proper.

Sec. 10 of chap. 39 Revised Code applicable to this corporation. Yearly rents not to exceed \$1,000.

How applied.

SEC. 5. It shall not be lawful for the keeper of any regularly established tavern or store, or for any person regularly established with a license to sell intoxicating liquor alone, under the provisions of the act entitled "An act regulating the sale of intoxicating liquors, etc.," passed at Dover March 3, 1857, or the keeper of any ale-house under the provisions of said act, located between the boundaries of said Camden Camp-ground and the limit of the town of Camden as at present laid out, in the direction of the said town, or within a half mile of said camp-ground in any other direction, to sell, offer for sale, or dispose of, or offer to dispose of any intoxicating liquor, bread, food, or other provisions or articles, during the continuance of the camp-meeting there held, or on the day before its commencement, without a written permission signed by a majority of the managers. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars:

No hotel-keeper, store-keeper, or keeper of an ale-house, shall sell liquors, provisions, &c., within certain limits, during camp-meeting, without permission from managers.

Penalty for violation.

Provided, That nothing in this act contained shall extend or apply to any person who may have taken out a license to keep a store, tavern, or ale-house, or to sell intoxicating liquor as aforesaid, and become established as the keeper of such store, tavern, or alehouse, or for the sale of intoxicating liquor as aforesaid, within the limits aforesaid, during the period for which said license may have been granted; *And provided further*, That nothing herein contained shall in any way affect the provisions of Section 3 of Chapter 131 of the Revised Statutes of this State; but the penalty provided for in this section shall be cumulative.

Proviso.

Sec. 3 of chapter 131 not affected hereby. Cumulative.

SEC. 6. Power is hereby reserved to the Legislature to revoke this act of incorporation.

Revocation.

Passed at Dover, February 3, 1859.

CHAPTER DXL.

AN ACT to divorce John V. Price and Mary Jane, his wife,
late Mary Jane Prior, from the bonds of matrimony.

Private Act.

Passed at Dover, February 3, 1859.

CHAPTER DXLI.

AN ACT to incorporate the Wilmington and Delaware River
Railroad Company.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware, in General Assembly met, (two-thirds of
each branch of the Legislature concurring,)*

Stockholders
incorporated.

Name.

Corporate
powers.

No banking
privileges.

Capital stock.

How invested

SECTION 1. That Samuel McClary, Jr., Zadock Townsend, James M. Watson, Eli Todd, and Philip Quigley, and all such persons as are or shall become stockholders in a company now forming for the construction of a railroad from the city of Wilmington to the river Delaware, as hereinafter is provided, and their successors and assigns, to be and they are hereby made and declared to be a corporation and body politic, by the name of "The Wilmington and Delaware River Railroad Company," and by that name may have succession, may make and have a common seal, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and shall have full right, power, and legal authority to purchase, hold, occupy, use and dispose of lands, tenements, hereditaments, and any real or personal estate whatsoever, which shall be necessary to carry into effect the objects of the said corporation; but the said company shall exercise no banking powers.

SEC. 2. The capital stock of the said corporation shall not exceed one hundred and fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be employed and invested in the purchase of real estate necessary for

the purposes of said road, and in the construction thereof, and in the repairs necessary thereto from time to time, and in the erection and repair of a suitable wharf or wharves, storehouses, warehouses, granaries, bridge or bridges, and for all such other works and purposes within the design and objects of this incorporation. The said capital stock shall be personal estate, and shall be assignable upon the books of the said corporation, agreeably to the by-laws thereof.

To be personal estate. Assignable; how.

SEC. 3. The persons' names* in the first section of this act, are hereby appointed commissioners to procure subscriptions to said capital stock; and they, or a majority of them, shall open books of subscription at such time or times, and place or places, as they shall think proper, giving at least ten days' notice of the time and places of receiving subscription to said stock by advertisement in two newspapers published in the city of Wilmington. Whenever, in the opinion of such majority, a sufficient amount of stock is subscribed to commence operations, they shall call for payment of the stock subscribed, at such time or times, and in such instalments, as they shall deem expedient, giving thirty days' notice as aforesaid before the same or any instalment thereof shall become payable.

Commissioners to open books. Where. Notice. Calls. Notice.

SEC. 4. On payment of the first instalment of said stock, a meeting of the stockholders shall be called in the city of Wilmington, at any time to be appointed by the said commissioners, or a majority of them, and upon ten days' notice as aforesaid, at which meeting the stockholders shall choose by ballot, and by a majority of votes, nine directors, to continue in office until the day hereinafter appointed for the annual meeting of the corporation.

A Meeting of stockholders; where and when called. Directors.

SEC. 5. There shall be an annual meeting of the stockholders at Wilmington on the first Monday of January of every year, at which meeting nine directors shall be chosen by ballot, and by a majority of votes, to continue in office one year, and until successors are duly chosen, and vacancy among the directors shall be supplied by those remaining; and any failure to elect directors annually shall not dissolve the corporation. All acts of the corporation shall be by a majority of votes, given in either person or proxy, each share being entitled to one vote, provided that no stockholder shall be entitled to more than one hundred votes for stock held by him or her, whatever may be the number of shares thereof. Special meetings of the stockholders may be called in such manner as may be presented by the by-laws of the corporation. At all meetings of the corporation the president, and in his absence a director, shall preside.

Annual meeting; where and when held. Failure to elect directors not to dissolve corporation. No stockholder entitled to more than one hundred votes. Special meetings.

* So in original.

Directors to manage business of corporation. SEC. 6. The affairs and business of the company shall be conducted by the directors, a majority being competent to act. They shall elect one of their number president, and may appoint a treasurer and secretary, and may employ all such other officers, agents, workmen, and servants, as may be necessary for the objects of the corporation; may fix their compensation, and may secure their fidelity by bond and security, or otherwise, as they may deem proper. They shall have full power to call in any residue of said capital stock unpaid, in manner before provided; and to make by-laws, rules and regulations for the government of the corporation, the same being consistent with the laws of the United States and of this State, and subject to alteration, repeal or addition, by the stockholders in general meeting. The directors shall from time to time declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the same to the persons entitled thereto; and at each annual meeting of the stockholders, the directors for the year previous shall exhibit a complete statement of the affairs and proceedings of the company for such year.

Officers.

Compensation.

By-laws.

Dividends.

Annual report.

Stockholders failing to pay within thirty days. SEC. 7. If any subscriber to the capital stock of said corporation shall fail to pay any instalment on the stock subscribed for or held by him for the period of thirty days after the time appointed for payment thereof, and notice to him, the directors may either declare such stock forfeited, and sell the same for the benefit of the company, or may, in the name of the corporation, sue for and recover the sum remaining unpaid, with cost and interest; and such delinquent shall not, while any such instalment shall be due and unpaid, be entitled to vote at any meeting of the stockholders, or to receive any dividends on his stock.

Forfeited.

Company authorized to locate road. SEC. 8. The said company are hereby authorized, as soon as conveniently may be, to locate and construct a railroad, the entire road to be not less than twenty-five feet, nor more than fifty feet in width, commencing at some convenient point at or near the city of Wilmington, and running to the river Delaware, at some point as near as conveniently may be to the mouth of the Christiana Creek; and may also make and construct, at the termination of said railroad, one or more wharves or piers, extending into the river Delaware to a convenient and safe distance for the landing of steamboats and other vessels; and may also erect any and all buildings, houses, works and improvements whatsoever, necessary or proper for carrying into effect the objects of this incorporation. And it shall be lawful for the said company, their agents and servants, to enter upon and occupy any land which they shall deem necessary for the laying out said road of the width aforesaid, and may also enter upon and occupy, at the termination of said road upon the river Delaware, a tract of land not exceeding five hundred feet in width, extending back five

Where.

And to construct wharves, &c.

Also to enter upon and occupy lands.

hundred feet from the termination of the road, and also extending from the same point into the said river with the whole length of the wharves or piers; and the said company, their agents and servants, may also enter upon any land for the purpose of searching for stone, sand, mud, gravel or wood for constructing said road; but no stone, sand, gravel or wood shall be removed without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed as to the compensation for lands over which the said road may be laid.

SEC. 9. Upon application made for that purpose by the said company, the Superior Court of this State in and for New Castle County shall appoint five commissioners; and whenever it shall be necessary for the said company to enter upon and occupy any land for the purposes mentioned in the next preceding section, if the owner or owners of said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for the entry and occupation of said lands, the said commissioners, at the request of said company, shall go upon the said lands and assess the damages of such owner or owners, upon oath or affirmation, fairly and impartially, taking into consideration all the benefits to be derived from the proposed road to the said owner or owners; and the said commissioners shall cause a certificate of their finding and award, under their hands or the hands of a majority of them, to be filed in the office of the prothonotary of said court; whereupon the said company, upon paying the damages so assessed, shall become entitled to enter upon, have, use, and enjoy the said lands for the purposes by them required forever; or if the owner of any land so assessed shall be a minor, or feme covert now* resident or absent from the State, or shall refuse to accept the said damages when tendered, the same may be deposited to the credit of such owner in the Farmers' Bank of the State of Delaware at Wilmington, and such deposit shall operate as payment of the said damages to all intents and purposes: *Provided*, That either party may, within thirty days after the filing of the certificates of such assessment of damages, cause an appeal therefrom to the Superior Court for the county aforesaid, to be entered by the prothonotary, and thereupon the damages aforesaid shall be assessed by a jury, under the direction of said court, at the next ensuing term thereof; which assessment shall be final and conclusive. The works of said company shall not be delayed by such appeal, but the right of entry and occupation of the said company as aforesaid shall become perfect upon payment or deposit of the amount of damages assessed by commissioners in the

Superior Court
for New Castle
Co. to appoint
commissioners
to assess
damages.

Return; where
filed.

On paying
damages compa-
ny entitled to
the use of the
land.

Appeal;
where to.

Proceedings
under.

Costs of damages
to be paid by
company.

* So in original.

Exception.

first instance, as above provided. The costs of the assessment of damages shall be paid by the said company in all cases, except that in case of an appeal by such owner or owners of the assessment of damages therein does not exceed the amount certified by the commissioners as aforesaid, the party taking the appeal shall

Compensation of commissioners.

pay all the costs thereof. Each commissioner shall receive at the rate of one dollar per day for his services under this act;

Remaining commissioners to supply vacancy.

and any vacancy in their number occasioned by death, resignation, removal from the State, or refusal to act, may be supplied by the remaining commissioners, or a majority of them, who shall certify the facts to the prothonotary of the Superior Court aforesaid, to be filed in his office.

Wharfage and toll.

SEC. 10. On the completion of the said road and wharf or wharves, the said company may demand and receive such sum or sums of money as wharfage, from vessels or other craft stopping at said wharf or wharves, or as toll for passengers, freight, merchandize or commodities at the said wharf or wharves, or for the conveyance or transportation of the same, as the directors shall from time to time by their by-laws prescribe.

Injuries to said road or wharves.

SEC. 11. If any person shall wilfully injure the said road or wharf or wharves, or any building, work, edifice or device to be constructed by said company in pursuance of this act, or shall in any manner hinder or obstruct the free use of the same for the purposes of this act, such person shall, for every such offence, forfeit and pay to the said company threefold the actual damages so sustained, to be recovered, with costs, in like manner as damages are recoverable for like injuries in other cases.

Penalty.

Passed at Dover, February 3, 1859.

CHAPTER DXLII.

*AN ACT to divorce Sarah Ann Willis from her husband,
William Willis.*

Private Act.

Passed at Dover, February 4, 1859.

CHAPTER DXLIII.

AN ACT to amend Chapter 55 of the Revised Statutes of the State of Delaware. Revised Code, chapter 55.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That chapter 55 of the Revised Statutes of this State be, and the same is hereby amended, in the eleventh section thereof, by striking out all after the word "in," in the first line of the said eleventh section, and before the word "nor," in the third line of the same section, and inserting in lieu thereof the words "Kent County, any partridge, pheasant, robin, or rabbit, between the fifteenth of January and the first of November, or in Sussex County between the first of February and the fifteenth of October." Sec. 11 thereof amended.

Passed at Dover, February 4, 1859.

CHAPTER DXLIV.

AN ACT to authorize the Constable in Cedar Creek Hundred, Sussex County, residing in South Milford, to appoint a Deputy.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the constable of Sussex County, in and for Cedar Creek Hundred, residing in South Milford, shall have the power, in writing under his hand, to authorize and depute a deputy to reside in the said town, and to act in his stead in regard to all matters touching the performance of his duties under existing laws; and such deputy shall have the same power, and be subject to the same liabilities and duties as the said constable, who shall so depute him as aforesaid. Constable of Cedar Creek Hun., Sussex County, authorized to appoint a deputy. Powers and liabilities of.

And the said constable shall be responsible and liable for the acts of his said deputy.

Passed at Dover, February 4, 1859.

CHAPTER DXLV.

AN ACT to enable John W. West and Elias T. Collins to locate certain vacant lands in Broadcreek Hundred, Sussex County, and to complete their title to the same.

Private Act.

Passed at Dover, February 7, 1859.

CHAPTER DXLVI.

AN ACT to cede to the United States the jurisdiction over a piece of land and marsh adjoining the Delaware Bay.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That, for the purpose of erecting a light-house, five acres of land and marsh upon either side of Mahon's Ditch, adjoining low-water mark of the Delaware Bay, are hereby ceded and granted to the United States, upon this condition: that a light-house shall thereon be erected, at the expense of the United States, within five years from the date of this act, and be continued and kept lighted thereafter; and provided said five acres shall be located at any time within said term of five years, and a good and sufficient plot thereof be made and recorded, at the expense of the United States, in the office for the recording of deeds in Kent County.

Five acres of land, on Mahon's Ditch, ceded to the U. States.

Condition.
Light-house to be built.

To be located within five years.
Plot, where recorded.

Civil and criminal jurisdiction reserved to this State.

SEC. 2. *And be it further enacted,* That this State doth retain concurrent jurisdiction with the United States over the said tract or piece of land and marsh, so far that process, civil and criminal, issuing under the authority of said State, may be executed in any part of the said tract or piece of land and marsh, or in any building thereon to be erected.

Passed at Dover, February 8, 1859.

CHAPTER DXLVII.

AN ACT to authorize the Road Commissioners of Mill Creek Hundred, in New Castle County, to erect a Toll-gate on a Public Road in said Hundred, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

SEC. 1. That the road commissioners of Mill Creek Hundred, in New Castle County, are hereby authorized and required to maintain as a turnpike road, in the manner hereinafter set forth, all that portion of the "Old Gap and Newport Turnpike" which lies between the Pennsylvania and Delaware State Line and the Wilmington Branch Turnpike,—a distance of about three miles.

Road commissioners of Mill Creek Hundred required to maintain a portion of the Old Gap and Newport Turnpike.

SEC. 2. The road commissioners of said hundred are hereby authorized and required to erect a gate at some suitable point on said road, employ a toll-gatherer, and collect tolls on the same for six months in each and every year, to wit: from the first day of November to the first day of May, at the same rates per mile, with the same powers and the same conditions and under the same restrictions as tolls are now collected by the Wilmington Turnpike Company, and appropriate the nett proceeds of all moneys thus collected, together with the funds lawfully appropriated to the same, as a common road, to the maintenance and improvement of the said road: *Provided*, That no tolls shall be taken as aforesaid, until said road shall first be made a good and sufficient winter road for heavy hauling, to be inspected and approved by a committee of the Levy Court of said New Castle County.

Also to erect a gate and employ a toll-gatherer to collect tolls. When.

Proceeds; how applied.

Proviso. No tolls to be taken till road approved by committee of Levy Court of N. C. County.

SEC. 3. That to enable the said road commissioners to place the said road in order for gathering toll, they are hereby authorized to commute, on liberal terms, with such persons as are willing to advance sums of money, materials, or work on the road, to be accounted for in tolls, payable at a future time; or, if necessary, to borrow funds on the credit of Mill Creek Hundred, such loans to be paid, if possible, from the proceeds of said road.

Commissioners authorized to commute in tolls for money, work and materials.

Also to borrow funds, if necessary.

SEC. 4. That said road commissioners are required to attend to the duties herein set forth, under the same penalties for neglect as in cases of other public roads; that they shall have the same powers in regard to procuring materials, and shall receive the same compensation for services, payable out of the same funds as for services on other public roads.

Penalty for neglect of commissioners.

Powers. Compensation.

SEC. 5. That the Levy Court of New Castle County be hereby authorized to appropriate (should it be deemed expedient by that

Levy Court of New Castle Co. authorized to

CHAPTER DXLV.

AN ACT to enable John W. West and Elias T. Collins to locate certain vacant lands in Broadcreek Hundred, Sussex County, and to complete their title to the same.

Private Act.

Passed at Dover, February 7, 1859.

CHAPTER DXLVI.

AN ACT to cede to the United States the jurisdiction over a piece of land and marsh adjoining the Delaware Bay.

Five acres of land, on Mahon's Ditch, ceded to the U. States.

Condition.
Light-house to be built.

To be located within five years.
Plot; where recorded.

Civil and criminal jurisdiction reserved to this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That, for the purpose of erecting a light-house, five acres of land and marsh upon either side of Mahon's Ditch, adjoining low-water mark of the Delaware Bay, are hereby ceded and granted to the United States, upon this condition: that a light-house shall thereon be erected, at the expense of the United States, within five years from the date of this act, and be continued and kept lighted thereafter; and provided said five acres shall be located at any time within said term of five years, and a good and sufficient plot thereof be made and recorded, at the expense of the United States, in the office for the recording of deeds in Kent County.

SEC. 2. *And be it further enacted,* That this State doth retain concurrent jurisdiction with the United States over the said tract or piece of land and marsh, so far that process, civil and criminal, issuing under the authority of said State, may be executed in any part of the said tract or piece of land and marsh, or in any building thereon to be erected.

Passed at Dover, February 8, 1859.

CHAPTER DXLVII.

AN ACT to authorize the Road Commissioners of Mill Creek Hundred, in New Castle County, to erect a Toll-gate on a Public Road in said Hundred, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

SEC. 1. That the road commissioners of Mill Creek Hundred, in New Castle County, are hereby authorized and required to maintain as a turnpike road, in the manner hereinafter set forth, all that portion of the "Old Gap and Newport Turnpike" which lies between the Pennsylvania and Delaware State Line and the Wilmington Branch Turnpike,—a distance of about three miles.

Road commissioners of Mill Creek Hundred required to maintain a portion of the Old Gap and Newport Turnpike.

SEC. 2. The road commissioners of said hundred are hereby authorized and required to erect a gate at some suitable point on said road, employ a toll-gatherer, and collect tolls on the same for six months in each and every year, to wit: from the first day of November to the first day of May, at the same rates per mile, with the same powers and the same conditions and under the same restrictions as tolls are now collected by the Wilmington Turnpike Company, and appropriate the nett proceeds of all moneys thus collected, together with the funds lawfully appropriated to the same, as a common road, to the maintenance and improvement of the said road: *Provided*, That no tolls shall be taken as aforesaid, until said road shall first be made a good and sufficient winter road for heavy hauling, to be inspected and approved by a committee of the Levy Court of said New Castle County.

Also to erect a gate and employ a toll-gatherer to collect tolls. When.

Proceeds; how applied.

Provide. No tolls to be taken till road approved by committee of Levy Court of N. C. County.

SEC. 3. That to enable the said road commissioners to place the said road in order for gathering toll, they are hereby authorized to commute, on liberal terms, with such persons as are willing to advance sums of money, materials, or work on the road, to be accounted for in tolls, payable at a future time; or, if necessary, to borrow funds on the credit of Mill Creek Hundred, such loans to be paid, if possible, from the proceeds of said road.

Commissioners authorized to commute in tolls for money, work and materials.

Also to borrow funds, if necessary.

SEC. 4. That said road commissioners are required to attend to the duties herein set forth, under the same penalties for neglect as in cases of other public roads; that they shall have the same powers in regard to procuring materials, and shall receive the same compensation for services, payable out of the same funds as for services on other public roads.

Penalty for neglect of commissioners.

Powers. Compensation.

SEC. 5. That the Levy Court of New Castle County be hereby authorized to appropriate (should it be deemed expedient by that

Levy Court of New Castle Co. authorized to

appropriate money for said road. body) such sums of money as may be required to place said road in a condition that will allow the said road commissioners to commence taking toll as aforesaid; and further, that the said Levy Court of New Castle County shall, upon the written application of the said road commissioners, appoint a committee, as herein before referred to, to examine and determine whether the said road has been placed in a condition to allow the collecting of tolls as herein before authorized and directed, and for which services they, the Levy Court commissioners so appointed, shall receive the same compensation as are allowed them by law for similar services.

Required to appoint committee. When.

Compensation of committee.

Road laws inconsistent herewith repealed.

SEC. 6. That all parts of the road laws, special or general, that may conflict with this act, are hereby repealed as far as they may affect the practical operation thereof.

Passed at Dover, February 8, 1859.

CHAPTER DXLVIII.

AN ACT to dissolve the marriage tie existing between John C. Patterson and Helen L., his wife.

Private Act.

Passed at Dover, February 8, 1859.

CHAPTER DXLIX.

AN ACT to divorce William B. Johnson and Elizabeth Johnson, his wife, formerly Elizabeth Jester, from the bonds of matrimony.

Private Act.

Passed at Dover, February 8, 1859.

CHPATER DL.

A SUPPLEMENT to an Act entitled "*An Act for the Encour-
agement of Internal Improvements in the State of Delaware,*"
passed at Dover, January 26, 1859.

SECTION 1. *Be it enacted by the Senate and House of Repre-
sentatives of the State of Delaware, in General Assembly met,*
That it shall be the duty of the Governor of this State, and he
is hereby authorized and empowered, to appoint a commissioner
of lotteries in addition to the commissioners authorized by the
seventh section of the act to which this is a supplement; and the
commissioner whose appointment is hereby provided for, shall
perform the same duties and receive the same compensation, to
be paid by the same person and in the same manner, as each of
the commissioners appointed under the said seventh section of
the act to which this is a supplement.

Governor autho-
rized to appoint
an additional
commissioner.

Duties of.
Compensation;
how paid.

SEC. 2. *And be it further enacted, as aforesaid,* That Richard
France, of the city of Baltimore, who is authorized by the afore-
said act to which this is a supplement, to draw lotteries within
this State, shall, within one month from the passage of this act,
certify to the Governor his acceptance of the same, or it shall be
void. The said certificate shall be under the hand of the said
Richard France, attested by two witnesses, and shall be filed in
the office of the Secretary of State.

Richard France
to certify his ac-
ceptance of this
act to Governor
within one
month, else to
be void.

Certificate;
where filed.

Passed at Dover, February 9, 1859.

CHAPTER DLI.

AN ACT for the Relief of certain of the Devises of Edward
Tatnall, deceased.

Private Act.

Passed at Dover, February 9, 1859.

CHAPTER DLII.

[AN ACT to raise Five Hundred Dollars in School District No. 3, in New Castle County.]*

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

School District
No. 3, in New
Castle County
authorized to
raise \$500.

SECTION 1. That it shall and may be lawful for School District No. 3, in New Castle County, to lay and raise by taxation or otherwise the sum of five hundred dollars annually, for the support of schools in said district, in the same manner as is now provided by law.

Passed at Dover, February 9, 1859.

CHAPTER DLIII.

AN ACT to divorce Nathan B. Fleming and Sarah Ann Fleming from the bonds of matrimony.

Private Act.

Passed at Dover, February 9, 1859.

CHAPTER DLIV.

Vol. 8. p. 205. AN ACT to amend the Act entitled "An Act to incorporate the owners of the Strunklin and Long Island Marsh, for the better securing and improving the same."

Private Act.

Passed at Dover, February 10, 1859.

* No title in original

CHAPTER DLV.

AN ADDITIONAL 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, or to communicate with the Artificial Road contemplated from the Gap to Newport.*" Vol. 4, p. 100.

SECTION 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 Wilmington Turnpike Company to erect and keep but one toll-gate, or place for receiving toll, on the turnpike road belonging to the said company. Wilmington Turnpike Company authorized to keep but one toll-gate.

SEC. 2. *And be it further enacted,* That hereafter no charge shall be made for any distance on the said road, greater than has actually been passed over by the persons or things chargeable with toll. All rates of toll shall be as heretofore. Nothing in this section shall affect commutants, or the right of the said company to charge for fractions of miles as miles, according to present usage. No charge to be made for any distance greater than has been passed over. Rates of toll to be as heretofore. Commutants not to be affected.

SEC. 3. *And be it further enacted,* That the said company may, if after the trial of one toll-gate instead of two, as now in use, they think it better for the interest of the company to return to the present plan of two divisions of the road, with two toll-gates thereon, return to the present plan aforesaid: *Provided,* however, That hereafter no charge shall be made for any distance on the said road which has not actually been passed over by the persons or things properly chargeable with toll, as stated in section 2 of this act. Company authorized to return to the old plan of two toll-gates, if for the interest of company. *Provided:* no charge to be made except for distance actually passed over.

Passed at Dover, February 9, 1859.

CHAPTER DLVI.

AN ACT to divorce *Maria Jane Durham, late Maria Jane Spencer, and her husband, William M. Durham, from the bonds of matrimony.*

Private Act.

Passed at Dover, February 10, 1859.

CHAPTER DLVII.

AN ACT to divorce *Alfred Elzey and Elizabeth Elzey, his wife, late Elizabeth Hasting.*

Private Act.

Passed at Dover, February 10, 1859.

CHAPTER DLVIII.

AN ACT to incorporate "*The Hangman's Creek Marsh Company.*"

Preamble.

WHEREAS, the owners of the marsh, meadow and low grounds lying on Hangman's Creek have heretofore erected banks, sluices and dams, and have cut ditches and canals, and kept the same in repair under an agreement which has expired by its own limitation; *And whereas* the owners, for the better future regulation thereof, desire incorporation, therefore

Commissioners
appointed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring,) That Jacob Vandegrift,*

Thomas J. Foard, and John M. Woods, be and they are hereby appointed commissioners of the Hangman's Creek Marsh Company, whose duty it shall be, when called upon by the managers ^{Duties.} of the said company, to be elected as hereinafter provided, after being sworn or affirmed faithfully and impartially to execute the duties required of them by this act, to enter upon the marsh, meadow, and low grounds on both sides of Hangman's Creek, drained or benefitted by the ditches, drains, canals, banks, dams and sluices as the same now exist, and take with them a skilful and impartial surveyor, who shall also be sworn or affirmed; and ascertain the quantity of marsh, meadow, and low grounds of each and every owner advantaged thereby, and make a plot of ^{Plot.} the same, accurately laying down and delineating thereon the dams, banks and sluices as they now exist, and also the two canals leading from the run of Hangman's Creek to the sluices, as said canals are now cut, and also that part of the watercourse of Hangman's Creek lying between the said canals and the new canal or main ditch cut between lands of Daniel Corbit and John Appleton, and also so much of said canal or ditch as lies between the said watercourse and a point in said canal opposite a point of upland of John Appleton, called Locust Point, which said dams, banks, sluices, canals and watercourse shall be deemed and taken to be the public and common works of the said company, to be kept up and maintained at the common charge and expense of the said company, as hereinafter provided. After such plot has been made as aforesaid, it shall be the duty of the said commissioners to proceed to assess and rate the value of each and every owner's part of said marsh, meadow and low grounds, agreeably to quantity, quality and situation; and when the said rate or assessment is made, they shall return the same, with the plot aforesaid, into the Recorder's office in and for New Castle County, to be there recorded. The acts of a majority of said commissioners shall be as valid as the acts of the whole. Each commissioner shall be entitled to one dollar for each day's services, to be paid by the company. ^{Commissioners to assess the value of each owner's part of meadow, and low grounds, and make return of the same, with the plot, into the Recorder's office of New Castle County. Acts of a majority of commissioners valid. Compensation.}

SEC. 2. *And be it further enacted,* That the owners of said marsh, meadow or low grounds, or so many of them as shall think proper, shall assemble at the hotel now kept by Joseph Eccles, in the town of Odessa, on the first Monday in March next, and then and there, by a majority of votes given either in person or by proxy, choose by ballot from among the owners three suitable persons to be managers, and one suitable person to be treasurer, who shall continue in office until the next stated annual meeting, and until others be chosen. ^{Owners of meadow and low grounds to assemble when and where. To choose three managers and one treasurer. Term of office.}

SEC. 3. *And be it further enacted,* That the owners shall hold a stated meeting on the first Monday of March in each and every

Annual meetings; when and where held.

At such annual meetings three managers and one treasurer to be chosen.

Term of office.

Proxy to be in writing and signed.

Number of votes owners entitled to.

Owner neglecting to pay his proportion of taxes prohibited from voting.

Treasurer to give notice of stated meetings.

Also to each person elected.

Owner elected, refusing to serve, to forfeit ten dollars.

How recovered.

Other managers may proceed, or may choose another manager in the place of the one refusing to serve.

Treasurer neglecting or refusing to serve, managers to choose another.

All the managers refusing to serve, old ones to continue in office.

Treasurer to give bond with security

year at the said hotel, in the town aforesaid, or at such other place as the managers of the said company for the time being shall designate; and the said owners shall at such meetings, by a majority of votes cast, to be given in person or by proxy, choose by ballot three suitable persons from among the owners, to be managers, and one suitable person, being an owner, to be treasurer, who shall continue in office until the next stated annual meeting, and until successors be duly chosen. A guardian of an infant, or the trustee of any owner, shall be considered an owner. Every proxy must be in writing, signed by the owner constituting the proxy. Each owner shall be entitled to one vote, whatever may be his assessment; and each owner rated or assessed at five hundred dollars, to one additional vote, and to an additional vote for each and every two hundred and fifty dollars beyond the sum of five hundred dollars at which he may be assessed: *Provided*, That no one shall be entitled to more than ten votes. In determining the right to vote, owners of undivided interests shall be considered as a single owner. If any owner neglects or refuses to pay his proportion of taxes for one year after the same becomes due, he shall be debarred the privilege of voting until the same be paid. The treasurer shall give ten days' notice of each stated meeting by advertisements set up in at least three of the most public and suitable places nearest the said marsh and low grounds, and shall also give notice in writing to each person elected, within ten days after his election.

SEC. 4. *And be it further enacted*, That if any owner elected manager, having received notice as aforesaid, shall refuse or neglect to serve as such, he shall forfeit and pay to the treasurer the sum of ten dollars, to be added to the common fund, which sum shall be recovered in the manner hereinafter directed for the recovery of money payable to the treasurer. The other managers may proceed in their duty without the person elected as aforesaid, who shall have refused or neglected to serve; or they may choose another of the owners to supply the place of the person so refusing or neglecting, until the next stated meeting or next election. And if any person elected treasurer shall refuse or neglect to take upon himself the duties of said office, or give the securities required, or shall misbehave or be incapable, the managers for the time being shall choose another person to be treasurer, until the next stated meeting or next election. And if at any time all the managers shall refuse to act, the managers for the preceding year shall exercise the office until successors be duly elected.

SEC. 5. *And be it further enacted*, That the treasurer, before he enters upon the duties of his office, shall give bond to the company, by their corporate name, with at least one sufficient

surety to be approved by the managers, in such penalty as they may prescribe, conditioned that he will pay the moneys that shall come to his hands by virtue of this act, to such person or persons as the managers, or any two of them, shall order and direct, and not otherwise; and that he will, once in every three months, make out and exhibit a true and faithful account of his receipts and disbursements; and shall and will, when he ceases to be treasurer, deliver all books, accounts and papers belonging to said company, and pay over all moneys in his hands to his successor in office; and shall and will in all things faithfully perform the duties of his said office of treasurer, according to the true meaning of this act. Condition of.

SEC. 6. *And be it further enacted,* That the owners of the said marsh, meadow and low grounds are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Hangman's Creek Marsh Company," and by that name shall have all the incidents of a corporation. Owners incorporated.
Name.

SEC. 7. *And be it further enacted,* That the costs, charges and expenses of supporting and maintaining the banks, dams, sluices, canals, watercourses and other public works, and all other costs, charges and expenses, with the expense of procuring this act, shall be paid by the said several owners in proportion to the number of acres they severally own, according to the rate of assessment made by the said commissioners as aforesaid. Expenses to be borne by the owners.
In what proportion.

SEC. 8. *And be it further enacted,* That the managers shall have power, as often as they shall judge necessary, to lay such tax or taxes on every acre of marsh, meadow and low grounds aforesaid, according to the general rate of assessment as aforesaid, as they shall deem proper or necessary for supporting, repairing and keeping in good order the banks, dams, sluices, canals and public drains, and all other works and conveniences of the said company. All taxes laid by the managers under this act shall be paid according to the several rates of assessment as aforesaid, to the treasurer of the company, within three calendar months from the time of laying the same. Public notice shall be given by the managers, within one calendar month after laying said taxes, by advertisements put up in at least three public and most suitable places nearest the said marsh and low grounds, which advertisements shall specify the sum laid, what it will amount to in the dollar according to the general rule aforesaid, and the time when the same will become due. Managers authorized to lay taxes.
Taxes; how and when paid.
Notice of laying of taxes.

SEC. 9. *And be it further enacted,* That the treasurer shall, in books to be provided at the expense of the company, keep just, distinct and accurate accounts of all taxes and other moneys coming into his hands, and pay the same upon the order of the managers, or any two of them, and not otherwise. The mana- Treasurer to keep books of accounts.

OBITUARY.

Died, on Tuesday evening, the 20th instant, at 10½ o'clock, Joshua Simmons, of this city, aged 29 years. His funeral will take place from his late residence, in West street, between Third and Fourth streets, this afternoon, at 3 o'clock. The relatives and friends of the family are respectfully invited to attend, without further notice.

Under the oppression of feelings which almost disqualified me to write, I have indicated the above notice. Joshua Simmons is dead! Who can realize it? How many men, women and children in this community will mourn for and feel his loss the future only can tell. Certain I am that Delaware never fostered a more honest man, or will bury a better friend. He was born within a few miles of Wilmington, on the 14th day of January, 1801, of parents, although not rich, highly honorable, and possessing the confidence of all around him. In early life it became apparent to him that he owed this world but little more than he could honorably make out of it, after a proper disposition of his earnings. Consequently he went to work and labored assiduously, until within four weeks of his death, for the benefit of his family, friends, and those around him. He died a wealthy man, and was the architect of his own fortune; but how many fortunes he expended for the relief of the poor and needy, and the comfort of others around him will never be known—except in Heaven. His charities were not public demonstrations. His good deeds were the offspring of a true heart, and not produced either by the desire for or hope of future reward. No one in Delaware knew him better than myself, both in a business and social capacity. In business he was one of the most correct, persevering and energetic men I have ever known—in social life a true friend and gentleman. It was my good fortune to have been for about eighteen years one of his associates. Our friendship was as close as that of brothers, and never was it disturbed until death with its ruthless hand severed us forever. During this period I have known his house to be a "Hospital" for the old and feeble, and a nursery for the young and needy—his parlor, being always open, and money freely bestowed upon Christian churches and useful institutions. Several of our enterprising citizens are indebted to him for their success and prosperity, while others, perhaps less prosperous, will mourn his loss as one upon whom they relied for support.

In the character of Joshua Simmons there was as much to admire as that of any well known citizen, with as little to condemn. Besides being liberal and generous he was brave and chivalric. My opinion is he never experienced a symptom of fear, or entertained other than a noble sentiment.—These prominent characteristics, though somewhat educated, were doubtless partially inherited, and from one of his ancestors, General Nathaniel Greene, of Rhode Island, than whom no one stood higher in the confidence and affection of Washington. Like Gen. Greene, Mr. Simmons was born a Quaker, and like his distinguished ancestor, Mr. Simmons "was ever collected in the most trying circumstances," and prudence and judgment were distinguishing traits in his character. In his disposition he was mild and benevolent, but when it was necessary he was resolutely severe. He, moreover, devoted much of his time during the last few years to acquiring information and knowledge, which afforded him a great pleasure and consolation. His memory was not impaired until within a few days of his death, and his recollections and recitations of historical facts have often afforded me great gratification.—But he is no more, and we can only mourn his loss, and endeavor to follow his good examples. He died quietly, and without a murmur, after having the best medical advice, and being faithfully attended to by an affectionate family and most devoted friends. He evidently regarded death with all its terrors only as a passage to another state of existence—a state in which the corruptible shall put on incorruptible and the mortal shall put on immortality.

"True, it is an awful thing to die—

I was even to him, but the dark vale once trod,

Heaven lifts its everlasting portals high,

And bids the pure in heart behold their God.

Wilmington, Jan. 22d, 1863

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SUPPLEMENT TO THE ELECTION LAW.

During the last regular session of the Legislature an act relative to elections was passed, which is of great interest to our citizens. Several of the most important features are as follows:

Section 1. That it shall be the duty of the said return inspectors, *to receive and keep by them during the election the ballots, and after the closing of the polls to count the ballots provided for the said purpose, and then, both before and after the closing of the polls, to make known the result of said election on the tickets, that if any discrepancy shall occur between the tickets and the tally list kept by the clerks of the elections, it shall be the duty of the return inspectors to make a record of the same at the time it shall be discovered, and for this purpose the return inspectors and return clerks shall have free access to the tally list kept, under the existing laws, by the inspectors and clerks of elections; the return inspectors, in each election district, shall set their hands and seals to the certificates of elections in like manner as the inspectors and judges of elections are now required to do by law.*

Section 11. *That the appointment and election of return inspectors and judges of elections at the election on the second Tuesday of October, shall be void, and the same duties of such officers had been previously performed and approved, and had declined or refused to accept.*

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Managers to furnish treasurer with list of owners' names, &c.

Also to notify treasurer of any tax laid within one month.

gers, or some two of them, shall furnish the treasurer with a list of the names of the several owners, and of each owner's rate or dollarage, noting from time to time the several changes, alterations, transfers and alienations of right in the several parts and parcels thereof as may come to their knowledge; and shall give notice to the treasurer of every tax laid, within one calendar month after the time of laying the same, specifying the amount thereof, and when the same will become due.

Treasurer directed to demand and collect the taxes.

How collected.

In case of sale, notice of.

Compensation of treasurer.

SEC. 10. *And be it further enacted*, That after having received notice as aforesaid of each owner's proportion of taxes laid as aforesaid, the treasurer shall demand payment of the same; and in case of neglect or refusal to pay for the space of ten days after demand, the treasurer may and shall proceed to levy and make all such taxes so remaining unpaid in the same manner and by the same means as are provided by law for the recovery of county taxes, except that in the levying and collecting such taxes from the lands and tenements of any delinquent, the treasurer shall not sell such lands and tenements, or any part thereof, absolutely, but only for such term of years as will be sufficient to pay the said tax and all costs; *And provided also*, That only such lands and tenements as are liable to taxation under this act shall be liable to be levied on and sold. In case of any sale by the treasurer, he shall give public notice by advertisements posted in at least four public and suitable places in the neighborhood, and by a copy given to the person whose goods or lands are levied on, twenty days before the day of sale. The treasurer shall be allowed a commission of five per centum on all moneys by him received.

Managers to dispose of monies of the company.

SEC. 11. *And be it enacted*, That the managers, or a majority of them, shall have power to dispose of the moneys received by the treasurer; and the orders signed by any two of the managers shall be sufficient vouchers for the treasurer.

Line-ditches and water-courses; dimensions of.

How made and scoured.

Adjoining owners neglecting, managers to have them opened.

Expense thereof; to whom charged and how collected.

SEC. 12. *And be it further enacted*, That all the line-ditches and watercourses between different owners shall be cut at least eight feet wide and three feet deep, if the nature of the land will permit, and shall be made and scoured by equal proportions of labor and expense of adjoining owners; and if any of the said owners, upon reasonable notice, shall neglect or refuse to open and scour their or any of their parts of such line-ditches or watercourses, it shall and may be lawful for the managers, or any two of them, and they are hereby required to cause the same to be opened and scoured, and to adjust and pay the expense thereof out of the common fund, and charge the expense to that delinquent owner; and if within ten days afterwards the same be not paid, it shall and may be lawful for the treasurer to recover the same in the manner moneys assessed are recoverable by this act.

SEC. 13. *And be it further enacted*, That it shall be lawful for the managers and they are hereby authorized to enter upon the said marsh, meadow and low grounds with such workmen, horses, carts, barrows and tools as they may think proper; and so often as they may deem necessary; and may dig and carry mud and earth from the most convenient places, for keeping the said banks, dams and sluices in good and sufficient repair; and the managers may and shall purchase such suitable materials for the banks and sluices, and for opening and scouring the public canal or canals and watercourses, as they may deem proper; and the managers are hereby further required to enter upon and inspect, as often as may be necessary in each year, the condition of the banks, dams, sluices and public drains; and they shall cause the same, with such other works and conveniences as they shall think necessary, to be kept in good order and sufficient repair, and may from time to time add as much to the size of the bank as they may think necessary to keep out all tides.

Managers authorized to enter upon the meadow and low grounds and take away mud and earth for repairing works of said company.

Also to purchase materials for banks, &c.

Also required to inspect the works of the company and cause the same to be kept in good order.

SEC. 14. *And be it further enacted*, That all and every of the said owners shall be permitted to discharge the waters of their respective lands through their natural channels, or by direct courses across the lands of any others of the said owners as the managers from time to time shall judge convenient, into the public drains or canals; and it is hereby required that all such owners through whose lands it is necessary to discharge such waters, shall open and scour the same as often as is necessary to keep them in good order for draining off the waters from the aforesaid marshes, meadows and low grounds; and in case of neglect or refusal of any such owner to open and scour said drains and ditches for the benefit of the owners so requiring a passage for their waters, it shall and may be lawful for the managers to proceed to open and scour the same, and to recover the expenses thereof as provided in section 12 of this act.

Owners allowed to discharge waters across lands of another owner.

Owners, across whose lands waters are discharged required to keep open the watercourses.

In case of neglect the managers to cause the same to be opened.

Expenses thereof how recovered.

SEC. 15. *And be it further enacted*, That the managers shall be allowed by the company the sum of one dollar each for every day they may attend upon the public work or service of the company: *Provided*, That the gross allowance shall not exceed thirty dollars in any one year. The managers shall meet at least once in every six months. They shall cause fair minutes of their proceedings to be kept, to which minutes, and also to the treasurer's books, all persons concerned shall have free access at all reasonable times. At the expiration of each year the managers and treasurer respectively shall adjust and settle their accounts with the owners at the stated meeting on the first Monday in March, and shall ascertain what sum or sums are due to and from the company.

Compensation to managers for services for company.

Meeting of managers.

Minutes of their proceedings to be kept.

Annual settlement of accounts.

SEC. 16. *And be it further enacted*, That if any person or persons shall wilfully cut through, break down, or damage said bank

Injuring banks, dams, &c.

or banks, sluice or sluices, public drain or canal, or any of them, or suffer any cattle, horses, or other stock to pass over or along the bank or dams, or shall let in any tide water without the consent of the managers, every person so offending shall pay to the said company the sum of twenty dollars, and also the damages sustained by the company, to be recovered before any justice of the peace in and for New Castle County, in the same manner as debts under one hundred dollars are recoverable; and the jurisdiction necessary for such suit and recovery is hereby expressly given. The above provision shall not be construed to prevent any individual sustaining any private* damage by reason of any such wrongful act, from proceedings to recover such damages by ordinary process.

SEC. 17. *And be it further enacted,* That whenever the said company shall deem a new appraisement or valuation necessary, they shall have authority at any annual meeting, by a majority of all votes of the voters present, to direct that such new valuation or appraisement shall be made; and at the same meeting shall elect three commissioners, freeholders of New Castle County and not members of the corporation, to make such appraisement or valuation, which appraisement or valuation shall be made, certified and returned according to the mode herein before provided in that behalf, and when so made and returned shall be the appraisement or valuation upon which the taxes shall be assessed until the same shall be again altered. Before any annual meeting at which it may be contemplated to vote whether such new valuation or appraisement shall be made, the treasurer shall give notice, upon the request of any two owners in writing, by advertisement posted in three public and suitable places in the vicinity of the marsh, meadow and low grounds, ten days before said meeting, of the intention to take such vote.

SEC. 18. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, February 11, 1850.

* This word is interlined in pencil-mark in original.

CHAPTER DLIX.

AN ACT to enable David Pleasanton to locate certain vacant lands in Duck Creek Hundred, Kent County, and to complete his title to the same.

Private Act.

Passed at Dover, February 11, 1859.

CHAPTER DLX.

