



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 FIFTH DAY OF JANUARY,

A. D. 1875,

AND OF THE

INDEPENDENCE OF THE UNITED STATES,

THE NINETY-NINTH.

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VOL. 15.—PART 1.

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1875.



# LAWS OF THE STATE OF DELAWARE.

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## CHAPTER 1.

### Amendment to the Constitution Ratified.

AN ACT to ratify a proposed amendment to the Constitution of this State.

WHEREAS, at the last session of the General Assembly of <sup>Preamble,</sup> this State, to wit, on the third day of April, A. D. 1873, an act was passed proposing an amendment to the seventeenth section of the second article of the Constitution of this State, which proposed amendment is in the words following, to wit: "The Legislature shall have power to enact a general incorporation act to provide incorporation for religious, charitable, literary and manufacturing purposes, for the preservation of animal and vegetable food, building and loan associations, and for draining low lands; and no attempt shall be made, in such act or otherwise, to limit or qualify the power of revocation reserved to the Legislature in this section," as by reference to the aforesaid act, to be found upon page 319 of the 14th volume of the laws of this State, will more at large appear: AND WHEREAS, it appears to this General Assembly by the message of His Excellency, the Governor, delivered to both Houses on the first day of this present session, that the said proposed amendment has been approved of by him and published in conformity with the Constitution and the aforesaid act, which is satisfactory evidence of due compliance with the Constitution in relation to amendments thereof: AND WHEREAS, in the opinion of this General Assembly, the said amendment is a proper one, and ought to be ratified by it, that it may become part of the Constitution: NOW, THEREFORE, in order to make such ratification,



## CONSTITUTIONAL AMENDMENT.

Proposed amendment to the 17th section, of article 2, of the Constitution of Delaware ratified.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, three-fourths of all the members of each branch of the Legislature concurring herein,—* That the amendment aforesaid be, and the same hereby is ratified, and the same declared to be part of the Constitution of the State of Delaware, by way of amendment and addition to the seventeenth section of the second article thereof.

Amendment to be incorporated in any future publication of the Constitution.

SECTION 2. *And be it further enacted,* That in any publication of the said Constitution hereafter to be made by authority of law, the said amendment shall be incorporated therein as part of the said section and article, by way of addition to said section.

*Passed at Dover, January 28, 1875.*

## TITLE FIRST.

Of the Jurisdiction and Property of the State ; its Legislation and Laws.

## CHAPTER 2.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT providing for a Commissioner of the Levy Court and Court of Appeal for Gumborough 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 Gumborough hundred, in Sussex county, shall be entitled to, and shall have one commissioner of the Levy Court and Court of Appeal, and the Governor is hereby authorized and required to appoint a commissioner of the Levy Court and Court of Appeal for Gumborough hundred, in Sussex county, who shall hold his office until the next general election in the State, when a commissioner of the Levy Court and Court of Appeal shall be elected for said hundred for the term of four years.

Gumborough Hundred to have one Levy Court Commissioner. Governor authorized to appoint present Commissioner to hold until the next General Election. The next Levy Court Commissioner for said hundred to be elected for four years.

*Passed at Dover, January 27, 1875.*

## CHAPTER 3.

OF LIMITS.

AN ACT for the extension of the Boundaries of Red Lion hundred, New Castle county.

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

SECTION 1. That the boundary of Red Lion hundred is hereby enlarged so as to include and embrace within said

Boundary of Red Lion hundred enlarged so as to include that portion of the town of St. George's, and certain lands heretofore situated in St. George's hundred.

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## CONCERNING LIMITS.

hundred, and become part and parcel thereof, all that portion of the town of St. George's, together with the lands hereinafter described, being before the passage of this act situated in St. George's hundred.

Boundaries  
of the district  
included  
within the  
extension.

SECTION 2. That is to say, The said enlargement or extension shall begin at a point on the Chesapeake and Delaware canal at the line dividing the lands of John P. Hudson from the lands of John Robson; thence and with said division line in a southerly direction to the public road leading from Summit bridge to the town of St. George's; thence in a northeasterly direction with the middle line of said road to the road leading from Odessa to the said town of St. George's; thence crossing said road to the line of the lands of Mrs. Letitia How, being the northern boundary of the road dividing the lands of the said Letitia How from the lands of Mrs. Margaret A. Osborn; thence and with said line and road to the line dividing the lands of the said M. A. Osborn from the lands of Francis S. McWhorter and Brothers; thence with the line dividing said lands to Scott's run; thence down said run to the Chesapeake and Delaware canal, and thence with said canal and with the original division lines of said hundreds to the place of beginning.

Of the assess-  
ment and  
collection of  
taxes within  
the said  
district.

SECTION 3. *Be it further enacted*, That all taxes now assessed against persons or property residing or situated within the boundaries above described, and hereby established, shall continue to be collected by St. George's hundred, and appropriated as before the passage of this act until the next general assessment, at which time the assessor for Red Lion hundred shall, and is hereby directed, to embrace the above described district and to include in said assessment the persons and property therein residing or situated as belonging to Red Lion hundred, and being citizens and part thereof by virtue of this act.

Electors  
residing  
within said  
district shall  
be deemed  
citizens of  
Red Lion  
hundred.  
Any present  
officer  
within said  
district shall  
hold until  
the next  
General  
Election,  
when his  
term shall  
expire, and a  
successor  
shall be  
elected.

SECTION 4. *Be it further enacted*, That from and after the passage of this act, that all legally qualified electors residing within the above described district, shall, in the exercise of the elective franchise, be deemed to be citizens of Red Lion hundred, and shall be admitted to all of the privileges of citizenship therein.

SECTION 5. *Be it further enacted*, That any officer of St. George's hundred who shall or may reside within the district above described, at the time of the passage of this act, shall continue to exercise the duties of his office until the next general election, when his term shall expire, and a successor be elected.

## CONCERNING LIMITS.

SECTION 6. *Be it further enacted*, That all old boundary lines conflicting herewith are hereby vacated and annulled, and any laws conflicting with this act are hereby repealed, in so far as they are in antagonism herewith.

Conflicting  
boundary  
lines annull-  
ed and incon-  
sistent laws  
repealed.

SECTION 7. *Be it further enacted*, That this act shall be taken and deemed as a public act.

Public act.

*Passed at Dover, March 1, 1875.*

## CHAPTER 4.

## OF LIMITS.

AN ACT to divide Appoquinimink hundred into two hundreds.

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

SECTION 1. That for the purpose of holding the general and special elections, the election of assessors and inspectors, and for the appointment of constables, and for such other purposes as may be necessary to constitute the respective hundreds created by this act, distinct and separate hundreds with all the rights and privileges which may properly appertain to them as such, Appoquinimink hundred in New Castle county shall be and the same is hereby divided into two hundreds by the following line, to wit: Beginning at the mouth of Blackbird creek and running with said creek and main branch to a bridge in the road leading from the head of Sassafra to Smyrna; thence westerly to the centre of said road to the cross roads known as Dexter's corner; thence south-westerly with the road leading by Garman's school house; thence to Cypress Bridge, and thence down said Cypress Branch to the dividing line between Maryland and Delaware. All that part of said hundred north of said dividing line shall be one hundred, and shall be called Appoquinimink hundred, and all that part of said hundred south of said dividing line shall [be] the other hundred; and shall be called Blackbird hundred. The election for the said Appoquinimink hundred shall be held in the

Appoquini-  
mink  
hundred  
divided  
into two  
hundreds.  
For what  
purposes  
divided.