AN ACT to divorce Alexander C. Williams and Margaret Williams, his wife, from the bonds of matrimony.

Private Act.

Passed at Dover, February 11, 1859.

CHAPTER DLXI.

AN ACT to incorporate the New Castle Water Work Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature;) *That Andrew C. Gray, Alfred C. Nowland, Mark M. Cleaver, Thomas T. Tasker, Allen V. Lesley, Peter B. Vandover, James Crippen, and George Janvier, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they, or a majority of them, shall procure and cause to be opened, at such time and places, and on such notice as they may deem proper, suitable*

Commissioners appointed.

Duties.

To open books for subscriptions to capital stock. books for subscriptions to the capital stock of the New Castle Water Works Company; and they shall permit all persons of lawful age to subscribe in said books, in their own names or in the name of any other person or company who may authorize the same, for any number of shares in the said stock.

Company authorized to supply water to town of New Castle and vicinity.

SEC. 2. That the corporation hereby created shall have authority for supplying with water the town of New Castle and vicinity, and such individuals residing in said town as may desire it, and for distributing and selling water, and making and erecting the necessary works for distributing and introducing water, and constructing the requisite buildings and machinery, with the right to enter upon any public street, lane or highway, for the purpose of laying down the pipes necessary for conducting said water, and to repair, alter and inspect the same: *Provided*, That the public travel at no time be unnecessarily impeded by the laying of the said pipes; and the streets, lanes and public roads shall be left in as good order and condition as before the laying of the said pipes.

Empowered to enter upon public streets to lay down pipes.
Provided.

Capital stock.

SEC. 3. That the capital stock of said company shall be fifty thousand dollars, to be divided into five thousand shares of ten dollars each: *Provided*, That the said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase the capital stock, if it should be deemed necessary, to the sum of one hundred thousand dollars. *And provided also*, That the said company shall have the power to borrow money to an amount not exceeding the amount the said capital stock may be increased to, and to secure the payment of the same by bond and mortgage, pledge or pledges of the property and effects of said corporation. *Also further provided*, That no increase of said capital stock as aforesaid shall be permitted, unless the stockholders holding a majority of the stock already subscribed, shall first give their written consent thereto.

Company authorized to borrow money, and to mortgage or pledge their property for payment.

Capital stock not to be increased without written consent of majority of stockholders.

When one thousand shares of stock subscribed for, subscribers incorporated.

SEC. 4. That when and as soon as one thousand shares of capital stock in the said company shall be subscribed as aforesaid, the subscribers to the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated, by the name and title of the "New Castle Water Works Company," and by said name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, and enjoy, to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien, convey and dispose of, and to declare dividends of such portions of the profits of the company as they may deem proper; also, to make and have a common seal, and the same to alter and renew at pleasure; and also to make and ordain by-laws and regulations for the govern-

Name.

Powers.

ment of the said corporation, not inconsistent with the Constitution and laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same.

SEC. 5. That as soon as one thousand shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days' notice thereof, shall call a meeting of the said subscribers in New Castle to organize the said company by the choice and appointment of officers as hereinafter mentioned, and which meeting shall be held at such time as shall be appointed in said notice.

SEC. 6. That the management and control of the said company shall be vested in the persons named in the first section of this act, until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president and a secretary and a treasurer, and that the stockholders of said company shall meet annually on the first Monday in January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number as aforesaid, a president, a treasurer, and a secretary for said company. The notice of such election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of the company; and any vacancy in said board of directors may be supplied by appointments, to be made by the board of directors until the next annual election. All elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which shall have been held in his or their name or names at least fourteen days before the time of voting. The board of directors for the time being shall have power to take from any treasurer, secretary or other officer, or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

SEC. 7. The aforesaid company shall procure certificates of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common seal of said corporation, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer and secretary, in a book to be kept by the said corporation for that purpose.

SEC. 8. The board of directors of said company shall declare dividends of so much of the nett profits of the company as shall appear to them advisable,* on the first Monday in July and Jan-

Meeting of subscribers to organize company.
Notice of.

Management of said company vested in persons named in first section until, &c.

Annual meeting of stockholders.
When and where held.
Seven directors to be elected.

Officers.

Vacancy in board of directors; how filled.

Board of directors authorized to take security from officers.

Certificates of stock.

Transferable; how.

Dividends; when declared and paid.

* This word is interlined in original.

uary of each year, which shall be paid to the stockholders, on demand, ten days after the same shall have been declared.

Non-election
of officers not to
dissolve com-
pany.

SEC. 9. That if at any time an election of officers of the said company shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards, on giving ten days' notice thereof of the time and place of holding such election.

Injuries to works
of company.

Liability for.

SEC. 10. That if any person or persons shall wilfully and intentionally damage any of the works, buildings, materials, pipes or apparatus of said company, he, she or they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor; and on indictment and conviction shall be fined not exceeding three hundred dollars, at the discretion of the court.

Public act.

Charter
perpetual.
Power of revoca-
tion reserved for
misuser of
privileges.

SEC. 11. That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such, in all courts of law and equity in this State; and that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature.

Passed at Dover, February 11, 1859.

CHAPTER DLXII.

AN ACT to divorce John P. Hickey and Louisa P. Hickey (formerly Louisa P. Widdifield) from the bonds of matrimony.

Private Act.

Passed at Dover, February 11, 1859.

CHAPTER DLXIII.

AN ACT naming a station on the Delaware Railroad Powelton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the place on the Delaware Railroad, at the crossing of the road leading from Prettyman's Corner, shall be called and known by the name of Powelton. Place on Del. R. Road named Powelton.

Passed at Dover, February 11, 1859.

CHAPTER DLXIV.

AN ACT for the relief of Emeline Campbell.

Private Act.

Passed at Dover, February 11, 1859.

CHAPTER DLXV.

AN ACT to create an additional School District in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* John Mustard, James R. McClement, and Dennis Stevenson, be, and they are hereby appointed commissioners, to go upon and view school districts numbers three and five, in Kent County, and, if they deem it proper and necessary, locate and lay out from said districts one additional school district, as to them shall seem just and proper; and when the said commissioners, or a majority of Commissioners to view districts three and five in Kent County, and lay out new district.

Return to Clerk
of Peace of Kent
County.

Copy of return
to be delivered to
trustee of School
Fund.

New district to
be numbered in
continuation of
school districts
in Kent Co.

Dividends; how
made.

School laws
extended to new
district.

Commissioners
to be sworn or
affirmed.

Compensation.

School voters to
meet where and
when.

Clerk and
commissioners.

them, shall have so located and laid out said additional school district, they, or a majority of them, shall make return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Kent County, to be by him filed among the records of his office; said return shall be made on or before the first day of July next; and within ten days thereafter the said Clerk of the Peace shall make a copy thereof, and deliver the same to the trustee of the School Fund; and from and after the first day of July aforesaid, the additional school district to be formed under the provisions of this act, shall become and be deemed and taken to be a separate school district in Kent County, with the capacity, right and power of a school district according to law; and shall be designated and numbered by its proper number, succeeding the highest number of the school districts previously formed in the said county; and the said additional school district shall be entered by the trustee of the School Fund for establishing schools in the State of Delaware, among the school districts of said county, and an account opened therewith; and in all dividends which may be due, or hereafter may become due, the said original districts, numbers three and five, shall be equally divided annually among the districts numbers three and five. And the said additional school district, to be created under the provisions of this act, and the school voters in said additional district, and the school committee thereof, shall have all the rights and powers of school voters and a school committee respectively, according to the laws of this State; and all the acts of the General Assembly of this State, for the general regulation, government and benefit of free schools within this State, shall be extended and applied to the said additional school district to be created under the provisions of this act.

SEC. 2. *And be it further enacted*, That the commissioners appointed by this act shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity; and for each and every day the said commissioners may be employed in the discharge of their duties under the provisions herein contained, shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeals of Kent County.

SEC. 3. *And be it further enacted*, That if the additional school district be formed as aforesaid, the school voters in the said additional school district, which the said commissioners, or a majority of them, may deem proper to appoint, on the first Saturday in July next, at three o'clock in the afternoon, and appoint a chairman and secretary, and choose a clerk and two commis-

sioners of the district, who shall continue in office until the next stated meeting, and until successors are duly elected; the certificate of the proceedings shall be delivered according to the provisions of law relating to the certificates of meetings of school voters. Notice of the meeting may be given by the commissioners first above named, or a majority of them, and a failure to give notice shall not vitiate the proceedings. Notice of meeting.

Passed at Dover, February 14, 1859.

CHAPTER DLXVI.

AN ACT to authorize Doctor Isaac Jump to straighten a Public Road in Dover Hundred, Kent County, Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Doctor Isaac Jump be and is hereby authorized and empowered to straighten that portion of the public road leading from Dover to Dinah's Cross Roads, between Casson's Corner and the bridge over the head waters of Dover River, so that said road shall be in a direct line between those two points, and of the width of thirty feet. Dr. Isaac Jump authorized to straighten part of a public road.

SEC. 2. *Be it further enacted by the authority aforesaid,* That the road so straightened shall be a public road, and that the old road shall be vacated whenever the said new road shall be accepted by the Levy Court of Kent County. Part straightened to be a public road.

Passed at Dover, February 14, 1859.

CHAPTER DLXVII.

AN ACT to enable Waitman Jones to locate certain vacant land in North West Fork Hundred, in Sussex County, and complete his title to the same.

Private Act.

Passed at Dover, February 15, 1859.

CHAPTER DLXVIII.

AN ACT to incorporate the Mutual Live Stock Insurance Company of the State of Delaware.

Members
incorporated.

Name,

Directors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, and it is hereby enacted by the authority of the same, That* George G. Lobdell, Robert McCabe, John G. Jackson, Samuel Barr, William Bright, James Webb, Alexander H. Dixon, James Delaplain, John A. Brown, E. C. Stotsenburg, Thomas Lamplugh, John Clark, William Canby, Jesso Sharp, Zadock R. Townsend, William Temple, Samuel McCaulley, J. F. Williamson, C. B. Ellison, Caleb Marshall, A. H. Adams, Giles Lambson, and such other persons as may hereafter from time to time become associated with them in the manner prescribed in this act, shall be and they are hereby constituted a body politic and corporate by the name, style and title of the "Mutual Live Stock Insurance Company of the State of Delaware," and by such name shall have succession, with all the legal incidents to a corporation aggregate; and the said company may have and use a common seal, and at their discretion alter or renew the same.

SEC. 2. The corporate powers of the said body shall be exercised by a board of nine directors, to be elected as hereinafter provided, a majority of whom shall be a quorum to do business; and until the annual election, which shall occur in the year one thousand eight hundred and sixty, and until successors are chosen, George G. Lobdell, Robert McCabe, John G. Jackson, John A. Brown,

Zadock Townsend, William Bright, William Canby, A. H. Adams, and E. C. Stotsenburg, are hereby constituted the directors thereof, with power to appoint agents and other officers, to organize the said company, and to do all other things appertaining to their duty as directors, which may be authorized by this act.

SEC. 3. The company shall have an annual meeting on the first Monday in April in each and every year after its complete organization, for electing directors or other business, at some convenient place appointed by the board of managers, notice of which shall be given in one or more newspapers published in the State, at least twenty days previous to the day of such election. The said election shall be conducted by three members appointed by the meeting, who shall not be managers; and shall be decided by ballot, and by a plurality of votes from among the members then present, and the result certified under the hand of the three conducting members, to be filed among the papers of the corporation. The directors so elected shall hold their office for one year, or until successors are chosen.

SEC. 4. The directors for the time being shall choose one of their own body to act as president, and shall appoint their secretary, treasurer, and such other officers or agents as may be necessary for the proper conducting of the affairs of the corporation; they shall have power to fix the compensation of their officers and agents, determine the character, limits, and amounts of insurance and premiums thereon; they may supply vacancies in their own body, and make such by-laws and regulations for the management of the association as shall be expedient, not inconsistent with this act, the laws of this State, or of the United States.

SEC. 5. The directors, on the behalf of said corporation, shall have full power to insure against the loss of all kinds of cattle, live stock, and valuable beasts, arising from death, either by accident, natural causes, or diseases of any description whatsoever; and to make, execute and perfect so many contracts, bargains, agreements or policies, or other instruments as shall or may be necessary, or as the nature of the case may require; and every such bargain, agreement or contract in the nature of a policy, to be legal, must be in writing or in print, and under the seal of the said corporation, signed by the president and attested by the secretary, and when so executed shall be binding and obligatory upon the said corporation, according to the true intent and meaning thereof.

SEC. 6. The insurances effected by this company shall be on the mutual principle; that is to say, every person to whom a policy of insurance shall be issued shall be deemed and taken as a member thereof during the period they shall remain insured in

and by said corporation, and no longer; and shall be bound to pay for the losses and necessary expenses occurring in and to the said corporation, in proportion to the amount of their premium note; and suits at law may be maintained by said corporation against any of its members for the collection of any premium note, or any assessment thereon, or for any other cause relating to the business of the said corporation; also, suits at law may be maintained by any member against said corporation for losses or damages, if payment is withheld more than sixty days after the said corporation are duly notified thereof; and no member, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such causes, on account of his being a member thereof.

Corporator not disqualified from being a witness in a suit by or against corporation.

Deposit notes; how made.

SEC. 7. In conformity with the true intent and meaning of the sixth section of this act, every person insuring with the said company shall deposit with the secretary thereof his, her or their premium note, the amount whereof shall be made the basis of a tax or assessment to pay the losses and necessary expenses of the said company. The said note shall be made out according to the particular rate or rates on the property insured, payable in part or in whole at any time when the directors shall deem the same requisite for the payment of losses or necessary expenses of the corporation, and the insured shall in return receive a policy of insurance, signed by the president and attested and signed by the secretary; and for the purpose of raising a contingent fund for the payment of losses, over and above the amount of the premium notes, it shall be lawful for the said corporation to exact of its members interest in advance yearly, at the rate of six per centum on the amount of the said premium note, so long as in their judgment the interest of the corporation may require it, upon the penalty, in case of neglect or refusal, of suspension of the insurance until paid; and every payment of interest so made shall be entered on the books of the corporation to the credit of the respective premium note, and be applicable, as far as the same may go, to the liabilities of the said premium note, and shall so remain; but upon the withdrawal of a member, or the cancelling of a policy from any cause, the premium note, with all unappropriated interest paid thereon, or clear profit to which the member may be entitled, shall be given up to the depositor, his executors, administrators or assigns.

Contingent fund, how raised.

Penalty for non-payment of interest.

Upon withdrawal of a member, unappropriated interest to be refunded.

Adjustment of insurance.

Assignment of policies.

The insurance shall be subject to adjustment when either party, in conformity with the provisions of the by-laws, shall be entitled to it; and assignments of policies may be made and accepted, agreeably to the same provisions.

Power to invest surplus fund; how.

SEC. 8. The said company may invest any surplus funds that in the prosecution of its business it may from time to time have accumulated, in such manner as the directors may decide; may

make loans of the same on bond, or mortgage, and the same call in or re-loan as occasion may require, and have such privileges in the premises as are usually granted in acts of incorporation; but it shall not be lawful for the said corporation to employ any of its funds in buying or selling any goods, wares, merchandize or stocks of any kind in the way of traffic, or in any banking operation, or in any other way except for the purposes of bona fide investing therein their moneys held as surplus funds.

SEC. 9. The privileges hereby granted, or intended to be granted by this act, shall continue in force for the period of twenty years; but if at any time it shall appear to the Legislature that these privileges are injurious to the public welfare, the power to repeal this act shall not on any account be denied or impaired, but such repeal shall not affect any engagements to which the said corporation may have been a party previously thereto; and the said corporation shall have reasonable time to bring their accounts to a final settlement and termination.

*Continuance of
privileges.*

*Repeal not
to affect engage-
ments of corpo-
ration.*

Passed at Dover, February 15, 1859.

CHAPTER DLXIX.

AN ACT to enable James B. Henry and Hale Remington to construct a Wharf at Delaware City.

WHEREAS, It is represented that James B. Henry and Hale Remington are the owners of a piece of land at Delaware City, on the south side of the Chesapeake and Delaware Canal, which is used for the receipt and shipment of coal, and that much inconvenience is experienced from the want of proper facilities for loading vessels and protecting them from storms; therefore,

Preamble.

SECTION 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 James B. Henry and Hale Remington, and their assigns, owners or occupiers of the said land, and they are hereby authorized and empowered, to construct, maintain and keep a proper and sufficient wharf, or wharves, for the purposes aforesaid, in front of and connected with the piece or parcel of land aforesaid, and to extend the same

*J. B. Henry and
Hale Remington
authorized to
construct wharf.*

Where.

Not to interfere
with navigation
of Del. River.

into the deep water of the Delaware River as far as may be necessary for the uses and purposes aforesaid; but the said wharf, or wharves, shall be so constructed, maintained and kept, as not to interrupt or interfere with the convenient and commodious navigation of the said river, and so as that the same shall be wholly below the basin and southernmost pier of the Chesapeake and Delaware Canal Company.

Public act.

SEC. 2. *And be it further enacted*, That this act shall be a public act.

Passed at Dover, February 15, 1859.

CHAPTER DLXX.

AN ACT to authorize Edward Mills to erect a Gate across a Public Road.

Edward Mills
authorized to
erect a gate.

SECTION 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 Edward Mills to erect and place a gate across the public road leading from the Old Tub Mill, in Milford Hundred, Kent County, to a place on the Bay Shore called the Big Stone, at the western side of his farm, at a point on said road where the lands of the said Edward Mills and Mason Webb join.

Penalty
for injury to.

SEC. 2. *And be it further enacted*, That if any person or persons shall injure or destroy the said gate, or open and leave it open, he, she, or they, shall forfeit and pay for every such offence a sum not exceeding five dollars, which may be recovered as debts of a like amount are recoverable by the laws of this State, by any person who shall sue for the same, and shall also pay to the person or persons injured all damages that may be sustained by reason of such neglect or wilfulness: *Provided*, It shall be the duty of the said Edward Mills, or the person or persons to whom the lands of the said Edward Mills, which are adjacent to said public road, shall or may at any time belong, to keep the said gate in good repair and convenient to be opened and shut.

Proviso.

Passed at Dover, February 15, 1859.

CHAPTER DLXXI.

AN ACT to incorporate the Supreme Grand Council of the Independent Order of the Sons of Malta of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, and it is hereby enacted by the same,* That Charles M. Allmond, Francis Barry, Henry N. Wickersham, E. T. Aiken, John P. Allmond, George Nebeker, John L. Russell, James Scott, Edwin J. Horner, Daniel McClintock, Thomas W. Bowers, William Stewart, Thomas Woodward, C. A. Mason, Daniel James, William Thatcher, and such other persons as now or may hereafter become members of the Hiawatha Lodge and Supreme Grand Council of the Independent Order of Sons of Malta of the State of Delaware, and their successors, be and they are hereby created and enacted into a body politic and corporate, in deed and in law, by the aforesaid name, style and title; and by that name and title shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, and shall be able and capable in law and in equity to receive, take and hold, for the use of said corporation, lands, tenements, hereditaments and estates, real and personal, whatsoever, and the same to grant, bargain, sell, transfer, assign, mortgage and convey, in such manner as the said corporation shall deem proper; and to receive and make all deeds, transfers, contracts, conveyances, covenants and assurances whatsoever; and to make, have and use a common seal, and the same to change and renew at pleasure; and generally to do every other act and thing necessary to carry into effect the provisions of this act, to promote the objects and designs of said corporation.

SEC. 2. That the object and design of said corporation shall be the collection and disbursement of moneys for works of charity; the relief of the poor and unfortunate of this State, without any distinction of sex, color, age, politics, nationality, country or religion, in such manner and form as the said corporation shall deem proper; and to encourage the feeble and inexperienced to persevere in the path of rectitude and virtue: *Provided, however,* That the said corporation shall not be allowed to collect and have on hand, at any one time, a charity fund exceeding the sum of five thousand dollars; *And provided further,* That the net annual income arising from the real estate of said corporation shall not exceed the sum of two thousand dollars.

SEC. 3. That the said corporation shall have power to adopt a constitution and make by-laws, and the same to amend, alter or

repeal, at pleasure: *Provided*, That such constitution and by-laws are not inconsistent with this charter, or with the constitution of the United States, or the constitution and laws of this State.

Misnomer of
corporation not
to vitiate any
gift, &c.

SEC. 4. That the said corporation are hereby empowered to take and receive real and personal property, by gift, devise or bequest; and no misnomer of said corporation shall defeat any intended gift, grant, conveyance, devise or bequest thereto; the same, however, to be always subject to the provisions of this act.

Subordinate
lodges.

Proviso.

SEC. 5. That the said corporation shall have power to institute subordinate lodges in New Castle, Kent and Sussex Counties of this State, in such form and manner as they may deem proper: *Provided, however*, That such subordinate lodges shall not have any of the rights and privileges of a corporation in virtue of such institution.

Public act.

SEC. 6. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be published as such.

Passed at Dover, February 15, 1859.

CHAPTER DLXXII.

AN ACT to establish a certain Public Road in New Castle Hundred.

Public road in
New Castle Hun-
dred established.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That a public road in New Castle Hundred and New Castle County, in this State, be and the same is hereby established, to be laid out and opened as follows, to wit:

Courses and
distances.

Beginning at a stake in the westerly side of the "Old King's Road," on lands of Zadock Townsend, near the "Old Ferry," said stake bearing south sixty-eight and three-quarters degrees, west seven and two-tenths perches, from a locust tree on the east side of said road; thence through improved upland and marsh-land of the said Zadock Townsend, north seventy-four and a half degrees, west ninety and two-tenths perches, to a stake in the line of said Townsend's line; thence by the same course across marsh land of Thomas Smith, of William Tatnall, of Joseph

Tatnall, Edward Tatnall, and William Tatnall, executors of Edward Tatnall, deceased, and of Samuel Pennock, Morton Pennock, Jesse Pennock, and J. Lacy Darlington, north sixty-one and three-quarter degrees, west one hundred and twenty-seven and nine-tenths perches, to a stake on the easterly side of the Wilmington Bridge causeway, fourteen and eight-tenths perches southerly from the end of the lower wing wall of said "Wilmington Bridge."

SEC. 2. *And be it further enacted*, That the road commissioners for New Castle Hundred aforesaid shall, immediately after the passage of this act, cause the said public road to be opened as is hereinbefore described, of the width of forty feet; and the same shall be thereafter free for the public use, and shall be maintained and kept in repair as other public roads in said hundred shall for the time being be maintained and kept in repair, according to law. The expense of opening said road, and of constructing any necessary bridges and causeways for the same, shall be defrayed as in the case of the opening of roads which have been laid out under an order of the Court of General Sessions of the Peace and Jail Delivery within New Castle County, and accepted by the Levy Court of said county.

Road commissioners of New Castle Hundred required to open said road.
Width.
To be free.
How maintained.
Expense of opening, &c.
How defrayed.

SEC. 3. *And be it further enacted*, That the public road heretofore laid out under an order of the aforesaid court, made at the November term, 1856, extending from the "Old King's Road" aforesaid to the Wilmington Bridge causeway, between the road herein established and the Christiana Creek, as the same is described in the return of freeholders to said court, dated March 30th, 1857, be and the same is hereby vacated, and it shall be lawful for the several owners of land over which the same was laid out to enclose the same.

Old road vacated.

SEC. 4. *AND WHEREAS*, The owners of the lands over which the road herein established is to be opened, being the same persons owning the lands over which the road hereinbefore vacated was laid out, have by their petition to this General Assembly signified their willingness to dedicate to the public use the land over which the road herein established is to be opened, in consideration of the payment to them respectively of the damages which were assessed by the freeholders by whom the road hereinbefore vacated was laid out, therefore

Preamble.

Be it further enacted, That the said several owners to whom damages were assessed by the freeholders by whom the road hereinbefore vacated was laid out, be and they are hereby declared to be entitled to receive the several sums of money so assessed, any thing in this act contained to the contrary notwithstanding; and the clerk of the peace for New Castle County is hereby directed

Damages.
Clerk of peace New Castle Co. to draw orders for payment of

to draw orders upon the treasurer of said county for the payment of the said sums to the parties to whom they were respectively assessed.

Passed at Dover, February 15, 1859.

CHAPTER DLXXIII.

AN ACT to divorce *Thomas Scott and Mary Ellen Scott* from the bonds of matrimony.

Private Act.

Passed at Dover, February 16, 1859.

CHAPTER DLXXIV.

AN ACT appointing freeholders to lay out a new public road.

Persons appointed to view and lay out road.

Causee.

To employ surveyor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Jehu F. Tharp and Thomas Wallace, of Kent County, and Peter F. Causey, of Sussex County, be, and they are hereby appointed to go upon and view the premises, and determine whether there is need of a new public road, to commence at some point in the centre of Front Street, opposite "Ralston's Alley," of the town of Milford, in Kent County, and to extend thence southerly of such width as they may determine upon, to and across Mispillion Creek to the Sussex County side thereof, and thence southwesterly to the contemplated depot upon the Junction and Breakwater Railroad. And if the said Jehu F. Tharp, Thomas Wallace, and Peter F. Causey, should determine that there is need for a new public road as above mentioned, then they shall, with the assistance of some skilful surveyor, to be by them employed, lay out such public road as shall be most proper,

having respect to the nature of the ground, the shortness of the distance, and all circumstances of public and private convenience or detriment, and shall cause two maps of said road to be made, showing the courses and distances thereof, with notes of the most remarkable places and improvements by or through which the same passes; and shall assess the damages of every the owners or holders of the lands and improvements on occasion of said road, taking into consideration all the circumstances of benefit or injury which will accrue to each owner or holder therefrom, and shall make a computation of the cost of opening and making said road, and making the bridges and causeways therein, in each of said counties of Kent and Sussex, setting down the several items of said cost; and if a road be laid out as aforesaid, shall, in their return set forth among their proceedings, a description of the said road, and their determination that there is need of the same for public convenience, and shall annex to their returns the aforesaid maps, to wit: one map to each return, on which shall be shown the part of said road lying in each of said counties.

To cause maps thereof to be made.

To assess damages.

To make estimate of cost of opening said road, &c.

Return.

SEC. 2. *And be it further enacted*, That the maps and returns so to be made as aforesaid, by the said Jehu F. Tharp, Thomas Wallace, and Peter F. Causey, shall be returned, one to the Clerk of the Peace in and for Kent County aforesaid, and one to the Clerk of Peace in and for Sussex County aforesaid, to be by them laid before the Levy Court of said counties respectively; and it shall be the duty of such Levy Court to approve, confirm and establish so much of said road as shall lie within their respective counties, as a public road, and shall settle such damages as may have been assessed by said proceedings, and caused under this act, whenever and so soon as the commissioners aforesaid shall certify to the said Levy Courts that a sufficient amount has been subscribed by responsible persons for making the causeway and bridge across the aforesaid creek, and when the said road shall have been so established as a public road by the Levy Court of Kent and Sussex Counties aforesaid, it shall be the duty of said Levy Courts to appoint an overseer for their counties respectively, to open and make their respective parts of the said road, causeways and bridges therein, and when opened and completed for public use, then thereafter the same shall be maintained, as provided for in Chapter 60 of the Revised Code of this State "concerning roads and bridges," except that part of the said road lying in Kent County aforesaid, which shall be under the control and management of the commissioners of the town of Milford, in said county, and maintained at the expense of said town.

When made, to be laid before Levy Court of Kent and Sussex Counties.

Levy Court to establish road and settle damages.

When.

When road established, Levy Court to appoint overseer.

How maintained.

SEC. 3. *And be it further enacted*, That if the said Jehu F. Tharp, Thomas Wallace, and Peter F. Causey, shall determine upon laying out the public road aforesaid, then they are hereby authorized and empowered to vacate any public alley or alleys, or any

Persons appointed to lay out new road, authorized to vacate any public alley adjacent, &c.

Land over which
alley vacated
runs to be laid
off and sold.

Receipts for
purchase money.

Proviso.

Map of alley
vacated, with the
proceeds of sale,
to be returned to
clerk of peace of
Kent County.

Freeholders
to be sworn or
affirmed.

Surveyor
to be sworn or
affirmed.

Acts of a
majority to be
valid.
In case of vacan-
cy Governor to
appoint.

part of such alleys in Kent County aforesaid, adjacent to the aforesaid road, which they may deem to be rendered useless to the public by reason of the opening of the said road, and the land upon which the said alley or alleys or any part thereof, so rendered useless to the public as aforesaid, to cause to be laid off in suitable allotments, and sold to the highest bidder or bidders therefor in money, and upon the payment of the purchase money, to execute to such purchaser or purchasers a receipt therefor, describing the premises so purchased, which receipt shall be deemed and taken as a sufficient title paper to hold the premises therein described, to him or them, their heirs and assigns: *Provided, nevertheless*, That no such purchaser shall enclose or otherwise obstruct any part of the said alley or alleys until the aforesaid road is opened for public use. A map of the alley or alleys so vacated and sold, together with the proceeds of the sales thereof, shall accompany the return aforesaid to the Clerk of the Peace in and for Kent County, to be laid before the Levy Court of said county, to be by them appropriated and applied to the opening of the said road.

SEC. 4. *And be it further enacted*, That the said John F. Tharp, Thomas Wallace, and Peter F. Causey, and the surveyor employed by them, shall, before performing the duties herein assigned them, be sworn or affirmed to perform the duties incumbent upon them under this act, and the surveyor to perform the service for which he is employed, faithfully and impartially, according to the best of their skill and judgment respectively, which oath or affirmation may be taken before any Judge of this State, or any Justice of the Peace for either Kent or Sussex County. The acts of a majority of the said freeholders shall be as valid as if concurred in by all of them, and in case of a vacancy or vacancies from any cause, another or other freeholders may be appointed by the Governor of this State, who shall be subject to the same obligations and duties which are herein enjoined upon his or their predecessor or predecessors.

Passed at Dover, February 16, 1859.

dispositi... to...
 CHAPTER DLXXV.

A FURTHER SUPPLEMENT to the Act entitled "An Act to incorporate the Wilmington Literary Institute." Vol. 9, p. 651.

Private Act.

Passed at Dover, February 16, 1859.

CHAPTER DLXXVI.

AN ACT to authorize the construction of a Public Bridge across Blackbird Creek, in New Castle County.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the commissioners of the Levy Court of New Castle County are hereby authorized, empowered, and directed to cause to be built and constructed, as soon as may be, a safe, good and sufficient bridge and abutments over Blackbird Creek, in Appoquinimink Hundred, in New Castle County, at such place above and near Jefferson's and Smithers' wharves, on the said creek, as the said commissioners may determine is most convenient for the public use; and the said commissioners of the Levy Court are hereby further authorized, empowered, and directed to have the necessary roads and causeways leading to and from the said bridge, made in the direction and for the distance which shall be ascertained and determined by them.

Commissioners of Levy Court of New Castle Co. authorized to construct bridge over Blackbird Creek. Where.

Who to have made roads and causeways.

SEC. 2. And be it further enacted, by the authority aforesaid, That the said bridge shall be so constructed as to admit boats without masts, scows, and stocks, to pass under it with ease and convenience; that the abutments and causeways shall be at least twenty feet wide; and the bridge at least sixteen feet wide; that there shall be made on each side of the bridge and abutments a strong railing, at least three and a half feet high, or substantial stone walls on the sides of the abutments, instead of such railing.

Bridge; how to be built.

SEC. 3. And be it further enacted, by the authority aforesaid, That in case of any disagreement between the said commissioners

In case of disagreement between commissioners and owners of land over which causeways pass, application to be made to prothonotary of New Castle Co.

Prothonotary to issue writ.

Sheriff to summon six freeholders to visit the premises.

Notice.

Freeholders to determine the damages, and make return to Court of General Sessions.

If return be set aside, court to appoint six other freeholders.

Return to be conclusive.

Compensation to freeholders and sheriff.

Expenses; how paid.

Bridge to be public, and maintained as other public bridges.

of the Levy Court and the owner or owners of the land through which said causeways may run, and upon which said abutments and bridge may be built and constructed, in regard to damages to the said owner or owners for the said lands for the uses of said bridge, abutments and causeways, the said commissioners of the Levy Court, or the said owner or owners of said land, may apply to the prothonotary of New Castle County; and the said prothonotary is hereby directed to issue a writ to the sheriff of said county, to cause six good and substantial freeholders of said county to attend and view the premises in the presence of the parties interested, if they will attend upon notice given them by the said sheriff for that purpose ten days at least before the meeting of said sheriff and freeholders, who shall, upon their oaths or affirmations respectively, to be administered by the said sheriff, and by their verdict, under their hands and seals, say and determine whether any and what damages the owner or owners of any such lands shall have for the use of said lands for the purposes aforesaid; which said verdict in writing, under the hands and seals of said sheriff and said freeholders, or a majority of them, shall be returned into the Court of the General Sessions of the Peace in and for said county, where (if the same be approved by the said court) the same shall remain upon record; and if said return be set aside by said court for any cause, the said court shall thereupon appoint other six freeholders of said county to assess said damages, whose verdict, to be made or returned as aforesaid, shall be conclusive; and the said sheriff and freeholders shall be paid for their services the sum of two dollars each for each and every day's attendance upon such service.

SEC. 4. *And be it further enacted, by the authority aforesaid,* That the said Levy Court commissioners shall pay all the expenses incident to and necessary for the building and construction of said bridge, abutments and causeways, and damages to said owners of said lands, and to said sheriff and freeholders, and said prothonotary of said county for his fees, out of the public moneys belonging to said county, as other public county charges are paid.

SEC. 5. *And be it further enacted, by the authority aforesaid,* That said bridge shall be a public bridge, and shall be kept in repair as other public county bridges are kept in repair in said county.

Passed at Dover, February 16, 1859.

CHAPTER DLXXVII.

AN ADDITIONAL SUPPLEMENT to an Act entitled, "*An Act to enable the owners and possessors of the Marsh Meadows on the north side of the Christina River, called Middleburg Marsh, to keep the banks, dams and sluices in repair, and raise a fund to defray the expenses thereof,*" passed in the year 1769. vol. 8, p. 118.

Private Act.

Passed at Dover, February 16, 1859.

CHAPTER DLXXVIII.

AN ACT authorizing the appointment of additional Notaries Public in Wilmington Hundred, New Castle County, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the number of notaries public for Wilmington Hundred, in New Castle County, shall hereafter be nine instead of six, (all laws or parts of laws to the contrary,) and the Governor shall have power to issue commissions to this effect.

Number of notaries public for Wilmington Hundred, increased to nine.
Governor authorized to issue commissions

SEC. 2. *And be it further enacted,* That the privilege and duties of the notaries public who have been or may be appointed for the several banks in the city of Wilmington, shall hereafter be confined to the business of their respective banks, and none other whatever.

Notaries for banks in Wilmington restricted to business of banks.

Passed at Dover, February 16, 1859.

In case of disagreement between commissioners and owners of land over which causeways pass, application to be made to prothonotary of New Castle Co.

Prothonotary to issue writ.

Sheriff to summon six freeholders to visit the premises.

Notice.

Freeholders to determine the damages, and make return to Court of General Sessions.

If return be set aside, court to appoint six other freeholders.

Return to be conclusive.

Compensation to freeholders and sheriff.

Expenses; how paid.

Bridge to be public, and maintained as other public bridges.

of the Levy Court and the owner or owners of the land through which said causeways may run, and upon which said abutments and bridge may be built and constructed, in regard to damages to the said owner or owners for the said lands for the uses of said bridge, abutments and causeways, the said commissioners of the Levy Court, or the said owner or owners of said land, may apply to the prothonotary of New Castle County; and the said prothonotary is hereby directed to issue a writ to the sheriff of said county, to cause six good and substantial freeholders of said county to attend and view the premises in the presence of the parties interested, if they will attend upon notice given them by the said sheriff for that purpose ten days at least before the meeting of said sheriff and freeholders, who shall, upon their oaths or affirmations respectively, to be administered by the said sheriff, and by their verdict, under their hands and seals, say and determine whether any and what damages the owner or owners of any such lands shall have for the use of said lands for the purposes aforesaid; which said verdict in writing, under the hands and seals of said sheriff and said freeholders, or a majority of them, shall be returned into the Court of the General Sessions of the Peace in and for said county, where (if the same be approved by the said court) the same shall remain upon record; and if said return be set aside by said court for any cause, the said court shall thereupon appoint other six freeholders of said county to assess said damages, whose verdict, to be made or returned as aforesaid, shall be conclusive; and the said sheriff and freeholders shall be paid for their services the sum of two dollars each for each and every day's attendance upon such service.

SEC. 4. *And be it further enacted, by the authority aforesaid,* That the said Levy Court commissioners shall pay all the expenses incident to and necessary for the building and construction of said bridge, abutments and causeways, and damages to said owners of said lands, and to said sheriff and freeholders, and said prothonotary of said county for his fees, out of the public moneys belonging to said county, as other public county charges are paid.

SEC. 5. *And be it further enacted, by the authority aforesaid,* That said bridge shall be a public bridge, and shall be kept in repair as other public county bridges are kept in repair in said county.

Passed at Dover, February 16, 1859.

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Private Act.

Passed at Dover, February 16, 1859.

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SEC. 2. *And be it further enacted,* That the privilege and duties of the notaries public who have been or may be appointed for the several banks in the city of Wilmington, shall hereafter be confined to the business of their respective banks, and none other whatever. Notaries for banks in Wilmington restricted to business of banks.

Passed at Dover, February 16, 1859.

CHAPTER DLXXXIX.

Vol. 10, p. 648. AN ACT to repeal Section 1 of the Act in relation to Conrad's Marsh Company, of New Castle County, granting privilege to renters to vote, &c.

Private Act.

Passed at Dover, February 16, 1859.

CHAPTER DLXXX.

AN ACT to allow an additional Justice of the Peace in Sussex County.

Sussex County
entitled to an
additional jus-
tice of the peace.

To reside at
the village of
Gumborough,
Broad Creek Hd.

SECTION 1. Be 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 and approving thereof,) That the County of Sussex shall be entitled to one additional Justice of the Peace to reside in or near the village of Gumborough, in Broad Creek Hundred and County aforesaid.

Passed at Dover, February 16, 1859.

CHAPTER DLXXXI.

Revised Code,
chapter 51.

AN ACT to amend Chapter 51 of the Revised Statutes of the State of Delaware.

Sec. 7 of chap. 51
Revised Code
amended

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Section 7 of Chapter 51, of the Revised Statutes of this State,

be, and the same is hereby amended by inserting after the word "Legislature" in the third line of said Section, and before the word "elect" in the fourth line of the Section, as follows, to wit: "or a majority of the said voters present at the said annual meeting."

Passed at Dover, February 16, 1859.

CHAPTER DLXXXII.

AN ACT *proposing an Amendment to the Constitution, for the purpose of abolishing Life-tenures in office.*

WHEREAS, Life-tenures in office are incompatible with republican institutions and the enlightened spirit of the age, therefore Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each house deeming it necessary, and by and with the approbation of the Governor,) That the following amendment Amendment to sec. 14 of article 6 of constitution proposed. be and the same is hereby proposed to the fourteenth section of the sixth article of the constitution of this State; that is to say, strike out the first clause of the said fourteenth section of the sixth article, the words "during good behavior," and in lieu thereof insert and adopt the following; that is to say, "for and during the term of twelve years, if so long they behave themselves well; the first term of the chancellor, and of each and all of the judges, to begin and commence on the fourth day of March, A. D. 1861."

SEC. 2. *And be it further enacted,* That the Secretary of State of this State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment and this act, duly to publish the above proposed amendment and this act, in two or more newspapers of this State, for the consideration of the people of this State, at least three and not more than six months before the next general election for Senators and Representatives in this State. Secretary of State directed to publish it after approval by Governor.

Passed at Dover, February 16, 1859.

CHAPTER DLXXXIII.

AN ACT to authorize Gates to be erected across a Public Road therein mentioned.

H. J. Hall and
R. C. Hall author-
ized to erect two
gates across public
road.

Where.

Penalty for
injury to.

How recovered.

SECTION 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 Henry J. Hall and Robert C. Hall, in Milford Hundred, in Kent County, to erect two gates on their land across the public road or common highway leading from the bridge across Crooked Gut to the lands of John Roughley, in Milford Neck, one of the gates to be erected near a dwelling house on said road, and the other gate to be erected at or near the lands of John Roughley, leading to the Delaware Bay; and if any person or persons shall wilfully injure the said gates, or leave the same open, he, she or they so offending shall forfeit and pay a sum of money not exceeding five dollars, to be recovered as debts under forty shillings are recoverable, by any person or persons who will sue for the same.

Passed at Dover, February 16, 1859.

CHAPTER DLXXXIV.

Vol. 16, p. 573. A SUPPLEMENT to the Act passed at Dover, March 4, 1851, to incorporate the Wilmington Coal Gas Company.

Wilmington
Coal Gas Com-
pany authorized to
increase capital
stock by the
addition of
\$70,000.
Shares.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That "The Wilmington Coal Gas Company," incorporated by the act to which this is a supplement, be and is hereby authorized to increase its capital stock by the addition of seventy thousand dollars, in fourteen hundred shares of fifty dollars each, to be disposed of, paid, and certificates thereof delivered, as the board of directors of the company shall prescribe, to enable the said company to extend its works and pipes; the additional shares to have the legal incidents of the original.

SEC. 2. *And be it further enacted, as aforesaid,* That the board of directors of the said company shall call a general meeting of the stockholders of the company at a day, hour and place in Wilmington, within three months from the passing of this supplement, and give at least fifteen days' notice of the time, place, and purpose of the meeting, by advertisements in the newspapers published in Wilmington; and if a majority of the stockholders assembled in said meeting, voting by ballot, shall accept this supplement, the said board shall proceed to increase the capital stock of the company under the authority hereinbefore given, and this act shall be a part of the charter of the corporation; but if the vote shall be against the acceptance of this supplement, the authority hereinbefore granted shall cease and be void, and this supplement be of no effect as binding said company. The board shall certify to the Governor, under the corporate seal of the company, the vote of the stockholders cast respecting the acceptance of this supplement as aforesaid, the certificate to be laid before the next General Assembly; and the communication thereof by the Governor, as well as the minutes of the meeting in the books of the company, shall be evidence.

Board of directors to call meeting of stockholders; when and where.

Notice of.

If at said meeting a majority of stockholders vote to accept this act, the board of directors required to increase capital stock.

If majority of stockholders vote against acceptance of this act the authority to increase capital stock void.

Board to certify vote of stockholders to Governor.

Certificate to be laid before next General Assembly.

SEC. 3. *And be it further enacted, as aforesaid,* That in the meeting aforesaid, and in all meetings hereafter of the stockholders of the company aforesaid, annual or otherwise, and in all elections, every share of stock shall entitle the holder to one vote; so that in elections, and upon all questions, every stockholder shall be entitled to as many votes as he holds shares of stock. But if this supplement be not accepted, this section shall be of no effect, and shall become void with this supplement.

Stockholders entitled to one vote for each share of stock.

If not accepted, this section to be void.

Passed at Dover, February 16, 1859.

CHAPTER DLXXXV.

AN ACT to authorize the sale of certain Real Estate of Samuel M. Leiper, deceased.

Private Act.

Passed at Dover, February 16, 1859.

CHAPTER DLXXXVI.

AN ACT to incorporate the Trustees of the Delaware City Academy.

Persons
incorporated.

Name

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That T. Jefferson Clark, George Maxwell, John Carson, William D. Clark, James B. Henry, John J. Henry, Jesse T. Ash, John A. Barr, and Benjamin N. Ogle, be, and they are hereby declared to be incorporated by the name and title of "The Trustees of the Delaware City Academy," and by the same name shall have perpetual succession and shall be able to sue and be sued, plead and be impleaded in all courts of law and equity, and to purchase, receive, have, hold, and enjoy to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects of whatsoever kind, and the same to sell, grant, demise, alien or dispose of, and also to have a common seal, the same to break, alter or renew at their pleasure.

Powers

SEC. 2. *And be it further enacted,* That the corporation 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 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. 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.

Officers.

Treasurer to
give bond.Vacancy in board
of trustees; how
filled.

SEC. 3. *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 New Castle County, or otherwise, the remaining trustees shall have the power, and they are hereby authorized to choose by ballot a person or persons to fill said vacancy.

Powers
of trustees.

SEC. 4. *And be it further 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.