The dividing  
line.

Name of  
hundreds  
when  
divided.  
Appoquini-  
mink, and  
Blackbird  
hundreds.  
Elections,  
where held.

## CONCERNING LIMITS.

Laws appli-  
cable to  
hundreds  
extended to  
each of said  
hundreds.

village of Townsend, in or at the hotel now occupied by James C. Townsend, and the election for the said Blackbird hundred shall be held at Blackbird, at the place now authorized by law for holding elections in Appoquinimink south election district. All laws of this State that apply to hundreds in New Castle county as such, shall apply and extend to the said Appoquinimink hundred, and the said Blackbird hundred, as separate and distinct hundreds.

Of Levy  
Court com-  
missioners.

Their  
election.  
Proviso.

SECTION 2. That Appoquinimink hundred and Blackbird hundred, as formed by this act, shall each have one commissioner of the Levy Court and Court of Appeal as now provided for by law, and at the next general election to be held in the year A. D. 1878, one commissioner of the Levy Court and Court of Appeal shall be elected for Blackbird hundred, and at the general election in the year A. D. 1878, one commissioner of the Levy Court and Court of Appeal shall be elected for Appoquinimink hundred, as formed by this act. But this section shall not be construed to affect in any manner, the office of any commissioner of the Levy Court or Court of Appeal, in Appoquinimink hundred, as now exist.

Road com-  
missioners.

Their  
election.

Proviso.

SECTION 3. That Appoquinimink hundred and Blackbird hundred as formed by this act, shall each have three road commissioners, and at the next hundred election, in the year A. D. 1876, two road commissioners shall be elected for each of the hundreds formed by this act, and at the hundred election, in the year A. D. 1878, one road commissioner shall be elected for each of the hundreds aforesaid. But this section shall not be construed to affect in any manner the office of road commissioner in Appoquinimink hundred, except, however, that the road commissioner elected in 1874, in each election district of Appoquinimink hundred, shall, after the hundred election aforesaid in the year A. D. 1876, duly exercise jurisdiction in the hundred in which they respectively reside. The road commissioners shall, until after the hundred election aforesaid, in 1876, alternately meet in the two hundreds formed by this Act.

Of the  
assessment  
and  
collection  
of taxes in  
said  
hundreds.

SECTION 4. That the assessment, levying and collection of taxes in the said hundreds hereby formed by this act, until the month of February, A. D. 1876, shall be made in the same manner as heretofore, and the passage of this act shall in no way impair the right of any collector to complete the collection of duplicates or assessments in his hands for collection, or which may hereafter be placed in his hands for collection in the same manner as if this act had not been passed. Nor shall this

## CONCERNING LIMITS.

act affect in any manner the liabilities or official bond of any such collector.

SECTION 5. That the Levy Court of New Castle county shall, from the assessment of Appoquinimink hundred, in the month of March, A. D., 1876, cause a duplicate or assessment list of the persons and property, real and personal, in Appoquinimink and Blackbird hundreds, as formed by this act, to be made, and the assessment lists so made shall be the assessment lists for the said Appoquinimink and Blackbird hundreds as formed by this act, and the taxes, annually, upon the persons and property contained in such lists, shall be collected by the collectors of said hundreds. In making such assessment lists and adjusting the same, whenever the lands of any persons are crossed by the dividing line aforesaid, said lands shall be included in the assessment of that hundred where the mansion dwelling house is situated.

The Levy Court shall, from the assessment of Appoquinimink hundred make assessment lists for the hundreds formed by this act. By whom the taxes in such lists shall be collected. Where lands crossed by the said dividing line shall be assessed.

SECTION 6. That the constable and trustees of the poor, heretofore appointed for Appoquinimink hundred, shall continue in office, and act as such, until their respective terms of office shall expire or become vacant.

Constable and trustees of the poor to continue in office until terms expire.

SECTION 7. The Levy Court of New Castle county shall, in the year A. D., 1876, at the proper times and annually thereafter, appoint one trustee of the poor, one collector and one constable for each hundred formed by this act.

Appointment of one trustee of the poor, one constable and one collector for each hundred.

*Passed at Dover, March 9, 1875.*

## CHAPTER 5.

## OF PUBLIC LANDS.

AN ACT to cede to the United States title to, and jurisdiction over lands for sites of light-houses, beacons, life saving stations, or other aids to navigation within the limits of the State of Delaware.

How the United States may acquire title to, and jurisdiction over, land belonging to this State, for the site of any light house, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That whenever the United States shall desire to acquire a title



## OF PUBLIC LANDS.

to land of any kind belonging to this State, whether covered by the navigable waters within its limits or otherwise, for the site of any light-house, beacon, life saving station, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site or sites required therefor, the Governor of the State shall be authorized to convey such site or sites to the United States, and to cede to the United States, jurisdiction over the same ; *Provided* that no single tract desired for any light-house, beacon, or other aid to navigation shall contain more than ten acres, or for any life-saving station more than one acre.

Proviso.

The ceded lands, &c. to be exempt from taxation.

SECTION 2. *And be it further enacted*, That all the lands, rights and privileges hereby authorized to be ceded, and all the buildings, structures, improvements, and property of every kind erected and placed thereon by the United States shall be exempt from taxation so long as the same shall be used for the purposes before mentioned.

The State reserves certain jurisdiction.

When the ceded land shall revert to the State.

SECTION 3. *And be it further enacted*, That this act shall in no manner abrogate or interfere with the jurisdiction and right of this State to serve and execute any legal process, civil or criminal, within the limits of any tract of land hereby authorized to be ceded for the purposes aforesaid ; and that the title to any land hereby authorized to be ceded as aforesaid, shall escheat and revert to the State, unless the construction thereon of the light-house, beacon, life saving station, or other aid to navigation, for which it is ceded, shall be commenced within two years after such conveyance shall be made, and shall be completed within ten years thereafter ; and this act shall take effect from the date of its passage.

*Passed at Dover, Feb. 9, 1875.*

## OF PUBLIC LANDS.

## CHAPTER 6.\*

## OF PUBLIC LANDS.

AN ACT to provide for the relinquishment, in certain cases, to the United States of title to lands for sites of light stations on the coasts and waters 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 the United States are desirous of purchasing any tract of land not exceeding ten acres, and the right of way thereto within the limits of this State for the erection of a lighthouse, beacon light, range light or light-keeper's dwelling, and that the owner or owners are unknown, non-residents or minors, or from any cause are incapable of making a perfect title to said lands, or in case the said owners being residents, and capable, shall, from disagreement in price, or from any cause whatever, refuse to convey said lands to the United States, it shall be the duty of any justice of the peace residing in the hundred wherein said land or lands is situated, if there be any, if not, then the nearest justice of the peace residing in the county wherein said land is situated, upon the application of the owner or owners of said land, or any agent of the United States, to appoint six judicious and impartial freeholders residing in the hundred wherein said land is situated, who shall, after being duly sworn or affirmed, and due notice given to parties interested if their residence be known, go upon the said land at the time designated in such notice, and assess the value of said land and the damages which the owner or owners may sustain by reason of their condemnation and appropriation to the United States. It shall also be their duty to locate the right of way thereto and assess the damages which the owner or owners of the lands on which or over which such right of way shall be located will sustain thereby. The said freeholders shall certify their finding and award to both parties, but if either party be dissatisfied with the valuation and damages so assessed, such party may, on application to the prothonotary of the Superior Court of the State of Delaware in and for the county wherein the land is situated, 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 the hundred wherein said land is situated, of the damages aforesaid, and also of the valuation aforesaid, and their report shall be final, which amount, when

Manuer of condemning lands for the erection of light houses, &c.

Justices of the Peace shall, upon application, appoint freeholders to assess the damages.

Notice to the parties interested.

Freeholders also to locate the right of way, and assess the damages therefor.

Award certified.

Either party, if dissatisfied may sue out a writ of *ad quod damnum*.

Proceedings thereunder final.

\*This chapter is repealed by chapter 7, current volume, Delaware Laws.

† So enrolled.

## OF PUBLIC LANDS.

When  
damages  
may be  
deposited in  
Farmers  
Bank.

United  
States shall  
pay the  
expenses.  
Provido.

The State  
reserves  
certain  
jurisdiction.

The United  
States shall  
maintain  
fences

Amended  
Code, 1874,  
p. 19.  
Chapter 173  
vol. 14,  
repealed.

so assessed, shall be paid by the United States to the parties entitled, capable of receiving the same. And in case any owner of lands necessary for the purposes aforesaid, shall be a minor or non-resident, or for any cause incapable of receiving, or annulling\* or neglecting to receive said valuation or damages, the agent or agents of the United States may deposit the amount of said valuation and damages to the credit of such owner or owners in the Farmers Bank of the State of Delaware, subject to his or their order. The expenses of the assessment or assessments aforesaid, shall always be paid by the United States, *Provided*, however, that no land shall be appropriated to the United States under this act, upon which there is any burial ground or place of interment.

SECTION 2. That the sovereignty and jurisdiction of this State shall extend over any lands acquired by the United States under the provisions of this this act so far as that all civil and criminal process issued under authority of any law of this State may be executed in any part of the premises so acquired, or the buildings or structures thereon erected.

SECTION 3. *And be it further enacted*, That the United States shall make a good and lawful fence around the ground so condemned and appropriated as aforesaid, and shall also make a similar fence upon either side of the right of way, and keep the same in good repair.

SECTION 4. That chapter 173, vol. 14, Laws of Delaware, published under chapter 11 of the Revised Statutes of the State of Delaware of 1852, as published in 1874, entitled "Of Public Lands" be and the same is hereby repealed, made null and void, the same being supplied by this act.

*Passed at Dover, February 19, 1875.*

\*So enrolled.

!So enrolled

## OF PUBLIC LANDS.

## CHAPTER 7.

## OF PUBLIC LANDS.

AN ACT to repeal the act entitled "An Act to provide for the relinquishment, in certain cases, to the United States of title to lands for sites of Light Stations on the coasts and waters of this State," passed at Dover during the present session of the Legislature, on the 19th day of February, 1875, and to re-enact and amend the act repealed thereby.

Current vol. P. 11.

The "Act to provide for the relinquishment in certain cases to the United States, of title to lands for sites of Light Stations on the coasts and waters of this State," passed at Dover Feb. 19, 1875, repealed.

And the act passed at Dover Feb. 2, 1871, (Chap. 173, vol. 14.) and repealed by said act, revived and re-enacted.

And the act passed at Dover Feb. 19, 1875, repealed.

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And the act passed at Dover Feb. 2, 1871, (Chap. 173, vol. 14.) and repealed by said act, revived and re-enacted.

*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 for the relinquishment, in certain cases, to the United States, of title to lands for sites of light stations on the coasts and waters of this State," passed at Dover during the present session of the legislature on the 19th day of February, 1875, be and the same is hereby repealed; and that the act entitled "An act to provide for the relinquishment, in certain cases, to the United States, of title to lands for sites of light stations on the coasts and waters of this State," passed at Dover on the 2d day of February, 1871, and repealed by the act aforesaid, be and the same is hereby re-enacted, revived and restored in its original force, effect and operation in all its provisions as fully and effectually as if the same had not been repealed and substituted by the act aforesaid; and that all acts done and all proceedings that have at any time heretofore been instituted, incepted and commenced, or that may hereafter be instituted and commenced under and pursuant to any of the provisions of it, may be continued, prosecuted and completed pursuant to the provisions of it as they now exist, and as hereinafter amended by this act, as fully and effectually as if it had not been repealed or substituted by the act aforesaid. And also, that the said act hereby re-enacted and restored in all its original force, effect and operation as aforesaid, be and the same is hereby amended by adding and subjoining thereto, at and immediately after the conclusion of the first section thereof, the further following proviso: And a special jury to assess the value of said lands, and the damages the owner or owners thereof will sustain by reason of their condemnation and appropriation to the United States, shall be ordered by the Superior Court upon the application of either party to the proceeding for that purpose, at their option respectively, instead of empanelling a jury for such purpose as is now solely provided for in said section; and the mode of striking or selecting such special jury shall be as follows, viz: The party applying for the special jury shall give ten days notice to the opposite party and to

Saving clause.

Amendment to the re-enacted act.

Special jury to assess damages may be ordered by the Superior Court.

Mode of striking the special jury.

## OF PUBLIC LANDS.

When  
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may be  
deposited in  
Farmers  
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SECTION 2. That the sovereignty and jurisdiction of this State shall extend over any lands acquired by the United States under the provisions of this thist act so far as that all civil and criminal process issued under authority of any law of this State may be executed in any part of the premises so acquired, or the buildings or structures thereon erected.

SECTION 3. *And be it further enacted*, That the United States shall make a good and lawful fence around the ground so condemned and appropriated as aforesaid, and shall also make a similar fence upon either side of the right of way, and keep the same in good repair.

SECTION 4. That chapter 173, vol. 14, Laws of Delaware, published under chapter 11 of the Revised Statutes of the State of Delaware of 1852, as published in 1874, entitled "Of Public Lands" be and the same is hereby repealed, made null and void, the same being supplied by this act.

*Passed at Dover, February 19, 1875.*

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## OF PUBLIC LANDS.

## CHAPTER 7.

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Current vol. P. 11.

The "Act to provide for the relinquishment in certain cases to the United States, of title to lands for sites of Light Stations on the coasts and waters of this State," passed at Dover Feb. 19, 1875, repealed. And the act passed at Dover Feb. 2, 1871, (Chap. 173 vol. 14.) and repealed by said act, revived and re-enacted.

*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 for the relinquishment, in certain cases, to the United States, of title to lands for sites of light stations on the coasts and waters of this State," passed at Dover during the present session of the legislature on the 19th day of February, 1875, be and the same is hereby repealed; and that the act entitled "An act to provide for the relinquishment, in certain cases, to the United States, of title to lands for sites of light stations on the coasts and waters of this State," passed at Dover on the 2d day of February, 1871, and repealed by the act aforesaid, be and the same is hereby re-enacted, revived and restored in its original force, effect and operation in all its provisions as fully and effectually as if the same had not been repealed and substituted by the act aforesaid; and that all acts done and all proceedings that have at any time heretofore been instituted, incepted and commenced, or that may hereafter be instituted and commenced under and pursuant to any of the provisions of it, may be continued, prosecuted and completed pursuant to the provisions of it as they now exist, and as hereinafter amended by this act, as fully and effectually as if it had not been repealed or substituted by the act aforesaid. And also, that the said act hereby re-enacted and restored in all its original force, effect and operation as aforesaid, be and the same is hereby amended by adding and subjoining thereto, at and immediately after the conclusion of the first section thereof, the further following proviso: And a special jury to assess the value of said lands, and the damages the owner or owners thereof will sustain by reason of their condemnation and appropriation to the United States, shall be ordered by the Superior Court upon the application of either party to the proceeding for that purpose, at their option respectively, instead of empanelling a jury for such purpose as is now solely provided for in said section; and the mode of striking or selecting such special jury shall be as follows, viz: The party applying for the special jury shall give ten days notice to the opposite party and to

Saving clause.