SEC. 5. *And be it further enacted*, That the trustees shall carefully preserve, upon the records of the academy, a list of the contributors and the amounts contributed to the establishment and maintenance of the said academy, and that the said trustees be, and they are hereby authorized and empowered to issue to each person contributing the sum of fifty dollars and upwards, certificates of stock in shares of fifty dollars each, transfers of which may be made in the presence of the secretary of the board of trustees; and if at any time after the first day of March next, the trustees shall fail, for the term of one year to maintain a school in the town of Delaware City aforesaid, under the provisions of this act, then it shall and may be lawful for any contributor or holder of a certificate of stock to demand and recover from the said trustees the amount so contributed without interest.

Duties of trustees.
Certificates of stock.
Trustees failing to maintain a school for one year, contributor to recover amount contributed.

SEC. 6. *And be it further enacted*, That this act be, and the same is hereby declared to be a public act.

Passed at Dover, February 16, 1859.

CHAPTER DLXXXVII.

AN ACT to amend Section 13 of Chapter 55 of the Revised Code.

Revised Code, chapter 55.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That Section 13 of Chapter 55 of the Revised Code, be, and the same is hereby amended by inserting after the word "hundred" and before the word "shall" in the second line of said section the words "in Kent and New Castle Counties," and by inserting after the word "year" and before the word "upon" in the third line of the same section, the words "and the collector of any hundred in Sussex County, shall pay eight cents for each crow killed in said county of Sussex in any year."

Sec. 13 of chapter 55 of Revised Code amended.

Passed at Dover, February 17, 1859.

CHAPTER DLXXXVIII.

Auto, p. 379.

A SUPPLEMENT to the Act entitled "*An Act to incorporate the Mispillion and Choptank Railroad Company,*" passed at Dover, February 17th, 1857.

Mispillion and
Choptank Rail-
road Company
authorized to
connect with any
railroad in State
of Maryland,
loading, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch of the Legislature concurring theréin,) That the Mispillion and Choptank Railroad Company, incorporated under the act to which this is a supplement, shall have power and authority to connect or unite their railroad with the railroad of any company which has or may be hereafter incorporated under or by virtue of any law of the State of Maryland, leading or running to any point on the Choptank River, in the State of Maryland, between Denton and Potter's Landing, on said river, upon such terms and conditions as shall be arranged and agreed upon between the companies so connecting or uniting, which said terms and conditions shall be reduced to writing, and authenticated under the seals of the respective companies.

Terms.

To be in writing.

Passed at Dover, February 17, 1859.

CHAPTER DLXXXIX.

AN ACT to change the Name of the Place called *St. Johnstown Station*.

Name of place
called St. John-
stown Station
changed to that
of Greenwood.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the place called St. Johnstown Station, on the Delaware Railroad, in North West Fork Hundred, Sussex County, and State of Delaware, shall, from and after the passage of this act, be called and known by the name of Greenwood, which shall be its proper designation.

Passed at Dover, February 17, 1859.

CHAPTER DXC.

AN ACT for the removal of obstructions in any public ditch in this State.

SECTION 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 passage of this act, it shall be lawful for any person or persons who may be taxables or interested in any public ditch heretofore made, or hereafter to be laid out and made by any act of the Legislature of this State, or under the act of Assembly in such case made and provided for the draining of low grounds either by themselves or by such persons as they may employ, to enter upon the lands of any person through which any such ditch or ditches may pass, and remove any obstruction or obstructions of whatever nature or kind the said obstruction may be, which may exist in said ditch or ditches, so that the water may pass through the same.

Any taxable or person interested in any public ditch authorized to enter upon the lands of another to remove obstructions from said ditch.

SEC. 2. *And be it further enacted,* That if any person or persons through whose lands said ditch or ditches may pass, should hinder or prevent any person or persons so interested as aforesaid, or those whom they may employ from entering upon said lands to remove the obstruction or obstructions which may exist in said ditch or ditches, such person or persons so hindering or preventing the removal of such obstructions, shall forfeit and pay the sum of one hundred dollars, beside the costs of suit, to be sued for and recovered by any of the taxables upon said ditch, before any justice of the peace in and for said county where the said ditch may be situate.

Penalty for preventing any person from entering upon lands of another to remove obstructions, \$100.

How recovered.

SEC. 3. *And be it further enacted,* That if any obstruction should exist in any such ditch or ditches so as aforesaid made, occasioned by the fault or negligence of any person or persons, such person or persons so hindering or preventing the free passage of the waters through said ditch, shall be liable for the expenses and charges to which any of the said taxables shall be subject in removing the same, to be sued for and recovered by any of the taxables upon said ditch, before any justice of the peace.

Expense of removing obstructions, by whom to be paid.

SEC. 4. *And be it further enacted,* That the provisions of this act shall be cumulative to, and in no way alter or repeal any provision heretofore made for cleansing out or preventing the stopping up or obstructing any such ditch or ditches.

Provisions of this act cumulative.

Passed at Dover, February 17, 1859.

CHAPTER DXCI.

Vol. 10, p. 441. *AN ACT amending the Act entitled "An Act allowing an additional Constable in St. George's Hundred, New Castle County," passed at Dover, January 21, 1851.*

Act amended. *SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the act entitled "An act allowing an additional Constable in St. George's Hundred, New Castle County," be amended by inserting after the word "County," and before the word "The," in the sixth line of the said act, the following words, to wit: "whose jurisdiction shall not extend beyond one mile of the said town, unless furnished with conveyance by the plaintiffs."*

Passed at Dover, February 17, 1850.

CHAPTER DXCII.

AN ACT to incorporate the Duck Creek Improvement Company.

Owners of
marshes and
low grounds de-
clared a
company.

Name.

Annual
meetings; when
and where held.

Business of.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring,) That the owners of the marshes and low grounds lying between the upper and lower ends of the fast land of Bombay Hook Island and the main land, in Kent County, shall compose a company to be called "The Duck Creek Improvement Company," and shall hold a meeting on the first Saturday in April of the present year, and on the first Saturday in April in every year hereafter, at the tavern house on Long Point, in Duck Creek Hundred, or in such other place in the said hundred as the said owners shall have designated for that purpose, by a resolution adopted at any previous meeting, at which said annual meeting the said company shall choose by ballot, and by a plurality of votes, one treasurer and three managers, and may do and determine all such matters and things as the said company may deem necessary for effectually embanking, draining and reclaiming the said marshes and low grounds; and such annual meeting of the said company may

be adjourned from time to time, and occasional or stated meetings Occasional meetings. may from time to time be called by the managers for the time being, or the survivors of them, if any be dead, at such times and places as the said managers, or a majority of them, or the survivors of them may appoint, by giving ten days' public notice Notice of. by advertisements put up in at least five of the most public places in Duck Creek Hundred aforesaid. If the managers and treasurer shall not all, or any of them, be chosen at the stated annual meeting in any year, or if any manager or treasurer shall die, Vacancies in office of manager or treasurer; how filled. resign, or refuse or neglect to act, vacancies thus happening may be filled at an adjourned or occasional meeting by ballot and plurality of votes, as aforesaid; and all the managers, and every treasurer elected under this act, shall continue in office until the annual meeting next succeeding their election, and until successors be duly chosen; except that, if any manager or treasurer shall, after his election, remove from the neighborhood of such marshes and low grounds, the said company may, at any of its meetings, declare the place of such manager or treasurer vacant, and elect another in his place. And further, That said owners of said marshes and low grounds, at any adjourned or occasional meeting, may do all such acts and things as may or might be done at a stated meeting; and at all the meetings of the said "The Duck Creek Improvement Company," every white owner Who entitled to vote at meetings of the company. of any marsh or low ground within the company's boundaries, or who pays a tax to said company, and the guardian of every infant owner, may vote; and every female owner, and every owner residing out of Kent County may vote by proxy, constituted by a note in writing signed by such female or non-resident owner.

SEC. 2. *And be it further enacted,* That William Denny, Enoch Spruance, and William O. Mitchell, be and they are hereby appointed Commissioners appointed. commissioners to locate and lay out such embankments Duties of. as may, in their opinion, be necessary for the accomplishment of the objects of this act, and to determine where and at what points Old Duck Creek may be stopped by the said embankments. And the said commissioners are hereby further authorized and empowered to ascertain all the owners of the said marshes and low grounds, and the quantity held by each owner, or by joint owners if any be held undivided, and appraise the said marshes To appraise value of marshes and low grounds. and low grounds, having regard in such appraisement to the amount of benefit to be received by each owner, which said appraisement shall be the valuation upon which all taxes assessed and levied by virtue of this act shall be assessed and levied. If the said commissioners shall be of opinion that the owner or owners of any marsh or low ground within the said embankments will receive more injury than benefit by the said embankments and draining and reclamation, they shall fairly and impartially

Damages.	estimate the damages that such owner or owners will, in their judgment, sustain, taking into consideration the advantages as well as disadvantages which will be derived by such owner or owners in the premises; and all such damages (if any be found)
How paid.	shall by the said company be paid to the person or persons entitled to the same, or deposited in the Bank of Smyrna to the credit of such person or persons, before the said embankments shall be made. And the said commissioners shall make a certificate under their hands, or the hands of a majority of them, containing a description of the embankments which they shall direct to be made under this act, showing the length, width at base and top, and the courses and distances thereof, employing, if necessary, a skilful surveyor to aid them in such service, and containing also the names of the respective owners of the said marshes and low grounds, and the quantity held by each owner, or by joint owners if any be held undivided, and setting forth the appraisement of the several quantities or parcels so by the said commissioners to be made as aforesaid, and what damages they have estimated, (if any,) and to whom they have awarded the same, and shall return the said certificate to the recorder's office at Dover, in Kent County aforesaid, there to be recorded; which said certificate shall be final and conclusive, and the appraisement and valuation therein set forth shall be the true valuation according to which all taxes necessary to carry into effect the provisions of this act shall be assessed and levied. The original of said certificate the recorder shall (after recording the same) deliver to the managers for the time being, to be kept among the papers of the company. The record of such certificate, or a copy thereof, under the hand of the recorder and seal of his office, shall be good and competent evidence to all intents and purposes. And further, the said commissioners shall estimate the probable expense of making such embankments as they shall direct to be made, and of damming and filling up Old Duck Creek aforesaid at the point where the said embankments cross the same, and of constructing the necessary sluices in the said embankments where they stop the said creek, and at any other point where they deem sluices necessary; and shall certify under their hands, or the hands of a majority of them, the said estimate of probable expense, and deliver such certificate to the managers for the time being. If any of the said commissioners shall die, resign, remove from Kent County, or refuse to act, before all the duties of the said commissioners shall have been completed, then and in that case the said "The Duck Creek Improvement Company" may, at any annual, adjourned or occasional meeting, choose a commissioner or commissioners to fill the vacancy or vacancies; and so from time to time until all the duties of the said commissioners under this act shall have been completed. Two of the said commissioners agreeing, their acts shall be good and availa-
Certificate of commissioners.	
What to contain.	
Where to be returned.	
To be conclusive.	
Certificate to be delivered to managers after it is recorded.	
Record of to be evidence	
Commissioners to make estimate of expenses.	
And to certify the same to managers.	
Vacancy in the office of commissioner; how filled.	
The acts of two of the commissioners to be valid.	

ble, and shall be deemed and taken as the acts of the whole, touching the duties herein required of the said commissioners.

Sec. 3. *And be it further enacted*, That for the purpose of raising the necessary sums of money in the premises, it shall be the duty of the managers of the said "The Duck Creek Improvement Company" for the time being, and they or a majority of them are hereby authorized and required, after the appraisement and valuation shall be made and returned to the recorder, and the said estimate of probable cost shall have been certified to them as aforesaid: to lay and assess upon the value of the said marshes and low grounds mentioned in said appraisement and valuation, such sum of money as the said commissioners shall have estimated as the probable expense of making the said embankments, and of stopping the said creek and making the sluices aforesaid, or such part of the said sum as the said managers may deem expedient to raise in the first instance, which said sum shall be apportioned among the said several owners of the said marshes and low grounds named in said appraisement and valuation, according to and upon the value of the respective quantities or parcels which such owners respectively hold, according to a certain rate upon and for each and every dollar of said value and so *pro rata*; and for raising such further or other sum or sums of money as may be necessary for the completion of said improvement, or for keeping the works of said company in repair after they shall have been completed, it shall and may be lawful for the managers for the time being or a majority of them, and it is hereby made their duty to lay and assess upon the value of the said marshes and low grounds ascertained as aforesaid, every such sum or sums of money as the said company shall, at any of its meetings, by a majority of the votes present from time to time, determine and direct to be levied and raised; and all such sums of money shall be apportioned among the said owners as hereinbefore directed for the apportionment of the said sum, to be levied and raised in the first instance; and the said managers or a majority of them, shall from time to time, make out duplicate lists under their hands or the hands of a majority of them, of all assessments and taxes by them laid and assessed as aforesaid, which lists shall also contain a minute of all changes of ownership (if any) by transfers or otherwise, of the said marshes and low grounds so far forth as the same is known to the said managers; one of which lists shall be delivered to the treasurer for the time being, and the other shall be retained by the managers, and shall be copied into the book where the records of other proceedings of the said company are kept. The said list shall be final and conclusive upon all parties, and the lists from time to time delivered to the treasurer as aforesaid, shall be a sufficient warrant to him or his successor in office, for levying and collect-

Managers to lay and assess the amount necessary to pay the expenses.

How apportioned.

Managers authorized to lay and assess an amount of money sufficient to keep in repair works of the company.

How apportioned.

Lists of assessments.

What to contain.

One to be delivered to treasurer, the other to be retained by managers.

Lists to be sufficient warrant to treasurer to collect the taxes.

Powers
and duties of
managers.

ing the sums of money or taxes in said lists mentioned; and furthermore, it shall be the duty of the managers, and they or a majority of them are hereby authorized and required to make all such embankments, stoppages of old Duck Creek and sluices as shall be necessary to carry into effect the object contemplated in this act, to wit: the embankment and reclamation of the marsh and low grounds lying as aforesaid between the upper and lower ends of the fast land of Bombay Hook Island and the main land, and to keep the said works in good repair, and generally the managers shall carry into full effect all the lawful directions of the company, which shall, from time to time be given them in relation to their aforesaid trust, for which purpose the aforesaid managers shall have power to employ such workmen and laborers as may be necessary for the reclamation aforesaid of the aforesaid marshes and preserving the same hereafter from overflow, and all hire, wages and expenses in and about the said work, shall be paid by orders drawn by the managers or any two of them, on the treasurer. Every order shall specify the service, wages or expenses for which it is drawn, and an exact and true account shall be kept by the managers of all orders so drawn, and said accounts shall be laid before the annual or other meetings of the said company as said company may direct.

To employ
workmen, &c.

Expenses
thereof; how
paid.
Orders on
treasurer.

Accounts to be
laid before meet-
ings of the
company.

SEC. 4. *And be it further enacted*, That the managers laying the taxes shall appoint the time for the payment of them, and it shall be the duty of the owners respectively, to pay to the treasurer the taxes which (according to the lists to be delivered to the treasurer from time to time as aforesaid,) they shall be liable to pay at the time or times appointed by the managers for such payments as aforesaid.

Treasurer to
give bond.

Penalty of.

Condition of.

SEC. 5. *And be it further enacted*, That the treasurer for the time being; and every treasurer for the time being, shall, before he enters upon the duties of his office, give bond with security to be approved by the managers or a majority of them, to the said company by their name aforesaid, in the penalty of two thousand dollars, upon condition to be void if the said treasurer shall pay all orders drawn upon him by the managers for the time being or any two of them, so far as he shall have funds of the company for that purpose, and shall well and truly account for all monies which shall come to his hands as such treasurer; at every annual meeting of the company or otherwise, as the company may direct, and shall pay any balance or sum that shall be due from him on such accounts, to his successor in office or otherwise, as the company may direct, and shall perform all the duties of his office as treasurer with fidelity; and every treasurer for the time being shall have the same power to collect and levy all unpaid taxes upon a list delivered to a former treasurer, as the treasurer had, to whom the list was originally delivered.

SEC. 6. *And be it further enacted*, That the treasurer for the time being, and every treasurer for the time being, shall have full power and authority to demand and receive, levy and make all and every the taxes, which shall be laid and assessed, pursuant to this act, by the managers or a majority of them, according to the list which shall be delivered to such treasurer, and in case any tax or taxes so laid or assessed or any part thereof, shall remain unpaid for the space of ten days from the time appointed as aforesaid, for payment thereof, the treasurer for the time being and every treasurer for the time being, may and shall proceed to make and levy all such taxes so remaining unpaid, in the same manner and by the same means as are provided by law for the recovery of county road and poor taxes, except that the said treasurer shall advertise for at least thirty days before the day of sale: *Provided*, That no tax shall be demanded after the expiration of three years from the time the same is made payable by the managers as aforesaid.

Treasurer to levy and collect the taxes.

In case of refusal for ten days, treasurer to proceed.

How.

No tax to be demanded after three years from time when payable.

SEC. 7. *And be it further enacted*, That if any person shall wilfully or negligently injure any of the embankments, sluices or other works of the said company or in any wise interfere with the same to the injury thereof or to the said marshes or low grounds within the said embankments or to any of them, every person so offending shall pay to the said company the sum of one hundred dollars, and also the damages sustained by said company by reason of injury or interference, to be recovered before any justice of the peace of Kent County aforesaid, in the same manner and by the same proceedings as debts under one hundred dollars are by law recoverable, and the jurisdiction necessary for such recovery is hereby expressly given to all and every of the justices of the peace in said county.

Injury to works of company.

Penalty for.

How recovered.

SEC. 8. *And be it further enacted*, That each of the aforesaid commissioners, before he enters on the duties required of him by this act, shall be sworn or affirmed to discharge the duties hereinbefore prescribed, faithfully and impartially, according to the best of his skill and judgment; and every commissioner and manager shall for each and every day's service in and about the business of said company under this act, be entitled to receive of and from said company, the sum of one dollar, and every treasurer shall be allowed a commission of eight per centum on all monies by him collected.

Commissioners to be sworn or affirmed.

Compensation to commissioners and manager.

Compensation to treasurer.

SEC. 9. *And be it further enacted*, That the said owners in* the said marshes and low grounds, named in said appraisement and valuation to be returned to the recorder's office as aforesaid, and their successors in the title to the same, be and hereby are

Owners of marshes and low grounds incorporated.

* So in original

incorporated for the purposes in this act mentioned, by the name, style and title of "The Duck Creek Improvement Company;" and shall have succession, and by the same name may bring and prosecute suits upon any bond given or due to said company, and for the recovery of the sum and damages mentioned in the eighth section hereof; but the power of revoking this act is hereby reserved to the Legislature.

\$10,000,
appropriated by
the act for the
encouragement
of internal im-
provements, to
be paid to the
treasurer of the
company.

SEC. 10. *And be it further enacted*, That the appropriation of ten thousand dollars made in the act passed at the present session for the encouragement of internal improvements in the State of Delaware, for the stoppage of the mouth of Old Duck Creek, be and the same hereby is ordered to be paid over by the commissioners appointed in said act to receive the same, in such sums as the same may be received by them, to the treasurer for the time being of the aforesaid company, to be applied by said company to the objects contemplated in this act.

Company autho-
rized to stop Old
Duck Creek.

Where.

Also to use any
public road for an
embankment.

Travel not to
be obstructed
thereby.

SEC. 11. *And be it further enacted*, That the aforesaid company shall have power, in the prosecution of the work of the reclamation of the marshes and low grounds aforesaid, to stop the said Old Duck Creek at such points as their embankments approach the same, and continue their said embankments across said creek, with such sluices at the points of stoppage as may be deemed necessary. And further, that whenever any public road can be used as an embankment, the same may be used as such, and increased in its height or width, if necessary, by said company; such increase, however, not to obstruct or impede travel thereon; and the stoppage of said creek on the northern bank may be at or under the bridge now erected over the same, if necessary.

Passed at Dover, February 17, 1859.

CHAPTER DXCIII.

AN ACT for the relief of Mary Ann Stuart.

Private Act.

Passed at Dover, February 18, 1859.

CHAPTER DXCIV.

AN ACT to create an additional School District in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That John Whitby, Robert A. Cochran, and James H. Burnham, ^{Commissioners appointed to lay out from School District No. 60, in New Castle County, an additional school district.} be and they are hereby appointed commissioners to go upon and view School District No. 60, in New Castle County, and locate and lay out from said district an additional school district, by dividing the said School District No. 60 into two such parts as to them shall seem just and proper; and when the said commissioners, or a majority of them, shall have so located and laid out said additional school district, they or a majority of them shall make return of the said additional district so located and laid out, and also of the part of the original District No. 60 remaining after the said additional district shall have been laid off, describing plainly the metes and bounds of each, into the office of the clerk of the peace of New Castle County, to be by him filed among the ^{Where filed.} records of his office; said return shall be made on or before the ^{When made.} first day of June next. And within ten days thereafter, the said clerk of the peace shall make a copy thereof, and deliver the ^{Clerk of peace to deliver copy to the trustee of School Fund.} same to the trustee of the school fund; and from and after the first day of June aforesaid, the additional school district to be formed under the provisions of this act shall be deemed and taken to be a school district of New Castle, and numbered in continuation of school districts already established by law in said county; and all the acts of the General Assembly of this State for the ^{School laws to be applicable to new district.} general regulation, government and benefit of free schools within this State, shall be extended and applied to said additional school district to be created under the provisions of this act.

SEC. 2. *And be it further enacted,* That the commissioners appointed by this act shall severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity; and for each and every day the said commissioners may be employed in the discharge of their duties under the provisions herein contained, they shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeals of New Castle County. ^{Commissioners to be sworn or affirmed.} ^{Compensation.}

Passed at Dover, February 18, 1859.

CHAPTER DXCV.

AN ACT to incorporate the New Castle and Wilmington Passenger Railway Company.

Commissioners appointed.

To open books for subscriptions to stock.

Who may be subscribers.

Capital stock to be \$75,000.

May be increased by a vote of stockholders.

Not to exceed \$150,000.

Company authorized to borrow to an amount not to exceed the amount of capital stock.

When four hundred shares subscribed for, subscribers incorporated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That Thomas J. Tasker, Bronaugh M. Derringer, George Collyer, Zaddock Townsend, Theodoro Rodgers, Peter B. Vandever, Leonard E. Wales, Victor Du Pont, Robert D. Hicks and Thomas B. Rice, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they or a majority of them shall procure and cause to be opened at such time and places, and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the New Castle and Wilmington Passenger Railway Company, and they shall permit all persons of lawful age to subscribe in said books, in their own names or in the name of any other person or company who may authorize the same for any number of shares in the said stock.

SEC. 2. That the capital stock of said company shall be seventy-five thousand dollars, to be divided into three thousand shares of twenty-five dollars each: *Provided*, That the said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock if it should be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act: *Provided further*, That the whole capital stock shall not, at any time, exceed one hundred and fifty thousand dollars: *And provided also*, That the said company, for the purpose of completing and equipping the railroad, shall have the power of borrowing money, if the board of directors shall so determine, to an amount not exceeding the amount said capital may be increased to, and to secure the payment of the same by the issue of a bond and mortgage of the said railroad, together with the corporate rights and franchises granted by this act, and to annex to the said bond and mortgage the privilege of converting the same into capital stock of the said company at par, at the option of the holders if they shall signify their election one year before their maturity.

SEC. 3. That when and as soon as four hundred shares of capital stock in the said company shall be subscribed as aforesaid, the subscribers to the said stock, their successors and assigns shall be, and they are hereby, declared to be incorporated by the

name and title of the "New Castle and Wilmington Passenger Railway Company," and by said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere; and to purchase, receive, have, hold and enjoy to them and their successors, real and personal estate of every kind whatsoever; and the same to grant, mortgage, sell, alien and dispose of and to declare dividends of such proportions of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure; and also to make and ordain by-laws and regulations for the government of the said corporation not inconsistent with the Constitution and Laws of the United States, or of this State; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being and ordering of the same.

SEC. 4. That as soon as four hundred shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days notice thereof, in two or more newspapers published in this State, shall call a meeting of the said subscribers in New Castle, to organize the said company by the choice and appointment of officers as hereinafter mentioned, and which meeting shall be held at such time as shall be appointed in said notice.

SEC. 5. That the management and control of the said company shall be vested in the persons named in the first section of this act, until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, and a secretary, and a treasurer, and that the stockholders of said company shall meet annually, on the first Monday in January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number as aforesaid, a president, and a treasurer, and secretary for said company. The notice of such election for directors as aforesaid, and the manner of conducting the same to be provided for in the by-laws of said company, and any vacancy in said board of directors may be supplied by appointments, to be made by the board of directors until the next annual election. All elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which shall have been held in his or their name or names at least fourteen days before the time of voting. The board of directors for the time being, shall have power to take from any treasurer and secretary, or other officer, or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

SEC. 6. That the company be, and they are hereby, authorized to locate and construct a railroad from the town of New Castle,

Where.

beginning at the foot of Delaware Street, running up to Orange, thence out Orange Street to the city of Wilmington by the main public road, crossing over the Christiana Bridge at the foot of Market Street of said city, with power to extend the road up Market to Third Street, thence along Third to King Street, thence along King to Tenth Street, thence along Tenth to Market Street, thence down Market to Third Street, the place of intersection, subject to the subsequent restrictions mentioned in this act.

Road, how to be used.

Gauge of.

Before company shall occupy any of the streets, city council of Wilmington to consent thereto.

Consent presumed unless disapproval be signified within three months.

City council may establish regulations in regard to the road.

SEC. 7. That the said road shall be used exclusively as a passenger railway by horse locomotion, and that the gauge of the said road shall be five feet two inches; and before the said company shall use and occupy the said streets or any part of them, the consent of the council of the city of Wilmington shall be given, and said consent shall be taken and deemed to be given if the said council shall not within three months after the passage of this act by ordinance duly passed, signify its disapproval thereof; and said council may from time to time, by ordinance, establish such regulations in regard to said railway as may be required for the paving, repairing, grading, culverting, and laying of water and gas pipes in and along said streets, and to prevent obstructions thereon.

Grade of road to conform to grade established by board of surveyors of city of Wilmington.

SEC. 8. That it is hereby provided, that the said New Castle and Wilmington Passenger Railway Company shall, in constructing their road along the streets referred to, conform to the grades established or which may hereafter be established by the board of surveyors of the city of Wilmington, and be subject to any ordinances passed by the council of the said city relating thereto: *And provided also*, That the said company shall not materially effect or damage the present grade of the public road leading from New Castle to the city of Wilmington: *And it is further provided*, That said passenger railway shall have power to cross all railroad tracks of all railroad companies now incorporated or hereafter to be incorporated, whose grade conform to theirs.

Company authorized to cross any railroad tracks.

Certificates of stock.

SEC. 9. The aforesaid company shall procure certificates of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common seal of said corporation, to each person for such share or shares of stock, as by him or her, are respectively owned, which certificate of stock shall be transferable at his or her pleasure in person or by attorney duly authorized, in the presence of the president or treasurer and secretary, in a book, to be kept by the said corporation for that purpose.

Transferable; how.

Dividends.

SEC. 10. That the board of directors of said company shall declare dividends of so much of the nett profits of the company as shall appear to them advisable, on the first Monday in July.

and January of each year, which shall be paid to the stockholders on demand ten days after the same shall have been declared. When declared and paid.

SEC. 11. That if at any time an election of officers of the said company shall not be held and had, pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards, on giving ten days notice thereof, in two newspapers published in the State, of the time and place of holding such election. Non-election of officers not to work a dissolution of the company.

SEC. 12. That if any person or persons shall wilfully and intentionally damage or obstruct the said railroad, or any part thereof, or of any of the works and property of said company, they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor and on indictment and conviction shall be fined not exceeding three hundred dollars, at the discretion of the court. Injuries to railroad or works of company. Liability for.

SEC. 13. That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State; and that this charter shall be deemed and held to be perpetual or without limitation as to time, subject, nevertheless, to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature. Public act. Perpetual. Power of revocation for abuse of privileges.

Passed at Dover, February 18, 1859.

CHAPTER DXCVI.

AN ACT to divide Dover Hundred into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

SECTION 1. For the purpose of holding elections for State and County Officers in Dover Hundred, the said hundred shall be divided into two election districts by the following line, viz: Beginning at Alliband's mill stream and running thence with the road to the road leading from Dover to Hazletville near Nathan Slaughter's gate, thence with said public road till it is intersected by the road near Dennis Conner's, leading to Cusson's Dover Hundred divided into two election districts. Dividing line.

Corner, thence with said last-named road, till it intersects the road leading from Casson's Corner, to Dinah's Corner, thence with said last-named road to Dinah's Corner, and from thence with the road leading toward Isaac Buckingham's, till it is intersected by the road leading to the Seven Hickories, and thence with said last-named road by George Parris' farm to the branch dividing Dover and Little Creek Hundreds. All that part of said hundred east of said dividing line, shall be one election district, to be called Dover East Election District, and all that part of said hundred west of said line, shall be the other election district, to be called Dover West Election District. The elections for the said Dover East Election District, shall be held in the town of Dover, at the State House; and the elections for Dover West Election District, shall be held in the town of Hazletville, at the storehouse at present occupied by Henry Whitaker.

East Election District.
West Election District.
Elections, when held.

SEC. 2. At the said places shall be held the general election, all special elections for the members of the General Assembly and representative in Congress, elections for electors of President and Vice President of the United States, and elections for assessor of the said hundred, and for inspectors of the said election districts.

The electors residing in the said hundred, shall vote in the election district in which they shall at the time reside.

Election laws to apply to elections in said districts.
Exception.

SEC. 3. All the laws of this State, touching elections held in the several hundreds of the state, shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of assessors and inspectors is qualified by the provisions hereinafter contained.

Assessor and inspectors.

SEC. 4. There shall be elected in accordance with the provisions of chapter 17 of the Revised Statutes, one assessor for Dover Hundred, and one inspector for each of the said districts. In such election for assessor and inspectors, the collector of said hundred shall be the presiding officer, of Dover East Election District, and shall have the right to vote at such election, whether a resident of Dover East Election District or Dover West Election District, and some qualified voter of the district, to be appointed by the Levy Court of Kent County, in the month of March next previous to the election, shall be the presiding officer for Dover West Election District, and shall have all the powers and perform all the duties of the presiding officer of such election, according to law; and if at any election for assessor and inspector in said Dover West Election District, a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provision of section 10 of chapter 18 of the Revised Statutes.

Presiding officers; when and how appointed.

SEC. 5. Immediately upon the closing of election for assessor ^{Certificates of election.} and inspector in the said election district, and ascertaining the state of the vote, the presiding officer and judge of the election in each of said districts, shall make and sign certificates according to the law of the election of inspectors, varying from the form prescribed for that purpose, by omitting the assessor, and in lieu of including the election of assessor in such certificate, they shall make and sign a certificate of the number of votes given for each candidate voted for assessor.

SEC. 6. The said presiding officer and judge of both the said election districts shall assemble on the day next succeeding said election, at 12 o'clock, M. at the place of voting in Dover East Election District aforesaid, and ascertain the aggregate number of votes given in both the said districts for assessor, and the presiding officer and judge shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and equal number of votes, the collector or presiding officer of said Dover East Election District, shall give a casting vote, which shall elect the candidate in whose favor it is given. ^{Presiding officers to assemble when and where.} ^{The vote.}

Passed at Dover, February 18, 1859.

CHAPTER DXCVII.

AN ACT to repeal the Act entitled "An act concerning the ^{Ante, p. 350.} Levy Courts of the several Counties of this State."

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the act entitled "An Act concerning the Levy Courts of the several counties of this State," passed at Dover, February 3, 1857, be, and the same is hereby, repealed, made null and void, and that all laws and parts of laws thereby repealed be, and the same are hereby, revived and re-instated. ^{Act repealed.}

Passed at Dover, February 18, 1859.

CHAPTER DXCVIII.

AN ACT *in reference to the competency of certain persons as witnesses.*

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

Party to the record may be examined at the instance of adverse party.

* Party examining adverse party not to be concluded thereby.

Power of compelling attendance and response.

Conviction of felony not to disqualify from giving evidence.

SECTION 1. That a party to the record in any action or judicial proceeding, or a person for whose immediate benefit such proceeding is prosecuted or defended, may be examined as if under cross-examination, at the instance of the adverse party, or any of them, and for that purpose may be compelled in the same manner, and subject to the same rules of examination, as any other witness to testify; but the party calling for such examination shall not be *excluded thereby, but may rebut his testimony by other evidence.

SEC. 2. That a party proposing to examine a party adverse in interest may have the same process and means of compelling attendance and response, as the law provides in the case of ordinary witnesses.

SEC. 3. That no person shall be excluded from testifying as a witness by reason of his having been convicted of a felony, but evidence of the fact may be given to affect his credibility.

Passed at Dover, February 18, 1859.

CHAPTER DXCIX.

AN ACT *to enable Joseph E. George to take a certain slave out of this State into the State of Maryland.*

Private Act.

Passed at Dover, February 21, 1859.

* So in original.

CHAPTER DC.

AN ACT to authorize the making of a Public Road in Little Creek Hundred, Kent County, and State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the old by-road, or private woods road, commencing at the Gum Swamp Meeting House, and running through the woods in a northeastern direction across lands of Thomas S. Buckmaster, Dr. Gouverneur Emerson, James Vail, and lands of Captain Robert Collings to the gate which forms the main entrance to the said Collings farm be, and the same is hereby declared to be, a public highway, and the same shall hereafter be kept in good order by the county. Certain road declared to be a public road.

Passed at Dover, February 21, 1859.

CHAPTER DCI.

AN ACT to authorize Zacheas Griffith, Albert Currey, and Daniel Currey, to change the location of a Public Road, upon their own land, in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Zacheas Griffith, Albert Currey, and Daniel Currey, or a majority of them, be, and they are hereby authorized to change the location and straighten the State road leading past the said Albert Currey's residence to Staytonville, in Sussex County, as follows, to-wit: Beginning at a point at or near the northeastern end of the lane leading past the said Albert Currey's residence, thence a straight line, or road, northeasterly upon land of the said Zacheas Griffith, Albert Currey, and Daniel Currey, until striking the old road again, at a corner therein for land of the said Zacheas Griffith and Daniel Currey, in a line of land of Ann Griffith: *Provided, nevertheless,* That the said Zacheas Griffith, Albert Currey, and Daniel Currey, or either of them, shall not enclose, or otherwise obstruct, any part of the said original road Not to enclose any part of original road till new road opened and put in good order. How to be changed. A. Currey and D. Currey authorized to change location of a public road.

until they, at their own proper charge and cost, shall have opened and put in good traveling condition the new road hereby authorized to be made by the change as aforesaid.

Public act.

SEC. 2. And be it further enacted, That this act shall be deemed and taken as a public act.

Passed at Dover, February 21, 1859.

CHAPTER DCII.

AN ACT for the relief of the Mt. Salem Cemetery Company.

Preamble.

WHEREAS, it appears to this General Assembly, that the Mt. Salem Cemetery Company, a corporation created by an act of the General Assembly, passed January 28, 1853, holds for the purposes of a public cemetery, a lot of twelve acres, purchased from the Rev. Newton Heston, trustee, and William Law and wife, situated on the easterly side of Kennett Turnpike, in New Castle County; that said lot has been formed too large for the purposes aforesaid, and that it would be for the benefit of the said corporation to sell a portion of said lot not exceeding eight acres; and the said corporation having applied to the Legislature for power to make said sale: therefore,

Mt. Salem Cemetery Co. authorized to dispose of a portion of a certain lot of land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch of the Legislature concurring herein,) That the said corporation, the Mt. Salem Cemetery Company, be, and it is hereby authorized and empowered to sell and convey so much and such part of the lot and premises herein before mentioned, as to it may seem expedient, not exceeding in the whole, eight acres.

Passed at Dover, February 21, 1859.

CHAPTER DCIII.

AN ACT in relation to Public Roads and Highways in St. Georges and Appoquinimink Hundreds, in New Castle County.

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 the duty of the road commissioners of St. Georges, White Clay Creek, Brandywine, Christiana, New Castle and Appoquinimink Hundreds in New Castle County, to sell out or dispose of the public roads and highways in said hundreds on the second Thursday of April, or on such other day or days as the said road commissioners shall adjourn the said sale, following the passage of this act, for the purpose of keeping them in good and proper repair, in the manner and form hereinafter provided.

SEC. 2. That the said public roads or *highways shall be so sold out or disposed of, for a term of not less than three or more than five years, at the discretion of the said road commissioners, but which term shall be uniform for the time being, and shall be designated and published by the said road commissioners in their advertisements of sale as is hereinafter authorized and directed.

SEC. 3. That it shall be the duty of the said road commissioners within thirty days preceding the day of sale as directed by the first section of this act, (and within the same period of time preceding the expiration of each and every term of years thereafter) to lay out and divide the public roads and highways in the said hundreds, into sections not exceeding two miles in length, and as near one mile as practicable, which they shall number and describe in a book kept by them for the purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate of the amount of money which it will require to improve and keep in repair, each and every section of the said roads respectively, for the term of years approved of and designated as provided for in section 2d of this act.

SEC. 4. And it shall be the duty of the said road commissioners, to give at least ten days' notice by six or more handbills put up in the most public places in said hundreds, giving the time and designating the place for the taxable inhabitants of the said hun-

* Interlined in original

Commissioners to attend at time and place of sale and sell the sections.
How and to whom to be sold.

No purchaser of one section allowed to bid for another section until, &c.

Any sections remaining unsold to be let out on private contract.

No road commissioner allowed to be a purchaser or contractor.

Amount of sales or contracts; how to be paid.

Purchaser to write his name in a book opposite the section purchased.
Also the amount of the purchase or contract money.

Duties of and prohibitions upon contractors.

dreds, to meet at which time and place it shall be the duty of the said road commissioners to attend and sell at public sale, for the term of years approved of and published to the lowest and best bidder of the taxable inhabitants of the said hundreds, the said sections of the public roads and highways according to the term therein specified, one section at a time, until they are all disposed of; but no section shall be sold for more than the sum estimated thereon by the road commissioners, and if any section or sections shall then remain unsold, on account of no bid having been made, or on account of their having been bid for at a higher rate than the amount estimated by the road commissioners, they shall be again set up and sold to the lowest bidder, not exceeding the estimate aforesaid, but at any sale no purchaser of any one section shall be entitled to bid for any other section subsequently offered for sale, until such section shall have been offered and refused to be taken by any other bidder, and if any section or sections shall still remain unsold, the road commissioners shall afterwards let out such section or sections on private contract: *Provided*, That the said road commissioners shall not be allowed either directly or indirectly, to purchase or contract for any section of road so sold or let out: *Provided also*, That only one annual proportion of the amount of the said sales or contracts shall be paid to the respective purchasers and contractors in any one year, but such proportion shall be paid by the said road commissioners on or before the expiration of the year in each and every year, except in such cases as are hereinafter provided for.

SEC. 5. Any person or persons who shall purchase or contract for a section of road as aforesaid, shall write his, her or their names respectively in the road commissioners' book opposite to the section or sections so purchased or contracted for, together with the amount of purchase or contract money which shall be deemed and taken, as sufficient evidence of the contract or contracts so made.

SEC. 6. It shall be the duty of the contractors to keep their sections in good and substantial repair, by keeping open ditches and drains of sufficient depth and width to carry off the water, and in order to hasten the gradual wearing away and reduction of the hills, it shall not be lawful to construct crossways or open drains across the bed of the road within fifty feet of their tops or summits, nor shall such crossways or drains be constructed on the slopes or sides of hills of less grade than five degrees. Strong embankments, at least one foot high, shall be made along the sides of the road at the foot of hills, for the purpose of preventing, as far as practicable, the loose earth carried down from being washed away, loose stones shall be carefully removed or covered with earth. Should any person neglect or refuse to make the improvements and keep his or her section or sections of road in

good repair, as purchased or contracted for as aforesaid, upon complaint of any of the citizens of the said hundreds or of the adjoining hundreds made to the road commissioners, or either of them, it shall be the duty of the said road commissioners to examine the section or sections complained of as soon as practicable, and if they deem the complaint well founded, to give notice to the party or parties complained of to make the improvement and put his, her or their section or sections of road in good repair, according to the terms specified therein, within ten days thereafter, and if he, she or they shall neglect or refuse to comply with said notice until the expiration of the said ten days, it shall be the duty of the road commissioners to have the said section or sections improved and repaired, according to the terms specified in his, her or their purchase or contract, and the costs of improving and repairing the same, shall be recoverable by the road commissioners of such person or persons so neglecting or refusing, as other debts of equal amount are recoverable by law with costs of suit.

Upon complaint of citizens, the road commissioners to examine the sections complained of.

If complaint well-founded, to give notice to party complained of to make the necessary repairs.

Upon failure to comply with notice, road commissioners to make repairs.

Costs thereof; from whom and how recoverable

SEC. 7. It shall be lawful for any purchaser or purchasers, contractor or contractors, who may remove out of the said hundreds, to yield up to the road commissioners the unexpired portion of his, her or their term, by giving due notice thereof to the road commissioners in writing, at least thirty days preceding the second Thursday of April, and the unexpired term of such purchase or contract so yielded up, shall be sold at public sale or lot on private contract, and also all new roads to be opened in the said hundreds; in the manner and form provided in the preceding sections of this act: *Provided*, That in case of death or removal out of the hundreds, the road commissioners shall pay to the representatives of persons so deceased, and to persons so removing such proportions of the money specified in their respective contracts as they shall believe them justly entitled to.

Purchaser or contractor removing from hundred to yield up unexpired portion of his term.

Notice of. Term yielded up, how disposed of.

New roads, how disposed of.

Purchaser, dying or removing from hundred, entitled to proportional part of contract money.

SEC. 8. The public roads and highways in the said hundreds shall be inspected by one at least of the said road commissioners every three months, and if they shall at any time find that any of the purchasers or contractors have neglected or refused to keep in good repair any section or sections of road purchased or contracted for by him, her or them according to the terms specified, they shall give notice to such purchaser or purchasers, contractor or contractors, as is directed in sixth section of this act, and if any of them neglect or refuse to comply with said notice, they shall proceed as is directed in the aforesaid section of this act, and enforce payment in like manner.

Roads to be inspected by commissioners every three months.

If they find any contractor has neglected to comply with his contract, to give notice thereof.

Upon failure by contractor to comply with notice, commissioners to proceed.

SEC. 9. In the statement of the yearly accounts of the road commissioners, which they are required to make out and publish according to section 13 of chapter 60 of the Revised Statutes, it

Statement of yearly accounts of road commissioners, what to contain.

shall not be required to make out a list of the orders drawn by the said commissioners, nor state the persons' names in whose favor they were drawn, but they shall give the aggregate amounts of all orders drawn by them, and state on what account they were drawn.

Inconsistent
laws repealed

SEC. 10. So much of the laws of this State relating to public roads and highways as is inconsistent herewith, is hereby repealed so far as relates to St. Georges and Appoquinimink, White Clay Creek, Brandywine, Christiana, and New Castle Hundreds, in New Castle County.

Passed at Dover, February 21, 1859.

CHAPTER DCIV.

AN ACT incorporating the Green Branch Ditch Company.

Preamble.

WHEREAS, By operation of the provisions of the 17th section of the second article of the Constitution of this State, the Green Branch Improvement Company, incorporated by act of the General Assembly, passed at Dover, February 15th, A. D. 1837, has ceased to exist, and great inconvenience and injury may arise therefrom to the persons for whose benefit the said act was passed; Therefore, to avoid the inconvenience and injury aforesaid,

Owners of
the marshes
adjoining Green
Branch, in Mis-
pillion Hundred,
declared a com-
pany.
Name.
Purpose of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring,) That the owners and possessors of the swamps, marsh and low grounds in Mispillion Hundred, Kent County, and State of Delaware, situate upon and contiguous to Green Branch, in the hundred aforesaid, shall compose a company to be called the Green Branch Ditch Company, for the purpose of effectually draining, ditching and reclaiming the said swamps, marsh and low grounds, and cleansing and keeping open the drains and ditches cut and opened by virtue of the act of February 15, 1837 aforesaid.*

Company to hold
a meeting;
when.
Objects of.