Amendment to the re-enacted act.

Special jury to assess damages may be ordered by the Superior Court.

Mode of striking the special jury.

## OF PUBLIC LANDS.

Notice of  
the time and  
place of  
striking such  
jury.

List of  
jurors to be  
furnished.

Alternate  
striking by  
the parties.  
Manner of  
striking for  
a party not  
attending, or  
refusing to  
strike.

Who shall be  
the special  
jury.

How  
qualified.

Shall make  
return to the  
Court in  
writing

Act to be  
published as  
amended.  
The special  
jury shall  
locate the  
way over the  
lands to and  
from any  
light  
house, &c.  
The United  
States shall  
erect fences,  
&c.

the prothonotary of the said court, of the time and place of striking such jury ; at which time and place the prothonotary or his deputy, or if the prothonotary be not indifferent between the parties, then two persons indifferent between the parties, appointed by the court, or any judge thereof, shall attend with a list of thirty-six indifferent and judicious citizens of the county, qualified to serve as jurors, showing their names and places of abode. The party applying for the special jury, his agent or attorney, shall first strike out one of said names, and then the opposite party, his agent or attorney, shall strike out another, and so on alternately until each shall have struck out twelve. If the opposite party shall not attend, nor any person on behalf of such party, or shall refuse to strike, the prothonotary or his deputy, or the persons appointed to strike the jury, as the case may be, shall strike for the party not attending or refusing to strike. After each party shall have struck twelve names, the remaining twelve persons on said list shall be the special jury to assess the value of the lands in question, and the damages which the party in the case owning them will sustain by reason of their condemnation and appropriation to the United States. They shall be duly sworn or affirmed to perform their duty in the case with justice, fairness and impartiality, before proceeding to the discharge of it. When made and completed, they shall return their assessment, in writing, duly signed by them, into Court ; and all the proceedings under the said act hereby re-enacted and revived as aforesaid, both prior and subsequent to the proceeding by special jury as herein provided for, shall be and remain in all respects as is provided for in the said act last mentioned and referred to, except so far as the same is hereby altered, qualified and amended, and no further ; and in any edition of the laws hereafter published, the same shall be published as hereby amended. And it shall be the duty of such special jury to locate and fix the way over the said lands to and from any light house or buildings to be erected thereon ; and of the United States to erect and maintain good and lawful fences around the said light houses and buildings, and on either side of the way to and from the same.

*Passed at Dover, March 18, 1875.*

## OF PUBLIC LANDS:

## CHAPTER 8. \*

## OF PUBLIC LANDS.

AN ACT to provide for the relinquishment, in certain cases, to the United States, of title to lands for sites of Light Stations on the coasts and waters 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 it shall be made to appear to any Superior Court of this State, or any judge thereof, in vacation, upon the application of any authorized agent of the United States, that the said United States are desirous of purchasing any tract of land, not exceeding ten acres, and the right of way thereto, within the limits of this State, for the erection of a light-house, beacon-light, range-light, or light-keeper's dwelling, and that the owner or owners of said lands are unknown, non-residents, or minors, or from any other cause are incapable of making a perfect title to said lands, or in case the said owners being residents and capable of conveying, shall, from disagreement in price, or from any other cause whatever, refuse to convey said lands to the United States, it shall be the duty of the Superior Court in and for the county in which the lands so designated to be purchased are situated, or of any judge thereof in vacation, to order notice of the said application to be published in one or more newspapers of the State, once in each week for the space of four months, which notice shall contain an accurate description of the said lands, together with the names of the owners or supposed owners, and shall require all persons interested in the said lands to appear at the next term of the Superior Court for the county after the expiration of said notice, on a day to be specified in said notice, and file their objections, if any they have, to the proposed purchase; and at the time specified in said notice it shall be the duty of the said Superior Court to empanel a jury to assess the value of said lands, and the damages the owner or owners thereof will sustain by reason of their condemnation and appropriation to the United States; which amount, when so assessed, together with the entire costs of said proceedings, shall be paid into Court, to be deposited by the Court to the credit of the owner or owners in the Farmers Bank; and thereupon the said Superior Court shall make an order directing the sheriff of the county to execute to the United States, and deliver to their authorized agent, a deed of said lands, reciting the proceedings in the case, which said

Manner of  
condemning  
lands for  
building  
light houses,  
&c.

Notice of  
application  
to be  
published in  
newspapers.

How long.

What to  
contain  
Objections to  
be filed

Jury

Damages to  
be paid into  
Court to be  
deposited in  
bank

Order direct-  
ing Sheriff to  
execute deed.

\* This chapter comprises chapter 173, vol. 14 as revived, re-enacted and amended by chapter 7 of current volume, Delaware Laws, and is published in accordance with the provisions of said chapter 7.



## OF PUBLIC LANDS.

**Proviso.** deed shall convey to the United States a valid title to the said lands against all persons whatsoever : *Provided* that no land shall be appropriated to the United States, under this act, upon which there is any burial ground or place of interment.

**Special jury to assess damages may be ordered by the Superior Court.** And a special jury to assess the value of said lands, and the damages the owner or owners thereof will sustain by reason of their condemnation and appropriation to the United States, shall be ordered by the Superior Court upon the application of either party to the proceeding for that purpose, at their option respectively, instead of empanelling a jury for such purpose as is now solely provided for in said section ; and the mode of striking or selecting such special jury shall be as follows, viz : The party applying for the special jury shall give ten day's notice to the opposite party and to the prothonotary of the said court, of the time and place of striking such jury ; at which time and place the prothonotary or his deputy, or if the prothonotary be not indifferent between the parties, then two persons indifferent between the parties appointed by the court, or any judge thereof, shall attend with a list of thirty-six indifferent and judicious citizens of the county, qualified to serve as jurors, showing their names and places of abode.

**Mode of striking the special jury.** The party applying for the special jury, his agent or attorney, shall first strike out one of said names, and then the opposite party, his agent or attorney, shall strike out another, and so on alternately until each shall have struck out twelve. If the opposite party shall not attend, nor any person on behalf of such party, or shall refuse to strike, the prothonotary or his deputy, or the persons appointed to strike the jury, as the case may be, shall strike for the party not attending or refusing to strike. After each party shall have struck twelve names, the remaining twelve persons on said list shall be the special jury to assess the value of the lands in question, and the damages which the party in the case owning them will sustain by reason of their condemnation and appropriation to the United States. They shall be duly sworn or affirmed to perform their duty in the case with justice, fairness and impartiality, before proceeding to the discharge of it. When made and completed, they shall return their assessment, in writing, duly signed by them, into court ; and all the proceedings under the said act hereby re-enacted and revived as aforesaid, both prior and subsequent to the proceeding by special jury as herein provided for, shall be and remain in all respects as is provided for in the said act last mentioned and referred to, except so far as the same is hereby altered, qualified and amended, and no further.