SEC. 2. The said Green Branch Ditch Company shall hold a meeting on the second Tuesday of March in the year one thousand eight hundred and fifty-nine, for the purpose of choosing a treasurer and three managers. The manner of choosing shall be by ballot, and a majority of the votes cast shall determine; and the

said company shall hold its annual meetings on the second Tuesday in March in each and every year thereafter, for the purpose of electing the officers of the company aforesaid, in the manner aforesaid, and for the purpose of determining all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said swamps, marsh and low grounds, either by clearing out and scouring such ditch or ditches, as has or have already been cut and opened, or by cutting new ones, or otherwise, and such annual meetings may be adjourned from time to time, and occasional meetings of the company may be called by the managers or a majority of them upon five days' written notice, posted in three suitable places, and the company at an adjourned or occasional meeting may do all such acts and things as may or might be done at an annual meeting.

Annual meetings; when held.

Objects of.

Occasional meetings.

Notice of.

SEC. 3. The said Green Branch Ditch Company shall (whenever a majority of all the members shall so determine at any annual meeting) have power and authority to elect, or choose by ballot, three disinterested and suitable persons, resident in Kent County, as commissioners to make a valuation and appraisement of the swamps, marsh and low grounds of the said company and generally to do, and the commissioners so chosen are hereby authorized and empowered to do, all and every the thing or things, act or acts which the commissioners chosen under and by virtue of the act of February 15th, 1837, aforesaid, may or could have done; and said valuation and appraisement so made shall be binding upon the said company, and shall not be altered for ten years thereafter, unless by a vote of two-thirds of the members of the company; but until such valuation and appraisement be made as aforesaid, the valuation, appraisement and assessment under and by virtue of the act creating the Green Branch Improvement Company, passed at Dover, February 15th, 1837, shall be the valuation, appraisement and assessment upon the said swamps, marsh and low grounds of the Green Branch Ditch Company.

Company authorized to choose three commissioners.

Duties and powers of commissioners.

Appraisement to be binding.

SEC. 4. The company hereby created shall have all the rights and incidents conferred upon the Green Branch Improvement Company, by the act of February 15th, 1837 aforesaid, and the managers and treasurer shall respectively be invested with all the powers, and be subject to all the duties as were invested in and imposed upon the managers and treasurer of the Green Branch Improvement Company by the aforesaid act incorporating said company.

Rights and powers of the company.

Powers of managers and treasurer.

Passed at Dover, February 21, 1859.

CHAPTER DCV.

AN ACT to authorize the Prothonotary of the Superior Court in and for New Castle County, to procure a new Seal.

J. A. Allderdice, prothonotary, authorized to procure a new seal for his office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That John A. Allderdice, Prothonotary of the Superior Court in and for New Castle County, be, and he is hereby authorized to procure a new seal for his office, to be made of steel or brass of the diameter of an inch at least, and engraven with the devices of the present seal, and the said seal when finished, shall be taken, adjudged and deemed to be the seal of office of the Prothonotary of the Superior Court in and for New Castle County, and that the expense of said seal, and of procuring the same, shall be borne by New Castle County, and paid by the treasurer of said county, on the order of the said John A. Allderdice.

Expense of; how paid.

When new seal procured old one to be broken.

SEC. 2. *Be it enacted by the authority aforesaid,* That when the said seal shall be so procured as aforesaid, the said prothonotary shall cause the present seal to be broken and destroyed.

Passed at Dover, February 21, 1859.

CHAPTER DCVI.

Revised Code, Chapter 111.

AN ACT entitled "*An Act to amend Chapter 111 of the Revised Code.*"

Chapter 111 of Revised Code amended in the 42d section.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the concluding paragraph, being the last six lines of section 52, of chapter 111 of the Revised Statutes of the State of Delaware be, and the same hereby is stricken out and repealed.

Passed at Dover, February 21, 1859.

CHAPTER DCVII.

AN ACT about Garnishees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That a garnishee being summoned under any process of attachment, to appear and answer in any court or before a justice of the peace, shall, for attendance in such court or before such justice, in obedience to said summons, be allowed a fee of fifty cents per day and three cents per mile, going and returning; the same to be paid by the plaintiff in the attachment, and to be recovered by him as part of his judgment against the defendant in the attachment if judgment shall be obtained against the garnishee. The fee, herein provided for, shall be paid or tendered to the garnishee before he shall be obliged to attend in obedience to the summons.

Compensation to garnishees for attendance upon a summons.

Fee to be paid or tendered before garnishee compelled to attend.

Passed at Dover, February 21, 1859.

CHAPTER DCVIII.

AN ACT to change the location of a certain Public Road in North West Fork Hundred, in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Revel Bosman, Joseph Rickards, and William A. Jacobs, be, and they are hereby, appointed commissioners under this act, to go upon and view that part of the public road in North West Fork Hundred, Sussex County, leading from Walker's mill to Horsey's Cross Roads, which runs through the lands of Thomas A. Moore, and if in their judgment the said road can be so altered as to enhance the value of the said lands, without detriment to the citizens of that vicinity or the public generally, to lay out and locate a new road through said lands, having reference to public convenience as well as to the interest of the said Thomas A. Moore.

Commissioners appointed to view part of a public road in Northwest Fork Hundred, Sussex Co., and to lay out a new road through lands of T. A. Moore.

New road, when located, to be opened and put in order by said T. A. Moore.

SEC. 2. *Be it further enacted*, That if said commissioners, or a majority of them shall alter or change the location of said road under the authority vested in them by the first section of this act, then the said new road authorized by the provisions of this act shall be opened, cleared out and put in good order by the said Thomas A. Moore, at his own proper cost and charge, and shall be so kept open for the period of one year before the same shall become a county charge.

To be kept open one year before it becomes a county charge.

When kept open one year, to be a public road.

SEC. 3. *Be it further enacted*, That after the expiration of one year from the opening of said new road, the same shall be deemed and taken to be a public road, and shall be kept up in the same manner as other roads in Sussex County, and that part of the old road so altered and changed, shall be, and the same is hereby, vacated, and the said Thomas A. Moore shall have power and authority to enclose and cultivate so much of the said old road as is superseded by the adoption of the said new road, and shall hold and enjoy the same as fully and effectually as if the same had never been used as a public road.

T. A. Moore authorized to enclose a part of the original road.

Commissioners empowered to employ a surveyor.

SEC. 4. *And be it further enacted*, That if the said commissioners, or a majority of them, shall deem it necessary, they shall have power to call to their aid a skillful surveyor to run out and locate said road.

Commissioners and surveyor to be sworn or affirmed.

SEC. 5. *And be it further enacted*, That the said commissioners and surveyor, before entering upon the duties enjoined upon them by the provisions of this act, shall take and subscribe an oath or affirmation to perform their duty respectively with fidelity, which oath or affirmation may be administered by the said commissioners, or by any other person who is authorized by the laws of this State to administer an oath or affirmation.

Compensation.

SEC. 6. *And be it further enacted*, That the said commissioners shall have for each and every day's attendance under the provisions of this act, the sum of one dollar, and the surveyor shall have such sum as shall be agreed upon by the said commissioners, all of which shall be paid by the said Thomas A. Moore.

By whom to be paid.

In any proceeding for obstructing original road, T. A. Moore authorized to plead this act as a defense.

SEC. 7. *And be it further enacted*, That in any proceeding, for any alleged obstruction, by the said Thomas A. Moore, or by any person or persons in his employment and acting under his authority in stopping and enclosing that portion of the said road hereby vacated or intended so to be, he may plead the general issue, and give this act in evidence, as his justification and defense.

Public act.

SEC. 8. *And be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, February 21, 1859.

CHAPTER DCIX.

AN ACT *authorizing the Recorder of New Castle County to copy*
"Index."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Recorder of Deeds of New Castle County be, and he is hereby authorized to cause to be made, a true and correct copy of the Mortgage "Index" from 1850 to the present time, in his office.

Recorder of deeds for New Castle Co. authorized to copy "Index."

SEC. 2. *And be it further enacted,* That if the recorder shall copy the Mortgage "Index" from 1850 to the present time as aforesaid, then that John A. Allderdice and Peter B. Vandever, be, and they are hereby appointed commissioners, whose duty it shall be to examine the said "Index" after the recorder shall have completed it, and if they approve of the execution thereof, they shall certify the same to be a true and faithful copy, and that then, and after such certificate the said copy shall become and be the "Index."

Commissioners appointed to examine "Index" after copied.
Certificate of approval.
Copy to be the "Index."

Passed at Dover, February 21, 1859.

CHAPTER DCX.

AN ACT *to incorporate the Delaware City, Salem and Philadelphia Steamboat Navigation Company.*

Private Act.

Passed at Dover, February 21, 1859.

CHAPTER DCXI.

AN ACT to carry into effect the last will and testament of Dr.
Thomas Adams, late of Sussex County, deceased.

Private Act.

Passed at Dover, February 21, 1859.

CHAPTER DCXII.

AN ACT in relation to Mortgages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*
That the release by the mortgagee or his assigns, executed at the instance of the mortgagor, his heirs or assigns, of any part of the mortgaged premises, shall not be deemed or taken to operate as a release or discharge of any other part of the lands included in such mortgage, but such other lands shall be and remain subject to the lien of the said mortgage, and execution may be had thereof in the same manner as if the mortgage had originally included only the said lands. Every such release shall be under hand and seal, and shall be acknowledged in the same manner as provided by law for the acknowledgment of deeds, and shall be recorded in the recorder's office of the county where the lands lie, within sixty days after execution thereof, or the same shall be void.

Release by mortgage of a portion of mortgaged premises, not to operate as a discharge of any other part of said premises.

Release; how executed.

To be recorded.

Passed at Dover, February 22, 1859.

CHAPTER DCXIII.

AN ACT for the relief of Margaret Ann Peery.

*Private Act.**Passed at Dover, February 22, 1859.*

CHAPTER DCXIV.

AN ACT authorizing the appointment of an additional Commissioner to take Acknowledgment of Deeds, &c., in the city and county of Philadelphia, State of Pennsylvania.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met.

SECTION 1. That the number of commissioners in the city and county of Philadelphia, State of Pennsylvania, having power to administer oaths and take depositions and affidavits, to be used in this State, and also to take acknowledgments of deeds and other instruments, and privately to examine any married woman, party to a deed, shall hereafter be four instead of three; and the Governor shall have power to issue a commission to meet the requirements of this change in the law. If any commissioner or commissioners appointed in the said city and county of Philadelphia, shall permanently remove therefrom, his or their office or offices shall thereon become vacant, and the Governor is hereby authorized and empowered in such contingency, to appoint some other person or persons to fill the office or offices so rendered vacant.

Number of commissioners to take acknowledgment of deeds, &c., in Philadelphia to be four instead of three.

Governor authorized to issue commission.

Commissioner removing from Philadelphia, his office to become vacant.

Passed at Dover, February 22, 1859.

CHAPTER DCXV.

Ante, p. 328.

AN ACT to amend the Act entitled "A Supplement to the Act entitled 'An Act to enable the owners and possessors of the Meadow, Marsh and Cripple lying on both sides of Silver Run, fronting the River Delaware, 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.'"

Act amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the act entitled "A supplement to the act entitled 'An act to create the owners and possessors of the meadow, marsh and cripple lying on both sides of Silver Run, fronting the river Delaware 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, March 2, 1855, be, and the same is hereby amended by adding at the close of the first and only section thereof the following, viz: *Provided*, That it shall not be lawful for the owners and possessors of the meadow, marsh and cripple aforesaid, or any of them, either as a company or individually or in any manner whatsoever, to destroy the banks, dams or sluices, canals or drains, or to flood the said meadow, marsh and cripple, unless two-thirds of all the votes of all the owners and possessors of said meadow, marsh and cripple, shall, at an annual meeting, be cast in favor of destroying said banks, dams, sluices, canals or drains, or of flooding said meadow, marsh and cripple: *And provided, also*, That any owner or possessor of any of said meadow, marsh or cripple, paying for the same under the provisions of the original act, to which the act hereby amended is a supplement, may vote by proxy if the attorney be legally constituted under the hand and seal of the party, attested by two witnesses. Any guardian shall also have the right to vote for his ward.

Owners of the meadows, &c., not to destroy the banks, &c., or to flood the meadows, unless two-thirds of all the voters decide in favor of so doing.

Proxies.

Guardian to vote for ward.

Passed at Dover, Februdry 22, 1859.

CHAPTER DCXVI.

AN ACT for the relief of R. J. Herring.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*

That Richard J. Herring be, and he is hereby, authorized and empowered to so alter the course of the public road from the Frederica and Felton County road to John S. Kersey's mill, as shall make said public road conform to the course of the outline of the said Richard J. Herring's lands, but to be constructed exclusively upon the lands of the said Herring.

R. J. Herring authorized to alter the course of a certain public road.
How to be altered.

SEC. 2. *And be it further enacted, by the authority aforesaid,*

That whenever the said alteration or change of location of the aforesaid road shall be made by the said Richard J. Herring, and the same put in good traveling order, so as to be approved by the Levy Court Commissioner residing nearest thereto, or by any other two Levy Court Commissioners of Kent County, it shall and may be lawful for the said Richard J. Herring to enclose and occupy so much of said public road as now runs across the corner of his tract of land, and the same shall from thenceforth be vacated.

When road altered and approved, a portion of old road to be vacated.

SEC. 3. *And be it further enacted, by the authority aforesaid,*

That the said piece or portion of road so as aforesaid to be made by the said Richard J. Herring, and approved as is provided for in section two of this act, shall, from the time of such approval, become and be a public road of Kent County, and shall be worked and kept in order as other public roads of said county.

After approved, to be a public road and kept in order as such.

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

That this act shall be deemed and held to be a public act, and shall be published as such with the acts of the present session of the Legislature of this State.

Public act.

Passed at Dover, February 22, 1859.

CHAPTER DCXVII.

AN ACT to incorporate a Bank in Newport, in New Castle County, under the name of "The Real Estate Bank of Delaware."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch thereof concurring,) That Caleb Marshall, James Cranston, Samuel Cranston, John P. Hillyard, William R. Flinn, John Huey, John Mitchell, Robert B. Flinn, Peter Coyle, and Watson Quinby, be, and they are hereby, appointed commissioners to do the things hereinafter mentioned, that is to say, that they, or any five of them, shall, on or before the first Monday in June next, procure a sufficient number of suitable books, one of which shall be opened in Newport, and the others, if it shall be deemed advisable by the said commissioners, at such other place or places as they shall think proper, in each of which books they shall enter as follows: "We, whose names are hereto subscribed, do promise to secure to 'The Real Estate Bank of Delaware' the sum of one hundred dollars, for each and every share of stock set opposite to our respective names by mortgage on real estate," and shall thereupon give notice in two newspapers printed in New Castle County, and in such other papers as they may deem proper, at least fifteen days of the time and place or places when and where the said books shall be opened to receive subscriptions for the capital stock of the said bank, at which time and place or places, two or more of the said commissioners shall attend and permit all persons of lawful age, who shall offer, to subscribe in the manner following; that is to say, on the first day in which said books are opened, no person shall subscribe for more than twenty shares, either in his own name or as attorney for another, and on the second day in which said books shall be opened, the same restrictions shall apply, and if at the expiration of the second day, the whole number of two thousand shares shall not have been subscribed, then on the third or any following day in which the said books shall be opened, it shall be lawful for any person or persons, in his own name or as attorney for another, to subscribe for any number of shares in the said stock, (not to exceed three hundred,) until the whole number of two thousand shares shall be subscribed. The commissioners shall keep the books open at least three days, and at least six hours in each day, unless the whole number of two thousand shares shall have been before that time subscribed, upon ascertaining which, they may close the books; and if it should so happen that more than two thousand shares shall have been sub-

Commissioners appointed.

Duties.

To open books.

Where.

Notice of.

Subscribers to capital stock, who may be.

Manner of receiving subscriptions.

Time for which the books are to be kept open.

scribed, then the commissioners, or a majority of them, are hereby authorized and directed to deduct from the highest subscription or subscriptions, until the shares be reduced to the proper number.

SEC. 2. *And be it further enacted,* That the capital stock of the said bank shall not exceed the sum of two hundred thousand dollars, divided into two thousand shares, of one hundred dollars each, to be secured to the said bank by mortgage on real estate, which shall be entered of record in the Recorder's office, in and for the county wherein the said real estate is situated, within six months thereafter.

Capital stock not to exceed \$200,000.

How secured.

SEC. 3. *And be it further enacted,* That each subscriber to the stock of said company shall pay to the commissioners aforesaid, at the time of subscribing for the same, the sum of five dollars on each share subscribed; and it shall be lawful for the directors of the said company, appointed in the manner hereinafter directed, to call in and demand of the stockholders respectively five dollars more on each share, upon giving thirty days' previous notice to the stockholders, in two or more newspapers printed in New Castle County, and in such other newspaper as the said directors shall deem proper; and in case of failure in the payment of all or any part of the said instalments at the time or times so required, it shall and may be lawful for the corporation to sue at law, by action of debt or assumpsit or in equity, for the recovery of any sum or sums of money due or to become due as aforesaid from any subscriber; and in all suits, either at law or in equity, in the courts of this State, by or against the said company, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings or given in evidence.

Subscribers to pay \$5 on each share subscribed at the time of subscribing.

Directors authorized to make calls for instalments of subscription.

Notice of.

On failure to pay instalments company to sue for the same.

In all suits by or against corporation, this act to be deemed a public act.

SEC. 4. *And be it further enacted,* That as soon as five hundred shares shall have been subscribed, as hereinafter provided, the subscribers, their successors and assigns, shall be, and they are hereby, declared to be incorporated by the name, style and title of "The Real Estate Bank of Delaware," and by the same name shall have succession for the term of twenty years from the date of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of law and equity, and purchase, receive, have, hold and enjoy to them and their successors lands, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of, and also to have a common seal, and the same to break, alter or renew at their pleasure.

When five hundred shares are subscribed, subscribers incorporated.

Name.

Corporate powers.

SEC. 5. *And be it further enacted,* That the said bank shall have power to commence business as soon as the sum of fifty thousand dollars shall have been subscribed, that is to say, each

When \$50,000 subscribed, bank to go into operation.

How.

stockholder shall give mortgage on real estate for the amount of his subscription not to exceed three-fourths of the value of the property; which said value shall be determined and settled by the commissioners herein appointed, or the directors or a committee of directors for the time being, and shall be over and above any lien or encumbrance against the real estate so mortgaged or pledged, which said mortgage shall be deposited in said bank as a part of its assets.

Directors.

SEC. 6. *And be it further enacted,* That for the proper management of the business and affairs of the said corporation, there shall be nine directors, who shall be elected by the stockholders in the manner and at the times hereinafter directed, and who shall choose a president from among their number. They shall be stockholders at the time of their election and also, during the term of service, and shall be citizens of the State.

Commissioners
to give notice of
the time and
place of the
meeting of sub-
scribers to organ-
ize.

SEC. 7. *And be it further enacted,* That the commissioners aforesaid, as soon as conveniently may be, after five hundred shares to the capital stock has been subscribed for as aforesaid, shall give ten days notice in two newspapers printed in New Castle County, and in such other newspapers as they may deem advisable, of the time and place at which the subscribers shall meet in order to organize the said company; and the said commissioners or any three of them may hold the election, at which time and place the said subscribers shall choose, by a majority of the votes present, to be given in person or by proxy, nine directors, and the said directors shall, at their first meeting after the election, choose one of their number president, and shall manage and conduct the business and affairs of the company until the first Monday in January, A. D., 1860, and on the same day in each and every succeeding year thereafter, a meeting of the stockholders shall be held in Newport, of which thirty days' notice shall be given as aforesaid, at which meeting or meetings the stockholders shall choose by a majority of votes present given in person or by proxy, nine directors, who shall continue in office one year and until others be chosen; and the said directors shall, at their first meeting after the election, choose a president from among their number; special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the directors, upon the request in writing of stockholders owning five hundred shares of stock, or when the directors shall deem it necessary; and on all occasions of voting, each stockholder shall be entitled to one vote for each share of stock held by him, on the day of voting. At every election of directors, two stockholders, not being directors, shall be appointed judges of the said election by the stockholders present, who shall decide upon the qualification of voters, and declare who has been elected, and certify the same to the existing board of directors. Should any

Election.

Directors.

Officers.

Annual
meetings; when
and where held.
Notice of.

Special meet-
ings.

How called.

Voting.

Elections of di-
rectors; how
conducted.

vacancy or vacancies occur in the board of directors by death, resignation, removal from the State or otherwise; the remaining directors shall have power to fill such vacancy or vacancies by election from among the stockholders of said bank; and the said directors shall, at the first meeting after the election, choose a president from among their number. In case it should happen at any time that an election of directors shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called by the directors, according to the provisions of this act.

Vacancy in board of directors; how filled.

Failure to elect directors not to dissolve corporation.

SEC. 8. *And be it further enacted*, That all the corporate powers of the said corporation shall be exercised by the directors, and such officers and agents as they shall appoint. The directors shall have power to make all the by-laws, rules and regulations necessary and proper for the government of the corporation, and not repugnant to the constitution and laws of this State nor of the United States; but no by-laws shall be enacted or repealed unless by a vote of two-thirds of all the directors. On all questions before the board, the president shall vote as a director. Meetings of the directors, either special or stated, shall be held or called as the by-laws shall prescribe, and five directors shall constitute a quorum for the transaction of business. The directors shall allow such salaries to the president and other officers as they shall deem reasonable; but no director shall be entitled to any salary unless the same shall have been allowed by the stockholders.

Powers of directors.

By-laws, how made and repealed.

Meetings of directors, how called.

Salaries to officers.

SEC. 9. *And be it further enacted*, That the said corporation is hereby invested with banking powers, and that in the exercise of the same, the following shall be fundamental articles of its government, that is to say,

Fundamental articles.

First. The said corporation shall hold no lands, tenements, or hereditaments, but such as shall be required for the convenient transaction of its business, or such as shall be *bona fide* mortgaged or pledged to it as security for debt or stock, or purchased at sales upon judgments which have been obtained for such debts.

What lands corporation may hold.

Second. The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans and discounts;

Rate of interest.

Third. All bills and notes not under the corporate seal of the said corporation, shall be signed by the President and such other officers of the bank as shall be appointed by the directors for that purpose;

Bills and notes, by whom signed.

Fourth. The said company shall keep their banking house in the village of Newport, in New Castle County, and their notes or issues shall be made payable there, in reference to which it is

Banking-house to be at Newport, in New Castle County.

Corporation subject to provisions of chapter 71 of Revised Code. hereby declared to be subject to the provisions of chapter 71 of the Revised Statutes of the State of Delaware, entitled "Of Banks."

Amount of debts

Fifth. The total amount of debts which the said corporation shall at any time owe, whether by note, bill or otherwise, shall not exceed double the amount of stock actually secured by mortgage to the said bank;

Cashier and accounting officers to give bond with security.

Sixth. The directors shall require from the cashier and accounting officers of the bank such bond and security for the faithful performance of their duty as shall be prescribed by the by-laws;

Stock assignable.

Seventh. The stock of the said corporation shall be assignable and transferable in such manner as shall by the by-laws be prescribed.

Directors to make annual report of condition of bank.

Sec. 10. And be it further enacted, That the directors of said bank shall annually report the condition of the said bank to the stockholders.

Tax to the State.

Sec. 11. And be it further enacted, That the corporation shall semi-annually pay into the Treasury of the State, for the use of the State, a tax of one-half of one per centum on the amount of capital actually paid in;

Power of revocation reserved.

Sec. 12. And be it further enacted, That the power of revoking or repealing this act is hereby reserved to the Legislature.

Passed at Dover, February 22, 1859.

CHAPTER DCXVIII.

AN ACT to enable Ezekiel Timmons to locate certain vacant lands, situate in Broad Creek Hundred, in the county of Sussex, and to complete his title to the same:

Private Act.

Passed at Dover, February 28, 1859.

CHAPTER DOXIX.

AN ACT to amend an act entitled "An act to repeal the act Ante, p. 316, entitled 'A further supplement to the act entitled 'An act to establish a Company, under the name of The Mispillion Navigation Company, passed at Dover, February 26, 1852, and for other purposes."

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That section two of the act entitled "An act to repeal the act entitled 'A further supplement to the act entitled 'An act to establish a company under the name of the Mispillion Navigation Company, passed at Dover, February 26, 1852, and for other purposes,'" be, and the same is hereby amended, by striking out the words "James H. Deputy, Hiram W. McGolley, and Robert T. Roberts" in the first and second lines of said section, and inserting in lieu thereof, the words "Jehu F. Tharp, William A. Scribner, and James H. Deputy."

Passed at Dover, February 23, 1859.

CHAPTER DOXX.

CHAPTER DOXX.

AN ACT to amend Sections 52, 53, 54, 55, and 56, of Chapter 120, of the Revised Statutes of the State of Delaware. Revised Code, chapter 120.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That section 52 of chapter 120, of the Revised Statutes of the State of Delaware, be, and the same is hereby, amended, by inserting in the second line of said section, immediately after the word "prothonotary," the following: "for any justice of the peace," and in the tenth line of said section, by inserting after the word "county," the words "or out of the office of any justice of the peace of the county, directed to any constable thereof, returnable forthwith." That section 53 of said chapter be, and the same is hereby, amended, by inserting in the third line of said section, after the word "return," where it last occurs in said

Corporation subject to provisions of chapter 71 of Revised Code.	hereby declared to be subject to the provisions of chapter 71 of the Revised Statutes of the State of Delaware, entitled "Of Banks."
Amount of debts	<i>Fifth.</i> The total amount of debts which the said corporation shall at any time owe, whether by note, bill or otherwise, shall not exceed double the amount of stock actually secured by mortgage to the said bank;
Cashier and accounting officers to give bond with security.	<i>Sixth.</i> The directors shall require from the cashier and accounting officers of the bank such bond and security for the faithful performance of their duty as shall be prescribed by the by-laws;
Stock assignable.	<i>Seventh.</i> The stock of the said corporation shall be assignable and transferable in such manner as shall by the by-laws be prescribed.
Directors to make annual report of condition of bank.	<i>Eighth.</i> And be it further enacted, That the directors of said bank shall annually report the condition of the said bank to the stockholders.
Tax to the State.	<i>Ninth.</i> And be it further enacted, That the corporation shall semi-annually pay into the Treasury of the State, for the use of the State, a tax of one-half of one per centum on the amount of capital actually paid in;
Power of revocation reserved.	<i>Tenth.</i> And be it further enacted, That the power of revoking or repealing this act is hereby reserved to the Legislature.

Passed at Dover, February 22, 1859.

CHAPTER DCXVIII.

AN ACT to enable Ezekiel Timmons to locate certain vacant lands, situate in Broad Creek Hundred, in the county of Sussex, and to complete his title to the same.

Private Act.

Passed at Dover, February 28, 1859.

CHAPTER DCXIX.

AN ACT to amend an act entitled "An act to repeal the act entitled, 'A further supplement to the act entitled 'An act to establish a Company, under the name of The Mispillion Navigation Company, passed at Dover, February 26, 1852, and for other purposes,'" Ante, p. 316.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That section two of the act entitled "An act to repeal the act entitled 'A further supplement to the act entitled 'An act to establish a company under the name of the Mispillion Navigation Company,' passed at Dover, February 26, 1852, and for other purposes,'" be, and the same is hereby amended, by striking out now. Section 2 of act amended.
the words "James H. Deputy, Hiram W. McCollody and Robert T. Roberts" in the first and second lines of said section, and inserting in lieu thereof, the words "Jehu F. Tharp, William A. Scribner, and James H. Deputy."

Passed at Dover, February 23, 1859.

CHAPTER DCXX.

AN ACT to amend Sections 52, 53, 54, 55, and 56, of Chapter 120, of the Revised Statutes of the State of Delaware. Revised Code, chapter 120.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That section 52 of chapter 120, of the Revised Statutes of the State of Delaware, be, and the same is hereby, amended, by inserting in the second line of said section, immediately after the word "prothonotary," the following, "for any justice of the peace," and in the tenth line of said section, by inserting after the word "county," the words "or out of the office of any justice of the peace of the county, directed to any constable thereof, returnable forthwith." That section 53 of said chapter, be, and the same is hereby, amended, by inserting in the third line of said section, after the word "return," where it last occurs in said Sec. 53, chapter 120, of Revised Code amended.

Sec. 54, chapter
120, of Revised
Code amended.

Sec. 55, chapter
120, of Revised
Code amended.

Sec. 56, chapter
120, of Revised
Code amended.

Sections amend-
ed to be printed
as amended

line, the words "or by the justice of the peace when the same shall be returned to his office." That section 54 of said chapter be, and the same is hereby, amended, by inserting in the second line of said section after the word "court," the words "or justice of the peace." That section 55 of said chapter be, and the same is hereby, amended, by inserting in the first line of said section, after the word "court," the words "or the justice of the peace," also by inserting in the third line of said section, after the word "court," the words "or by a reference to three judicious and impartial citizens before the justice of the peace, one of whom shall be chosen by the justice aforesaid, and the other two, one each, by the plaintiff and defendant," and also by inserting in the fifth line of said section, after the word "court," the words "or justice of the peace." And that section 56 of said chapter be, and the same is hereby, amended, by inserting in the second line thereof, after the word "court," the words "or justice of the peace," and in any future edition of the laws of this State hereafter to be published, the said sections shall be printed as hereby amended.

Passed at Dover, February 23, 1859.

CHAPTER DCXXI.

SECTIONS 52, 53, 54, 55, and 56, of Chapter 120 of the Revised Code, as amended.

Affidavit.

SECTION 52. Upon affidavit made by a landlord, or any credible person for him, and filed in the office of the prothonotary, or any justice of the peace, of the county wherein the demised premises are situated, stating the rent which his tenant is to pay, or render, and when it will be due, and that he does on good grounds believe that the tenant intends to remove his effects from the county, or otherwise dispose of the same, and will so remove or dispose of the same before the rent becomes due, so as to defeat a distress for said rent, a writ of attachment shall be issued out of said superior court, returnable to the next term thereof, directed to the sheriff of the county, or out of the office of any justice of the peace of the county, directed to any constable thereof, returnable forthwith, against the goods and chattels, rights and credits of such tenant and for summoning the garnishees.

Attachment.

SEC. 53. If the tenant shall give to the landlord bond with sufficient surety, to be approved by the officer serving the writ, before the return thereof, or by the court at the term of the return, or by the justice of the peace, when the same shall be returned to his office, to pay the rent when due, with the costs of the attachment, the goods and garnishees shall be discharged. Discharged on security.

SEC. 54. If bond, as required by the foregoing section, be not given, the court, or justice of the peace, shall make an order for the sale of the goods and chattels attached, or so much thereof as shall be necessary to pay said rent with the costs, and shall render judgment against every garnishee, summoned upon the attachment, on his answer confessing goods, money, rights, or credits in his hands, or upon the verdict of a jury against him, if required to plead, as in other proceedings by attachment. Order of sale.
Judgment against garnishees.

SEC. 55. If the tenant deny the demand of rent, the court, or the justice of the peace, whether he have given bond as aforesaid or not, shall direct an issue to be tried by a jury at the bar of the court, or by a reference to three judicious and impartial citizens before the justice of the peace, one of whom shall be chosen by the justice aforesaid, and the other two, one each, by the plaintiff and defendant, for ascertaining whether there be a just demand of rent and the amount thereof. The verdict upon such issue, unless set aside by the court, or justice of the peace, shall be conclusive. Issue, on denial of rent.
Verdict conclusive.

SEC. 56. In respect to costs and touching the premises generally, the court, or justice of the peace, may exercise equitable powers; and if it shall consider that there was not sufficient ground for the attachment, the landlord shall pay the costs. Costs.

CHAPTER DCXXII.

AN ACT to vest the right of this State to certain vacant lands, in James P. Snow, William H. Hoffecker, and Joseph Snow.

Private Act.

Passed at Dover, February 23, 1859.

CHAPTER DCXXIII.

AN ACT to extend the limits of the town of New Castle, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

Limits of the town of N. Castle extended.

How.

SECTION 1. That the limits of the town of New Castle shall be, and are hereby, extended in the following manner, that is to say: beginning on the lower side of South Street, at low water mark on the Delaware River, and running by and with the said river the distance of six hundred and sixty feet, more or less, beyond Washington Avenue, to the west side of Johnson Street, as designated by the plot of James G. Shaw, thence by and with the said Johnson street, as designated by said plot, to the south side of the New Castle and Frenchtown Turnpike, thence on a line parallel with Union Street, until said line shall intersect North Street extended, thence by and with North Street so extended, to low water mark on the Delaware River.

Commissioners appointed to establish boundaries.

To lay out new streets.

Plot.

Where recorded.

Plot or copy of to be evidence.

SEC. 2. That William D. Clark, George Z. Tybout, David W. Gemmill, John Smith, and Thomas B. Rice be appointed commissioners, for the purpose of having the boundaries of the aforesaid extended limits of the said town established, and to lay out within the said limits a sufficient number of new streets, which being named and properly defined as to width, course, and intervening distances, upon a plot prepared by a skillful surveyor and certified by the said commissioners, or a majority of them, shall be recorded in the Recorder's office at New Castle, and the said plot, or a certified copy of the record thereof, shall be received as evidence in the courts of this State, in regard to the location of the said streets and bounds.

Owners of land to be paid damages.

In case of disagreement between owners of land and commissioners, sheriff of New Castle County to summon three freeholders.

Duty of freeholders.

SEC. 3. That before any of the said streets shall be opened, the owner or owners of the land over which the same shall be laid, shall be paid such damages as under the circumstances of advantage or disadvantage to the property of such owner shall be reasonable, and if the town commissioners of New Castle and such owner or owners cannot agree as to the price to be paid for the land, or the owner or owners refuse to dedicate the land for the purpose of the said street, it shall be the duty of the sheriff of New Castle County, upon the precept of the town commissioners under their hands and seals directed to him for that purpose, to summons three impartial freeholders of said county, two of whom shall be non-residents of the said town, whose duty it shall be (being first sworn or affirmed by the said sheriff faithfully

to perform such duty) to go upon the premises and make a report ^{Report.} under their hands of the sum to be paid to the owner of said lands and damages by reason of the opening of the said street, which report shall be conclusive, and upon the payment of the ^{To be conclusive.} sum so reported, or a tender thereof, to such owner, the town commissioners shall be authorized to open the said street:

SEC. 4. No new street shall be opened by the town commis- ^{New streets, how opened.} sioners, unless upon the application in writing of ten freeholders of the said town, a majority of whom shall be owners of land next adjacent to that through which such new street is laid; together with the concurring vote of the said commissioners, also approving such proceeding, and upon such new street being opened, the expenses thereof and of grading said street to be fit ^{Expenses of opening and grading new streets, by whom borne.} for use shall be borne by the owners of the land through which it shall pass, each party contributing one-half of the cost of grading and opening the street opposite his or her land, to be assessed by and paid to the town commissioners, under whose authority such work shall be done, and upon his or her refusal to pay such ex- ^{Upon refusal to pay, how recovered.} pense, the same shall be recovered in an action of debt at the suit of the town commissioners against such person before a justice of the peace of the county, if the sum claimed does not exceed one hundred dollars, or in any court of competent jurisdiction in the State:

SEC. 5. That the county road passing through the limits of the ^{County road through New Castle to be repaired as heretofore.} town of New Castle, as extended by this act, shall continue to be kept up and repaired as heretofore by the hundred and county of New Castle, and that no tax shall be laid by the town commis- ^{No money to be expended on Washington Avenue.} sioners, nor any money be expended by them, for finishing or repairing the Washington Avenue, recently laid out and opened.

SEC. 6. That the commissioners of the town of New Castle ^{Commissioners of the town of New Castle authorized to raise annually, by taxation, a sum not to exceed \$1000.} shall have power to raise annually, by taxation of the persons and property within the limits of the said town as hereby extended, and according to the provisions of the existing laws in regard to the assessment and collection of taxes within the said town any sum not exceeding one thousand dollars in any one year, to be expended in the payment of costs and damages in laying out and ^{How expended.} opening streets, in furnishing a supply of good water for the town, in the erection and repair of pumps, in lighting the streets, in repairing, grading, paving or graveling the streets already opened, or which may hereafter be opened, as the same shall be required by the public convenience and necessity, inclosing all the public grounds, planting trees therein and on the public walks, and for such other purposes as the health and comfort of the inhabitants shall suggest or require, and it shall be the duty of the commis- ^{Commissioners to prepare a statement of receipts and disbursements.} sioners in each and every* to prepare a statement of all the re-

* So in original

Where to be posted.

ceipts and disbursements of money for the use of the said town and shall post the same in five public places in the said town, and at the court-house door, at least ten days before the day of the election of town commissioners.

Streets enclosed and partially opened, to be opened and finished upon request of ten freeholders in writing.

SEC. 7. That it shall be the duty of the town commissioners upon the request of ten freeholders in writing, together with the concurrence of a majority of the town commissioners approving the measure, residing within the town of New Castle, to open any street heretofore laid out within the present town limits, and which is now enclosed, or if the same is but partially opened, to cause such street to be opened according to the town plan, paying to the owner or owners of the land through which it shall pass, any damages which he or they may be entitled to, to be assessed in conformity with the provisions of this act in respect to new streets.

Damages to owners of lands.

Ordinances.

SEC. 8. The commissioners of the town of New Castle shall be, and are hereby authorized, to adopt such ordinances as they may deem expedient for the preservation of good order within the town and for the better security of public and private property, and shall have power to appoint a suitable person to act as policeman, who shall exercise within the said town the power of a county constable, as a conservator of the peace, and whose special duty it shall be to enforce the observance of the town ordinances; and upon the warrant of a justice of the peace to arrest any person charged with any infraction of the said ordinances, and if upon a hearing of the matter before such justice the party charged shall be found guilty, the said justice shall have power to fine the offender in any sum not exceeding ten dollars, for the benefit of the town, and upon non-payment of the fines and costs, to commit them to goal for any period not exceeding ten days; and the sheriff of New Castle County shall be required to receive and detain such prisoner in pursuance of such commitment, unless discharged by law; and the town commissioners of New Castle shall be responsible to the said sheriff for the expense of keeping every such prisoner.

Policeman; powers and duties of.

Justice of peace empowered to fine any offender against town ordinances.

Amount of fine, upon non-payment of fine, to be committed to jail.

Town commissioners responsible for prison charges.

Power of town commissioners to be exercised over extended limits.

SEC. 9. That the power and authority of the commissioners of the town of New Castle, and of all other persons appointed by law within the said town, shall be exercised over the extended limits of the said town granted by this act, and that all the acts of Assembly now in force in respect to municipal and police regulations within the town of New Castle, shall extend to and be exercised over the limits of the said town as hereby extended.

Acts of Assembly now in force to be extended to the extended limits.

Commissioners to abate nuisances.

SEC. 10. That the commissioners of the town of New Castle shall have power to abate all nuisances within the said town, and upon the refusal or neglect of any person, the owner or occupant

of any place where any nuisance may exist, to remove the same after reasonable notice, that the said commissioners shall be authorized to have such nuisance abated or removed at the expense of such owner or occupant.

Owner of land where nuisance exists, refusing to remove same, commissioners to have it removed.

Passed at Dover, February 23, 1859.

CHAPTER DCXXIV.

AN ACT to change the name of Leipsic Station.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the name of Leipsic Station, on the Delaware Railroad be, and the same is hereby, changed, and shall hereafter be known as "Moorton."

Leipsic Station changed to Moorton.

Passed at Dover, February 23, 1859.

CHAPTER DCXXV.

AN ACT to authorize the appointment of an additional Justice of the Peace in Kent County, to reside at Hazletville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch of the Legislature concurring,) That the Governor of this State be, and he is hereby, authorized and empowered to appoint an additional justice of the peace for Kent County in this State, who shall reside in or near the village of Hazletville, in Dover Hundred, and that the official acts of the said additional justice, whose appointment is hereby provided for, shall in all respects be as valid as the acts of other justices of the peace in this State.

Governor authorized to appoint an additional justice of peace in Kent County, to reside at or near Hazletville. Official acts of said justice to be valid.

Passed at Dover, February 23, 1859.

CHAPTER DCXXVI.

Revised Code,
chapter 34.

AN ACT to amend Section 5 of Chapter 34 of the Revised Code.

Sec. 5 of chap. 34
of Revised Code
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That section 5 of chapter 34 of the Revised Code be, and the same is hereby, amended, by adding after the word "hundred," in the last line of said section, the words "nor shall the restriction first mentioned in this section apply to any hundred in Sussex County."

Passed at Dover, February 23, 1859.

CHAPTER DCXXVII.

AN ACT to vacate a certain Public Road, and a Private Road, and lay out and open a certain new Public Road, in Broadkill Hundred, Sussex County.

Jos. Conwell au-
thorized to lay
out a new public
road.

How to be laid
out.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Joseph Conwell, from and after the passage of this act, shall have power and authority, and he is hereby authorized and empowered to lay out and make a certain new public road, in the manner and form following, that is to say, the said road shall begin in the centre of the north end of a road commonly known by the name of Drawbridge Lane, and to run from thence on the line of lands of the said Joseph Conwell and Robert Russell, until it intersects the main road leading from Broadkill beach to Milton.

After said road is
laid out and put
in good repair, to
be deemed a pub-
lic road and re-
paired as such.

SEC. 2. *And be it further enacted,* That the aforesaid Joseph Conwell shall make and lay out, at his own proper cost and charge, the said road, and put the same in good order, making the said road of the width required by law, and that after the said road is made, opened, and put in good order as aforesaid, that then and from thenceforth, the said road shall be repaired and kept up at the public expense as other roads in said county.

SEC. 3. *And be it further enacted*, That after the said road shall have been laid out, opened and made as aforesaid, it shall and may be lawful for the said Joseph Conwell to stop up the old public road which begins at the north end of the Drawbridge Lane, and runs from thence in a westerly direction, until it intersects the main road leading from Broadkirk Beach to Milton, and also to stop up the old private road which begins at the north end of the Drawbridge Lane aforesaid, and runs diagonally across land of the said Joseph Conwell, until it intersects the aforesaid main road leading from Broadkirk Beach to Milton. And the said roads are hereby declared to be vacated.

After said road shall be made as aforesaid, J. Conwell authorized to stop up the old public road.

Also to stop up the old private road.

Passed at Dover, February 23, 1859.

CHAPTER DCXXVIII.

AN ACT to extend the "*Dona Landing Road*," from its eastern terminus to low water mark on *Simons' Creek*.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That Wilson Cannon, William DuHamel, Jacob M. Hill, Daniel C. Cowgill, and George Parris be, and they are hereby, appointed commissioners who, or a majority of whom are hereby authorized, empowered and required to lay out a State road in Little Creek Hundred, Kent County, beginning at the eastern terminus of the *Dona Landing Road*, and extending to the low water mark on *Simons' Creek*, and to employ a surveyor and such laborers and workmen as they shall think necessary in plotting and laying out the same, to be of the width of not less than fifty, nor more than one hundred feet.

Commissioners appointed to lay out a State road in Little Creek Hundred, Kent County.

Where.

Also to employ a surveyor and workmen.

Width of road.

SEC. 2. *And be it further enacted by the authority aforesaid*, That the commissioners named in the first section of this act, or a majority of them, shall ascertain and assess the damage sustained by the owner or owners, through whose lands any of said road may run, and return the same, with their map or plot, to the office of the clerk of the peace of the county aforesaid, and if any person or persons shall not be satisfied with the damages assessed by said commissioners, it shall and may be lawful for them to apply to the prothonotary of said county, within thirty days after the said return to the office of the clerk of the peace as aforesaid,

Commissioners to assess the damages.

To make return with plot.

Where.

Person dissatisfied with assessment of damages may apply to prothonotary of

Kent County for a writ of venire facias. for a writ of venire facias; to be directed to the sheriff of said county, for the purpose of summoning seven freeholders of the county, to ascertain and assess the said damages, who shall either increase or lower the damage returned by the said commissioners, as to them shall seem right, whose decision shall be final; and the said sheriff shall return the said writ to the next term after it was issued, with the return of the said freeholders summoned as aforesaid, or a majority of them under the hands and seals of the said sheriff and freeholders respectively, and the sheriff and freeholders summoned as aforesaid, shall be allowed the like fees as in other cases to be paid by the person or persons suing out the writ.

Purpose of writ.

Sheriff to make return of said writ to next term of Court, with return of the freeholders.

Compensation to sheriff and freeholders.

Plot and return to be recorded. SEC. 3. *And be it enacted by the authority aforesaid,* That after the map or plot shall be so returned to the office of the clerk of the peace as aforesaid, it shall be entered on the record in the said office, and from thenceforth the said road shall be deemed and taken to be a State road, and the same shall afterwards be opened, made and supported in the same manner as other State roads within the said county, are by the laws of this State directed to be opened, cleared, made and supported.

To be deemed a public road and repaired as such.

Compensation to commissioners. SEC. 4. *And be it further enacted by the authority aforesaid,* That each of the commissioners hereby appointed for the services herein and hereby required of him, shall receive for his trouble and services in attending to the said business, one dollar and fifty cents per day, the surveyor two dollars per day, and five dollars for his plot, and the chain carriers and workmen, each one, one dollar per day, to be allowed and settled together with the damages allowed by virtue of this act, in the same manner as expenses of repairing the State roads are allowed and settled.

And to the surveyor.

And chain-carriers and workmen.

How paid.

Commissioners to be sworn or affirmed. SEC. 5. *And be it further enacted by the authority aforesaid,* That the commissioners herein appointed as aforesaid shall, before they enter upon the duties by this act enjoined upon them, be respectively sworn or affirmed before some justice of the peace or notary public, for the true and faithful performance of the same, and shall cause ten days' notice to be given of the time when, and the place where, they shall meet, in order to proceed to the discharge of the said duties by setting up three or more advertisements in the most public places in the vicinity of the said road.

To give notice of time and place of meeting to proceed in the discharge of their duties.

Passed at Dover, February 23, 1859.

CHAPTER DCXXIX.

AN ACT *respecting the Bridge over Old Duck Creek.*

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 Levy Court of Kent County to place and keep in proper order and repair, the bridge built over Old Duck Creek, below the thoroughfare by John R. Brick, under the provisions of the act entitled "An act authorizing a bridge to be built over Old Duck Creek," passed at Dover, February 26, 1849; provided the owner or owners of Bombay Hook Island, or that part thereof on which said bridge is built, shall in writing, under hand and seal, dedicate said bridge to the County of Kent aforesaid.

Levy Court of Kent County authorized to construct and keep in repair a bridge over Old Duck Creek.

Proviso. Owners of land on which bridge is built to dedicate to the county of Kent.

Passed at Dover, February 23, 1859.

CHAPTER DCXXX.

AN ACT *appointing freeholders to lay out a Public Road.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,*

That William H. Stayton, Nathaniel H. Johnson and Benjamin F. Taylor, of Sussex County, and William D. Griffith and Clement L. Sharp, of Kent County be, and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road to commence at some point in the public road leading from Killen's cross roads in Kent County to Milford, opposite the northwesterly end of a lane through a farm of Charles T. Polk, where William Tucker lives; thence through said lane southeasterly, crossing the Junction and Breakwater Railroad, thence crossing lands of the heirs of Thomas Simpson, deceased, and Clement L. Sharp, southerly to the public road leading from Williamsville to Milford, thence with said public road southeasterly to Clement L. Sharp's Mill, thence southerly over the dam of said mill-pond into the County of Sussex; thence across

Persons appointed to view and lay out a new public road.

Course of.

land of William D. Griffith, southeasterly to the northwesterly end of a lane leading up to William H. Stayton's residence; thence with said lane southeasterly, passing said Stayton's residence to and across Bowman's Branch, thence to and upon a division line between lands of the said Benjamin F. Taylor and Charles Campbell, southeasterly to the public road leading from Staytonville to Milford; and if the said William H. Stayton, Nathaniel H. Johnson, Benjamin F. Taylor, William D. Griffith, and Clement L. Sharp, or a majority of them, shall determine that there is need for a new public road as above mentioned; then they shall, with the assistance of some skillful surveyor to be by them employed, lay out such public road as shall be most proper, having respect to the nature of the ground, the shortness of the distance, and circumstances of public or private convenience or detriment, and shall cause two maps thereof to be made, representing the courses and distances with notes of the most remarkable places and of the woodland cleared, and improvements by or through which the same passes, and shall assess the damages of every the owners or holders of said lands and improvements on occasion of the said road, taking into consideration all the circumstances of benefit or injury which will accrue to each owner or holder therefrom, and shall make a computation of the cost of opening and making said road, and making the bridges and causeways therein in each of said Counties of Kent and Sussex, setting down the several items of said cost, and if a road be laid out, shall, in their returns, set forth among their proceedings a description of the said road, and their determination that there is need of the same for public convenience, and shall annex to their said returns the aforesaid maps, to wit: one map to each return, on which shall be shown that part of said road which shall lie in each of said counties.

To employ a surveyor.

To cause two maps of said road to be made.

What to represent.

To assess damages.

To make estimate of cost of opening road and making the bridges and causeways.

Return.

Maps and returns to be returned, one to clerk of peace for Kent County and one to clerk of peace for Sussex Co. To be laid before Levy Courts of said counties. Levy Courts to establish returns and settle damages.

When road is established, to be subject to the provisions of chapter 60 of Revised Code.

SEC. 2. *And be it further enacted*, That the maps and returns so to be made as aforesaid shall be returned, one to the clerk of the peace in and for Kent County aforesaid, and one to the clerk of the peace in and for Sussex County aforesaid, to be by them laid before the Levy Court of said counties respectively; and if no objection be made, or if in the opinion of the said Levy Court of either county no sufficient objection is made, the said Levy Court of such county shall establish so much of said road as shall lie within their respective counties as a public road, and shall settle such damages as may have been assessed by said proceedings; and when the said road shall have been so established as a public road by the Levy Court of Kent and Sussex Counties, the same shall be and remain subject to the same regulations and maintenance as is provided for in chapter 60 of the Revised Code of this State, "concerning roads and bridges."

SEC. 3. *And be it further enacted*, That the said William H. Stayton, Nathaniel H. Johnson, Benjamin F. Taylor, William D. Griffith, and Clement L. Sharp, and the surveyor by them employed, shall, before performing the duties herein assigned them, be sworn or affirmed to perform the duties incumbent upon them according to this act, and the surveyor to perform the service for which he is employed, faithfully and impartially, according to the best of their skill and judgment respectively; which oath or affirmation may be taken before any justice of the peace for either Kent or Sussex County, or either of said freeholders named in this act may administer said oath or affirmation to any other of said freeholders or to the surveyor employed by them. The acts of a majority of the said freeholders shall be as valid as if concurred in by all of them, and in case of a vacancy or vacancies from any cause, another or other freeholders may be appointed by the Governor of this State, who shall be subject to the same obligations and duties which are herein enjoined upon his or their predecessor or predecessors.

The persons appointed to lay out said road, and the surveyor, to be sworn or affirmed.

Oath or affirmation, by whom to be administered.

Acts of a majority to be valid.

Governor to fill vacancy.

Passed at Dover, February 24, 1850.

CHAPTER DCXXXI.

AN ACT to incorporate the Smyrna Library Association, of Smyrna.

Private Act.

Passed at Dover, February 24, 1850.

CHAPTER DCXXXII.

AN ACT for the benefit of Samuel Phillips, of Sussex County.

Private Act.

Passed at Dover, February 24, 1850.

CHAPTER DCXXXIII.

AN ACT to incorporate *The Marine Mutual Insurance Company of the State of Delaware.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch of the Legislature concurring,) That Manlove R. Carlisle, John A. Hazzard, James H. Chipman, James Ponder, Nathaniel Hickman, Curtis S. Watson, John W. Hall, James L. Heverin, George W. Cummins, Wilson L. Cannon, Charles Beaston, Elihu Jefferson, John Harris, George W. Churchman, and Jacob Welldin, with such others as may become members, are hereby created a body corporate by the name and style of "The Marine Mutual Insurance Company of the State of Delaware," for the purpose of insuring their respective vessels, their freights and cargoes, against loss or damage by fire or the dangers of the sea, while on the stocks, in port, or at sea, or employed in inland navigation, and the said corporation shall have all the legal incidents of a corporation aggregate.

SEC. 2. The affairs of said company shall be conducted by a board of eleven directors, to be elected at the annual meeting of the members, on the first Tuesday of June in each and every year for one year and until others are duly elected. They may choose a president, secretary, treasurer, surveyor, and appraisers, and other necessary agents, may fill vacancy in their own body, and perform any duty required by this act, or of the by-laws of the company, made in pursuance of it. A majority shall form a quorum, but a smaller number may make insurances and perform such other business as is authorized by the by-laws.

SEC. 3. All elections for directors and other officers of the company shall be by ballot, and a plurality of votes, and the result shall be certified by the judges of the election, who shall be three members, not directors. The annual meetings of the company may be adjourned, and occasional meetings of the company may be called by the directors, or a majority of them, and any business of the company may be transacted at such adjourned, annual meeting, or occasional meeting. The first meeting of the company shall be held at Dover, on the first Tuesday of June, A. D. 1859, upon notice given for two weeks in one or more newspapers published in this State, by any three or more members of the company.

SEC. 4. The directors may settle the rates of insurance, the sum to be insured, the amount of deposit notes, the form of policy,

and all other matters necessary to effect the objects of this act, subject to the control of the members by general resolution or by-laws.

SEC. 5. To procure insurance, application shall be made, as required by the by-laws, stating truly the name and size, with a particular description of the vessel, cargo, or freight to be insured, which shall be valued by a surveyor or director, and the insurance shall be subject to the terms and conditions expressed in the policy or endorsed thereon.

Mode of procuring insurance.

SEC. 6. Every person who shall become a member of the corporation, by insuring therein, shall execute to the company or* bill obligatory for such sum being a per centage on the amount insured, as the directors shall require in proportion to the risk payable in whole or in part at any time when it shall be necessary for the payment of losses or incidental expenses, and for the purpose of raising a contingent fund, to pay losses and expenses, he may be required to pay the interest thereon annually, in advance, but such payments, and all payments made by the insured, shall be entered to his credit on the books of the company, and shall be applicable to his liabilities as a member; and on his withdrawal or ceasing to be a member, the deposit note or bill, and all unappropriated interest thereon, shall be surrendered, and paid back to him at the next annual meeting. If interest be not paid when due, the insurance shall be suspended until it is paid without removing the liability of the delinquent as a member of the company, but he shall be dismissed from the company if the interest be not paid for two consecutive years. The directors may loan or invest any portion of the contingent fund, not presently needed.

Deposit notes.

On the withdrawal of a member's deposit note, all unappropriated interest to be returned.

Non-payment of interest.

Power to loan contingent fund.

SEC. 7. When any vessel shall be sold, the insurance thereon shall be vacated until the policy shall be transferred or assigned with the consent of the company endorsed thereon, and the vendee may be required to execute another deposit note or bill, who shall thereupon be a member of the company, and the same provisions shall extend and apply to all cargoes and freights insured in the said company, unless otherwise provided for in the by-laws of the company, any policy may be adjusted at the request of either party, otherwise it will not need renewal.

Vessel sold, insurance vacated until policy assigned with consent of company.

SEC. 8. Every member of the company shall be bound to pay for losses sustained, and for the necessary expenses of the company, in proportion to the amount of his or her deposit note or bill, and the company shall have a lien on all vessels, freight or cargoes insured in the nature of a mortgage, to the amount of the deposit note or bill, which shall continue during the policy, and

Liability of members in case of losses, &c.

* So in original.

Suits against
members.

Suits against
corporation.

Member not
using diligence
to prevent loss,
&c., not entitled
to recover.

Losses, how
paid.

Calls and assess-
ments, when to
be paid.

Failure to pay,
insurance sus-
pended.

Suits may also be
brought.

may require such additional security as may *be provided, for in the by-laws. Suits at law may be maintained by the corporation against any of its members for the collection of such note or bill, or any assessment thereon, or for any liability of the company, and also against any person or corporation for injuries to any vessel or freight or cargoes insured in said company, whereby the said company is injured, or for the injury to which the company may be liable, and suits may be maintained and prosecuted by any member against the corporation for loss or damage by fire or the damages of the sea, if payment be withheld ninety days after notice duly given of such loss or damage, and no member not a party to the suit shall, on that account, be incompetent as a witness. In such suits, no member shall be entitled to recover against the company, who shall not have used due diligence to prevent the loss of or injury to the vessel, freight or cargo insured, the reasonable expense of which, in all cases where it is proper, shall be paid by the company.

SEC. 9. The directors shall, after receiving notice of any loss or damage by fire, or the dangers of the sea, sustained by any member, and ascertaining the same, or after any judgment recovered against the company for any loss or damage as aforesaid, settle and determine the sums to be paid by the several members thereof as their respective portions thereof, which shall be paid first out of the contingent fund; secondly, by calling for a part or the whole of the deposit notes or bills, and finally if the whole amount of such deposit notes and bills shall be insufficient at any time to pay losses, the sufferers insured shall receive a proportionable dividend of said amount, and in addition thereto a sum to be assessed on all the members of the company ratably, but not exceeding one dollar in every hundred dollars insured to them respectively, and no member shall ever be required to pay for any loss occasioned by fire or the dangers of the sea, at any one time more than one dollar on every hundred dollars insured in said company, in addition to the amount of his deposit note or bill, and the interest paid or due thereon, nor more than that amount for any such loss after his said note or bill shall have been paid in and expended.

SEC. 10. Any call upon the deposit notes or bills, and any additional assessment as aforesaid upon the members, shall be payable to the treasurer in thirty days; the directors may appoint a collector for the purpose of collecting the same, and if any member, for the space of thirty days, shall neglect or refuse to pay the same so assessed upon him as his proportion of any loss as aforesaid, the directors may declare his insurance suspended until paid, and may also sue for and recover the whole amount of his

* This word is not in the original.

deposit note or bill and unpaid interest or any additional assessment, or both with costs of suit, the amount thus collected shall go to the credit of the party paying it; and if any balance remain, it shall be returned to him after the next annual meeting when his policy shall be vacated and be discharged from the company.

SEC. 11. The word "sea," whenever it occurs in this act, shall be understood to mean, extend and apply to creeks, rivers, harbors, bays, and all other waters navigated by vessels insured in the company hereby incorporated, as well as to the ocean. "Sea," what to mean.

SEC. 12. This act shall continue in force for twenty years and no longer, unless renewed, and the Legislature hereby reserves the power of revocation, and shall be deemed and taken to be a public act. Continuance. Power of revocation reserved. A Public act.

Passed at Dover, February 24, 1859.

CHAPTER DCXXXIV.

AN ACT for the Benefit of the Delaware Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That to aid the Delaware Railroad Company to finish and extend their road, the State hereby assigns and transfers to said company the dividends on the stock subscribed for on the part of the State in said company, which subscription is to be paid by the tax imposed on the New Castle and Frenchtown Turnpike and Railroad Company, by the act of Feb. 7, 1852. The dividends on the stock subscribed for by State in Del. R. R. Co. assigned to said company.

SEC. 2. The said dividends shall form a permanent sinking fund for the payment of any debt created or to be created by the Delaware Railroad Company, and the trustees of such sinking fund shall have the management and control of said stock, and receive the dividends for the use of said company. Said dividends to form a permanent sinking fund.

SEC. 3. *And be it further enacted,* That in consideration of the provisions of this act, the Delaware Railroad Company shall not, at this or any *further session or the Legislature, ask for any pecuniary aid from the State. Consideration of this act that said company shall not ask for any pecuniary aid from the State.

* So in original.

Company to pass a resolution accepting the terms of this act. pecuniary aid from the State or for the loan of State credit, and before this act shall go into operation, the said company shall by resolution, duly passed and entered on its minutes, bind itself to the faithful acceptance of these terms.

Passed at Dover, February 24, 1859.

CHAPTER DCXXXV.

AN ACT to incorporate a company to improve the Navigation of what is now called Smyrna Creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring herein,) That a company shall be established for the improvement of the navigation of that part of Duck Creek lying between Smyrna Landing and the Bay or River Delaware. The capital stock of said company shall not exceed two thousand dollars divided into shares of ten dollars each. It shall go into operation whenever thirty shares shall be subscribed, and not otherwise.*

Company established.
Capital stock not to exceed \$2,000.
When to go into operation.

SEC. 2. *And be it further enacted, That John Mustard, Noble T. Jerman, and John H. Bewley, shall be commissioners, and they, or a majority of them, are authorized to open books of subscription to the stock of said company, and to keep the same open until the whole amount of said stock, if they deem such amount necessary, has been subscribed; of which opening, in the first instance, five days' notice shall be given by public advertisements, posted in five of the most public and suitable places in Duck Creek Hundred. They shall hold their office for one year, and until others are appointed in their place, as hereinafter mentioned.*

Commissioners appointed.
To open books.
Notice of opening books.
Commissioners to hold office one year.

SEC. 3. *And be it further enacted, That whenever thirty shares of the aforesaid capital stock shall be subscribed, the subscribers and their successors shall be a corporation by the name of "The Duck Creek Navigation Company," and shall have all the powers and franchises incident to a corporation aggregate, and especially all such as are necessary to carry the object designed by this act into full effect. The said company shall also have power to bor-*

Subscribers incorporated; when.
Name.
Corporate powers.
Authorized to borrow money.

row money and pledge the funds and means of said company for the payment thereof.

SEC. 4. *And be it further enacted*, That the sum of ten thousand dollars appropriated by the act passed at the present session to encourage internal improvements, to the improvement of the navigation of the said Duck Creek, shall be paid over to the above named commissioners, in the place of those appointed in said act to receive the same, for the use and benefit of the company hereby created; and it shall be their duty to invest the same when it is received, in such manner as may be approved by the chancellor or the associate judge resident in Kent County, and collect the dividends or interest thereof, until the fund so invested and its interest, shall amount to the sum of five hundred dollars.

\$10,000 appropriated by act to encourage internal improvements, (ante, p. 594,) to be paid to commissioners appointed by this act.

To invest the same; how.

To collect the interest thereof.

SEC. 5. *And be it further enacted*, That when the said invested fund shall amount, with its interest, to the said sum of five hundred dollars, the said commissioners shall go upon and view the grounds and marsh bordering upon Duck Creek aforesaid, and shall survey and lay off such canals or other works as they shall deem necessary for the effectual improvement of the navigation of said creek, and also designate what bars or other obstructions shall be removed, and when they have performed that duty, three competent freeholders, having no direct interest in the said improvement to the navigation of said creek, shall, upon the application of said company to either of the above judges, be appointed by him, and they, being first duly sworn to perform the duties of their appointment faithfully and impartially, according to the best of their skill and judgment, shall go upon the lands or marsh upon or through which the said company's works are laid out by the aforesaid commissioners and estimate the damages, if any, that will result to the owners from cutting the said canals or doing the other work of said company, which damages shall be paid or tendered before the work of digging or cutting is commenced: *Provided, always*, That in case any person, through whose lands or marsh the said canal or canals may be laid out, or whose property may be required by said company, in the making of the improvement contemplated by this act, shall be dissatisfied with the damages which shall be assessed by said freeholders, or with their decision if no damages be assessed, it shall be lawful for him to appeal from their determination to the superior court in and for Kent County, and the said court shall appoint five substantial and disinterested freeholders to go upon and view the said lands and marsh, and assess such damages as they shall deem proper and right, which assessment, when made under their hands, shall be final and conclusive. The said appeal shall not be made after six months from the assessment made by the first set of freeholders. The five freeholders shall be severally sworn, before entering upon the discharge of their duties under this act, to perform

When the sum invested with its interest amounts to \$500, commissioners to survey and locate canals, &c.

Also designate bars, &c., to be removed.

Chancellor or judge for Kent Co. to appoint three other freeholders to estimate the damages.

Damages to be paid or tendered before commencing work.

In case any owner of lands dissatisfied with damages assessed he may appeal to Superior Court for Kent Co.

Court shall appoint five freeholders to assess damages.

Assessment to be final.

Within what time appeal may be taken.

Freeholders to be sworn or affirmed.

such duties faithfully and impartially, and according to the best of their skill and judgment, and the acts of a majority of them as all the acts of a majority of those other freeholders hereinbefore mentioned, and also of the said commissioners shall be as valid, as if all had concurred therein. Vacancies in either body may be filled by the chancellor or associate judge aforesaid. When the assessment of damages before mentioned is completed, it shall be recorded in the recorder's office of Kent County, and the record, or an office copy thereof, shall be evidence on all occasions.

Acts of a majority to be valid.
Assessment of damages to be recorded, Where.
Company may have canals dug, &c.

Commissioners to supervise the doing of the works.

To keep accounts of the money expended, and settle the same annually with the company.

Term of office of commissioners.

Compensation to commissioners and freeholders.

Corporate powers.

By-laws.

Meeting of stockholders.

Subscribers to organize the company.

SEC. 6. *And be it further enacted*, That the aforesaid company shall have full power and authority to cause to be dug the canals laid out by the aforesaid commissioners, and to do any other work designated by them, and generally they shall have the most ample powers to prosecute and complete the work and improvement hereby contemplated. The said work of improvement shall be done under the supervision and management of the said commissioners or their successors in office, and the funds of said company shall be subject to their control to meet the expense thereof. They shall cause an accurate account to be kept of the money expended by them in carrying into effect the provisions of this act, and shall settle the same annually with said company. They shall hold their office of commissioners for one year, and until successors shall be appointed to them by the aforesaid Superior Court at any April term. The said court may continue in office any commissioner whose term is about to expire or has expired. The said commissioners and freeholders shall each receive the sum of one dollar per day for every day's service rendered said company.

SEC. 7. *And be it further enacted*, That the said corporation, by the name aforesaid, shall have power to sue and be sued, and to purchase, hold and alien, real or personal property, or both, connected with or conducive to the object of its creation; to have a common seal; to enact and make by-laws for its own government, not in conflict with the constitution and laws of this State or of the United States, and generally, as is before provided, shall have the most ample powers to prosecute and complete the work and improvement by this act contemplated.

SEC. 8. *And be it further enacted*, That as soon as three hundred dollars of the capital stock shall be subscribed, the aforesaid commissioners shall, by advertisements posted in five public and suitable places in Duck Creek Hundred aforesaid, call a meeting of the stockholders, at a designated time and place, in the town of Smyrna, and give notice in said advertisement that five dollars on each share will be required to be paid on that day. The subscribers present shall have power to organize the company by

the election of officers for the ensuing year, who shall hold their office respectively for that year, and until others are chosen by said company.

SEC. 9. *And be it further enacted,* That the officers of said company shall be a chairman and a secretary. They shall be elected at the annual meeting and shall hold their offices for one year, and until others be chosen as aforesaid. The chairman shall preside at all the meetings of the company, and it shall be the duty of the secretary to keep a record of all the proceedings of the company, and to execute all the clerical labor necessary in and about the business of said company.

Officers.
Elected annually.

Duties of the secretary.

SEC. 10. *And be it further enacted,* That the stockholders of the aforesaid corporation shall meet annually at the said town of Smyrna, on the first Wednesday of May in every year during the continuance of the corporation, five days' notice of which shall be given by the secretary, by five advertisements, posted in public and suitable places in said Duck Creek Hundred. At such meetings, the officers aforesaid shall be chosen, and all necessary business of the company transacted, which is not hereinbefore devolved upon the aforesaid commissioners. The stockholders may vote, in person or by proxy, and according to such scale of votes as may be fixed by the by-laws.

Annual meetings of stockholders.

Where and when.
Notice of.

Business at annual meetings.

Voting.

SEC. 11. *And be it further enacted,* That the shares of stock aforesaid shall be personal property and assignable subject to the regulations of the by-laws.

Shares of stock personal property and assignable.

SEC. 12. *And be it further enacted,* That the subscribers to the capital stock aforesaid shall pay five dollars upon each share of stock subscribed on the day of the first meeting under this act, and the residue at such time and in such instalments as the commissioners aforesaid may appoint, ten days' notice of the time when such instalment or instalments will be required, being first given by five advertisements in the name of said commissioners, and posted as required in the eighth section. If failure of payment according to such notice be made for twenty days, the share or shares of the person so failing shall be forfeited.

Subscribers to pay \$5 on each share at first meeting.

Notice of payment of instalments.

On failure to pay within twenty days, shares forfeited.

SEC. 13. *And be it further enacted,* That if any person shall wilfully fill up or obstruct any canal dug by authority of this act, whilst the same is being dug or afterwards, or shall do any act calculated to impair the benefit sought to be derived from the doing of any other work of said company, he shall be deemed guilty of a misdemeanor, and be fined in any sum not exceeding five hundred dollars.

Penalty for obstructing canal.

SEC. 14. *And be it further enacted,* That the act entitled "An act to incorporate a company to improve the navigation of

Act to incorporate a company

to improve the navigation of Duck Creek is hereby, repealed. The power to revoke this act at any time, or to alter any of its provisions or make other provisions therein, is hereby reserved to the Legislature.

to improve the
navigation of
Duck Creek
(vol. 10, p. 503.)
repealed.
Revocation.

Passed at Dover, February 24, 1859.

CHAPTER DCXXXVI.

AN ACT authorizing the Levy Court of Sussex County to lease a certain portion of the public ground or jail lot in Georgetown, in Sussex County.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

Levy Court
of Sussex Co. au-
thorized to lease
to Jacob Moore
a portion of the
jail lot.

That the Levy Court of Sussex County may, and said court is hereby authorized and empowered to lease to Jacob Moore, of Georgetown and county aforesaid, that portion of the public ground or jail lot situate, lying and being between the jail of said county, and the lot, piece or parcel of ground leased by said Levy Court to "Union Lodge No. 3, of the Independent Order of Odd Fellows of the State of Delaware, at Georgetown," under and by virtue of an act entitled "An act authorizing the Levy Court of Sussex County to lease the old jail in Georgetown, in Sussex County," passed at Dover, February 26th, 1852. Said portion of the public ground or jail lot situated as aforesaid, measuring about thirty-four feet front, and forty-eight feet deep, for the term of fifty years, upon the payment of such annual rent as may be agreed upon between the said Levy Court and said Jacob Moore.

For fifty years.

SEC. 2. And be it further enacted, That the said Jacob Moore shall have power, under said lease, to build and erect upon said portion of the public ground or jail lot, when leased to him as aforesaid by the said Levy Court, a suitable building for an office, and such other improvements thereon as he may deem proper, which said buildings and improvements shall be considered as personal property in said Jacob Moore, and may be sold and removed by him, his executors, administrators or assigns, at any time he or they may desire to do so: *Provided,* That no building shall at any time be erected on said lot which will endanger the public jail or be a common nuisance.

J. Moore autho-
rized to erect
building on part
leased to him.

Said buildings to
be personal prop-
erty in said
Moore.

Provided.

Passed at Dover, February 24, 1859.

CHAPTER DCXXXVII.

AN ACT to incorporate the Delaware Savings Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each house concurring therein,) that Jesse Sharp, John Aikin, Edward S. Rice, Edward McInall, Washington Jones, Thomas A. Baynard, George Bush, H. F. Askew, Baudny Simmons, W. F. O'Daniel, Robert R. Robinson, J. Fleming Smith, Elisha Huxley, William Bright, William McCaulley, S. Chandler, W. A. Chandler, Joseph A. Hunter, Samuel McCaulley, Jesse Lane, N. T. Boulden, S. D. Newlin, William S. McCaulley, George W. Stevens, John Rice, Asher B. Logan, John Cochran, Edward Moore, John Logan, John Farsons, James Bradford, James Morrow, Andrew Jack, John P. Springer, Abraham Boys, and all and every other person and persons hereafter becoming members of the Delaware Savings Bank, in manner hereinafter mentioned, shall be, and are hereby, created and made a corporation and body politic, by the name and style of the Delaware Savings Bank, and by that name shall have succession for and during the term or period of twenty years from the time of the passage of this act, and be capable by law to hold property, sue and be sued, plead and be impleaded, answer and defend, and be answered and defended, in courts of law and equity, or in any other place whatsoever, and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever, and make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act, and promote the designs of said corporation.

Members
incorporated.

Name.

SEC. 2. *And be it further enacted,* That the said corporation shall annually, on the first Monday in April, in the city of Wilmington, or at such other time or place as the by-laws or regulations hereafter to be adopted may be appointed, elect from the members of said corporation twenty-five managers, to serve for the term of twelve months, or until others shall be chosen, who, during their term of service, shall have the sole management and direction of the concerns of said corporation, elect a president from their own body, and be authorized to make, from time to time, as they may deem expedient, such by-laws or other rules for the regulation and government of themselves and the members of said corporation, and the same to change, add to or amend, as may appear necessary or proper: *Provided, always,* that such by-laws or rules be not contrary to the constitution and laws of

Corporate
powers.

By-laws.

Corporation not the United States, or of the State of Delaware: *And provided,*
 to make any bank *also,* that said corporation shall not be authorized to make any
 notes or loan any of the funds de- bills or notes of the nature or description of "bank notes," or to
 posited to a cor- loan any part of the funds deposited, to any member of said
 porator. corporation.

Company autho-
 rized to receive
 deposits.

Deposits, how
 invested.
 Interest on.

Surplus profits,
 how disposed of.

Members not in-
 dividually liable
 for debts, &c., of
 corporation.

Managers may
 elect other per-
 sons members.

Officers.

Power of revoca-
 tion reserved to
 the Legislature.

SEC. 3. *And be it further enacted,* That said corporation shall be capable of receiving, from any person or persons, any deposit or deposits of money, and that all moneys received, or to be received, shall be vested in public stocks or other securities, and such interest be allowed to depositors thereof as may, from time to time, be directed or provided for by the by-laws of said corporation, the surplus profits be to divided among the depositors at such times and in such manner as the managers may think proper, and that no member shall be liable in his person or property, for any debts, contracts or agreements of said corporation, but that the money, rights and credits of said corporation, and nothing more, shall be liable for the same.

SEC. 4. *And be it enacted,* That the managers of said corporation, or a majority of those attending at any meeting of the board, may elect by ballot any other persons as members of the Delaware Savings Bank.

SEC. 5. *And be it enacted,* That the officers of the Delaware Savings Bank, to be chosen by the persons named in the first section of this act, shall be the officers of said institution until the first Monday in April next, or until others shall be duly chosen.

SEC. 6. *And be it enacted,* That power to revoke this act, at any time hereafter, is hereby reserved to the Legislature.

Passed at Dover, February 24, 1859.

CHAPTER DCXXXVIII.

Revised Code,
 chapter 75.

AN ACT to amend Chapter 75 of the Revised Statutes of the State of Delaware.

Sec. 1 of chap. 75
 of Revised Code
 amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That chapter 75 of the Revised Statutes of the State of Delaware entitled "Of Divorce," be, and the same is hereby, amended as

follows, viz: By striking out all of the first [section*] after the word "causes," in line two of said section, down to and inclusive of the word "abandonment," in the ninth line of said section, and inserting the following in lieu thereof, viz: "at the instance of the injured party."

"*First:* A divorce from the bond of matrimony may be decreed Cause. for adultery of the wife, or impotency of either party at the time of the marriage."

"*Second:* A divorce from the bond of matrimony, or from bed and board, at the discretion of the court, may be decreed for adultery of the husband; for extreme cruelty, for procurement of the marriage by force or fraud; for want of age, the husband being under the age of sixteen; or the wife being under the age of fourteen years at the time of marriage; and such marriage not being after that age voluntarily ratified; for the willful abandonment of either party by the other for three years; for conviction, either in or out of this State, after marriage, of a crime by the laws of this State deemed felony, whether such crime shall be perpetrated before or after such marriage; for habitual gross drunkenness for three years, contracted after marriage; or for willful neglect on the part of the husband, for three years to provide for his wife the common necessaries of life."

Also, by inserting in section 5, between the word "divorce" and the word "and," in line two of said section, the words "and such sum as may be deemed necessary to defray the expenses in conducting her case." Sec. 5 of chap. 75 of Revised Code amended. Expenses of suit.

Passed at Dover, February 24, 1859.

CHAPTER CXXXIX.

AN ACT to amend Section 1 of Chapter 36 of the Revised Statutes of the State of Delaware. Revised Code, chapter 36.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That section 1 of chapter 36 of the Revised Statutes of the State of Delaware be, and the same is hereby, amended, by striking out the word "at," in the fifth line of said section, and inserting in lieu thereof the words "within one mile of." Sec. 1 of chap. 36 of Revised Code amended.

Passed at Dover, February 24, 1859.

* This word is not in the original.

CHAPTER DCXL.

Revised Code,
chapter 74.

AN ACT to amend Chapter 74 of the Revised Statutes of this State.

Sec. 1 of chap. 74
of Revised Code
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That section 1 of chapter 74 of the Revised Statutes of this State be, and the same is hereby, amended, by adding after the word "manner," at the end of said section, the following, viz: "Or if the parties to any marriage prohibited by this section, although the same may have been solemnized in another State, shall cohabit as husband and wife in this State, they shall each be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined one hundred dollars."

Passed at Dover, February 24, 1850.

CHAPTER DCXLI.

AN ACT to incorporate Charity Lodge, No. 27, of the Independent Order of Odd Fellows of the State of Delaware, at Laurel.

Members
incorporated.

SECTION 1. *Be 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 branch concurring,) That Joseph C. Windsor, John Collins, James Giles, Thomas H. Burgis, John Wootton, John Windsor, James Chipman, William Moore, James English, and such other persons as now are, or hereafter may become, members of Charity Lodge, No. 27, of the Independent Order of Odd Fellows, located at Laurel, in Sussex County, State of Delaware, shall be by virtue of this act one body politic and corporate, in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of "Charity Lodge, No. 27, of the Independent Order of Odd Fellows of the State of Delaware, at Laurel."

Continuance.
Name.

Corporate
powers

SEC. 2. *And be it further enacted,* That the said corporation and their successors, during the term of their corporate existence,

shall be able and capable in law to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages or money, or any property whatsoever, which may be devised, given or conveyed to them, or received by the payment of fees, dues and fines, and also to grant, let, sell, bestow, convey, assign or transfer the same, and to do all other matters relating thereto, by the name, style and title aforesaid; and shall have a common seal, with authority to break, alter and renew the same at pleasure, may sue and be sued, plead and be impleaded, in any court of law or equity in this State and elsewhere, in any or all manner of actions, suits, complaints, pleas, causes and matters whatsoever.

SEC. 3. *And be it further enacted*, That the members of this corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of said corporation, and to property* manage its affairs conformable to the provisions of this act and to the by-laws of said corporation, and from time to time to make and establish such by-laws and rules as they shall deem proper and necessary for the good government thereof: *Provided*, such by-laws and rules be not contrary to the laws and constitution of this State and of the United States.

May appoint officers and make by-laws.

SEC. 4. *And be it further enacted*, That the said corporation shall have power to hold or possess, in any manner, goods, chattels, rights, credits, lands and tenements, or any other property, the clear yearly income of which shall not exceed the sum of two thousand dollars, and shall not possess any banking powers other than the lending of money on security for permanent investment.

Income limited to \$2,000.

No banking powers.

SEC. 5. *And be it further enacted by the authority aforesaid*, That this act shall be deemed and taken to be a public act.

Public act.

Passed at Dover, February 24, 1859.

* So in original.

CHAPTER DCXLII.

Revised Code,
chapters 9 and
18.

AN ACT to amend Chapter 9, and also Chapter 18, of the Revised Code.

Sec. 21 of chap. 9
of Revised Code
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That section 21 of chapter 9 of the Revised Code of the State of Delaware be amended, by inserting in the fourth line of said section, after the word hundred, the words "and election district, where a hundred is divided into two or more election districts."

Sec. 3 of chap. 18
of Revised Code
amended.

SEC. 2. *Be it further enacted,* That section 3 of chapter 18 of the Revised Code of the State of Delaware be amended, by inserting, in the third line of said section, after the word "hundred," the words "and election district where a hundred is divided into two or more election districts."

Passed at Dover, February 24, 1859.

CHAPTER DCXLIII.

Ante, p. 466.

AN ACT to amend the act entitled "An act to amend the Charter of the city of Wilmington," passed February 20th, A. D. 1857.

Mayor and council
of Wilmington
to defray the
expense of repav-
ing streets.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That from and after the passage of this act, the mayor and council of Wilmington shall defray the expense of repaving between the curb lines all streets which were paved at the expense of the owners of property bordering or fronting on such streets: *Provided,* That this act shall not diminish, or in any wise affect or alter the liability of any person to the said, "the mayor and council of Wilmington," or the lien upon any land or buildings, for the expense of repaving streets done prior to its passage.

Proviso,

Inconsistent acts
repealed.

SEC. 2. *And be it further enacted as aforesaid,* That section 25 of the act amended by this act, so far as the said section re-

lates to repaving streets, and all other provisions of law which are inconsistent with the provisions of this act, are hereby repealed.

Passed at Dover, February 24, 1859.

CHAPTER DCXLIV.

AN ACT for the purpose of vacating Fifteenth Street, in the city of Wilmington, from Market Street to Tatnall Street.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) *That Fifteenth Street, as the said street is laid down on the map or plan of the city of Wilmington, be, and the same is hereby, vacated, and all provisions of law or of the ordinances of the city of Wilmington, inconsistent with this act, are hereby repealed.* Fifteenth Street,
in the city of
Wilmington,
vacated.

Passed at Dover, February 24, 1859.

CHAPTER DCXLV.

AN ACT to amend an act entitled "An act to amend Chapter 61 of the Revised Statutes of the State of Delaware." Ante, p. 617.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the words in section 1 of that act, viz: "Nor shall any dam be so erected or raised as to back the water upon any lands of a contiguous owner, through or over which there is a fall of more than three feet," be, and the same are hereby, stricken out of said act, and in lieu thereof the words "where the fall is more than three feet upon the lands of any one person laying on a" Section 1 of act
amended.

CHAPTER DCXLII.

Revised Code,
chapters 9 and
18.

AN ACT to amend Chapter 9, and also Chapter 18, of the Revised Code.

Sec. 21 of chap. 9
of Revised Code
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That section 21 of chapter 9 of the Revised Code of the State of Delaware be amended, by inserting in the fourth line of said section, after the word hundred, the words "and election district, where a hundred is divided into two or more election districts."

Sec. 3 of chap. 18
of Revised Code
amended.

SEC. 2. *Be it further enacted,* That section 3 of chapter 18 of the Revised Code of the State of Delaware be amended, by inserting, in the third line of said section, after the word "hundred," the words "and election district where a hundred is divided into two or more election districts."

Passed at Dover, February 24, 1859.

CHAPTER DCXLIII.

Ante, p. 465.

AN ACT to amend the act entitled "An act to amend the Charter of the city of Wilmington," passed February 20th, A. D. 1857.

Mayor and council
of Wilmington
to defray the
expense of repav-
ing streets.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That from and after the passage of this act, the mayor and council of Wilmington shall defray the expense of repaving between the curb lines all streets which were paved at the expense of the owners of property bordering or fronting on such streets: *Provided,* That this act shall not diminish, or in any wise affect or alter the liability of any person to the said, "the mayor and council of Wilmington," or the lien upon any land or buildings, for the expense of repaving streets done prior to its passage.

proviso.

Inconsistent acts
repealed.

SEC. 2. *And be it further enacted as aforesaid,* That section 25 of the act amended by this act, so far as the said section re-

lates to repaving streets, and all other provisions of law which are inconsistent with the provisions of this act, are hereby repealed.

Passed at Dover, February 24, 1859.

CHAPTER DCXLIV.

AN ACT for the purpose of vacating Fifteenth Street, in the city of Wilmington, from Market Street to Tatnall Street.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That Fifteenth Street, as the said street is laid down on the map or plan of the city of Wilmington, be, and the same is hereby, vacated, and all provisions of law or of the ordinances of the city of Wilmington, inconsistent with this act, are hereby repealed.

Fifteenth Street,
in the city of
Wilmington,
vacated.

Passed at Dover, February 24, 1859.

CHAPTER DCXLV.

AN ACT to amend an act entitled "An act to amend Chapter 61 of the Revised Statutes of the State of Delaware." Ante, p. 617.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the words in section 1 of that act, viz: "Nor shall any dam be so erected or raised as to back the water upon any lands of a contiguous owner, through or over which there is a fall of more than three feet," be, and the same are hereby, stricken out of said act, and in lieu thereof the words "where the fall is more than three feet upon the lands of any one person laying on a" Section 1 of act amended.

upon said stream, above the land of the person or persons who make application for the building or raising of said dam; be, and the same is hereby inserted.

Section 2 of act amended.

SEC. 2. *And be it further enacted,* That the following words in section 1 of said act, viz: "Section 2 of" be, and the same are hereby, stricken out of said act.

Passed at Dover, February 24, 1859.

CHAPTER DCXLVI.

Revised Code, chapter 68.

AN ACT to amend Chapter 68 of the Revised Code of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the provision of chapter 68 of the Revised Code of this State be, and the same is hereby, amended, so that all persons other than bona fide citizens of this State, applying for a traveling license to retail or peddle any goods, wares or merchandise whatever, either on foot, or with a horse and carriage or horses and carriage, in addition to the requirements of the provisions of the said chapter, for such license such applicant shall pay the further sum of one hundred dollars.

Persons not citizens of the State to pay the further sum of \$100 for a license to retail or peddle goods, &c.

Passed at Dover, February 24, 1859.

CHAPTER DCXLVII.

Revised Code, chapter 99.

AN ACT to amend Chapter 99 of the Revised Code of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That chapter 99 of the Revised Code of the State of Delaware

Sec. 42 of chapter 99 of Revised Code amended.

be, and the same is hereby, amended as follows, viz: By inserting immediately after the words "In criminal cases," in the fifty-seventh line of section 42, the words "For taking and filing affidavit or deposition, 20 cents;" and also, after the words "Entering judgment," in the sixty-ninth line of said section, strike out the words "of acquittal or conviction in cases of assault and battery," and insert in lieu thereof, the words "in any case of a criminal nature."

Passed at Dover, February 24, 1859.

CHAPTER DCXLVIII.

AN ACT to establish a certain road in Kent County, and for other purposes.

WHEREAS, It has been represented to this General Assembly Preamble. that in the year of 1802, Ezekiel Riggs, of the County of Kent, was authorized by the General Assembly of that year, to alter and lay out a certain road in said county, and to keep the same in proper repair at his own expense; and whereas, the said road and the bridges thereon have since that time been so kept up; and it has been further represented that Clement L. Sharp, the present owner, has graded said road and raised the causeway to the depth of two and a half feet, and that the same is now in excellent order and repair, and will require no further expenditures for ten years to come, and it being further represented that said road and causeway has become so much used by the public, that the same should be kept up at the public expense. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That a certain road located in Milford Hundred, Kent County, A certain road in Milford Hun., Kent County, declared a public road. Delaware, beginning at the intersection with Mispillion Branch, and running thence south eighty-four degrees and three-fourths of a degree, east seventy-eight perches, thence north forty degrees, east one hundred and fourteen perches and one-half of a perch, until it comes into the Marshy Hope Road, leading to Milford aforesaid, be, and the same is hereby declared to be, a To be kept in repair as such. public road, and shall hereafter be kept in repair as other public roads in said county.

Vol. 3, p. 220.

SEC. 2. *And be it further enacted, That section 4 of an act entitled an act authorizing Ezekiel Riggs, his heirs or assigns, to alter or change a road therein mentioned, passed at Dover, January the 28th, 1802, be, and the same is hereby, repealed.*

Passed at Dover, February 24, 1859.

CHAPTER DCXLIX.

AN ACT to change the location of certain Public Roads, in Broadkilm Hundred, in Sussex County.

Commissioners appointed to view certain roads in Broadkilm Hun., Sussex County. Where.

To lay out two new public roads. Course of the first.

Course of the second.

When roads located, to be made and kept open.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That William V. Coulter, David Losland and Robert Russell be, and they are hereby, appointed commissioners under this act, to go upon and view certain public roads, running through the lands of Sylvester H. Rust, David Robbins, John H. Cade, David M. P. Johnson and Horatio N. Heathers, in the hundred and county aforesaid, and if in their judgment the said roads can be so altered as to enhance the value of the said lands without detriment to the public interest, to lay out and locate two public roads in and upon the lands aforesaid, that is to say: First. Beginning at a point in the old public road leading from Benjamin F. Waples' Mills to Heavloc's Landing, where the line of lands of Sylvester H. Rust and David Robbins runs across said old public road; running from thence along the line of lands of Sylvester H. Rust, David Robbins and John H. Cade, and also lands of David M. P. Johnson, till it intersects the old public road at or near a point where the said old public road crosses a line of Horatio N. Heathers' land. Second. Beginning at a point on a line of lands of said John H. Cade and David Robbins, and in the public road known by the name of the Neck Road, where the said Neck Road leaves said line, running from thence upon the line of lands of said John H. Cade and David Robbins, intersecting the aforementioned new public road at or near the corner of said John H. Cade and David Robbins' lands.*

SEC. 2. *Be it further enacted, That if said commissioners, or a majority of them, shall alter or change the location of said public roads under the authority vested in them by the first section of this act, then the said roads so altered and changed, shall*

be made and opened by the said Sylvester H. Rust, David Rob- By whom.
bins, John H. Cade, David M. P. Johnson and Horatio N. Hea-
thers, at their own proper cost and charge, and shall be so kept
open for the period of one year before the same shall become a How long.
county charge.