**Notice of the time and place of striking such jury.** And it shall be the duty of such special jury to locate and fix the way over the said lands to and from any light-house or buildings to be erected thereon, and of the United States to erect and maintain good and lawful fences around the said

**List of jurors to be furnished.**

**Alternate striking by the parties. Manner of striking for a party not attending, or refusing to strike.**

**Who shall be the special jury.**

**How qualified.**

**Shall make return to the Court in writing**

**The special jury shall locate the way over the lands to and from any light house, &c.**

**The United States shall erect fences, &c.**

## OF PUBLIC LANDS.

light-houses and buildings, and on either side of the way to and from the same.

SECTION 2. That the sovereignty and jurisdiction of this State shall extend over any lands acquired by the United States under the provisions of this act so far as that all civil and criminal process issued under authority of any law of this State may be executed in any part of the premises so acquired, or the buildings or structure thereon erected.

The State reserves certain jurisdiction.

*Passed at Dover, February 2, 1871.*

*Repealed, February 19, 1875.*

*Revived, re-enacted and amended, March 18, 1875.*

## CHAPTER 9.

## OF THE PASSING AND PUBLICATION OF LAWS AND OF JOURNALS.

AN ACT to revive and extend the time for recording private acts.

Amended  
Code, 1874,  
12.

WHEREAS, by chapter 4, section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes, (namely, such as are not of a public nature or published as such) shall be recorded in the recorder's office in one of the counties of this State, within twelve months after their passage, or they shall be void, and,

Preamble

WHEREAS, a number of the private and unpublished acts heretofore passed, have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested, of the embarrassments and disappointments arising from such neglect in the premises, therefore,

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

SECTION 1. That all unpublished acts heretofore passed, which have not by special acts been repealed, and that have become void on account of not being duly recorded, in compli-

Private Acts  
not recorded  
revived.

## CONCERNING THE PUBLICATION OF LAWS.

ance with the provisions aforesaid, be, and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained, are respectively declared to be in full force ; and all acts and transactions done and performed under the provisions of said acts respectively, shall have the same force and effect, and be as valid to all intents and purposes as if the said acts had been severally recorded according to law ;

**Proviso.** *Provided*, That this enactment shall not take effect in the case of any act that has become void, as aforesaid, until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the recorder's office of one of the counties of this State ;

**Further Proviso.** *And provided further*, That no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

**Public Act.** SECTION 2. This act shall be deemed and taken to be a public act, and published as such.

*Passed at Dover, Feb. 8, 1875.*

## TITLE SECOND.

Of the Public Revenue, and the Assessment, Collection  
and Appropriation of Taxes.

## CHAPTER 10.

## OF THE REVENUES OF THE STATE.

AN ACT to amend the 3rd Section of the 24th Chapter of the 14th Vol. of the Laws of Delaware.

Volume 14,  
37, Sec. 3. of  
chap. 24.  
Volume 14  
amended.  
Preamble.

WHEREAS, It is unjust that where lands; the subject of a mortgage, happen to lie in more than one county, a State tax should be paid in each county upon recording said mortgage. To remedy which,

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Assembly met,* That section 3 of chapter 24, of volume 14, of the Laws be amended by adding to the third sentence of said section these words : "*Provided,* That where it shall be necessary to record the same mortgage in more than one county, no state tax shall be payable except to the recorder of the county in which it is, or was, first lodged for record, and the receipt of the said recorder or his indorsement on the back of said mortgage showing the payment of said tax to him, shall be sufficient evidence of such payment.

Tax on  
mortgage  
recorded in  
more than  
one county  
not to be  
paid in each  
county, but  
only in the  
county  
where first  
lodged for  
record.  
Receipt, &c.  
of recorder,  
evidence of  
payment.  
To be  
published as  
amended.

SECTION 2. *And be it further enacted,* That in any edition of the laws, hereafter to be published, the said chapter shall be printed as hereby amended.

*Passed at Dover, February 3, 1875.*

## CONCERNING THE PUBLIC REVENUE.

## CHAPTER 11.\*

## OF THE REVENUES OF THE STATE.

AN ACT taxing manufacturers, and for other purposes.

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

Any person, association, or corporation engaged in and desiring to continue engaged in the production or manufacture of goods, wares, and merchandise shall, annually, on the first of June take out license

The amount to be paid

Shall file with clerk of the peace statement of cost value of goods produced

Statement to be verified by oath or affirmation

What such statement shall consist of

The amount to be paid, and when, and to whom

SECTION 1. That every individual, association of persons, firm or corporation engaged as owner or owners in the production or manufacture, by hand or machinery, of goods, wares or merchandise, or of any article or material, or any combination or composition of any articles or materials of every nature and substance whatsoever, except the usual farm products for home consumption or market purposes, and desiring to continue in said production or manufacture, shall annually hereafter, on or before the first day of June, take out a license to engage in said production or manufacture, for which such individual, association of persons, firm or corporation shall pay, for the use of the State, the sum of five dollars to the clerk of the peace of the county in which such individual, association of persons, firm or corporation is engaged and desires to continue engaged in such production or manufacture; and every such individual, association of persons, firm or corporation shall, on or before the said first day of June, annually, hereafter, before taking out said license, file with the said clerk of the peace a true statement of the aggregate cost value of all the goods, wares and merchandise, and of all articles and materials, of every nature and substance whatsoever, which such individual, association of persons, firm or corporation shall have produced or manufactured as aforesaid during the year immediately preceding the date aforesaid. The said statement shall be verified by the oath or affirmation of such individual, or one member of such firm or association of persons, or of the president or other presiding officer of such corporation, that such aggregate cost value does not exceed the sum named, and the said oath or affirmation may be taken before any person who, by the laws of this State, is duly authorized to administer the same. In the said statement the said aggregate cost value shall consist of the original cost value of the raw material before it is manufactured, together with all the costs incurred, and money expended in producing and manufacturing the same. Every such individual, association of persons, firm or corporation, so as aforesaid engaged and desiring to continue engaged in said production or manufacture, shall,

\*This chapter comprises chapter 24 of volume 14, as supplemented by Chapter 364 of volume 14, and as amended by chapter 13 of current volume, and is published in accordance with section 2 of said chapter 10.

## CONCERNING THE PUBLIC REVENUE.

on or before the said first day of June, annually, before taking out the said license, pay to the said clerk of the peace, for the use of the State, in addition to the above named sum of five dollars, the further sum of one dollar on the amount of said aggregate cost value, if the amount of the same does not exceed one thousand dollars, or if it does exceed that amount, then the sum of ten cents for each one hundred dollars of such cost value of such production or manufactures. The license shall authorize the production or manufacture of goods, wares, merchandise, or of any article or material, or any combination of any article or material, only at one place, and for only one year from the first of June. In case any individual, association of persons, firm or corporation desires to be engaged as owner or owners in such production or manufacture, he, she or they not having been engaged in said production or manufacture during the year immediately next preceding, shall, before commencing such production or manufacture, take out a license for the six months thence next ensuing, first paying to the said clerk of the peace the sum of five dollars, and at the expiration of the said six months, he, she or they shall obtain another license which shall be valid until the first day of June following, upon his, her or their filing with the said clerk of the peace a true statement verified by oath or affirmation as aforesaid of such individual, or one member of such association or firm, or of the president or other presiding officer of such corporation, of the aggregate cost value of all the productions or manufactures so as aforesaid produced, made and manufactured by such individual, association of persons, firm or corporation, the next preceding six months ; such individual, association of persons, firm or corporation paying to the said clerk of the peace, for the use of the State, the same taxes as aforesaid, rated in proportion to the time during which said last mentioned license shall be valid : *Provided*, That property so made or manufactured as aforesaid, not exceeding in each year the value of five hundred dollars, shall be exempted from the payment of said tax and license : *And provided further*, That no individual, association of persons, firm or corporation, having paid the said tax imposed upon them under this act, shall be liable to the payment of the tax or taxes imposed upon individuals, associations of persons, firms or corporations engaged in, or desiring to engage in, the business and occupation of purchasing and selling goods, wares, merchandise, produce and property. That this section shall be held to include persons, associations of persons, firms or corporations engaged as owners or principals in the following occupations and kinds of business :

Makers of agricultural implements.