SEC. 3. *Be it further enacted,* That after the expiration of one When roads kept
year from the opening of said roads the same shall be deemed open one year to
and taken to be public roads, and shall be kept up in the same be considered
manner as other public roads in Sussex County, and that after public roads.
the new roads authorized by the provisions of this act to be laid
out, shall have been opened, cleared out and put in good order,
the person or persons owning the lands through which so much of Persons through
the said old roads as is superseded by the adoption of the said whose lands old
new roads runs, shall have power and authority to enclose and roads run, autho-
cultivate the said portions of the said old roads so as aforesaid rized to enclose a
superseded by the adoption of the said new roads, and shall hold portion thereof.
and enjoy the same as fully and effectually as if the same had
never been used as public roads, and which said parts of said old
roads hereby authorized to be enclosed, upon the opening and
completion of said new roads, shall be deemed and taken in law
and fact to be vacated.

SEC. 4. *And be it further enacted,* That if the said commis- Commissioners
sioners, or a majority of them, shall deem it necessary, they shall authorized to em-
have power to call to their aid a skillful surveyor to run out and ploy a surveyor.
locate said public roads.

SEC. 5. *And be it further enacted,* That the said commissioners Commissioners
and surveyor, before entering upon the duties enjoined upon them and surveyor to
by the provisions of this act, shall take and subscribe an oath or be sworn or
affirmation to perform their duty respectively, with fidelity, which affirmed.
oath or affirmation may be administered by the said commission-
ers, or by any other person who is authorized by the laws of this
State to administer an oath or affirmation.

SEC. 6. *And be it further enacted,* That the said commission- Compensation to
ers shall have for each and every day's attendance under the commissioners
provisions of this act, the sum of one dollar, and the surveyor and surveyor.
shall have such sum as shall be agreed upon by the said com-
missioners, all of which shall be paid by the said Sylvester H. By whom paid.
Rust, David Robbins, John H. Cade, David M. P. Johnson, and
Horatio N. Heathers.

SEC. 7. *And be it further enacted,* That in any proceedings In any proceed-
for any alleged obstruction by the said Sylvester H. Rust, David ings for enclos-
Robbins, John H. Cade, David M. P. Johnson, and Horatio N. ing old roads,
Heathers, or any of them, or by any person or persons in their this act may be
employment, and acting under their authority, in stopping and given in evidence
enclosing said portion or portions of said old roads hereby vacated as a defence.

or intended so to be, he, she, or they, may plead the general issue, and give this act in evidence, as his, her, or their, justification and defence.

Public act. SEC. 8. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, February 24, 1859.

CHAPTER DCL.

Ante, p. 621 AN ACT to amend the act entitled "*An act to incorporate the Camden Union Camp Ground, in Kent County, Delaware,*" passed at Dover, February 3, 1859.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, as follows:

First and second sections of act to incorporate the Camden Union Camp Ground stricken out.

First. The first and second sections of the act entitled "*An act to incorporate the Camden Union Camp Ground, in Kent County, Delaware,*" passed at Dover, February 3, 1859, are hereby stricken out, and the following substituted therefor, viz:

Religious society of Christians incorporated. Name.

"SECTION 1. The religious society or congregation of Christians "worshiping at the camp ground near Camden, Delaware, is "hereby incorporated by the name of 'The Camden Union Camp "Ground for the Methodist Episcopal Church of Delaware and "Philadelphia,' and by that name shall have succession for twenty "years and no longer, with all the powers, privileges, franchises, "liberties and incidents usually belonging to corporations aggregate, and with power to purchase, receive, hold and enjoy "property real and personal, and to dispose of the same.

To continue for twenty years.

Corporate powers.

Trustees appointed.

"SEC. 2. Charles M. Wharton, Benjamin B. Townsend, Edward "Lord, William McGonigal and Ezekiel Dawson, of Camden circuit, Isaac Jump and Isaac L. Crouch, of Dover Station, Richard Allaband, of Willow Grove Circuit of the Philadelphia "Conference of the Methodist Episcopal Church, and Edmund J. "Yard, of Philadelphia, are hereby appointed trustees of said "corporation, until the first Thursday in July next, when the said "trustees of said corporation hereinbefore named, shall meet at "Camden, Dover, or on said camp ground, and the trustees above "named for Camden Circuit shall by lot designate one of their "number, who shall retire from the board of trustees, in order to

How long to continue. Where to meet.

Retiring of the trustees

"allow for an additional trustee from Philadelphia, and the said Edmund J. Yard shall also retire from said board, and also one of the others of said trustees first named in this section, to be designated by lot, and three out of the original nine having been thus retired, three others shall be elected to fill their places in the manner hereinafter prescribed, and at each annual meeting three of the said original trustees shall be retired by lot, until the whole number of them shall have been retired, so that no trustee shall hold his place more than three years without a reelection, and that three trustees shall be retired every year in rotation. The Board shall fill vacancies thus occasioned by the election of other trustees as follows, viz: vacancies occasioned by the retiring of trustees from Camden and Willow Grove circuits or charges, shall be filled by other trustees nominated by the board; vacancies occasioned by the retiring of trustees from Dover Station by the election by the board of trustees nominated by the male members of said station, at a meeting held for that purpose, and vacancies occasioned by the retiring of trustees from Philadelphia, shall be filled by the board, by trustees nominated by the members of the several charges or stations in Philadelphia, having contributed to the purchase of the camp ground, at a meeting to be held for that purpose. In case of a failure of the Dover Station or said churches in Philadelphia to present said nominations at the annual meeting when vacancies therefor are to be filled, said board may fill said vacancies without said nominations being made; vacancies occurring by reason of death or resignation or removal from the charge for which the trustee so dying, resigning or removing was elected, may be filled as other vacancies. Occasional meetings may be held by the board, on call of a majority of the members thereof, or as by their by-laws they may determine."

Vacancies in board of trustees, how filled.

Occasional meetings of trustees.

Second. The words "each trustee having the right to appoint three of said managers," are hereby inserted at the end of section 3 of said original act.

Sec. 3 of original act amended.

Third. The following is hereby added as section 7 of said original act, viz:

"SEC. 7. In case the camp ground should hereafter be sold or converted by the trustees to such other purposes as will prevent the holding of camp meetings, then the several churches in Philadelphia, whose members may have contributed to the purchase of the said camp ground, shall be entitled to receive their respective shares of the purchase money or of a fair valuation of said camp ground in proportion to the sum contributed by the members of said churches respectively.

"This act, and the act hereby amended, shall be deemed and taken to be public acts."

In case the Camp Ground should be sold or converted into purposes other than the holding of camp meeting, the Philadelphia churches to have shares of the purchase money in proportion to their contributions.

This act and original act public acts.

Passed at Dover, February 24, 1859.

CHAPTER DCLI.

Vol. 10, p. 569. **A FURTHER ADDITIONAL SUPPLEMENT to the act entitled "An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes."**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the commissioners of Georgetown, in Sussex County, who are now in office, or their successors in office, who have been or may hereafter be elected according to the provisions of the act entitled "A further supplement to an act for removing the seat of justice from Lewes to a more central part of Sussex County, and for other purposes," passed at Dover, March 3, 1851, be, and they are hereby, authorized and empowered to enclose the public square in Georgetown by a circular or octagonal fence or railing, and so run said fence or railing across, and thus to stop so much of the public roads running at right angles through said public square as may be necessary to make such enclosure; and so much of such public roads as may be thus enclosed be, and the same is hereby, and shall be vacated: *Provided,* That in making such enclosure the said commissioners shall leave a clear space for a public road around said enclosure of at least sixty feet from the houses at the respective corners on the streets running through said public square.

SEC. 2. *And be it further enacted,* That the said commissioners are hereby further authorized to improve the sidewalks of all the streets in Georgetown by paving the same, or by gravel, or by any other means they may deem proper, and from time to time to keep the same in repair, also to procure and set out shade-trees upon said public square, and upon said sidewalks on all side streets, and also to improve and keep in repair all the streets, lanes and alleys in said town in such wise as they may deem necessary and proper.

SEC. 3. *And be it further enacted,* That the said commissioners, and their successors in office, are hereby further authorized to ordain and pass, from time to time, ordinances, by-laws, rules, and regulations, as may be necessary for the sanitary and police regulations and pavement of said town, for improving and repairing said streets and sidewalks, and setting out and protecting the shade trees in said town as aforesaid: *Provided,* That such ordinances, by-laws, rules, and regulations, be not inconsistent with the laws and constitution of this State and the constitution of the United States.

SEC. 4. *And be it further enacted,* That the said commission-^{To levy and collect a tax.}ers be, and they are hereby, further authorized and empowered to levy and collect, by a tax from the inhabitants and property owners in Georgetown, all such monies as from time to time may be necessary to execute the provisions of this act, which said tax shall be levied and collected according to the provisions of the seventh section of the said further supplement, passed at Dover, March 3, 1851: *Provided,* that the taxes thus levied and collected shall not exceed the sum of two hundred and fifty dollars in any one year, clear of delinquencies, and expenses of collecting said taxes. ^{Vol. 10, p. 509.} ^{Tax not to exceed \$250.}

SEC. 5. *And be it further enacted,* That said commissioners and their successors in office shall receive compensation for actual services by them rendered as such under this act, or of the said further supplement, not exceeding one dollar per day: *Provided,* that said compensation to each commissioner shall not exceed the sum of twenty dollars per annum, which said compensation shall affect or supersede the fees of the president or alderman as provided for in the fifth section of said "further supplement," nor the allowance of at the rate of five per centum upon all taxes collected by said president and alderman, by virtue of the eighth section of the said further supplement. ^{Compensation to the commissioners.}

Passed at Dover, February 24, 1859.

CHAPTER DCLII.

AN ACT to incorporate the National Steamship Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Ambrose W. Thompson, Cornelius Vanderbilt, Charles Mac-Calester, S. Morris Waln, Joshua Simmons, Edward Fox, Lambert Gittings, G. A. Trenholm, C. A. G. Lamar, John W. Anderson and their associates, are hereby created a body politic and corporate, under the name of the National Steamship Company, ^{Persons incorporated.} and by such title shall have perpetual succession, with all the powers necessary or incident to establish and continue a line of steamers from the city of Philadelphia, touching at the port of New Castle, or from other ports designated in any contract made with the Postmaster General of the United States and the said com- ^{Name.} ^{Powers.}

pany, to carry the mails of the United States from said ports to Europe or elsewhere.

Capital stock.

SEC. 2. *And be it further enacted*, That the capital of said company shall be in shares of one hundred dollars each, to such an amount as will represent the sum necessary to purchase, contract, equip and work the said steamers, and the said shares shall be personal property, transferable in such manner as the by-laws may direct.

Directors.

SEC. 3. *And be it further enacted*, That the corporators mentioned in this act, shall constitute a board of directors, the first named of whom shall be the president, and a majority shall be a quorum for transacting business. They shall have the power of making and establishing such by-laws as they may deem expedient to carry out the objects of the corporation, and they shall serve as directors until such time as the by-laws shall prescribe for an election, and until others are chosen.

By-laws.

Passed at Dover, February 24, 1859.

CHAPTER DCLIII.

Revised Code,
chapter 121.

AN ACT to amend Chapter 121 of the Revised Statutes of this State.

Sec. 35 of chap.
121 of Revised
Code amended.

Petition to
court or judge.
What to contain.

Hearing of.
Notice.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That chapter 121 of the Revised Statutes of this State be, and the same is hereby, amended, by adding at the close of the last paragraph of section 35, and immediately preceding section 36 of said chapter, the following words: "But any person imprisoned as aforesaid may prefer a petition to the superior court in term time, or to any judge thereof in vacation, setting forth that he is willing and able to give to the said creditor good and sufficient security for the payment of the said debt or damages or costs as aforesaid, within a reasonable time; and if upon the hearing of the said petition, and reasonable notice in writing of the time and place thereof to the party at whose suit the petitioner is imprisoned, or his attorney or agent, if there be such party, attorney or agent within the county, it shall appear that the petitioner is able to give such security, the said court or judge thereof in vacation,

shall proceed to order security to be given and taken in such form, and for the payment of the said debt or damages and costs, in such time and manner as to the said court or judge shall seem meet and proper in the case, and on such security ^{Order by court or judge.} be given and approved by the said court or judge, an order shall be made for the immediate discharge of the petitioner from said imprisonment," and the said chapter shall hereafter be read and construed ^{Chapter to be read as amended.} as thus amended by this act.

Passed at Dover, February 24, 1859.

CHAPTER DCLIV.

AN ACT authorizing the making of certain Indexes to the Records of the Court of Chancery, and of the Orphans' Court of Sussex County.

WHEREAS, By section 3 of chapter 146 of volume 8 of the laws of the State of Delaware, the Register of the Court of Chancery in and for the County of Sussex, was authorized and directed to provide two good, substantial and well bound books, and therein to make full and complete direct and reverse indexes to all of the records of the Court of Chancery and of the Orphans' Court of the county aforesaid; and whereas, said indexes to the records aforesaid were made, and continued up to the beginning of the year one thousand eight hundred and forty-six, and have since that time been discontinued; therefore, ^{Preamble. Vol. 8, p. 151.}

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the present Register of the Court of Chancery and Clerk of the Orphans' Court in and for the County of Sussex, shall provide one good, substantial and well bound book for each of the said courts, in each of which he shall make a full and complete direct and reverse index to all of the records of the court to which they respectively belong, from the time the aforesaid indexes were discontinued, that is to say: from the beginning of the year one thousand eight hundred and forty-six, up to the present time; and that it shall be, and it is hereby, made the duty of the present Register of the Court of Chancery and Clerk of the Orphans' Court in said county, and his successors in office, to ^{Register of Court of Chancery and clerk of Orphans' Court for Sussex Co. to provide books for each court. To make index. From what time}

* So in original.

Register and
clerk to continue
index.

Cost of book and
of making index,
how paid.

continue said indexes of the records of said courts, from and after the completion of the indexes authorized by this act, and that he, the said present Register of the Court of Chancery and Clerk of the Orphans' Court, shall be repaid the costs of said books by the Levy Court of said county, and shall receive for his services in making said indexes authorized by this act, a just and reasonable compensation, to be allowed by the said Levy Court.

Passed at Dover, February 24, 1859.

CHAPTER DCLV.

AN ACT to incorporate the *Amphion Cornet Band*, of the city of *Wilmington*.

Persons
incorporated.

Name.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring,) That* Edward T. Veazy, Henry Haddock, Joseph Stagley, John Mills, Robert Mills, Emile Bucher, Isaac Cooper, George Smith, Henry Flemming, George McKay, Alexander McCracken, John McCracken, John Worth, and Richard Wisdom and their successors be, and they are hereby, constituted a body politic and corporate, to have continuance by the name of the *Amphion Cornet Band*, of the city of *Wilmington*, for the term of twenty years from the passage of this act, and no longer.

Corporation au-
thorized to take
and hold prop-
erty and dispose of
the same.

SEC. 2. *And be it enacted, That* the said corporation shall and may be authorized to purchase, take, hold, receive and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits to an amount not exceeding five thousand dollars, and to grant, alien, demise, sell and dispose of the same, in such manner and form as to the said "*Amphion Cornet Band*, of *Wilmington*," may *deem expedient.

Corporate
powers.

By-laws.

SEC. 3. *And be it enacted, That* the said corporation shall be able and capable to sue and be sued, implead and be impleaded in all the courts of justice in this State, and may have and use a common seal, with the power of changing the same at their will and pleasure, and may make, alter, repeal and again re-enact such laws, regulation and by-laws as shall be deemed expedient

* So in original.

and proper for the government of said Amphion Cornet Band of the city of Wilmington, not contrary or repugnant to the laws and constitution of the State or the United States.

SEC. 4. *And be it further enacted*, That this shall be deemed ^{Public act.} and taken to be a public act, the Legislature hereby reserving the ^{Power of revocation reserved to} power to revoke this act of incorporation at any time hereafter. ^{the Legislature.}

Passed at Dover, February 24, 1859.

CHAPTER DCLVI.

AN ACT to amend the act incorporating the Smyrna Coal Gas ^{Ante, p. 531.} Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch concurring,) That the act entitled "An ^{Act amended.} act to incorporate the Smyrna Coal Gas Company," passed at Dover, March 4, 1857, be amended by striking out of the first section of the said act, the words "one thousand shares, of fifty dollars each," and inserting the words "five thousand shares, of ten dollars each," and the said act is hereby so amended.

Passed at Dover, February 24, 1859.

CHAPTER DCLVII.

AN ACT allowing an additional Constable to the County of New Castle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Levy Court of New Castle County be, and they are ^{Levy Court of New Castle Co.} hereby, authorized and required to appoint an additional constable ^{authorized to}

appoint an additional constable in New Castle County.

Where to reside.
Appointment and vacancies, how made and filled.

in New Castle County, who shall reside at the "Rising Sun Village," or in the immediate neighborhood, in Christiana Hundred. The office of constable hereby created, shall continue until this act shall be repealed, and the appointment thereto shall be made and vacancies filled, as provided by the laws and constitution of this State.

Passed at Dover, February 24, 1859.

CHAPTER DCLVIII.

AN ACT to enable Nathaniel Conoway to locate certain vacant land in Nanticoke Hundred, Sussex County, and to complete his title to the same.

Private Act.

Passed at Dover, February 24, 1859.

CHAPTER DCLIX.

AN ACT to incorporate a Bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford.

Commissioners appointed.

Duties.

To open books; where.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch thereof concurring,) That Shadrach Raughley, Manlove R. Carlisle, Curtis S. Watson, William N. W. Dorsey, Trusten P. McColley, James R. Loiland, John A. Hazard, William Hill, and Thomas Wallace be, and they are hereby, appointed commissioners to do and perform the things hereinafter mentioned, that is to say: they, or three of them, shall, on or before the first Monday in May next, procure a sufficient number of suitable books, one of which shall be opened in Milford, and*

the others, if it shall be deemed advisable by the said commissioners, at such other place or places as they shall think proper, in each of which books they shall enter as follows: We, whose names are hereunto subscribed, do promise to pay to "the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford," the sum of twenty-five dollars for each and every share of stock set opposite to our respective names in such manner, sums and at such times as shall be directed by the president and directors of the said bank, and shall thereupon give notice in two newspapers printed in this State, and in such other papers as they may deem proper, at least twenty days, of the time and place or places when and where the said books shall be opened to receive subscription for the capital stock of the said bank, at which time and place or places two or more of the said commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in the manner following, that is to say: on the first day in which the said books are opened, no person shall subscribe more than forty shares, either in his own name or attorney for another, and on the second day in which the said books shall be opened, the same restrictions shall apply, and if at the expiration of the second day, the whole number of two thousand shares shall not have been subscribed, then on the third, or any following day in which the said books shall be opened, it shall be lawful for any person or persons in his own name, or as attorney for another, to subscribe for any number of shares in the said stock until the whole number of two thousand shares shall be subscribed, the commissioners shall keep the books opened at least three days, and at least six hours in each day unless the whole number of two thousand shares shall have been before that time subscribed, upon ascertaining which, they may close the books. And if it should so happen that more than two thousand shares shall be subscribed, then the commissioners or a majority of them are hereby authorized and directed to deduct from the highest subscription or subscriptions, until the shares be reduced to the proper number, and two-thirds of all the shares of stock thus subscribed shall be owned by citizens of this State.

Notice of.

Subscribers, who may be.

Manner of receiving subscriptions.

Time books to be kept open.

SEC. 2. *And be it further enacted,* That the capital stock of the said company shall be fifty thousand dollars divided into two hundred and fifty thousand shares of twenty-five dollars each.

Capital stock \$50,000.

SEC. 3. *And be it further enacted,* That each subscriber to the stock of the said company shall pay to the commissioners aforesaid at the time of subscribing for the same, the sum of two dollars and fifty cents on each share subscribed. And it shall be lawful for the directors of the said company, appointed in the manner hereinafter directed, to call in and demand of the stockholders respectively all such sums of money as by them subscribed by instalments, not exceeding five dollars per share, upon giving

Subscribers to pay \$2 50 on each share subscribed at time of subscribing.

Directors to make calls for instalments of subscription.

appoint an additional constable in New Castle County.
Where to reside.
Appointment and vacancies, how made and filled.

in New Castle County, who shall reside at the "Rising Sun Village," or in the immediate neighborhood, in Christiana Hundred. The office of constable hereby created, shall continue until this act shall be repealed, and the appointment thereto shall be made and vacancies filled, as provided by the laws and constitution of this State.

Passed at Dover, February 24, 1859.

CHAPTER DCLVIII.

AN ACT to enable Nathaniel Conoway to locate certain vacant land in Nanticoke Hundred, Sussex County, and to complete his title to the same.

Private Act.

Passed at Dover, February 24, 1859.

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AN ACT to incorporate a Bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford.

Commissioners appointed.

Duties.

To open books; where.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch thereof concurring,) That Shadrigh Raughley, Manlove R. Carlisle, Curtis S. Watson, William N. W. Dorsey, Trusten P. McColley, James R. Lofland, John A. Hazard, William Hill, and Thomas Wallace be, and they are hereby, appointed commissioners to do and perform the things hereinafter mentioned, that is to say: they, or three of them, shall, on or before the first Monday in May next, procure a sufficient number of suitable books, one of which shall be opened in Milford, and*

the others, if it shall be deemed advisable by the said commissioners, at such other place or places as they shall think proper, in each of which books they shall enter as follows: We, whose names are hereunto subscribed, do promise to pay to "the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford," the sum of twenty-five dollars for each and every share of stock set opposite to our respective names in such manner, sums and at such times as shall be directed by the president and directors of the said bank, and shall thereupon give notice in two newspapers printed in this State, and in such other papers as they may deem proper, at least twenty days, of the time and place or places when and where the said books shall be opened to receive subscription for the capital stock of the said bank, at which time and place or places two or more of the said commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in the manner following, that is to say: on the first day in which the said books are opened, no person shall subscribe more than forty shares, either in his own name or attorney for another, and on the second day in which the said books shall be opened, the same restrictions shall apply, and if at the expiration of the second day, the whole number of two thousand shares shall not have been subscribed, then on the third, or any following day in which the said books shall be opened, it shall be lawful for any person or persons in his own name, or as attorney for another, to subscribe for any number of shares in the said stock until the whole number of two thousand shares shall be subscribed, the commissioners shall keep the books opened at least three days, and at least six hours in each day unless the whole number of two thousand shares shall have been before that time subscribed, upon ascertaining which, they may close the books. And if it should so happen that more than two thousand shares shall be subscribed, then the commissioners or a majority of them are hereby authorized and directed to deduct from the highest subscription or subscriptions, until the shares be reduced to the proper number, and two-thirds of all the shares of stock thus subscribed shall be owned by citizens of this State.

SEC. 2. *And be it further enacted,* That the capital stock of the said company shall be fifty thousand dollars divided into two thousand shares of twenty-five dollars each.

SEC. 3. *And be it further enacted,* That each subscriber to the stock of the said company shall pay to the commissioners aforesaid at the time of subscribing for the same, the sum of two dollars and fifty cents on each share subscribed. And it shall be lawful for the directors of the said company, appointed in the manner hereinafter directed, to call in and demand of the stockholders respectively all such sums of money as by them subscribed by instalments, not exceeding five dollars per share, upon giving

Notice of.

Subscribers, who may be.

Manner of receiving subscriptions.

Time books to be kept open.

Capital stock \$50,000.

Subscribers to pay \$2.50 on each share subscribed at time of subscribing.

Directors to make calls for instalments of subscription.

Notice of.

On failure to pay
shares may be
forfeited.

Or company may
sue for the same.

In all suits by or
against corporation,
this act to
be deemed a public
act.

When two thou-
sand shares sub-
scribed, subscri-
bers incorpo-
rated.

Name.

Corporate
powers.

Bank to com-
mence business,
when.

Directors to
make statement
under oath.

Statement to be
transmitted to
the Governor.

Directors.

thirty days' previous notice to the stockholders, in two newspapers printed in this State, and in such other newspapers as the directors shall deem proper, and in case of failure in the payment of all or any part of the said instalments at the time or times so required, every share on which failure shall have occurred, and the interest or dividends on all moneys previously paid, may be forfeited by the said directors for the benefit of the corporation, or in case they should not elect to forfeit the said share or shares, it shall and may be lawful for the said corporation to sue either at law by action of debt, or assumpsit, or equity, for the recovery of any sum or sums of money due or to become due as aforesaid, from any subscriber, and in all suits, either at law or equity in the courts of this State, by or against the said company, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings, or given in evidence.

SEC. 4. *Be it further enacted*, That as soon as the whole amount of two thousand shares shall be subscribed, the subscribers, their successors and assigns shall be, and they are hereby declared to be, incorporated by the name, style and title of "The President, Directors and Company of the Farmers' and Mechanics' Bank of Milford," and by the same name shall have succession for the term of twenty years from the date of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of law and equity, and to purchase, have, hold and enjoy to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of whatever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of and also to have a common seal, and the same to break, alter or renew at their pleasure.

SEC. 5. *And be it further enacted*, That the said bank shall have power to commence business as soon as the sum of twenty thousand dollars shall have been actually paid in and deposited in its vaults, and not before; one half of which shall be in specie, and the other half in notes of banks of this State, or of Philadelphia, paying specie, and it shall be the duty of the directors to make a statement under oath or affirmation of the description and amount of such deposit, and transmit the same to the Governor of the State, previous to the bank going into operation.

SEC. 6. *And be it further enacted*, That for the proper management and business and affairs of the said corporation there shall be seven directors, who shall be elected by the stockholders, in the manner and at the times hereinafter directed, and who shall choose a president from among their number. They shall be stockholders at the time of their election, and also during the term of service, and residents of this State, three of whom shall reside in the town of Milford aforesaid.

SEC. 7. *And be it further enacted,* That the commissioners aforesaid, as soon as conveniently may be after the capital stock has been subscribed as aforesaid, shall give ten days' notice in two of the newspapers printed in this State, and in such other papers as they may deem advisable, of the time and place in Milford at which the subscribers shall meet, in order to organize the said company. And the said commissioners, or any two of them, may hold the election at which time and place the subscribers may choose by a majority of the votes present, to be given in person or by proxy, seven directors, and the said directors shall at their first* after the election, choose one of their number president, and shall manage and conduct the business and affairs of the company until the first Tuesday in May next ensuing the day and date of said election for directors, and there shall be another meeting of the stockholders on the first Tuesday of May next, ensuing the day and the date of the said election of directors and on the same day in every year thereafter in Milford, of which twenty days' notice shall be given as aforesaid, at which meeting and meetings the stockholders shall choose by a majority of votes present given in person or by proxy, seven directors, who shall continue in office for one year, and until others be chosen, and in case of any vacancy or vacancies in the board of directors by death, resignation, removal from the State, or otherwise, the remaining directors shall have power, and are hereby authorized, to fill such vacancy or vacancies by election from among the stockholders of said bank, and the said directors shall, at the first meeting after the election, choose a president from among their number. Special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the directors upon the request in writing of stockholders owning one thousand shares of stock, or when the directors shall deem necessary, and all occasions of voting, each stockholder shall be entitled to one vote for each share held by him or her, which has been so held by him or her three calendar months before the day of voting. At every election for directors two stockholders, not being directors, shall be appointed judges of the said election by the stockholders present who shall decide upon the qualification of voters, and declare who has been elected, and certify the same to the existing board of directors. In case it shall happen at any time that an election of directors shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the directors, according to the provisions of this act.

Commissioners to give notice of the time and place of the meeting of the subscribers to organize.

Election of directors.

Annual meetings, when and where held.

Notice of.

Vacancies among directors, how filled.

Special meetings of stockholders; how called.

Voting.

Elections of directors, how conducted.

Failure to elect directors not to dissolve company.

SEC. 8. *And be it further enacted,* That all the corporate powers of said company shall be exercised by the directors and

Powers of directors

* So in original.

Notice of.

On failure to pay
shares may be
forfeited.

Or company may
sue for the same.

In all suits by or
against corpora-
tion, this act to
be deemed a pub-
lic act.

When two thou-
sand shares sub-
scribed, subscri-
bers incorpo-
rated.

Name.

Corporate
powers.

Bank to com-
mence business,
when.

Directors to
make statement
under oath.

Statement to be
transmitted to
the Governor.

Directors.

thirty days' previous notice to the stockholders, in two newspapers printed in this State, and in such other newspapers as the directors shall deem proper, and in case of failure in the payment of all or any part of the said instalments at the time or times so required, every share on which failure shall have occurred, and the interest or dividends on all moneys previously paid, may be forfeited by the said directors for the benefit of the corporation, or in case they should not elect to forfeit the said share or shares, it shall and may be lawful for the said corporation to sue either at law by action of debt, or assumpsit, or equity, for the recovery of any sum or sums of money due or to become due as aforesaid, from any subscriber, and in all suits, either at law or equity in the courts of this State, by or against the said company, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings, or given in evidence.

SEC. 4. *Be it further enacted*, That as soon as the whole amount of two thousand shares shall be subscribed, the subscribers, their successors and assigns shall be, and they are hereby declared to be, incorporated by the name, style and title of "The President, Directors and Company of the Farmers' and Mechanics' Bank of Milford," and by the same name shall have succession for the term of twenty years from the date of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of law and equity, and to purchase, have, hold and enjoy to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of whatever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of and also to have a common seal, and the same to break, alter or renew at their pleasure.

SEC. 5. *And be it further enacted*, That the said bank shall have power to commence business as soon as the sum of twenty thousand dollars shall have been actually paid in and deposited in its vaults, and not before; one half of which shall be in specie, and the other half in notes of banks of this State, or of Philadelphia, paying specie, and it shall be the duty of the directors to make a statement under oath or affirmation of the description and amount of such deposit, and transmit the same to the Governor of the State, previous to the bank going into operation.

SEC. 6. *And be it further enacted*, That for the proper management and business and affairs of the said corporation there shall be seven directors, who shall be elected by the stockholders, in the manner and at the times hereinafter directed, and who shall choose a president from among their number. They shall be stockholders at the time of their election, and also during the term of service, and residents of this State, three of whom shall reside in the town of Milford aforesaid.

SEC. 7. *And be it further enacted*, That the commissioners aforesaid, as soon as conveniently may be after the capital stock has been subscribed as aforesaid, shall give ten days' notice in two of the newspapers printed in this State, and in such other papers as they may deem advisable, of the time and place in Milford at which the subscribers shall meet, in order to organize the said company. And the said commissioners, or any two of them, may hold the election at which time and place the subscribers may choose by a majority of the votes present, to be given in person or by proxy, seven directors, and the said directors shall at their first* after the election, choose one of their number president, and shall manage and conduct the business and affairs of the company until the first Tuesday in May next ensuing the day and date of said election for directors, and there shall be another meeting of the stockholders on the first Tuesday of May next, ensuing the day and the date of the said election of directors and on the same day in every year thereafter in Milford, of which twenty days' notice shall be given as aforesaid, at which meeting and meetings the stockholders shall choose by a majority of votes present given in person or by proxy, seven directors, who shall continue in office for one year, and until others be chosen, and in case of any vacancy or vacancies in the board of directors by death, resignation, removal from the State, or otherwise, the remaining directors shall have power, and are hereby authorized, to fill such vacancy or vacancies by election from among the stockholders of said bank, and the said directors shall, at the first meeting after the election, choose a president from among their number. Special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the directors upon the request in writing of stockholders owning one thousand shares of stock, or when the directors shall deem necessary, and all occasions of voting, each stockholder shall be entitled to one vote for each share held by him or her, which has been so held by him or her three calendar months before the day of voting. At every election for directors two stockholders, not being directors, shall be appointed judges of the said election by the stockholders present who shall decide upon the qualification of voters, and declare who has been elected, and certify the same to the existing board of directors. In case it shall happen at any time that an election of directors shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the directors, according to the provisions of this act.

Commissioners to give notice of the time and place of the meeting of the subscribers to organize.

Election of directors.

Annual meetings, when and where held.

Notice of.

Vacancies among directors, how filled.

Special meetings of stockholders; how called.

Voting.

Elections of directors, how conducted.

Failure to elect directors not to dissolve company.

SEC. 8. *And be it further enacted*, That all the corporate powers of said company shall be exercised by the directors and

Powers of directors

* So in original.

such officers and agents as they shall appoint. The directors shall have power to make all the by-laws, rules and regulations necessary and proper for the government of the company, and not repugnant to the constitution and laws of this State nor of the United States; but no by-law shall be enacted or repealed, unless by a vote of two-thirds of all the directors. On all questions before the board the president shall vote as a director. Meetings of the directors, either special or stated, shall be held or called as the by-laws prescribe, and three directors shall constitute a quorum for the transaction of business. The directors shall allow such salaries to the president and other officers as they shall deem reasonable, but no director shall be entitled to any salary unless the same shall have been allowed by the stockholders.

By-laws;
how made and
repealed.

Meetings of
directors; how
called.

Salaries to
officers.

Fundamental
articles.

What lands cor-
poration may
hold.

Rate of interest.

Bills and notes,
by whom signed.

Banking house to
be at Milford.

Stock assignable.

Amount of debts.

Cashier and ac-
counting officers
to give bond with
security.

SEC. 9. *And be it further enacted*, That the said corporation is hereby vested with banking powers, and that in the exercise of the same the following shall be the fundamental articles of its government: that is to say,

First. The said corporation shall hold no lands, tenements, nor hereditaments, but such as shall be required for the convenient transaction of business, or such as shall be bona fide mortgaged or pledged to it as security for debts, or purchased at sales upon judgments which have been obtained for such debts.

Second. The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans and discounts.

Third. All bills and notes, not under the corporate seal of the company, shall be signed by the president, and by such other officers of the bank as shall be appointed by the directors for that purpose.

Fourth. The said company shall keep their banking house in Milford, and their notes shall be made payable there, in reference to which it is hereby declared to be subject to the operation of the second section of the act entitled "An act securing payments by the banks of this State of their notes in specie," passed at Dover, the thirteenth day of January, in the year one thousand eight hundred and twenty-four.

Fifth. The stock of said corporation shall be assignable and transferable in such manner as shall be prescribed by the by-laws.

Sixth. The total amount of the debts which the said corporation shall at any time owe, whether by note, bill, or otherwise, shall not exceed double the amount of the capital actually paid in.

Seventh. The directors shall require from the cashier and accounting officers of the bank, such bond and security for the faithful performance of their duties as shall be prescribed by the by-laws.

SEC. 10. *And be it further enacted,* That the said corporation ^{Tax to the State:} shall pay into the treasury of the State, for the use of the State, a tax of one-half of one per centum per annum on the amount of capital actually paid in, payable semi-annually.

SEC. 11. *Be it further enacted,* That the stockholders of the said company shall have the power to increase the capital stock of the said bank to one hundred thousand dollars, and the number of shares to two thousand: *Provided,* That at any general or special ^{Capital stock may be increased to \$100,000.} meeting of the stockholders, the consent of the owners of two-thirds of the capital stock is given so to do. ^{Province.}

SEC. 12. *And be it further enacted,* That the power of re- ^{Power of revo-} voking or repealing this act is hereby reserved to the Legislature. ^{cation reserved.}

Passed at Dover, February 25, 1850.

CHAPTER DCLX.

AN ACT to incorporate the Kirk's Branch Ditch Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch of the Legislature concurring,) That ^{Owners of swamps and low grounds declared a company.} the owners and possessors of the swamps, marsh and low grounds lying on and contiguous to Kirk's Branch, in Mispillion Hundred, in Kent County, in the State of Delaware, shall compose a company to be called the Kirk's Branch Ditch Company, for the pur- ^{Name.} pose of effectually ditching, draining and reclaiming the said ^{Purpose of.} swamps, marsh and low grounds.

SEC. 2. The first meeting of the company shall be held, upon ^{First meeting of company.} notice given in three or more public places in the neighborhood for five days, designating the hour and place of meeting, by six or more persons who will be members of the company. The said ^{Objects of the meeting.} meeting shall elect by ballot a treasurer and two managers for the said company, and a majority of the votes present shall elect. They shall also, at the same time, choose three disinterested and suitable persons of Kent County as commissioners, to make a ^{Commissioners.} valuation and appraisement of the said swamps, marsh and low grounds, and with the assistance (if necessary) of a surveyor, lay out a ditch or ditches through the same, and estimate the costs of cutting such ditch or ditches.

Annual meetings; when and where held.

SEC. 3. The annual meetings of the company shall be held on the first Saturday of May, in each and every year, until otherwise determined by the first meeting of the company, or some annual meeting thereafter, at such place as the company may direct, and occasional meetings may be called by the managers, at such times and places as to them may seem necessary, upon giving reasonable notice by advertisements posted in such public places as they shall think proper.

Occasional meetings; how called.

Powers and duties of commissioners.

SEC. 4. The said commissioners, when so elected, shall have all the powers and be subject to all the duties, so far as the said swamps, marsh and low grounds are concerned, as are given to and imposed upon the commissioners appointed by the act incorporating the Cattail Marsh Company, passed at Dover, January 24, 1882, and shall receive for each day's attendance two dollars each, to be paid by the company.

Vol. 8, p. 121.

Compensation.

Powers of company.

SEC. 5. The company hereby created, shall have all the rights and incidents conferred upon the said Cattail Marsh Company, by the act aforesaid incorporating the said company, and the managers and treasurer shall respectively be invested with all the powers, and be subject to like duties as are invested in and imposed upon the managers and treasurer of the Cattail Marsh Company, and the company hereby incorporated may cause a revaluation and appraisement to be made of their swamps, marsh and low grounds, which shall be the valuation and appraisement upon which taxes shall thereafter be assessed once in every five years from the first annual meeting of the company, by electing commissioners for that purpose, as is provided in section two of this act, which said commissioners shall have the same powers and be subject to like duties as the commissioners whose election is provided for in said section.

Vol. 8, p. 121.

Powers and duties of managers

Revaluation and appraisement.

Public act.

Revocation.

SEC. 6. This act shall be deemed and taken to be a public act, and the power of revocation is hereby reserved to the Legislature.

Passed at Dover, February 25, 1859.

CHAPTER DCLXI.

AN ACT to create the Donovan Ditch Company, in Broadkiln Hundred, Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring,) That* Owners of swamps and low grounds made a company.
 James Donovan, James B. Donovan, Job Donovan, Gideon B. Waples, Salathiel Baker, John Macklin, George Dickerson, Thomas Pepper, George Chase, Kenzey Sharp, William H. Donovan, Kendal D. Messick, Minus Messick, Nehemiah Donovan, George Donovan, Levin P. Dutton, and such other persons as are owners or possessors of swamps or low grounds in their neighborhood, in Broadkiln Hundred, Sussex County, and State of Delaware, shall compose a company to be called the "Donovan Ditch Company," Name.
 for the purpose of effectually ditching, draining or reclaiming Purposes of.
 their swamps and low grounds.

SEC. 2. The said company shall hold a meeting on the first Saturday of May, A. D. 1859, upon notice given by any eight Company to hold a meeting; when and where.
 members of the company for five days, posted in three or more Notice of.
 public places in the neighborhood, at such hour and place as shall be designated in the notice, for the purpose of choosing a treasurer and three managers for the said company. The manner of choosing shall be by ballot, and a majority of the votes present; Objects of meeting.
 they shall also, at the same time, choose three disinterested and suitable persons as commissioners, to go upon the swamps and low grounds of the company, and with the assistance of a surveyor, nominated by themselves, lay out a ditch or ditches through the same. The commissioners so chosen shall lay out one ditch commencing on the lands of William H. Donovan, and running in such directions as in the opinion of the commissioners will best promote the interest of the company, till it terminates in what is usually called the Peter Reed Ditch, or generally Branch Ditch; Commissioners to lay out ditches; where.
 they shall also lay out a prong ditch, commencing in the ditch so as aforesaid, to be laid out and running through the Wolman Savannah, to such point as in the judgment of said commissioners is necessary to drain the swamps and low grounds near or through which it passes, or which would be benefitted by being ditched.
 The said commissioners and surveyor shall respectively be sworn Commissioners and surveyor to be sworn.
 to discharge their respective duties impartially and to the best of their judgment, and shall receive for their services such compensation as shall be determined by the company. Compensation.
 The commissioners may administer an oath or affirmation to each other, and to the surveyor.

Annual meetings; when and where held.

Occasional meetings; how called.

SEC. 3. The annual meeting of the said company shall be held on the first Saturday of May in each and every year, at such place as the said company may direct, and occasional meetings may be called by the managers at such times as to them may seem necessary, upon giving reasonable notice by advertisements posted in such public places as they shall think proper.

Powers and duties of the commissioners.

Vol. 9, p. 341.

SEC. 4. The commissioners shall have all the powers and be subject to all the duties so far as the swamps and low grounds are concerned, as are given to and imposed upon the commissioners appointed by the act entitled "An act to incorporate the Black Swamp Ditch Company," passed at Dover, February 14th, A. D. 1841.

Powers of the company.

Powers and duties of the managers and treasurer.

SEC. 5. The company hereby incorporated shall have all the rights and incidents conferred upon the Black Swamp Ditch Company by the aforesaid act creating said company, and the managers and treasurer of the company hereby created shall respectively be invested with all the powers, and be subject to like duties as are vested in and imposed upon the managers and treasurer of the Black Swamp Ditch Company, by the act creating said company.

Public act.
Revocation.

SEC. 6. This act shall be deemed and taken to be a public act, and the power of revocation is hereby reserved to the Legislature.

Passed at Dover, February 25, 1859.

CHAPTER DCLXII.

Ante, p. 504.

A FURTHER SUPPLEMENT to the act entitled "*An act for the encouragement of Internal Improvements in the State of Delaware.*"

State Treasurer to take from Maryland and Delaware R. R. Company bond, with security, before paying over the money appropriated to said company by the act to which this is a supplement.

SECTION 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 directed and required, before paying over to "The Maryland and Delaware Railroad Company" any instalment or payment directed to be paid to the said company by the act to which this is a supplement, to require of the president of the said company for the time being, a bond to the State of Delaware, with security resid-

ing within this State, to be approved by the State Treasurer for the time being, in a sum double the amount of the instalment or payment so to be made to the said Maryland and Delaware Railroad Company; to be void if the money so paid to the said company shall be expended and paid out in aid of the construction of that part of the Maryland and Delaware Railroad lying and running within the limits of this State according to the provisions of the act to which this is a supplement, otherwise to remain in full force and virtue.

SEC. 2. *Be it further enacted as aforesaid,* That if the money so paid to the Maryland and Delaware Railroad Company be not expended in aid of the construction of that part of the railroad of the said company lying and running within this State within one year after it shall have been paid as aforesaid by the State Treasurer for the time being, the president of the said company, upon whose bond the same has been paid as aforesaid, shall thereafter pay six per cent. interest, and shall be liable upon his said bond therefor until the same is so expended; and if any payment or instalment made as aforesaid shall not have been expended within five years after it shall have been paid by the State Treasurer, it shall be the duty of the State Treasurer for the time being, and he is hereby required to bring suit upon the aforesaid bond of the president of the said company upon which it was paid to the said company, and shall recover in such suit, for the use of the State, the amount so unexpended and the interest due thereon with costs of suit.

SEC. 3. *Be it further enacted,* That whenever and so soon as the president of the said company, or his securities, shall show to the satisfaction of the State Treasurer for the time being that the payment or instalment paid as aforesaid upon any particular bond, with any interest which may be due thereon, has been expended as required by the act to which this is a supplement and the first and second sections of this act, it shall be the duty of the said State Treasurer to cancel the said bond, or to deliver the same up to the said president of the said company or his securities.

SEC. 4. It shall likewise be the duty of the State Treasurer, and he is hereby required, before paying over to the Mispillion and Choptank Railroad Company any money directed to be paid to the said company by the act to which this is a supplement, to require of the president of the said railroad company for the time being, a bond to the State of Delaware, with security residing within this State, to be approved by the State Treasurer, in a sum double the amount so to be paid to said company, to be void if the money so paid to said company shall be expended and paid out in aid of the construction of that part of Mispillion and Choptank Railroad lying and running within the limits of this State

Annual meetings; when and where held.

Occasional meetings; how called.