The license for only one place, for one year.

Concerning those desiring to engage in manufacturing.

Shall take out license for six months.

License for the remainder of year.

Statement of cost value of goods manufactured preceding six months, to be filed with clerk of the peace.

Amount to be paid to clerk of the peace.

Five hundred dollars exempt. Any one taking out license under this act not liable to pay tax for selling goods, &c.

The occupations and kinds of business included.

## CONCERNING THE PUBLIC REVENUE.

## CHAPTER 11.\*

## OF THE REVENUES OF THE STATE.

AN ACT taxing manufacturers, and for other purposes.

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

Any person, association, or corporation engaged in and desiring to continue engaged in the production or manufacture of goods, wares, and merchandise shall, annually, on the first of June take out license

SECTION 1. That every individual, association of persons, firm or corporation engaged as owner or owners in the production or manufacture, by hand or machinery, of goods, wares or merchandise, or of any article or material, or any combination or composition of any articles or materials of every nature and substance whatsoever, except the usual farm products for home consumption or market purposes, and desiring to continue in said production or manufacture, shall annually hereafter, on or before the first day of June, take out a license to engage in said production or manufacture, for which such individual, association of persons, firm or corporation shall pay, for the use of the State, the sum of five dollars to the clerk of the peace of the county in which such individual, association of persons, firm or corporation is engaged and desires to continue engaged in such production or manufacture; and every such individual, association of persons, firm or corporation shall, on or before the said first day of June, annually, hereafter, before taking out said license, file with the said clerk of the peace a true statement of the aggregate cost value of all the goods, wares and merchandise, and of all articles and materials, of every nature and substance whatsoever, which such individual, association of persons, firm or corporation shall have produced or manufactured as aforesaid during the year immediately preceding the date aforesaid. The said statement shall be verified by the oath or affirmation of such individual, or one member of such firm or association of persons, or of the president or other presiding officer of such corporation, that such aggregate cost value does not exceed the sum named, and the said oath or affirmation may be taken before any person who, by the laws of this State, is duly authorized to administer the same. In the said statement the said aggregate cost value shall consist of the original cost value of the raw material before it is manufactured, together with all the costs incurred, and money expended in producing and manufacturing the same. Every such individual, association of persons, firm or corporation, so as aforesaid engaged and desiring to continue engaged in said production or manufacture, shall,

The amount to be paid

Shall file with clerk of the peace statement of cost value of goods produced

Statement to be verified by oath or affirmation

When such statement shall consist of

The amount to be paid, and when, and to whom

\*This chapter comprises chapter 24 of volume 14, as supplemented by Chapter 364 of volume 15, and as amended by chapter 11 of current volume, and is published in accordance with section 2 of said chapter 10.

## CONCERNING THE PUBLIC REVENUE.

on or before the said first day of June, annually, before taking out the said license, pay to the said clerk of the peace, for the use of the State, in addition to the above named sum of five dollars, the further sum of one dollar on the amount of said aggregate cost value, if the amount of the same does not exceed one thousand dollars, or if it does exceed that amount, then the sum of ten cents for each one hundred dollars of such cost value of such production or manufactures. The license shall authorize the production or manufacture of goods, wares, merchandise, or of any article or material, or any combination of any article or material, only at one place, and for only one year from the first of June. In case any individual, association of persons, firm or corporation desires to be engaged as owner or owners in such production or manufacture, he, she or they not having been engaged in said production or manufacture during the year immediately next preceding, shall, before commencing such production or manufacture, take out a license for the six months thence next ensuing, first paying to the said clerk of the peace the sum of five dollars, and at the expiration of the said six months, he, she or they shall obtain another license which shall be valid until the first day of June following, upon his, her or their filing with the said clerk of the peace a true statement verified by oath or affirmation as aforesaid of such individual, or one member of such association or firm, or of the president or other presiding officer of such corporation, of the aggregate cost value of all the productions or manufactures so as aforesaid produced, made and manufactured by such individual, association of persons, firm or corporation, the next preceding six months ; such individual, association of persons, firm or corporation paying to the said clerk of the peace, for the use of the State, the same taxes as aforesaid, rated in proportion to the time during which said last mentioned license shall be valid : *Provided*, That property so made or manufactured as aforesaid, not exceeding in each year the value of five hundred dollars, shall be exempted from the payment of said tax and license : *And provided further*, That no individual, association of persons, firm or corporation, having paid the said tax imposed upon them under this act, shall be liable to the payment of the tax or taxes imposed upon individuals, associations of persons, firms or corporations engaged in, or desiring to engage in, the business and occupation of purchasing and selling goods, wares, merchandise, produce and property. That this section shall be held to include persons, associations of persons, firms or corporations engaged as owners or principals in the following occupations and kinds of business :

Makers of agricultural implements.

The license for only one place, for one year.

Concerning those desiring to engage in manufacturing.

Shall take out license for six months.

License for the remainder of year.

Statement of cost value of goods manufactured preceding six months, to be filed with clerk of the peace.

Amount to be paid to clerk of the peace.

Five hundred dollars exempt. Any one taking out license under this act not liable to pay tax for selling goods, &c.

The occupations and kinds of business included.



## CONCERNING THE PUBLIC REVENUE.

Manufacturers of phosphates and other fertilizers, and of lime.

Manufacturers of cigars, tobacco and snuff.

Makers or builders of railroad cars.

Manufacturers or builders or makers of carriages, velocipedes and sleighs.

Wheelwrights.

Ship carpenters or builders or repairers of sailing or steam vessels or boats of every description.

Sail, tent, awning or bag makers.

Coopers.

Turners of wood, iron, brass, or other materials.

Millers, including flour, bark, grist and saw-mills, except mills doing custom work exclusively, the toll of which does not exceed five hundred dollars a year.

Box-makers.

Undertakers, cabinet-makers, upholsterers.

Manufacturers of molding, window-sash, doors, shutters, blinds, and makers of picture-frames.

Machinists, boiler-makers and car-wheel manufacturers.

Founders of brass, iron, steel and other metals.

Manufacturers of iron, and articles made of iron, brass, steel, copper, tin and other metals.

Contractors for building houses, bridges, railroads, &c.

Manufacturers of steam engines, locomotives and repairers of machinery, mechanical implements and machinists' tools.

Manufacturers of gunpowder.

Manufacturers of cotton, wool and linen, and other textile or felted fabrics, and hoop skirts.

Manufacturers of matches.