SEC. 3. The annual meeting of the said company shall be held on the first Saturday of May in each and every year, at such place as the said company may direct, and occasional meetings may be called by the managers at such times as to them may seem necessary, upon giving reasonable notice by advertisements posted in such public places as they shall think proper.

Powers and duties of the commissioners.

Vol. 9, p. 341.

SEC. 4. The commissioners shall have all the powers and be subject to all the duties so far as the swamps and low grounds are concerned, as are given to and imposed upon the commissioners appointed by the act entitled "An act to incorporate the Black Swamp Ditch Company," passed at Dover, February 14th, A. D. 1841.

Powers of the company.

Powers and duties of the managers and treasurer.

SEC. 5. The company hereby incorporated shall have all the rights and incidents conferred upon the Black Swamp Ditch Company by the aforesaid act creating said company, and the managers and treasurer of the company hereby created shall respectively be invested with all the powers, and be subject to like duties as are vested in and imposed upon the managers and treasurer of the Black Swamp Ditch Company, by the act creating said company.

Public act.
Revocation.

SEC. 6. This act shall be deemed and taken to be a public act, and the power of revocation is hereby reserved to the Legislature.

Passed at Dover, February 25, 1859.

CHAPTER DCLXII.

Act, p. 604.

A FURTHER SUPPLEMENT to the act entitled "An act for the encouragement of Internal Improvements in the State of Delaware."

State Treasurer to take from Maryland and Delaware R. R. Company bond, with security, before paying over the money appropriated to said company by the act to which this is a supplement.

SECTION 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 directed and required, before paying over to "The Maryland and Delaware Railroad Company" any instalment or payment directed to be paid to the said company by the act to which this is a supplement, to require of the president of the said company for the time being, a bond to the State of Delaware, with security resid-

ing within this State, to be approved by the State Treasurer for the time being, in a sum double the amount of the instalment or payment so to be made to the said Maryland and Delaware Railroad Company; to be void if the money so paid to the said company shall be expended and paid out in aid of the construction of that part of the Maryland and Delaware Railroad lying and running within the limits of this State according to the provisions of the act to which this is a supplement, otherwise to remain in full force and virtue.

SEC. 2. *Be it further enacted as aforesaid,* That if the money so paid to the Maryland and Delaware Railroad Company be not expended in aid of the construction of that part of the railroad of the said company lying and running within this State within one year after it shall have been paid as aforesaid by the State Treasurer for the time being, the president of the said company, upon whose bond the same has been paid as aforesaid, shall thereafter pay six per cent. interest, and shall be liable upon his said bond therefor until the same is so expended; and if any payment or instalment made as aforesaid shall not have been expended within five years after it shall have been paid by the State Treasurer, it shall be the duty of the State Treasurer for the time being, and he is hereby required to bring suit upon the aforesaid bond of the president of the said company upon which it was paid to the said company, and shall recover in such suit, for the use of the State, the amount so unexpended and the interest due thereon with costs of suit.

SEC. 3. *Be it further enacted,* That whenever and so soon as the president of the said company, or his securities, shall show to the satisfaction of the State Treasurer for the time being that the payment or instalment paid as aforesaid upon any particular bond, with any interest which may be due thereon, has been expended as required by the act to which this is a supplement and the first and second sections of this act, it shall be the duty of the said State Treasurer to cancel the said bond, or to deliver the same up to the said president of the said company or his securities.

SEC. 4. It shall likewise be the duty of the State Treasurer, and he is hereby required, before paying over to the Mispillion and Choptank Railroad Company any money directed to be paid to the said company by the act to which this is a supplement, to require of the president of the said railroad company for the time being, a bond to the State of Delaware, with security residing within this State, to be approved by the State Treasurer, in a sum double the amount so to be paid to said company, to be void if the money so paid to said company shall be expended and paid out in aid of the construction of that part of Mispillion and Choptank Railroad lying and running within the limits of this State

according to the provisions of the act to which this is a supplement, otherwise to be and remain in full force and virtue.

If money not expended in one year, president of the company to pay interest.

SEC. 5. *Be it further enacted*, That if the money so paid to the Mispillion and Choptank Railroad Company be not expended in aid of the construction of that part of their road lying and running within this State within one year after it shall have been paid by the State Treasurer, the said president of the said company upon whose bond the same was paid as aforesaid shall thereafter pay six per cent. interest, and shall be liable upon his said bond therefor until the same is expended; and if any payment or instalment made as aforesaid shall not have been expended as aforesaid within five years after it shall have been paid by the State Treasurer, it shall be the duty of the State Treasurer for the time being, and he is hereby required to bring suit upon the aforesaid bond of the president of the said company upon which it was paid to the said company, and he shall recover in such suit for the use of the State, the amount so unexpended, and the interest due thereon with costs of suit.

Rate of interest.

If money not expended in five years, the State Treasurer to proceed for collection of the bond.

Bond, when to be canceled or delivered up to the company.

SEC. 6. *Be it further enacted*, That whenever and so soon as the president of the said Mispillion and Choptank Railroad Company, or his securities, shall show to the satisfaction of the State Treasurer for the time being, that the payment or instalments paid as aforesaid, upon any particular bond with any interest which may be due thereon, has been expended as required by the act to which this is a supplement, and the fourth and fifth sections of this act, it shall be the duty of the said State Treasurer to cancel said bond, or deliver the same to the said president of the company or his said securities.

Passed at Dover, February 25, 1859.

CHAPTER DCLXIII.

AN ACT to establish a certain road in the County of Sussex, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That Thomas J. Davis, Thomas R. Wilson and Benjamin F. Waples, be, and they are hereby, appointed commissioners to go

Commissioners to view a certain road in Cedar

to a certain new road in Cedar Creek Hundred, in the County of Sussex, now open and commencing at a point in the road leading from Waples' Mill, thence through Prime Hook Neck, in said hundred, to the Delaware Bay, and if they, or a majority of them, should be of the opinion that the road above named is more direct, better located and more convenient to public travel, than the old road which leads from the point aforesaid (and running partly parallel to the road lately opened) by the house of Thomas R. Wilson to the Delaware Bay, they shall establish the same.

Creek Hundred, Sussex County, and, if they so determine, establish the same.

SEC. 2. The old road commencing at the point aforesaid, and leading by the house of Thomas R. Wilson, and partly parallel to the road above established (if the commissioners establish the new road mentioned in the first section) shall be, and the same is hereby, vacated and declared no longer to be a public road.

When new road established, old road to be vacated.

SEC. 3. The expenses, if any, attending the establishing of the new road, and the vacating of the old road, shall be defrayed by voluntary subscription of such persons as may be interested in the opening of said road; and when established and accepted by the Levy Court of the said county, the same shall be kept in repair as other public roads in said county are.

Expense of establishing new road, by whom borne.

When accepted by Levy Court, to be kept in repair by the county.

Passed at Dover, February 25, 1859.

CHAPTER DCLXIV.

AN ACT regulating the taking of passengers on the Delaware Railroad.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

SECTION 1. That on and after the first day of May next, it shall be unlawful for the Philadelphia, Wilmington and Baltimore Railroad Company, or any of its agents, to take or carry any negro or mulatto in any car on the Delaware Railroad, which is intended to take, carry or convey white passengers, without the request of some white passenger in behalf of his or her servant or slave.

After 1st of May, Phila., Wilmington and Balt. R. Co prohibited from taking negro or mulatto in car intended for white persons on Del. R. R. without request of white passenger.

SEC. 2. *And be it enacted,* That for each and every negro or mulatto which the said Philadelphia, Wilmington and Baltimore

Railroad Company shall take or carry in any of its cars on the Delaware Railroad, in the violation of the first section of this act, the sum of five dollars shall be forfeited by the said company, to any one who will sue for the same, to be recovered before any justice of the peace, according to the mode for the recovery of small debts, as provided in chapter 99 of the Revised Code of this State.

Passed at Dover, February 25, 1859.

CHAPTER DCLXV.

AN ACT for the protection of manufacturers and venders of Mineral Waters, Porter, Ale, and other beverages in bottles.

Manufacturers and venders of mineral waters, &c., may file description of bottles in Secretary's office.

Description to be published.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That all manufacturers and venders of mineral waters, porter, ale and other beverages in bottles, upon which their names or their mark or marks shall be respectively impressed, may file in the office of the Secretary of State, description of such bottles, and of the name or mark thereon, and shall cause the same to be published for six weeks successively in a public newspaper published in the county wherein the same shall be manufactured or sold.

Bottles marked and sealed not to be filled with mineral waters, &c., or to be sold or disposed of.

Penalty for violation.

How recovered.

SEC. 2. That it is hereby declared to be unlawful for any person or persons hereafter, without the permission of the owner thereof, to fill with mineral waters, porter, ale or other beverages; any such bottle so marked, or to sell, dispose of, or to buy, or to traffic in any such bottles so marked, and not bought by him or her of such owner thereof, and any person so offending shall be liable to a penalty of fifty* for every bottle so filled, or sold, or used or disposed of, or bought, or trafficked in for the first offense, and of five dollars for every subsequent offense, to be recovered before the mayor or alderman of the city of Wilmington, or any justice of the peace, as fines and penalties are by law recoverable for the use of the State.

Using of bottles marked, prima facie evidence of unlawful use.

SEC. 3. That the fact of any person, other than the rightful owner thereof, using any such bottles for the sale therein of any beverages, shall be *prima facie* proof of the unlawful use or pur-

* So in original.

chase of such bottles as aforesaid, and any such owner, or agent of the owner, who shall make oath or affirmation before the mayor or alderman of the city of Wilmington, or any justice of the peace that he has reason to believe, and does believe, that any of his bottles, stamped and registered as aforesaid, are being unlawfully used, or are concealed by any person or persons selling and manufacturing mineral waters, porter, ale or other beverages that the said mayor, alderman or justice of the peace shall issue a process in nature of a search warrant, directed to any constable, commanding him to search the premises, wagons, carts or other places of the offender or said offenders where said bottles are alleged to be, and if upon such search any bottles so marked shall be found, to bring the same, together with the body of the person in whose possession they may be found, before said mayor, alderman or justice of the peace, there to be dealt with according to law.

Mayor of Wilmington, or any justice of peace, upon complaint, to issue process in the nature of a search warrant.

SEC. 4. That the following form shall constitute the warrant to carry out the provisions of the foregoing sections:

County, ss. The State of Delaware.

To any constable of the said greeting; whereas, due proof has this day been made before me justice of the peace for ———, on the oath of ———, of said that one ——— is unlawfully using, and now has concealed on his premises, or in his wagons, the bottles of the said deponent, obtained by purchase, traffic or gift from others than the rightful owner thereof: These are therefore in the name and by authority of the State of Delaware, and in virtue of the powers and duties attaching to me under the act of the General Assembly in such case made and provided, to authorize you, the said constable, with necessary and proper assistance, diligently to search for the said bottles on the premises of the said ———, and if the same be found upon search, you do bring the same before me, to be dealt with according to law.

Witness the said ———, who hath herunto set his hand and seal the ——— day of ——— A. D., 18—.



SEC. 5. That this act shall be taken and deemed to be a public act, and shall continue in force for twenty years.

Public act.
Continuance.

Passed at Dover, February 25, 1859.

CHAPTER DCLXVI.

A SUPPLEMENT to an act entitled "*An act to divide School District No. 62, in New Castle County.*"

Dividing line of
School District
No. 62, in New
Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That said school district shall be divided by a line beginning at Appoquinimink Creek, and running with the line between the lands of the heirs of Samuel Townsend, deceased, and Thomas Bayard to Silver Run Creek, and thence by said creek and a line between the lands of the heirs of Samuel Higgins, deceased, and lands of the heirs of Purnel and John Jefferson, to St. Augustine Creek, being the north boundary of said district.

Passed at Dover, February 25, 1859.

CHAPTER DCLXVII.

AN ACT reincorporating the Cattail Marsh Company.

Preamble.

Vol. 8, p. 121.

Vol. 9, p. 153.

WHEREAS, The advantages and benefits of the ditches cut or opened by the Cattail Marsh Company under and by the virtue of "An act to incorporate the Cattail Marsh Company, and for other purposes" passed at Dover, January the twenty fourth, A. D., 1832, and a supplement thereto, passed at Dover, February 18th, 1837, may become wholly lost to the persons for whose benefit the provisions of the seventeenth section of the second article of the constitution of this State; therefore,

Owners of
swamps and low
grounds declared
a company.

Purposes of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch of the Legislature concurring,) That the owners and possessors of the swamps and low grounds drained in whole or in part by the ditches cut or opened by the act aforesaid, incorporating the Cattail Marsh Company, and the aforesaid supplement thereof shall compose a company for the purpose of effectually ditching, draining, reclaiming the said swamps, marsh and low grounds, by scouring and cleaning the ditches

already cut as aforesaid, or cutting such new ditches as may* necessary therefor.

SEC. 2. The company hereby reincorporated, shall hold a meeting on the third Monday of April, A. D. 1859, for the purpose of choosing a treasurer and three managers, at the School-house, in School District, No. 34, in Kent County. The manner of choosing shall be by ballot and a majority of the votes present. The annual meetings of the company shall be held on the third Monday of April in each and every year, at the place aforesaid, and may be adjourned to some other day; and the occasional meetings of the company may be held upon the call of the managers elected at the first meeting of the company, (if no valuation and appraisement has been made as hereafter provided for in this act by the commissioners hereinafter named,) *shall assess upon the lands drained by the ditches cut under the act incorporating the Cattail Marsh Company, passed at Dover, January 24th, 1832, and upon the valuation and appraisement made by the commissioners under this act, such an amount as the company shall at said meeting determine is necessary to keep open and cleansed the said ditches.

Company to hold a meeting; when and where. Objects of.

Annual meetings; when and where held. Occasional meetings.

SEC. 3. Clement C. Simpson, Peter Callaway, and Benniah Sharp, are hereby appointed commissioners, to go upon the swamps, marshes and low grounds of the company hereby reincorporated and drained by the ditches cut or opened by virtue of the act aforesaid incorporating the Cattail Marsh Company, passed at Dover, January 24th, A. D. 1832, and value and appraised* the same, which shall be the valuation and appraisement upon which assessment of taxes shall be made by the managers of the said company until otherwise determined by the company as hereinafter provided for. The said commissioners shall likewise view the prong and prongs authorized to be cut by the supplement to the act aforesaid, passed at Dover, February 18th, 1837, and with the assistance of a surveyor nominated by themselves, shall lay out (if in their judgment it is necessary) such ditch or ditches as will effectually drain the same, extending the said ditch so as to be laid out through such lands and to such points as may be proper for that purpose, and to assess the cost of cutting the same, and value and appraise the lands benefitted thereby, and generally do all and every the things or acts the commissioners named in the supplement aforesaid could have done in reference thereto, and the said valuation and appraisement shall be the basis of all taxes for cutting the said ditches and hereafter keeping the same open. The commissioners aforesaid shall have all the power, and be subject to all the duties, so far as the swamp, marsh and low grounds are concerned, as are given to and imposed upon the commissioners appointed under

Commissioners to appraise the swamps and low grounds.

Also to view the prongs heretofore cut and lay out ditches.

Appraisement to be the basis of all taxes. Powers of commissioners.

* So in original.

How long
appraisement to
continue.

Compensation to
commissioners.

New appraise-
ment.

Powers
of company.

Powers and du-
ties of managers
and treasurer.

Public act.
Revocation.

the act incorporating the Cattail Marsh Company, passed as aforesaid, January 24th, 1832, and the aforesaid supplement thereto, and their valuation and appraisement under the authority herein given, and the assessment made therein, shall remain and be the valuation, appraisement and assessment upon the said swamps, marsh and low grounds of the company for ten years, unless otherwise determined by a two-third* of the taxables at an annual meeting, subject however to a review by the said commissioners, upon the vote of the majority of the taxables at the next meeting of the company. The said commissioners shall receive for each day's attendance two dollars each, to be paid by the company.

SEC. 4. The company at any annual meeting by a two-third vote of the members, and after ten years by a vote of the majority, may provide for the a *revelation and assessment, and may at such meeting elect or choose commissioners for that purpose, who shall be disinterested persons; and the commissioners so chosen, so far as valuation and assessment of the said lands are concerned, shall have all the power, and be subject to the same duties as the commissioners named in this act.

SEC. 5. The company herein reincorporated, shall have all the rights and incidents conferred by the aforesaid act incorporating the Cattail Marsh and Low Ground Company, passed as aforesaid at Dover, January 24th, 1832, and the supplement thereto aforesaid, and the managers and treasurer shall respectfully* be invested with all the power, and be subject to like duties as were invested in and imposed upon the managers and treasurer of the Cattail Marsh Company, by the act aforesaid incorporating said company.

SEC. 6. This act shall be deemed and taken to be a public act, and the power of revocation is hereby reserved to the Legislature.

Passed at Dover, February 25, 1859.

* So in original.

CHAPTER DCLXVIII.

A FURTHER SUPPLEMENT to the act for the benefit of
Public Schools in Wilmington. Vol. 10, p. 645.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,) That the mayor and council of the city of Wilmington be, and are hereby, authorized to increase the funded debt of the said city the sum of fifteen thousand dollars, and to borrow, on the faith and credit of the said city, from any person or persons, any sum or sums not exceeding, in the whole, the said increase of fifteen thousand dollars, payable in not exceeding twenty years from the date of the borrowing, at a rate of interest not exceeding six per centum per annum, payable semi-annually from the date of borrowing; which said sum of fifteen thousand dollars shall be for the exclusive benefit of the board of public education in Wilmington, for the purchase of a lot of ground in the third ward of said city, and erecting thereon a suitable building for a grammar school, and furnishing the rooms in said building, and for raising the school house No. 6 another story.

Mayor or council of the city of Wilmington authorized to increase the funded debt to \$15,000 by borrowing.

Rate of interest on money borrowed.

Money borrowed, how applied.

SEC. 2. *And be it enacted as aforesaid, That the mayor and council of Wilmington shall have authority to issue certificates binding the said city to the payment of the sums borrowed, with the interest semi-annually; and the said city council shall have power and authority to pass an ordinance directing the form of said certificates, and the sealing and signing thereof, and such other matters as shall seem to them proper, and prescribing the time of payment of principal at any time or any period not exceeding the limit aforesaid, and the said city council shall provide a sinking fund for paying the principal sum aforesaid, by portions in the aforesaid prescribed period of twenty years.*

Certificates to be issued for payment of the money borrowed.

Sinking fund.

SEC. 3. *And be it further enacted, That the loan hereinbefore authorized, shall not be made until the expediency of making the same shall have been approved by a majority of the votes of citizens entitled to vote at the city elections, and voting at an election to be held as herein is directed. Such election shall be held at such time and under such regulations for conducting the same and for ascertaining and certifying to the city council the sense of the voters upon the question under this act to be submitted to them as the council shall by ordinance prescribe. All provisions of law now applicable to the city election for the punishment of illegal*

Loan not to be made until approved by a majority of the voters of the city.

Election for the purpose of ascertaining sense of citizens.

Laws applicable to city elections.

to apply to election held in pursuance of this act. voting, or of the receiving by inspectors of illegal votes, or the rejection by inspectors of the votes of persons having a right to vote, shall be applicable to any election to be held under this act.

Passed at Dover, February 25, 1859.

CHAPTER DCLXIX.

AN ACT to incorporate a Bank in Middletown, under the name of the Citizens' Bank of the State of Delaware, at Middletown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch of the Legislature concurring therein,) *That Richard Lockwood, Benjamin Gibbs, William Wilson, Robert A. Cochran, John A. Eliason, Jesse Lake, George Derickson, Robert T. Cochran, and Albert R. Pennington, be, and they are hereby, appointed commissioners to do and perform the things hereinafter mentioned, that is to say: they, or any three of them, shall, on or before the first Monday in June next, procure a sufficient number of suitable books, one of which shall be opened in Middletown, and the others, if it should be deemed advisable by the said commissioners, at such other place or places as they shall think proper, in each of which books they shall enter as follows, viz: We, whose names are hereunto subscribed, do promise to pay to "The Citizens' Bank of the State of Delaware at Middletown," the sum of fifty dollars for each and every share of stock set opposite our respective names in such manner, sums and at such times as shall be directed by the president and directors of the said bank, and shall thereupon give notice in two newspapers printed in New Castle County, and in such other papers as they may deem proper, at least twenty days, of the time and place or places when and where the said books shall be opened to receive subscriptions for the capital stock of the said bank, at which time and place or places two or more of the said commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in the manner following, that is to say: on the first day on which the said books are opened, no person shall subscribe for more than twenty shares, either in his own name or as attorney for another; and on the second day on which the said books are opened, the same restrictions shall apply, and if at the expiration*

Commissioners appointed.

Duties.

To open books; where.

Notice of.

Subscribers, who may be. Manner of receiving subscriptions.

of the second day, the whole number of one thousand shares shall not have been subscribed, then on the third, or any following day during which the said books shall be open, it shall be lawful for any person or persons in his or their own name or names, or as attorney for another or others, to subscribe for any number of shares in the said stock until the whole number of one thousand shares shall have been taken. The said commissioners shall keep the books open at least three days, and at least six hours in each of said days, unless the whole number of one thousand shares shall have been taken and subscribed for before that time, and upon ascertaining at any time that said whole number of shares are taken, they may close the said books. And if it should so happen that more than one thousand shares shall have been taken, then the said commissioners, or a majority of them, are hereby authorized and directed to deduct from the highest subscription or subscriptions, until the number of shares shall have been reduced to one thousand.

Time books to be kept open.

SEC. 2. *And be it enacted*, That the capital stock of the said bank shall be the sum of fifty thousand dollars, divided into one thousand shares of fifty dollars each, with the privilege of increasing the same to the sum of one hundred thousand dollars.

Capital stock \$50,000.

May be increased to \$100,000.

SEC. 3. *And be it further enacted*, That each subscriber to the stock of said bank shall pay to the commissioners aforesaid at the time of subscribing for the same, the sum of five dollars on each share subscribed. And, it shall be lawful for the directors of the said bank, appointed in the manner hereinafter directed, to call in and demand of the stockholders respectively all such sums of money as are by them subscribed by instalments, not exceeding ten dollars on each share, upon giving thirty days' previous notice to the stockholders, in two newspapers printed in the County of New Castle, and in such other newspapers as the said directors shall deem proper, and in case of failure in the payment of all or any part of said instalments at the time or times so required, every share on which such failure shall have occurred, and the interest or dividends on all moneys previously paid, may be forfeited by the said directors for the benefit of the corporation, or in case they shall not elect to forfeit the said share or shares, it shall and may be lawful for the said corporation to sue either at law by action of debt, or assumpsit, or in equity, for the recovery of any sum or sums of money due or to become due as aforesaid, from any subscriber, and in all suits, either at law or in equity in the courts of this State, by or against the said corporation, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings, or given in evidence.

Subscribers to pay \$5 on each share subscribed at time of subscribing.

Directors to make calls for instalments of subscription.

Notice of.

On failure to pay calls, shares may be forfeited.

Or company may sue for the same.

In all suits by or against corporation, this act to be deemed a public act.

SEC. 4. *And be it further enacted*, That as soon as the whole amount of one thousand shares shall be subscribed, the sub-

When one thousand shares sub-

scribed, subscribers incorporated.
Name.

Corporate powers.

scribers, their successors and assigns shall, and they are hereby declared to be, a body politic and corporate, by the name, style and title of "The Citizens' Bank of the State of Delaware at Middletown," and by that name shall have succession for the period of twenty years from the date of the passing of this act, and no longer, and by that name may sue and be sued, plead and be impleaded in all courts of law and equity, and may purchase and receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods and chattels, rights, credits, and effects of whatsoever nature, quality or kind, and may grant, demise, alien, convey, transfer, assign or dispose of the same, as to said corporation may seem meet and right, and the said corporation may have and use a common seal, and may break, alter or renew the same at their pleasure.

Bank to commence business, when.

Directors to make statement under oath or affirmation.
Statement to be transmitted to the Governor.

SEC. 5. *And be it enacted*, That the said bank may commence business as soon as the sum of twenty thousand dollars shall have been paid in and deposited in its vaults, and not before; one half of which sum shall be in specie, and the other half in notes of banks of this State, or of Philadelphia, paying specie, and it shall be the duty of the directors to make a statement under their oaths or affirmations respectively, of the description and amount of such deposits, and transmit the same to the Governor of this State, previous to the going into operation of the said bank.

Directors.

SEC. 6. *And be it enacted*, That for the proper management of the business and affairs of the said bank, there shall be seven directors, who shall be elected by the stockholders, in the manner and at the times hereinafter directed, and who shall choose a president from among their number. Three of the said directors shall not be eligible for more than two years in succession. They shall be stockholders at the time of their election, and also during their term of service, and a majority of them shall be residents of this State.

Commissioners to give notice of the time and place of the meeting of the subscribers to organize.

Election of directors.

SEC. 7. *And be it further enacted*, That the commissioners aforesaid, as soon as conveniently may be after the capital stock shall have been subscribed as aforesaid, shall give ten days' notice in two newspapers printed in the County of New Castle, and in such other newspapers as they may deem advisable, of the time and place in Middletown at which the subscribers shall meet, in order to organize the said bank. And the said commissioners, or any two of them, may hold the election, at which time and place the said subscribers shall choose by a majority of the votes present, to be given in person or by proxy, seven directors, and the said directors, at their first meeting after their election, shall choose one of their number for president, and shall manage and conduct the business affairs of said bank until the first Monday in July, in the year of our Lord one thousand eight hundred and sixty,

and there shall be another meeting of the stockholders on the first Monday in July, in the year of our Lord one thousand eight hundred and sixty-one, and on the same day in every year thereafter in Middletown, of which twenty days notice shall be given as aforesaid, at which meeting and meetings the stockholders shall choose by a majority of all the votes present given in person or by proxy, seven directors, who shall continue in office for one year, or until others shall have been chosen; and the said directors shall, at their first meeting after the election, choose a president from among their number; and in case of any vacancy or vacancies occurring in the board of directors by death, resignation or otherwise, the remaining directors shall have power to fill the same by election from among the stockholders. Special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the directors upon the request in writing of stockholders owning two hundred shares of stock, or whenever the directors may deem it necessary, and on all occasions of voting, each stockholder shall be entitled to one vote for each share held by him for three calendar months prior to the day of said voting. At every election of directors two stockholders, not being directors, shall be appointed judges of said election by the stockholders present, which said judges shall decide upon the qualification of voters, and declare the state of said election, and certify the same to the existing board of directors. But in case it should happen at any time that an election of directors shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the directors, according to the provisions of this act.

SEC. 8. *And be it enacted*, That all the corporate powers of the said corporation shall be exercised by the directors and such officers and agents as they shall appoint. The directors shall have power to make all by-laws, rules and regulations necessary and proper for the government of the corporation, and not repugnant to the constitution and laws of this State or of the United States; but no by-law shall be enacted or repealed, unless by a vote of two-thirds of all the directors. On all questions before the board, the president shall vote as a director. Meetings of directors, either special or stated, shall be held and called as the by-laws may prescribe, and five directors shall constitute a quorum for the transaction of business. The directors shall allow such salaries to the president and other officers as they may deem reasonable, but no director shall be entitled to any salary unless the same shall have been allowed by the stockholders.

SEC. 9. *And be it further enacted*, That the said corporation is hereby vested with banking powers, and that in the exercise of

the same the following shall be the fundamental articles of its government: that is to say,

What lands corporation may hold.

First. The said corporation shall hold no lands, tenements, or hereditaments, except such as may be required for the convenient transaction of its business, or as may be bona fide mortgaged or pledged to it as security for debts, or purchased at sales on judgments which shall have been obtained for such debts.

Rate of interest.

Second. The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans or discounts.

Bills and notes, by whom signed.

Third. All bills and notes, not under the corporate seal of the bank, shall be signed by the president, and by such other officers as the directors may appoint for that purpose.

Banking house, where to be.

Fourth. The said corporation shall keep their banking house in Middletown, and their notes shall be made payable there, in reference to which the said corporation is hereby expressly declared to be subject to section 6 of chapter 71 of the Revised Statutes of the State of Delaware.

Corporation to be subject to the provisions of sec 5, chapter 71, of Revised Code.

Stock assignable.

Fifth. The stock of said bank shall be assignable and transferable in such manner as may be prescribed by its by-laws.

Amount of debts.

Sixth. The total amount of the debts which the said corporation shall at any time owe, whether by note, bill, or otherwise, shall not exceed double the amount of capital actually paid into the bank.

Cashier and accounting officers to give bond with security.

Seventh. The directors shall require from the cashier and accounting officers of the bank, such bond and security for the faithful performance of their duties as may be prescribed by the by-laws.

Tax to the State.

SEC. 10. *And be it enacted,* That the said corporation shall, semi-annually, pay into the treasury of this State, for the use of State, a tax of one-half of one per centum on the amount of the capital stock actually paid in.

Individual liability of stockholders for the payment of notes of the bank.

SEC. 11. *And be it further enacted,* That the stockholders of the said corporation shall be individually liable to the amount of their respective shares of stock, for the payment in specie of all the notes issued by the said bank. And for the purpose of ascertaining who are the stockholders liable as aforesaid, and the extent of their respective liability, and the mode of enforcing said liability, it shall and may be lawful for any holder of any note of said bank to present the same for payment and demand the same during the usual hours of business at the said bank, and if the said bank shall fail or refuse to redeem such note or notes in lawful money of the United States, the said holder may require the president and cashier of said bank to furnish a true and correct list of all the stockholders of said bank at the time when such demand and failure or refusal may be made, which list shall be verified by the oath or affirmation of said president and cashier,

Mode of ascertaining who the stockholders are who are liable.

President and cashier to furnish list of the stockholders.

To be verified by oath of president and cashier.

and recorded in the office of the Recorder of Deeds in and for New Castle County, within ten days after such demand and failure or refusal, and said list, or a certified copy thereof, shall be evidence to prove who were stockholders at the time of said demand and refusal, and the amount of stock owned by him, and no transfer of stock after the time of such demand and refusal shall exonerate any such stockholder from his individual liability. The mode of enforcing said liability shall be as follows: After the assets of said bank, applicable by law to the redemption and payment of its notes of circulation, shall have been exhausted, which shall be evidence by a judgment against the said corporation and a return thereon, then it shall be lawful for any person holding any note issued by said bank, to present the same to any stockholder for payment, and if the same, or such part thereof as by said list it shall be shown said stockholder ought to pay, shall not be paid within five days from the day of presentation and demand, such holder may proceed to recover from such stockholder the amount of the said note or notes, as though the same had been issued by him individually in the same mode as debts of like amount are by law recoverable: *Provided*, That no stockholder shall be liable to a greater extent than is hereinbefore provided for: *And provided*, That if any noteholder shall fail to recover the whole or any part of such note or notes from any stockholder on account of the inability of such stockholder to pay the same or any part thereof, or because the liability of such stockholder shall have been exhausted to the extent of his stock, such holder may proceed against another or other stockholder or stockholders. No person holding stock in said bank, bona fide, in trust for another, shall be liable under this section as an individual. Any stockholder paying more than his share, may be entitled to contribution from the others. Nothing in this act shall be construed to render any stockholder individually liable for a temporary suspension of payments in specie, at a time when all other banks in this State shall have temporarily suspended specie payments; but such corporation shall, in such case, be subject to the same laws to which the banks of this State, heretofore chartered, are subject.

SEC. 12. *And be it further enacted*, That the said commissioners, in receiving subscriptions to the said capital stock, shall not suffer or permit more than two-fifths of the said capital stock to be subscribed for by persons not residing in this State, either personally or by attorney. And in case it should so happen that more than two-fifths of said stock shall have been subscribed for by non-residents as aforesaid; then the said commissioners shall deduct from said subscriptions last subscribed by such non-residents, until the aggregate amount so subscribed for by them, shall be reduced to two-fifths. And if at any time after the bank hereby established shall have commenced business, and during the

And recorded,
where.

Transfer of stock
after demand and
refusal not to
exonerate stock-
holder.

Mode of enforce-
ing liability.

Proviso.

Trustee holding
stock not to be
liable.

Stockholder pay-
ing more than
his share entitled
to contribution.

Stockholders not
liable for a tem-
porary suspen-
sion of the bank.

Commissioners
not to allow more
than two-fifths of
stock to be sub-
scribed for by
non-residents.

In case more
than a majority
of stock should

be owned by non-residents, the subscription or sale, a proportion of said stock, greater than a majority, shall be held or owned by persons not residing in this State, either in their own names or the name of any other person as attorney, then the share or shares constituting such majority or overplus and last subscribed, or sold and transferred on the books of the said corporation, shall be forfeited by the directors for the benefit of the said corporation, and in case of the removal of any stockholder from the State, so that he ceases to be a citizen, if the amount of stock held or owned by him shall increase, the amount of stock held or owned out of this State, to a proportion greater than a majority, it shall be incumbent on such stockholder to sell and transfer his said stock, or as much thereof as will reduce the amount so held or owned out of the State to less than a majority, to some person or persons resident within this State, within three months from the time of such removal, or the same shall be forfeited by the said directors for the benefit of the corporation.

Power of revoking act reserved.

SEC. 13. *And be it further enacted*, That the power of revoking or repealing this act, is hereby expressly reserved to the Legislature.

If company not organized by 1st Jan., 1861, this act to be void.

SEC. 14. *And be it further enacted*, That if the said corporation shall not be fully organized according to the provisions of this act, on or before the first day of January, one thousand eight hundred and sixty-one, then and in that case this act shall be null and void, and of no effect.

Passed at Dover, February 25, 1859.

CHAPTER DCCLXX.

AN ACT in relation to the town of Smyrna.

Limits of the town of Smyrna.

SECTION 1. *Be it 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 shall be, and are declared to be as marked and designated on the plot of said town, made out by the commissioners under the act of the General Assembly, passed March 1, A. D. 1855, and now lodged in the Recorder's office of Kent County.

SEC. 2. *And be it further enacted,* That an election shall be held on the first Monday of March in every year at the house occupied by Tilghman Foxwell in said town, or at such other convenient place as may be appointed by any commissioners of said town, between the hours of ten o'clock in the forenoon, and six o'clock in the afternoon, for the election of seven commissioners, an assessor and treasurer of said town, each of whom must be above the age of twenty-one years, and owner of real estate within said town. At such elections every free white male citizen of said town, who shall be of the age of twenty-one years, and shall have paid the town-tax last assessed to him shall have the right to vote. Immediately after the election is closed, the votes shall be read and counted, and the persons having the highest number of votes shall be elected, and shall continue in office for one year, and until successors are duly elected. Every election shall be held under the superintendence of three substantial freeholders to be appointed for that purpose by the commissioners; but if in any year on the first Monday of March, at ten o'clock in the forenoon, there shall not be present at the place of holding the election three substantial freeholders duly appointed and willing and ready to hold said election, in such case the persons entitled to vote at such election present at the place of holding the same, shall immediately after ten o'clock appoint, viva voce, some substantial freeholder entitled to vote to be the judge of the choice and appointment of an inspector to hold said election, and shall, immediately after said judge is appointed under his superintendence, choose without ballot some substantial freeholder entitled to vote at such election to be inspector to hold the same. Immediately after such election, the person or persons under whose superintendence the same is held, shall enter in a book to be provided for that purpose a minute of such election, containing the names of the persons chosen commissioners, assessor and treasurer, and shall subscribe the same, and shall give to the commissioners, assessor and treasurer elect, certificates of their election; the book containing such minutes shall be preserved by the commissioners, and shall be evidence.

Town elections;
when and where
held.

Who may vote
at.

How conducted.

Duties of the superintendents of the election.

SEC. 3. *And be it further enacted,* That the commissioners elected pursuant to the provisions of this act shall be, and they are hereby, created a body politic and corporate in law, and the said commissioners and their successors shall be able and capable to sue and be sued, plead and be impleaded, in all courts in this State, by the corporate name of "The commissioners of the town of Smyrna," and may purchase, take, hold and enjoy lands, tenements or hereditaments in fee simple or otherwise, and also goods, chattels, rights and credits, and may alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purpose of this act.

Commissioners
elected incorporated.

Name.

Corporate
powers.

Roads and streets to be under the supervision of the commissioners.

Levy Court of Kent County to make appropriation.

Commissioners to account with Levy Court for money appropriated.

Compensation to commissioners for services upon roads and streets.

New streets, how laid out and opened.

Commissioners determining to open new street, to notify owners of land over which street passes.

If owner of lands be dissatisfied with determination of commissioners, he may appeal.

Notice of intention to appeal.

Proceedings on appeal.

SEC. 4. *And be it further enacted,* That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all the roads and streets now opened; or hereafter to be opened, within the limits of said town; and no overseer of any of said roads or streets shall be appointed by the Levy Court of Kent County, but the said Levy Court shall annually appropriate, for the repair of said roads and streets, a sum of money not less than one hundred and fifty dollars, and shall make an order for the payment thereof to the said commissioners, which sum so appropriated shall be expended for that purpose and no other. The said commissioners shall account to the Levy Court for the said money in the same manner as overseer of roads in said county. The said commissioners shall severally receive and be allowed for each day's actual service on the said roads or streets, one dollar, and for each half day's service fifty cents, but no compensation shall be allowed for any fraction less than half a day.

SEC. 5. *And be it further enacted,* That the commissioners for the time being, or a majority of them, shall have power, upon the application of ten or more citizens of said town by petition to them for that purpose, to locate, lay out and open any new street or streets which ten or more citizens of said town may desire to be located, laid out and opened, allowing to the persons respectively, through or over whose grounds such new street or streets may run, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town of Smyrna, out of the moneys of said town, on warrants drawn on him by the commissioners aforesaid.

SEC. 6. *And be it further enacted,* That whenever the commissioners shall have proceeded to locate and lay out any new street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, to notify, in writing, the owner or owners of the real estate through or over which such new street may run, of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damages allowed by the commissioners, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners, or some one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days

allowed for appeals, apply to the justice of the peace oldest in commission residing within said town, who shall within three days thereafter, and upon notice to the said commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of Duck Creek Hundred, owning no real estate in said town, and residing within its limits, and the remaining twelve shall be freeholders, owning real estate within said town, and residing within its limits. The said commissioners shall, upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street and residing in said town, who have notified them of their intention to appeal, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the said commissioners shall attend. The appellants, their agent or attorney, shall first strike out one of said names, and the commissioners, their agent or attorney, shall strike out another, until each have struck out seven: such striking shall be so confined and regulated as to leave the remaining seven freeholders located as follows, viz: four resident in the said town, and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street, and assess the damages of all the owners of real estate through or over whose grounds the same street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all the parties, appellants and commissioners. In case either side, commissioners or appellants be not represented before the justice, or shall refuse to strike, the justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or commissioners may, within ten days after the appointment of said freeholders, and upon five days' notice to the other parties resident in said town, or in case of non-residents notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve, he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any justice of the peace of Kent County, in the name of the town commissioners for the use of said town. If in any case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned, shall be entertained by the commissioners then acting during the term for which they were elected. The act of a majority of the said free-

List of
freeholders.

Notice of the
time and place
of selection from
list.

Manner of
selecting.

Award and
assessment of
freeholders to be
final.

Either party
may call upon
freeholders to act
upon notice to
other party.

Freeholders to
act when called
upon.

Award, when to
be made.

Freeholder
refusing to act,
penalty for.

If award be
against new
street, street not
to be opened.

Acts of a majori-
ty of freeholders
to be valid.

holders shall be as good as the act of the whole in making any such award or assessment of damages.

Costs of appeal,
by whom borne.

SEC. 7. *And be it further enacted*, That if on any such appeal the award shall be against the necessity of a street, or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town. But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. The fees of the freeholders shall be one dollar per day.

Damages to be
paid or tendered
before street
opened.

SEC. 8. *And be it further enacted*, That the damages which may be assessed upon the occasion of opening any new street shall be paid out of the town funds, or duly tendered before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of any such street; and in case any such owner or owners in whose favor such damages are assessed shall be a minor, non-resident or shall refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the Bank of Smyrna, to the credit of such person or persons, and subject to his or their order, and such deposit shall operate as payment.

Pavements and
gutters, by whom
to be laid and
made.

SEC. 9. *And be it further enacted*, That the commissioners, or a majority of them, be, and they are hereby, authorized and required to direct in writing the proprietor or proprietors of any house or land in Smyrna, before or in front of which they may deem proper, that a pavement, or gutter, or both, should be made to lay a pavement of brick or smooth stones, or make a gutter or lay a pavement and make a gutter of such length, width or depth (if a gutter) as the said commissioners may specify in such direction, and if such proprietor or proprietors shall neglect or refuse, for the space of three months after being directed as aforesaid, to lay such pavement, with good and sufficient curbs, or to cut and make such gutters, or to lay such pavement and cut and make such gutters, it shall and may be lawful for the said commissioners, and they, or a majority of them, are hereby authorized and required to cause such pavements and gutters to be made, and to recover the costs of making the same by distress and sale of any goods and chattels, lands and tenements belonging to such proprietor or proprietors within the limits of the said town. If any pavement or gutter already made shall at any time by the said commissioners, or a majority of them, be deemed an insufficient pavement or gutter, they, or a majority of them, shall have power, and are hereby required, to direct in writing the proprietor or proprietors thereof to make a sufficient one, and upon neglect or refusal so to do for the space of three months, the said commissioners, or a majority of them, shall cause the

In case of neg-
lect, the commis-
sioners to lay
and make.

Costs of, how
recovered.

Insufficient
pavements and
gutters.

same to be done, and recover the cost of doing the same in like manner as above prescribed in case of new pavements. Notice to one co-proprietor shall be notice to all; and in case no proprietor shall reside in the town, notice to the occupier of the said property shall be deemed a sufficient notice to the proprietor. Notice to one co-proprietor. Notice to occupier. The said commissioners, or a majority of them, may cause such sidewalks, or portions thereof as are unpaved, and which they Sidewalks. may not deem proper to be paved, to be covered with gravel, sand or dirt, and to be put in good order for the convenience of the citizens of said town, and may cause flag-stones to be put down at the crossings of the streets wherever they may think necessary, and the cost of doing the same shall be defrayed out of the funds of the town.

SEC. 10. *And be it further enacted,* That it shall be the duty of the commissioners of the town of Smyrna, and of any justice of the peace and constable for Kent County, residing in said town, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of negroes, mulattoes or other persons in the streets, lanes or alleys of the said town, after night or on the Sabbath day, or at any other time or season whatever; and for this purpose it shall be the duty of the said constable, upon the requisition of any one of said commissioners, and without further warrant, forthwith to seize and arrest any such negroes, mulattoes or other persons so offending, and to carry them before any justice of the peace residing in said town, and upon conviction before the said justice, (whose duty it shall be to hear and determine the case,) the said justice shall sentence any such negro, mulatto or other person so convicted, to pay a fine of not exceeding five dollars, and commit the party to prison for any period not more than five days, or until the said fine and costs be paid. It shall be the duty of the said justice of the peace, upon complaint made before him of any such riotous, turbulent or noisy assemblages as aforesaid, to issue his warrant to the said constable, commanding him to bring any such negro, mulatto or other persons so offending as aforesaid, before him for trial. Upon every conviction of a riotous, turbulent or disorderly person, the justice and constable shall each be entitled to a fee of sixty cents, to be paid by the person convicted. Commissioners and justice of the peace to suppress riotous assemblages, &c. Duty of constable upon requisition of commissioner. Duty of justice of peace. Fine. Fees to justice of the peace and constable upon conviction of a riotous person.

SEC. 11. *And be it further enacted,* That it shall be the duty of the said commissioners, justice of the peace and constable, to suppress, extinguish and prevent all bonfires in any of the streets, lanes or alleys of the said town, and to suppress and prevent the firing of guns, pistols, or the letting off fireworks, or the making or throwing fire balls within the limits of said town. And the commissioners may enact and publish ordinances with reasonable penalties for preventing the same, and punishing persons guilty of their violation. Any fine imposed by any such ordinance may Bonfires and firing of guns, &c., to be suppressed. Ordinances for the preventing thereof.

be collected before any justice of the peace in the town, and in default of payment, the justice may commit for any time not more than five days.

Penalty upon constable for neglect of the duties enjoined upon him.

SEC. 12. *And be it further enacted,* That if any constable shall neglect or refuse to perform the duties above enjoined on him by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the commissioners to present him to the grand jury, and upon conviction he shall, in addition to the punishment imposed by the court, forfeit his office.

Ordinances in relation to traveling upon the streets.

And to obstructions in the streets.

Penalty for violation of the ordinances.