Manufacturers of hardware and cutlery.

Manufacturers of boots and shoes, hose, belting or other articles composed wholly or in part of leather, gum or gutta percha.

Manufacturers of jewelry, watches and clocks.

Merchant tailors and manufacturers of ready-made clothing, not including clothes made of material furnished by customers.

Tanners and manufacturers of morocco and other leather.

Distillers, brewers and vinegar manufacturers.

Gas manufacturers.

Manufacturers of steam and gas fixtures.

Plumbers, soap and candle makers.

Bakers, candy and confectionery makers.

Paper makers, blank book manufacturers, book binders and printers.

Hatters and furriers.

Manufacturers of spice and chocolate

## CONCERNING THE PUBLIC REVENUE.

Rope, cordage and block and tackle, spar and pump makers.  
 Potters, and persons engaged in the manufacture or making of brick and tile.

Manufacturers and refiners of coal oil or petroleum, and oils of every other description.

Manufacturers of articles made of stone or marble.

Canners of fruit, vegetables, meats, fish and oysters.

Manufacturers of quercitron bark, corn-husks and sorghum.

Manufacturers of baskets and peach and berry crates, kindling wood.

Manufacturers of barrel staves and headings.

Manufacturers of drugs and chemicals.

[Manufacturers of] surgical apparatus, including trusses, supporters, false limbs and bandages.

Glass manufacturers and cutters.

Manufacturers of teeth.

Carvers, engravers, sculptors, painters, toy makers.

Manufacturers of blacking, and writing fluids.

It shall be the duty of the clerk of [the] peace of the respective counties of this State, to cause public notice to be given, in at least two of the newspapers in the county of the clerk's residence, for one month preceding the 1st day of June, in each and every year, of the time when the persons who are required to take out a license under the act to which this is a supplement, shall procure such license.

The Levy Courts of the respective counties shall make the proper appropriation to pay for the giving of such notices.

SECTION 2. That if any individual, association of persons, firm or corporation, shall engage, as owner or owners, in the production or manufacture, by hand or machinery, of said goods, wares and merchandise, articles or materials, within the limits of this State, without obtaining, at the time or times above mentioned, a proper license therefor, and without paying the tax aforesaid, he, she or they, and the individuals composing such firm or association of persons, and each of them, and the president and directors, and each of them, of such corporation, for every such offence shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, besides being liable to the payment of said taxes, \* a fine not exceeding five hundred dollars.

SECTION 3. The officers hereinafter mentioned are hereby authorized and required to demand and receive, in addition to the fees heretofore required by law, the following sums for and on account of the State, which shall be prepaid by the parties

Clerk of the peace to give one month's notice of the time of taking out licenses.

Supplement, Chap. 364, Vol. 14. Appropriation.

Penalty for manufacturing without license.

Fees for the use of the State for process.

\* So enrolled.

## CONCERNING THE PUBLIC REVENUE.

applying for the process or service mentioned, and which sum shall be taxed in the bill of costs, to abide the event of the suit, and be paid by the losing party. The clerk of the Court of Error and Appeals shall demand and receive for every writ of error issued out of said court, and for every appeal entered in said court, the sum of five dollars. The recorder of deeds shall demand and receive for every deed recorded, fifty cents, and for every mortgage, fifty cents for every five hundred dollars or fractional part of five hundred dollars secured thereby, and on every other instrument of writing recorded, except marriage returns, fifty cents, *Provided*, that where it shall be necessary to record the same mortgage in more than one county, no State tax shall be payable except to the recorder of the county in which it is or was first lodged for record, and the receipt of the said recorder or his indorsement on the back of said mortgage showing the payment of said tax to him shall be sufficient evidence of such payment. The several registers of wills shall demand and receive for the probate of a will and letters testamentary thereon, the sum of fifty cents, and for granting letters of administration the sum of fifty cents. Every register in chancery shall demand and receive for every subpoena issued upon the filing of any bill of complaint or petition and on every summons issued in partition, the sum of one dollar.

Clerk of the  
Court of  
Errors and  
appeals.

Recorder of  
deeds.

Tax on  
mortgage  
recorded in  
more than  
one county  
not to be  
paid in each  
county, but  
only in  
county  
where first  
lodged for  
record.  
Receipt &c.  
of recorder,  
evidence of  
payment.  
Register of  
wills.  
Register in  
Chancery

The officers  
every three  
months to  
make  
returns

SECTION 4. The clerk of the Court of Errors and Appeals, the recorders of deeds, the registers of wills and registers in chancery, shall, on the first day of July next after the passage of this act, and at the expiration of every three months thereafter, make returns to the State Treasurer of all sums in their hands, received under the provision of this act, belonging to the State, with a full statement, in writing, setting forth the sources from which such amounts have been received, and shall verify such statement by oath or affirmation, made before some person authorized by the laws of this State to administer the same, and shall pay over to the State Treasurer at the time of making such return, all such sums as shall respectively be due from them to the State, less one per centum on such amounts, which they are hereby authorized to retain as compensation for the services rendered under this act.

Chapter 390  
of volume  
13, except  
certain  
sections,  
repealed

SECTION 5. That all of chapter 390, of volume 13, of the Laws of Delaware, entitled "An act providing revenue for this State," passed at Dover, April 8th, 1869, after the enacting clause of said chapter, except sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of said 390, in relation to collateral

## CONCERNING THE PUBLIC REVENUE.

inheritances, distributive shares and legacies, be and the same is hereby repealed, made null and void: *Provided* the said chapter 390 aforesaid, shall remain in full force and virtue as against the collectors named in said act, until the said collectors shall pay over to the State Treasurer all sums in their hands, which they may have collected under the provisions of said act, or until they shall collect and pay over to said State Treasurer all sums, or taxes, upon the duplicates now in their hands, and that the official bonds of said collectors shall remain in full force and virtue until the said sums of money or taxes are paid over to the said State Treasurer, as aforesaid: *and provided further*, That the additional bond of the said State Treasurer to the State, as is provided for in said chapter 390, shall hereafter remain in full force and virtue as though said act had not been repealed, and that the said State Treasurer shall duly account, according to law, for all moneys and taxes paid over to him by the collectors aforesaid.

Saving  
clause  
against  
collector and  
State  
Treasurer.

SECTION 6. If any clerk of the Court of Errors and Appeals, recorder, register of wills, or register in chancery, shall neglect or refuse to make the returns required by this act, or shall neglect or refuse to pay over to the proper officers the amount in their hands respectively, belonging to the State, for a period of ten days after such payment should have been made, such officer so in default shall pay to the State double the amount so by him received, and the Attorney General shall immediately sue for the same, and such defaulting officer shall be guilty of a misdemeanor in office, and upon conviction thereof, shall be removed from office by the Governor, upon the application in writing of the Attorney General.

Penalty for  
neglect of  
duty of  
officers.

*Passed at Dover, March 30, 1871.*

*Supplement, March 31, 1873.*

*Amended, February 3, 1875.*

## CONCERNING THE PUBLIC REVENUE.

## CHAPTER 12.

## OF THE REVENUE OF THE STATE.

Volume 14, 32. AN ACT to alter and amend the "Act entitled an Act to raise revenue for State and County purposes." Passed at Dover, March 30th, 1871.

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

Chapter 22  
of volume 14  
amended.  
Certain  
mortgages  
and other  
investments  
to be  
exempt from  
taxation.