SEC. 13. *And be it further enacted,* That the said commissioners shall have authority to make such regulations and ordinances relative to the traveling over and upon the said streets, and to the use thereof, and the standing or placing of carts, carriages and other vehicles, or obstructions in and upon any of said streets, lanes, alleys or sidewalks as they shall deem proper to secure the free and uninterrupted enjoyment thereof. And if any person shall wilfully violate the regulations and ordinances of the commissioners in that behalf every person so offending shall forfeit and pay to the commissioners for the use of said town, a sum not exceeding five dollars to be recovered with costs at the suit of said commissioners, in the same manner as debts of that amount are by law recoverable.

Obstructions or nuisances to be removed or abated.

Commissioners to notify person causing obstruction or nuisance to remove the same.

Penalty for neglect or refusal.

SEC. 14. *And be it further enacted,* That the said commissioners be and they are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of the said town whether in the streets, lanes, alleys or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The said commissioners, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen in writing, stating the character of said nuisance or obstruction, and where the same exists. If the said commissioners, or a majority of them, either of themselves, or upon such information and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice he shall forfeit and pay the sum of ten dollars, with costs, to be recovered by the commissioners for the use of the town, in the same manner as debts of that amount are recoverable, and for every additional day the same shall remain unabated and unremoved, shall forfeit the further sum of ten dollars, to be recovered with costs in the same manner.

Town jail may be built and maintained.

SEC. 15. *And be it further enacted,* That it shall and may be lawful for the said commissioners to build and maintain a suitable

place as a prison or jail for the use of said town, and any justice of the peace, acting under the provisions of this act, or carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or regulation adopted by virtue of the power herein conferred, may commit to the said prison or jail, for any time not exceeding five days, and for want of such prison or jail, to the common jail of Kent County.

Justice of peace may commit persons convicted to the town jail.
How long.

SEC. 16. *And be it further enacted*, That the commissioners, or a majority of them, shall have authority to employ the money in the treasury of the town for the general improvement and benefit and ornament of the said town, as they may deem advisable.

Town money, how employed.

SEC. 17. *And be it further enacted*, That the assessor of the said town, for the time being, shall annually, during the month of March, make a true, just and impartial valuation and assessment of all the real estate within said town, and also an assessment of all the white male citizens residing in said town, above the age of twenty-one years, as well those owning as those not owning real estate within its limits, and the said assessor shall forthwith after making such assessment, deliver to the commissioners for the time being, a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessments of each. The commissioners shall assess the real estate, and the person of the assessor. The commissioners shall, between the first and fifth days of April, cause a full and complete transcript of said duplicate to be hung up at the hotel now occupied by Tilghman Foxwell, in said town, there to remain for the space of twenty days thereafter, for public information; and the said commissioners shall, on the Monday next after the expiration of the said twenty days, hold a court of appeal, which shall continue open from nine o'clock, A. M. to twelve o'clock, M., and from two o'clock to five o'clock, P. M. of said day, when they shall hear and determine appeals from the said assessment. Notice of the hanging up of the list, and also at the same time, notice of the time and place of hearing appeals, shall be given by publication in a newspaper published in said town, or by notices posted in at least six public places therein. The decision of the commissioners upon any appeal shall be final and conclusive. No commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate and persons thus valued and assessed, in just and equal proportions and rates. The assessor, immediately after his election, and before entering upon the duties of his office, shall be sworn or affirmed by some judge or justice of the peace, diligently, faithfully and impartially to perform the duties of his

Valuation and assessment of the real estate.

Also of the white male citizens.

Duplicate to be delivered to commissioners. Commissioners to assess real estate and person of assessor.

Transcript of duplicate to be hung up, when and where.
How long.

Commissioners to hold Court of Appeals.

Notice of the hanging up of the list, and of the time and place of hearing of appeals.

Taxes.

Assessor to be sworn or affirmed.

Certificate of. office to the best of his ability, knowledge and judgment, and a certificate thereof shall be made by the person administering the oath or affirmation in the record book of the commissioners, containing the certificate of the election of the commissioners, assessor and treasurer aforesaid.

Commissioners to furnish treasurer with a list of the taxables. SEC. 18. *And be it further enacted,* That the Commissioners, 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 April, or as soon thereafter as convenient, furnish the treasurer of said town with a list containing the names of the taxables, as well as the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them and also the tax levied on each person, and also the tax on the whole valuation and assessment and the rate per hundred dollars. The list shall be signed by the commissioners, or a majority of them. The treasurer, immediately after receiving the said list, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are by law given to the collector of county rates and levies. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of two thousand dollars to the commissioners, conditioned for the faithful discharge of the 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. The said treasurer shall pay all orders drawn on him by the said commissioners, or a majority of them, and shall settle his accounts with the said commissioners annually in the month of February, and as often and at such times as they, or a majority of them shall require. The said treasurer and assessor shall each receive a reasonable compensation to be determined by the commissioners.

List, what to contain.

List to be signed by commissioners.

Treasurer to collect the taxes.

His powers in the collection of taxes.

Treasurer to give bond.

Condition of.

Treasurer to pay orders of commissioners.

To settle his accounts, when.

Compensation to the treasurer and assessor.

Commissioners may appoint a collector. SEC. 19. *And be it further enacted,* That the said commissioners shall have power, in any year in which they may think proper, to appoint a collector for said town to collect the town tax levied by the said commissioners. The said collector, before he enters on the performance of his duties, shall give bond in the sum of two thousand dollars to the commissioners, conditioned for the discharge of his duties and the payment to the treasurer of all monies collected by him, and for the settlement of his accounts with the treasurer in the month of February, and at such other times as the commissioners shall require. In case a collector be appointed, the list which the commissioners by Section 18 are required to deliver to the treasurer shall be delivered to the collector. The collector shall have the same powers in the collection of the taxes as are conferred on the treasurer by said section,

Collector to give bond.

Condition of.

If collector appointed, list to be delivered to him.

Powers of collector.

and shall receive reasonable compensation to be determined in like manner.

SEC. 20. *And be it further enacted*, That in the general performance of their duties, the acts, doings and determinations of a majority of the commissioners shall be as good as the acts, doings and determinations of the whole, and in case of vacancy among the commissioners, by death, resignation, or otherwise, the survivors or others shall have the same power and authority as the whole. In case the office of assessor or treasurer become vacant, the commissioners may appoint until the next election.

Acts of a majority of commissioners to be valid.
In case of a vacancy, the survivors to act.
Vacancy in the office of treasurer or assessor.

SEC. 21. *And be it further enacted*, That the present commissioners, treasurer and assessor shall remain in office until the election next after the passage of this act, and until successors be duly chosen, and the said election first occurring after the passage hereof shall be conducted and held in the same manner and by the same persons as if this act had not been passed.

Present commissioners, assessor and treasurer, to continue in office till when.
Election first occurring after the passage of this act.

SEC. 22. *And be it further enacted*, That so much of any law as is inconsistent herewith, or the provisions of which have been supplied by and embraced in this act be and the same is hereby repealed.

Inconsistent laws repealed.

SEC. 23. *And be it further enacted*, That this act shall be published among the laws of this State, and the commissioners of the town of Smyrna for the time being shall pay the extra costs of said publication.

Act to be published.
Cost of publication, by whom paid.

Passed at Dover, February 25, 1859.

CHAPTER DCLXXI.

AN ACT for the Payment of Claims against the State.

SECTION 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 directed to pay the following claims:

State Treasurer to pay to

To Thomas Hawkins, for serving requisition from the Governor of Delaware on the Governor of New York, one hundred dollars; for serving requisition from the Governor of Delaware on the

Thos. Hawkins.

Governor of South Carolina, one hundred dollars; for arresting Alexander Robinson, twenty-five dollars.

- G. W. Karsner. To George W. Karsner, for executing requisition of the Governor of Delaware upon the Governor of Pennsylvania, thirty dollars.
- John Green. To John Green, sheriff, for nineteen days' attendance on Court of Errors and Appeals, twenty-eight dollars and fifty cents.
- S. C. Leatherbury. To Samuel C. Leatherbury, for cleaning and fitting up for the House of Representatives and Senate, &c., fifty-one dollars and ninety-three cents.
- Richardson & Robbins. To Richardson & Robbins, for furnace, stove-pipes, &c., eleven dollars and sixty-two and a half cents.
- R. D. Hoffecker. To Robert D. Hoffecker, for printing, thirty-four dollars and fifty cents.
- J. B. Nickerson. To J. B. Nickerson, for serving requisition from the Governor of Delaware on the Governor of Indiana, three hundred and eight dollars and ninety-four and a half cents.
- G. W. S. Nicholson. To George W. S. Nicholson, for printing, one hundred and twenty-four dollars and fifty-three cents.
- G. W. Vernon. To George W. Vernon, for printing, forty-eight dollars and seventy-five cents.
- C. P. Johnson. To C. P. Johnson, for printing, forty-eight dollars and seventy-five cents.
- A. B. Marvel. To A. B. Marvel, auditor of accounts, for stationery, &c., fifty dollars.
- H. Eckel & Co. To Henry Eckel & Co., for printing, forty-eight dollars and seventy-five cents.
- G. W. Mahan. To George W. Mahan, for printing, two hundred and sixteen dollars.
- Cullen & Wallace. To Cullen & Wallace, assignees of Richard Chambers, for printing, thirty dollars.
- James Cannon. To James Cannon, for delivering the person of Silas Hollis in the common Jail of Kent County, as per Governor's proclamation, twenty dollars.
- J. T. Heald. To J. T. Heald, for binding Revised Code, forty-one dollars and twenty-five cents.
- Edward Ridgely. To Edward Ridgely, for taking charge of books and papers of the Senate and House of Representatives, twenty dollars.
- W. H. McBride. To William H. McBride, amount overpaid the State, seven dollars and forty-four cents.
- J. M. Barr & Co. To J. M. Barr & Co., for advertising proclamation of Governor, sixteen dollars.
- D. L. Moody. To David L. Moody, two hundred dollars, for arresting Samuel Turner, as per proclamation of Governor P. F. Causey.
- Henry Flowers. To Henry Flowers, for housing coal and wood, ten dollars.
- J. Cowgill & Son. To James Cowgill & Son, three dollars and fifty-two cents, for furnishing locks and sundries.
- C. P. Johnson. To C. P. Johnson, for printing, one dollar and fifty cents.

To James L. Voshell, for nine office chairs, eighteen dollars. J. L. Voshell.

To Joseph G. O. Harrington, for services rendered in arresting J. G. O. Harrington. Joseph Downham, thirty dollars.

To John McDowell, for furnishing sundry articles for the use of the Legislature, seven hundred and sixty dollars and fifty-four cents. J. McDowell.

To Richard N. Merriken, for stationery, advertising and twenty-one days' attendance as Clerk of Court of Errors and Appeals, sixty-nine dollars and sixty cents. R. N. Merriken.

To Zaddock Butler, for fitting up House and Senate Chamber, &c., twenty-five dollars and seventy-five cents. Z. Butler.

To John Wyatt, for fitting up desks, &c., fifteen dollars. J. Wyatt.

Passed at Dover, February 25, 1859.

RESOLUTIONS.

CHAPTER DCLXXII.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That one of the certificates of the election of William Burton, Governor, this day made, be deposited, by the Speaker of the Senate, in the office for the recording of deeds in and for Kent County, and there to be recorded by the Recorder of Deeds for said county, and that the other of the said certificates be transmitted by the Speaker of the Senate to the Governor elect, with information that the members of the Senate and members of the House of Representatives will attend him on Tuesday, the eighteenth day of January, instant, while he shall take the oaths of office, required by the constitution of the United States, and of this State.

Certificates of the election of William Burton, Governor, how disposed of.

Adopted at Dover, January 12, 1859.

CHAPTER DCLXXIII.

JOINT RESOLUTION *authorizing the State Treasurer to pay to E. D. Cullen two hundred dollars for his services as Judge, ad litem.*

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, authorized and directed to pay to

State Treasurer directed to pay

to E. D. Cullen
two hundred dol-
lars.

Elisha D. Cullen, Esq., the sum of two hundred dollars for his services as judge, *ad litem*, under the appointment of the Governor of the State.

Adopted at Dover, January 19, 1859.

CHAPTER DCLXXIV.

JOINT RESOLUTION *directing the State Treasurer to pay a certain sum of money to William N. W. Dorsey.*

Preamble.

WHEREAS, It appears to this General Assembly that Henry Brown, a negro convict, servant of William N. W. Dorsey, was, in pursuance of a conviction and sentence of the Court of General Sessions of the Peace and Jail Delivery of the State of Delaware in and for Kent County, sold for the period of seven years, for the sum of four hundred and ninety dollars, and that after the payment of all costs, there remains a balance of four hundred and thirty-nine dollars and forty-seven cents; now, therefore,

State Treasurer
directed to pay to
W. N. W. Dorsey
\$439.47.

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, authorized and required to pay to William N. W. Dorsey the sum of four hundred and thirty-nine dollars and forty-seven cents.

Adopted at Dover, January 25, 1859.

CHAPTER DCLXXV.

W. J. Clarke
appointed State
Treasurer.

Resolved, by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That William J. Clarke be, and he is hereby appointed State Treasurer.

Adopted at Dover, January 27, 1859.

CHAPTER DCLXXVI.

Resolved, by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That Aaron B. Marvel be, and he is hereby appointed Auditor of Accounts.

A. B. Marvel appointed Auditor of Accounts.

Adopted at Dover, January 27, 1859.

CHAPTER DCLXXVII.

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 authorized and required to pay to the order of George Collins, of New Castle County, such sum of money as has been or may be paid into the treasury of the State by the Sheriff of said county on account of the fine imposed by sentence of the Court of General Sessions of the Peace and Jail Delivery in and for said County, at the November term thereof, of 1857, upon the said George Collins upon his conviction in said county of an assault upon one Louisa Binus.

State Treasurer directed to pay to George Collins a certain sum of money.

Adopted at Dover, January 27, 1859.

CHAPTER DCLXXVIII.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the following persons be, and they are hereby, appointed directors of the Farmers' Bank of the State of Delaware and its branches, on the part of the State, agreeably to the act of the General Assembly in such case made and provided: For the principal bank at Dover, Edward Ridgely, Edward Lord, and Wilson L. Cannon.

Directors of Farmers' Bank and its branches appointed on the part of the State.

For the branch at Wilmington, Thomas Clyde, Nathan T. Boulden, and Robert R. Robinson.

For the branch at New Castle, Elihu Jefferson, Daniel R. Wolfe, and James Crippen.

For the branch at Georgetown, Matthew Rench, Sheppard P. Houston, and William W. Dulany.

Adopted at Dover, February 3, 1859.

CHAPTER DCLXXIX.

Preamble.

WHEREAS, A certain Elijah Selby, sometimes called Elijah Waples, negro, an indentured servant of a citizen, Benjamin F. Waples, of Sussex County, was convicted at the October term of the Court of General Sessions of the Peace and Jail Delivery, held at Georgetown, October A. D. 1858, of an assault with an attempt to commit a rape, and sentenced to pay a fine to the State of Delaware of three hundred dollars, to stand one hour in the pillory, to be whipped with thirty lashes, to be imprisoned one month, commencing the 14th of October, and ending the 18th of November, in the year 1858, and afterwards to be sold as a servant, to the highest bidder for the term of fourteen years; and whereas, the said Elijah was, in obedience to the said sentence of the court, sold to Charles C. Stockley, Esq., for the sum of five hundred and ten dollars, which, after paying all costs and charges in the case, (amounting to one hundred and eleven dollars and eighty cents,) leaves the sum of three hundred and ninety-eight dollars and twenty cents, proceeds of the said sale of the said Elijah, in the hands of the Sheriff of Sussex County; and whereas, the said Elijah, at the time of his arrest for the crime aforesaid had, according to his indentures, by which he was held (and for which the said Benjamin F. Waples had paid a full consideration) to serve for a period of four years, ten months, and twelve days, the benefit of which was lost to his said master; therefore,

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That William Lofland, Sheriff of Sussex County be, and he is hereby, authorized and required to pay to Benjamin F. Waples, of Sussex County, the said sum of three hundred and ninety-eight dollars and twenty cents, proceeds of the sale of the said Elijah Selby or Elijah Waples as aforesaid, remaining in his hands.

William Lofland,
Sheriff of Sussex
County, directed
to pay to Benjamin
F. Waples
\$398.20.

Adopted at Dover, February 4, 1859.

CHAPTER DCLXXX.

Resolved, 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 apply to the Secretary of the Treasury of the United States for a re-opening and re-examination of the settlement heretofore made between the United States and the State of Delaware, for interest upon loans or moneys borrowed and actually expended by the State for the use and benefit of the United States during the war of 1812 with Great Britain, in order that a settlement of such account shall be made upon principles similar to those adopted by Congress in the case of the State of Maryland under the act of Congress entitled "An act making appropriations for certain civil expenses of the Government for the year ending June 30, 1858, approved March 3, 1857."

Governor requested to apply to Secretary of Treasury of U. S. for a re-examination of settlement for interest upon loans, &c., for use of United States during war of 1812.

Adopted at Dover, February 8, 1859.

CHAPTER DCLXXXI.

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Secretary of State be, and he is hereby authorized and directed to close the eleventh volume of the laws of this State with the acts passed at the present session.

Secretary of State directed to close Vol. 11 of Laws of this State.

Resolved, by the authority aforesaid, That the Secretary of State be, and he is hereby directed to make out a table of private acts and a general index to the said eleventh volume, and that he cause three hundred copies of the said table of private acts and general index to be printed for the purpose of being bound with the said eleventh volume.

And to make out a list of private acts and general index. Three hundred copies to be printed.

Resolved, by the authority aforesaid, That the Secretary of State cause to be bound, so as to correspond with the other bound volumes of the laws three hundred copies of the said eleventh volume with the said table of private acts and general index to the same.

Three hundred copies of Vol 11 to be bound with list of private acts and general index.

In case Secretary of State cannot procure three hundred copies of vol. 11, authorized to have them printed.

Resolved, by the authority aforesaid, That the Secretary of State shall procure from his office, from the offices of the different Prothonotaries in the State, and from the cases of the Senate and House of Representatives three hundred copies of the said eleventh volume, if so many copies are to be found in said offices and cases. But if the said Secretary of State cannot procure from the said offices and cases a sufficient number of the printed pamphlet copies of said eleventh volume to enable him to have bound three hundred copies as required by the next preceding resolution, he is hereby directed to have reprinted so many copies or parts of copies of said eleventh volume as, with those that may be procured from said offices and cases, will enable him to have bound the said number of three hundred copies.

When bound, how distributed

Resolved, by the authority aforesaid, That when the aforesaid eleventh volume shall have been bound, the Secretary of State shall retain in his office ten copies, and deliver to the Senate five copies, to the House of Representatives ten copies and to the following officers, in each county, one copy for the use of their respective courts, namely: To the Register for the Probate of Wills and granting Letters of Administration, Register in Chancery, Clerk of the Orphans' Court, Prothonotary and Clerk of the Peace; and the remainder he shall equally divide between the respective counties, placing them in the hands of the different Prothonotaries, who are hereby authorized to sell the same at one dollar per copy and make return thereof as the law directs.

Expenses of printing and binding, how paid.

Resolved, by the authority aforesaid, That the Secretary of State shall be authorized to contract for the printing and binding to be done in pursuance of the foregoing resolutions, and on the reception of the certificate of the Secretary of State of the sum due for printing and of the sum due for binding, and that the same have been done according to contract, the Governor is authorized to draw orders on the State Treasurer to pay for the same, and the State Treasurer shall pay said orders out of any moneys in the Treasury not otherwise appropriated.

Adopted at Dover, February 3, 1859.

CHAPTER DCLXXXII.

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 to have reconstructed the steps leading to the outer door of the office of the Secretary of State, and also the steps leading to the outer door of the State Library Room.

Secretary of State to have reconstructed steps leading to his office and to the door of the Library Room.

Resolved, by the authority aforesaid, That to enable the Secretary of State to carry into effect the foregoing resolution, he is hereby authorized to draw upon the State Treasurer for any sum not exceeding seventy-five dollars, and the said State Treasurer is hereby directed to pay such draft out of any money in the treasury, not otherwise appropriated.

And to draw upon State Treasurer for the expenses thereof.

Order not to exceed \$75.00.

Resolved, by the authority aforesaid, That the said Secretary of State shall present to the Legislature at its next session his accounts and vouchers for any money expended in carrying into effect the resolution first aforesaid.

Adopted at Dover, February 10, 1859.

CHAPTER DCLXXXIII.

JOINT RESOLUTION directing the State Treasurer to exchange the loan of the Philadelphia, Wilmington and Baltimore Railroad Company, held by the State of Delaware, amounting to the sum of eighty thousand, seven hundred and ninety-three dollars and eighty-three cents, and which falls due July 1, 1860, for the new loan of the said company.

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, authorized and required to surrender the certificates of the above mentioned loan, amounting to the sum of eighty thousand, seven hundred and ninety-three dollars and eighty-three cents, to the said Philadelphia, Wilmington and Baltimore Railroad Company, and take in exchange therefor

State Treasurer directed to exchange certificate of the loan of the Philadelphia, Wilt & Bal. R. R. Company for certificate of the new loan of said company.

Proviso.

certificates of the new mortgage loan of the said Philadelphia, Wilmington and Baltimore Railroad Company, according to the terms and conditions contained in a printed circular of the said railroad company, dated March 25, 1858; a copy of which circular is appended to and made a part of this resolution: *Provided*, That before the State Treasurer shall surrender the certificate of loan now held by the State, as hereinbefore is directed, he shall receive satisfactory evidence that the mortgage of said railroad company, executed April 2d, 1858, by which the proposed new loan is secured, has been recorded in each county through which the road of said company runs or is located, in the States of Pennsylvania, Delaware and Maryland.

Adopted at Dover, February 10, 1859.

CHAPTER DCLXXXIV.

JOINT RESOLUTION *adjourning the two Houses of the General Assembly, on the 25th February inst., sine die.*

Adjournment.

Resolved, by the Senate and House of Representatives, in General Assembly met, That both Houses of the Legislature will adjourn on Friday, the 25th of February instant, sine die.

Adopted at Dover, February 16, 1859.

CHAPTER DCLXXXV.

JOINT RESOLUTION *authorizing the Secretary of State to have bound three hundred copies of the Revised Code of the State of Delaware.*

Secretary of
State to have
bound three hun-

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Secretary of State be, and he is hereby authorized and directed to have

bound three hundred copies of the Revised Code of the State of Delaware, and when the same shall have been bound he shall cause one hundred copies thereof to be delivered to the Prothonotary of New Castle County and a like number to each of the Prothonotaries of Kent and Sussex Counties, to be by the said Prothonotaries sold at one dollar per copy, and the said Prothonotaries shall severally account with and pay over to the Secretary of State, for the use of the State, the amount received from the sales thereof, as well for those that said Prothonotaries may now have on hand as those that may hereafter be received by them, retaining five per cent out of the amount as compensation for their trouble, payment to be made by them once in every six months.

ured copies of Revised Code.
When bound, now distributed.
Prothonotaries to account for proceeds of sale.
Compensation to Prothonotaries. Payment, when to be made.

Resolved, by the authority aforesaid, That the Governor, upon receiving the certificate of the Secretary of State of the sum due for the binding to be done in pursuance of the foregoing resolution, be and he is hereby authorized to draw orders on the State Treasurer for the payment thereof, and the State Treasurer is hereby directed to pay such orders out of any money in the Treasury not otherwise appropriated.

Expense of binding, how paid.

Adopted at Dover, February 16, 1859.

CHAPTER DCLXXXVI.

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, authorized to pay to the Secretary of State the sum of three hundred dollars, to be by him applied to the payment of the contingent expenses of his office for the current and succeeding years, an account of which shall be submitted to the General Assembly at the next biennial session.

\$300 appropriated for the contingent expenses of the office of the Secretary of State.

Adopted at Dover, February 18, 1859.

CHAPTER DCLXXXVII.

JOINT RESOLUTION *in relation to a new Senate Chamber.*

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

Commissioners to superintend fitting up a new room to be used as a Senate Chamber.

First. That Eli Saulsbury, Esq., Caleb S. Pennicwill and George P. Fisher, be, and they are hereby, appointed commissioners to issue proposals and employ workmen, and superintend such alterations in the second story of the building at present occupied for State and county purposes at Dover, as will be necessary to provide a more commodious chamber, and convenient lobby therein, for the use of the Senate, by altering the two rooms on the north side of the said building, now used as jury and fireman's rooms, removing the partition between said rooms, so as to increase the dimensions of the one to be used as a Senate chamber, repairing and fitting up the same, and removing thereto the furniture from the present Senate chamber, and supplying such other articles of furniture as may be required for the use and comfort of the Senate.

Also the furnishing of the same.

Room now used as a Senate Chamber relinquished to Levy Court of Kent County Exception.

State Treasurer to pay to Levy Court of Kent County \$750.00.

Second. That for and in consideration of the relinquishment by the Levy Court of Kent County of the said rooms for the use of the Senate, the State of Delaware relinquishes the room now occupied by the Senate, to the use of said county, except during the sessions of the General Assembly, when said room shall be occupied by the sergeant-at-arms and fire-makers of the Senate and House of Representatives; and that the State Treasurer be authorized, and he is hereby authorized, to pay to the said Levy Court of Kent County, the sum of seven hundred and fifty dollars out of any money in the treasury not otherwise appropriated.

Appropriation for the new Senate Chamber.

Commissioners to present account of expenditures at next session of Legislature.

Third. That twelve hundred and fifty dollars be appropriated from the State Treasury to carry out the provisions of the first resolution, and the same be paid by the State Treasurer from any unappropriated money in his hands, on the order of the chairman of said commissioners, during the progress of the repairs before mentioned; and said commissioners are required to present a true account of their expenditures, with the vouchers therefor, for settlement, at the next biennial session of the General Assembly of this State.

Adopted at Dover, February 23, 1859.

CHAPTER DCLXXXVIII.

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Messrs. Boys and Johnson, on the part of the Senate, and Loxley R. Jacobs, Caleb S. Pennewill and John M. Naudain, on the part of the House of Representatives be, and they are hereby appointed a committee on the part of this General Assembly, whose duty it shall be to meet at Dover, on the third Tuesday of January, A. D., 1860, for the purpose of settling the accounts of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Legislative committee appointed.

Duties.

Resolved, That it shall be the duty of the said committee after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or the hands of a majority of them, to be published in two of the newspapers printed in this State for the space of one month from the time of effecting the same.

Settlement with State Treasurer to be published.

Resolved, That the said committee have full power and authority to audit the accounts of the Clerk of the House of Representatives and the Clerk of the Senate for superintending the printing of the Journals of the Houses of the Legislature during the present session and for making indexes thereto: Also, the accounts of the Secretary of State for superintending the printing of the acts of the present session and for making index to the same, and make such allowances for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the Chairman of the said committee in favor of said Clerks and Secretary of State respectively.

Committee to audit accounts of the clerks for superintending printing of the journals, &c.

Account of Secretary of State for printing laws, &c.

Allowances, how paid.

Resolved, That said committee shall receive the same compensation as is by law allowed to the members of the General Assembly, to be paid by the State Treasurer upon orders drawn by the chairman of said committee out of any money in the hands of the said State Treasurer not otherwise appropriated, and the chairman of said committee shall have authority to draw orders for the incidental expenses arising out of the session of said committee to be paid in like manner.

Compensation to committee.

How paid.

Adopted at Dover, February 24, 1859.

CHAPTER DCLXXXIX.

JOINT RESOLUTION *in relation to the removal of Stephen Green from the office of Prothonotary in Sussex County.*

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the

Joint resolution to remove Stephen Green from Prothonotary's office for Sussex County (ante, p. 336.) ordered to be expunged from the journals of both Houses of the Legislature.

"Joint resolution to remove Stephen Green from the office of Prothonotary in Sussex County," adopted by the General Assembly of said State, at Dover, March 1st, 1855, in the following words:

"Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Governor of this State be, and he is hereby, addressed and requested by both Houses of the Legislature of the State, to remove Stephen Green, Esq., Prothonotary of the Superior Court in and for Sussex County, from said office of Prothonotary of the Superior Court in and for Sussex County aforesaid, and that a copy of this resolution, duly enrolled and signed by the Speakers of the two Houses of the Legislature respectively, be communicated by the Speaker of the Senate to the Governor," be, and the same hereby is, ordered to be expunged from the journals of both Houses of the Legislature; because the said resolution is illegal and unjust, of evil example, indefinite and vague, expressing impliedly an accusation without specification, and was irregularly and improperly adopted by the Legislature in subversion of the rights of defense which belong to an accused and impeachable officer, and at a time and under circumstances to endanger the political rights, and to injure the pecuniary interests of the citizens of the State of Delaware, and that the action of the Governor in removing the said Stephen Green from his said office, was a usurpation of authority in violation of justice and the private rights of the said Stephen Green, wholly unwarranted by the circumstances of the case, and that party influence and political motives alone could have prompted the passage of said joint resolution and his removal from office.

Reasons therefor.

Adopted at Dover, February 24, 1859.

CHAPTER DCXC.

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John D. Burton be, and he is hereby authorized and requested to purchase the necessary coal, wood, oil, candles, and stationery for the next session of the Legislature; and the State Treasurer is hereby directed to pay to the order of the said John D. Burton the sum of fifty dollars, to enable him to carry into effect the provisions of this resolution, and the said John D. Burton is hereby directed to present his account and voucher to the Legislature at its next session for allowance.

John D. Burton to purchase fuel, stationery, &c., for next session of the Legislature. \$50 appropriated therefor.

Resolved, further, That Elias S. Reed be, and he is hereby appointed to take charge of the books and papers of the Senate and House of Representatives.

Elias S. Reed to take charge of books and papers of the Senate and House of Representatives.

Adopted at Dover, February 24, 1859.

CHAPTER DCXCI.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Henry H. Flowers be, and he is hereby, appointed to take charge of the chamber of the Senate and of the Hall of the House of Representatives and the Library Room, and to take care of the furniture belonging to the same.

H. H. Flowers to take charge of the Senate Chamber and hall of the House of Representatives.

Resolved, further, That it shall be the duty of the said Henry H. Flowers to pay strict attention to the proper airing of the said rooms, and to the furniture belonging to each, and keep the same in the best condition within his power, and that he be required strictly to enforce the rules made, or lawfully to be made, for the regulation of said library and use of the books therein.

To air the rooms and take care of the furniture.

And to enforce rules in relation to the books in State Library.

Resolved further, That for the faithful performance of the duties above specified, the State Treasurer shall pay to the said Henry H. Flowers the sum of fifty dollars per annum, the first year to commence on the day succeeding the day of the adjournment of this General Assembly.

Compensation.

Adopted at Dover, February 24, 1859.

CHAPTER DCLXXXIX.

JOINT RESOLUTION *in relation to the removal of Stephen Green from the office of Prothonotary in Sussex County.*

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the "Joint resolution to remove Stephen Green from the office of Prothonotary in Sussex County," adopted by the General Assembly of said State, at Dover, March 1st, 1855, in the following words:

Joint resolution to remove Stephen Green from Prothonotary's office for Sussex County (ante, p. 336.) ordered to be expunged from the journals of both Houses of the Legislature.

"Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Governor of this State be, and he is hereby, addressed and requested by both Houses of the Legislature of the State, to remove Stephen Green, Esq., Prothonotary of the Superior Court in and for Sussex County, from said office of Prothonotary of the Superior Court in and for Sussex County aforesaid, and that a copy of this resolution, duly enrolled and signed by the Speakers of the two Houses of the Legislature respectively, be communicated by the Speaker of the Senate to the Governor," be, and the same hereby is, ordered to be expunged from the journals of both Houses of the Legislature; because the said resolution is illegal and unjust, of evil example, indefinite and vague, expressing impliedly an accusation without specification, and was irregularly and improperly adopted by the Legislature in subversion of the rights of defense which belong to an accused and impeachable officer, and at a time and under circumstances to endanger the political rights, and to injure the pecuniary interests of the citizens of the State of Delaware, and that the action of the Governor in removing the said Stephen Green from his said office, was a usurpation of authority in violation of justice and the private rights of the said Stephen Green, wholly unwarranted by the circumstances of the case, and that party influence and political motives alone could have prompted the passage of said joint resolution and his removal from office.

Reasons therefor.

Adopted at Dover, February 24, 1859.

CHAPTER DCXC.

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John D. Burton be, and he is hereby authorized and requested to purchase the necessary coal, wood, oil, candles, and stationery for the next session of the Legislature; and the State Treasurer is hereby directed to pay to the order of the said John D. Burton the sum of fifty dollars, to enable him to carry into effect the provisions of this resolution; and the said John D. Burton is hereby directed to present his account and voucher to the Legislature at its next session for allowance.

John D. Burton
to purchase fuel,
stationery, &c.,
for next session
of the Legisla-
ture.

\$50 appropriated
therefor.

Resolved, further, That Elias S. Reed be, and he is hereby appointed to take charge of the books and papers of the Senate and House of Representatives.

Elias S. Reed to
take charge of
books and papers
of the Senate
and House of
Representatives.

Adopted at Dover, February 24, 1859.

CHAPTER DCXCI.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Henry H. Flowers be, and he is hereby, appointed to take charge of the chamber of the Senate and of the Hall of the House of Representatives and the Library Room, and to take care of the furniture belonging to the same.

H. H. Flowers
to take charge of
the Senate Cham-
ber and hall of
the House of
Representatives.

Resolved, further, That it shall be the duty of the said Henry H. Flowers to pay strict attention to the proper airing of the said rooms, and to the furniture belonging to each, and keep the same in the best condition within his power, and that he be required strictly to enforce the rules made, or lawfully to be made, for the regulation of said library and use of the books therein.

To air the rooms
and take care of
the furniture.

And to enforce
rules in relation
to the books in
State Library.

Resolved further, That for the faithful performance of the duties above specified, the State Treasurer shall pay to the said Henry H. Flowers the sum of fifty dollars per annum, the first year to commence on the day succeeding the day of the adjournment of this General Assembly.

Compensation.

Adopted at Dover, February 24, 1859.

CHAPTER DCXCII.

Senators and
Representatives
in Congress re-
quested to use
their influence
for an appropri-
ation for wharf
and pier at
Lewes.
Also at Port
Penn.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That we request our Senators and Representatives in Congress, to use their influence and vote for an appropriation to erect a stone wharf and pier at Lewes, Delaware, contiguous to the Delaware Breakwater, and also at Port Penn and New Castle.

Adopted at Dover, February 25, 1859.

NOTE.—On page 597, in the thirteenth line from the top, read "five" for "four."

SECRETARY'S OFFICE, }

DOVER, April 5th, 1859. }

IN obedience to the directions of Chapter 4 of the Revised Code, entitled "Of the passing and publication of Laws and of Journals," I have collated with, and corrected by, the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at its late session, which commenced on Tuesday, the fourth day of January, and closed on Friday, the twenty-fifth day of February, in the year of our Lord, one thousand eight hundred and fifty-nine.

EDWARD RIDGELY,

Secretary of the State of Delaware.

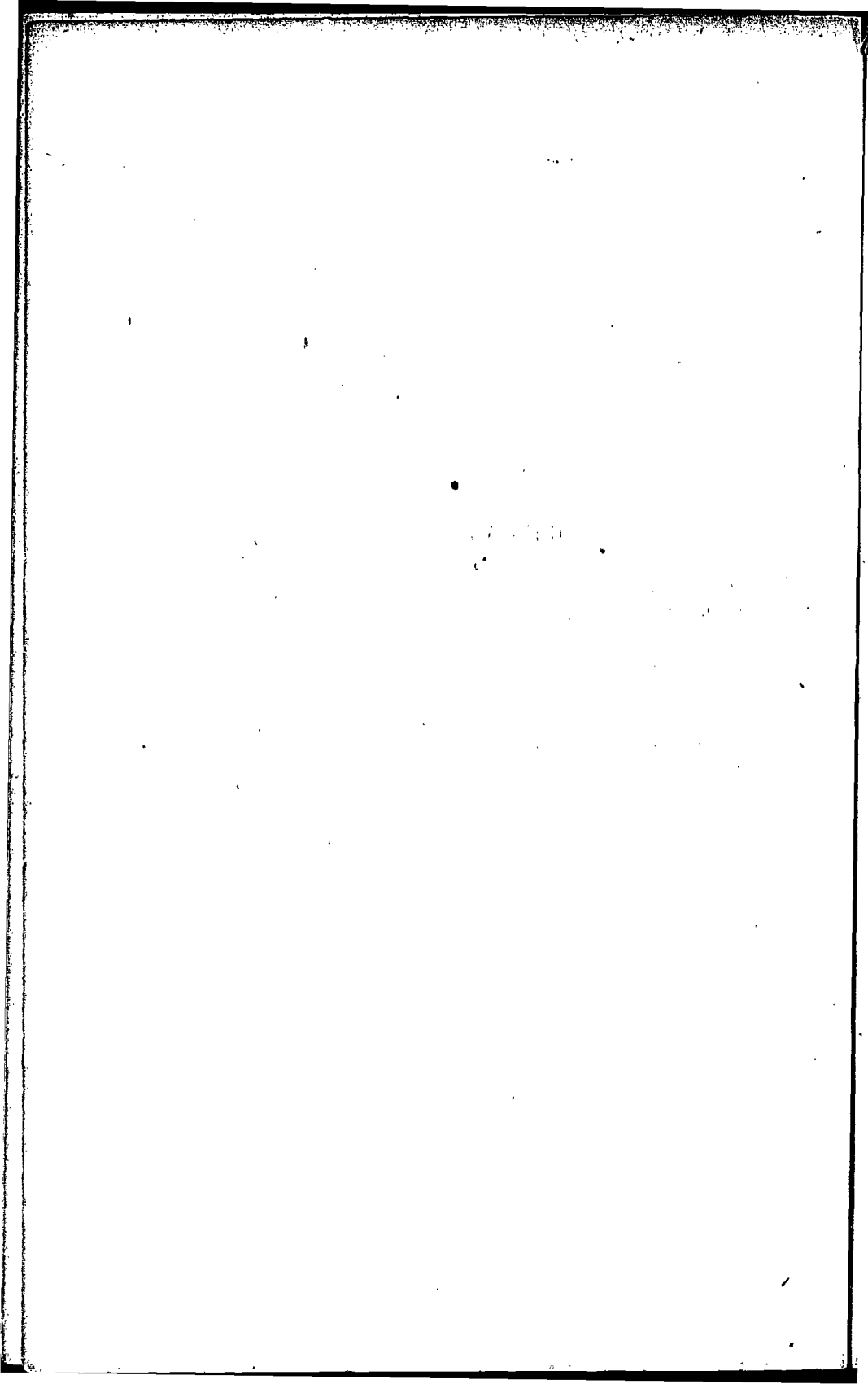


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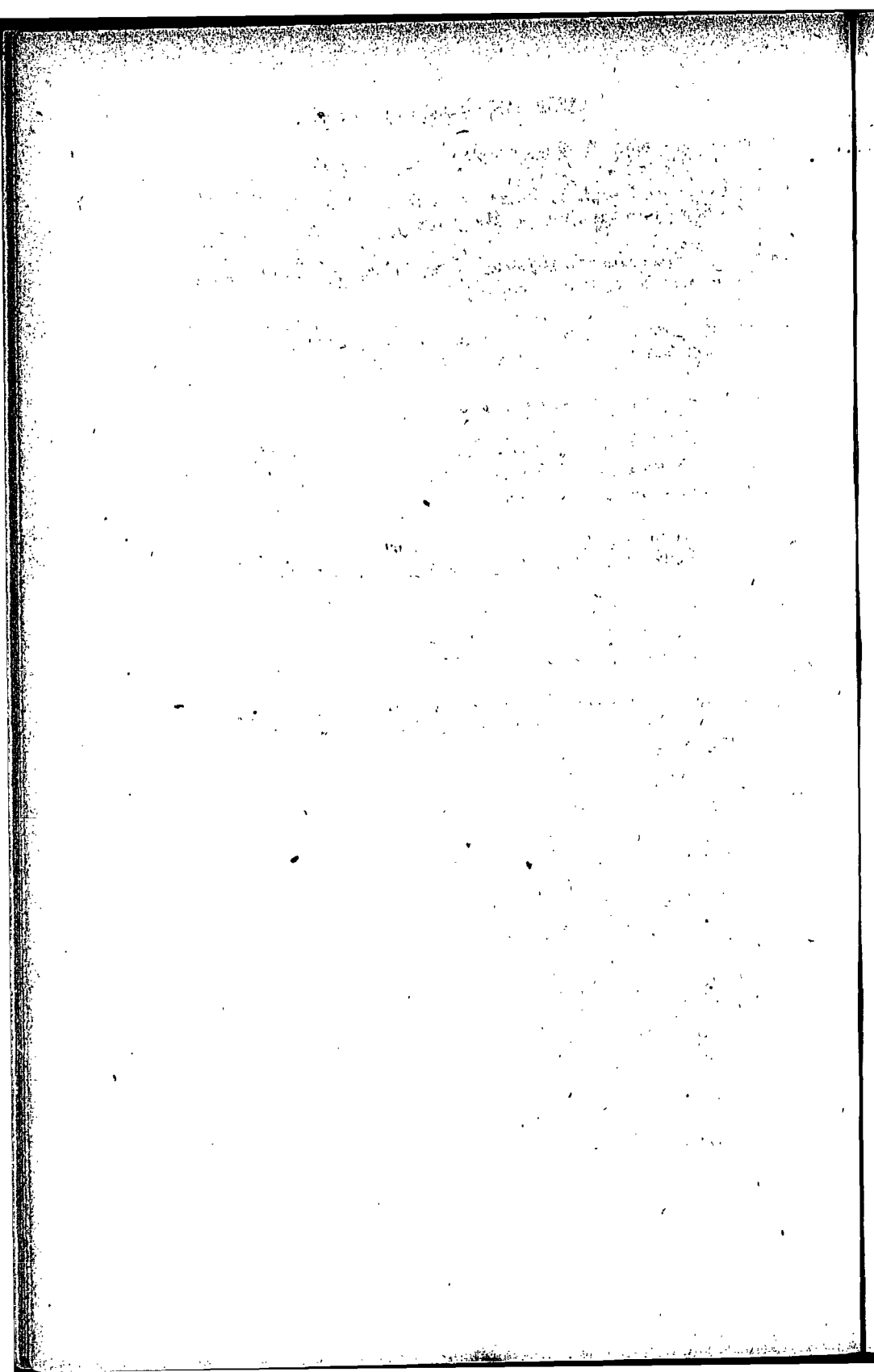
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Congressional Representation

The following communication of the Secretary of the Interior announces the apportionment of Representatives among the several States under the Eighth Census:

"DEPARTMENT OF THE INTERIOR,
WASHINGTON, July 6, 1861.

"To the Speaker of the House of Representatives:

"I, CALNE B. SMITH, Secretary of the Interior, do hereby certify that, in discharge of the duty devolved on me by the provisions of an act of Congress, approved May 23d, 1850, entitled 'An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for the future apportionment among the several States,' I have apportioned the Representatives for the Thirty-eighth Congress among the several States as provided for by said act in the manner directed by the twenty-fifth section thereof. And I do hereby further certify that the following is a correct statement of the number of Representatives apportioned to each State under the last, or eighth, enumeration of the population of the United States, taken in accordance with the act approved 23d May, 1850, above referred to:

TO THE STATE OF—

Alabama.....	6	Minnesota.....	1
Arkansas.....	3	Mississippi.....	5
California.....	3	Missouri.....	9
Connecticut.....	4	New Hampshire.....	3
Delaware.....	1	New Jersey.....	5
Florida.....	1	New York.....	31
Georgia.....	7	North Carolina.....	7
Illinois.....	13	Ohio.....	18
Indiana.....	11	Oregon.....	1
Iowa.....	5	Pennsylvania.....	23
Kansas.....	1	Rhode Island.....	1
Kentucky.....	8	South Carolina.....	4
Louisiana.....	5	Tennessee.....	8
Maine.....	5	Texas.....	4
Maryland.....	5	Vermont.....	2
Massachusetts.....	10	Virginia.....	11
Michigan.....	6	Wisconsin.....	6

The aggregate being two hundred and thirty-three (233) Representatives.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this fifth day of July, in the year of our Lord one thousand eight hundred and sixty-one, and of the independence of the United States of America the eighty-sixth.

CALNE B. SMITH.

**END
OF
VOLUME**