SECTION 1. That from and after the passage of this act it shall not be lawful for any assessor in this State to assess, and no tax shall be levied and collected on, any debt or debts due from debtors residing in this State, secured by, or due on judgment, decree, recognizance, mortgage or bond for any purpose whatever.

Certain  
mortgages  
&c. not to  
be exempt  
from  
taxation.  
Inconsistent  
acts  
repealed.

SECTION 2. *And be it further enacted,* That this act shall not apply to, nor exempt from, taxation, any bonds, mortgages or any other obligation due or owing from any incorporated company in this State, from any taxation whatever, and all acts and parts of acts inconsistent with this act, be, and the same is, \*or are, hereby repealed.

*Passed at Dover, February 9, 1875.*

## CHAPTER 13.

## CONCERNING OYSTERS.

Amended  
Cole, 1874.  
47.

AN ADDITIONAL SUPPLEMENT to the act entitled "An Act in relation to Oysters."

Oyster boats  
shall be  
retired

When, how.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That all oyster boats used or engaged in planting or dredging for oysters under the legislation of this State, passed at the Sessions of 1871 and 1873 shall not only be retired from their occupation or business at or before sunset, but shall be taken within the land by that time, if the wind and tide will allow,

\* So enrolled

## CONCERNING THE PUBLIC REVENUE.

and no accident prevent ; and it shall be the duty of the collector under the oyster law, and the captain or person for the time being in charge of the watch-boat, to see that they are so retired within the land. And if any such boat is not so retired, it shall be the duty of the said collector and captain to ascertain her name, and at once proceed before a justice of the peace of Kent county to enforce the penalty herein provided. A signal for retiring shall be given from the watch-boat ; and when that is shown, there shall be an end until sunrise next day (not Sunday) of all work upon the oyster plantations or upon the public beds ; such signal shall be the lowering of the watch-boat's flag. This flag shall be of Navy-blue bunting, six feet by four in length, with a diamond of white in the centre, having a diameter of two feet between the points farthest apart, she shall always wear it at her main-topmast head during the working hours, and she shall never leave the planting grounds, but shall cruise up and down the same, if the wind will allow, except when she is compelled by floating ice, severe stress of weather, accident or want of repairs or supplies from remaining in the bay, it being the design of passing this act, as it was of passing prior acts, that honest parties who plant oysters under the shield of the State authority, shall be protected in the rights which were intended, or are hereby meant, to be secured to them ; and that offenders against such authority shall be brought to condign punishment.

Duty of officers to enforce the law.

Proceedings to be before a justice of the peace of Kent county. Signal for retiring shall be given from the Watch-boat.

Description of signal flag and manner of giving signal.

Duty of the Watch-boat.

Design of act.

SECTION 2. *And be it further enacted*, That the penalty for violation of the provisions of the first paragraph of the preceding section one, shall be as follows : *First*, the annulment and revocation of any license the owner of such boat may have, after which, in case he plant or dredge he shall be treated as all mere depredators are under the oyster law. *Second*, the boat itself and all her tackle, apparel and furniture and equipments shall be forfeited to the State, proceedings to enforce which, shall be as hereinafter provided. *Third*, the owner of said boat shall not be permitted to take out any license of any kind under the aforesaid law for two years next after such violation.

Penalties for violation.

Revocation of license.

Forfeiture of oyster boat, tackle, &c. Owner of boat incapable of receiving license for two years.

SECTION 3. *And be it further enacted*, That the proceedings before a justice of the peace to enforce the provisions of this act, shall be in the name of the State against the owner, and be commenced by writ in this form :

Form of proceedings before a Justice of the Peace.

KENT COUNTY, SS.

THE STATE OF DELAWARE,

Writ

*To the Collector under the Oyster Law, greeting :*

We command you that you summon (*the name of the owner*)

## CONCERNING THE PUBLIC REVENUE.

to be and appear before (*the name of the Justice*) one of our justices of the peace of said county at his office at \_\_\_\_\_ in \_\_\_\_\_ Hundred, at \_\_\_\_\_ o'clock, (*A. M. or P. M., as the case may be*) on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ (*instant or next as the case may be*) to show cause if any he have or can show, why his license under the "Act in relation to Oysters," and the other legislation connected therewith shall not be annulled, and his boat the (*name of boat*) and her tackle, apparel, furniture and equipments, forfeited to the State for an alleged violation of an act passed at the session of 1875, entitled "An additional supplement to the act entitled 'An act in relation to Oysters.'"

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18

(*Name of Justice*) J. P.



Collector to  
execute the  
writ  
Service of  
writ  
How made

It shall be the duty of the collector, who is hereby clothed with the necessary authority for that purpose, to serve and make due return of said process. Service upon the boat-owner shall be sufficient, if made upon any adult person having such boat in charge, or employed in her, if the owner be not on board. If no one be on board, a copy of the writ may be nailed to her mainmast, and that shall be sufficient service. And further, the boat itself shall be seized into the hands of the collector and kept until the hearing, and afterward until the sale, if judgment of condemnation be given. The time for return of the writ shall not be over three days from the date of its issue, and the time for appearance shall be the day of the return; but if three days' notice have not been given, the justice may adjourn the hearing for three days and from time to time, not over two weeks, to have due service and give the defendant a fair trial. If cause be not shown, the justice shall render a judgment annulling and revoking the license or licenses of the defendant, and also of forfeiture of his boat and her tackle, apparel, furniture and equipments, which shall be sold by a constable, upon an order of the justice, to the highest bidder for cash, on ten days' notice in the hundred where the condemnation of forfeiture takes place, by five public advertisements fairly posted. The defendant, by giving security, as appellants do in other cases before justices of the peace, may take an appeal to the Superior Court, provided he apply for the same within ten days from the time when judgment was rendered, and also give security in the full value of the forfeited property, such appeal, however, shall be no re-

Return of  
writ

Appearance  
Adjourn-  
ment of  
hearing

Judgment of  
revocation  
and for-  
feiture.  
Proceedings  
for sale of  
boat, tackle,  
&c., by  
constable.  
Defendant  
may appeal  
to the Su-  
perior Court  
within ten  
days after  
judgment,  
upon giving  
security.

## CONCERNING THE PUBLIC REVENUE.

storage of the license, which shall be inoperative and suspended until the case is finally decided in favor of the defendant. And in all cases of appeal hereafter taken under the act to which this is a supplement, the license held by the defendant shall be suspended and inoperative, until a final decision in his favor in the Appellate Court, but in every case of appeal, and pending proceedings therein, the plantation of a defendant shall be under the protection of the law, as public oyster beds are, to be restored to the defendant if the judgment be in effect annulled or reversed, but not otherwise. Said judgment shall carry costs. If the proceeding fail, the costs shall be paid by the collector out of the public money in his hands. The form of proceeding mentioned in this section, may be used in any case of breach of the provisions of this act, or of the original act and its other supplements, adapting it to the nature of the offence.

SECTION 4. *And be it further enacted*, That where a plantation license has been issued and a plantation appropriated, and the fee for any year is in arrear, no right to dredge or dispose of said plantation shall exist until all the back fees are paid up; and no sale or disposal of an oyster plantation or right to dredge it or plant upon it, shall be valid until first approved by the collector, who shall not give his approval, if, in his judgment, it will be prejudicial to the interests of the State, or of planters whose plantations lie in the neighborhood.

SECTION 5. *And be it further enacted*, That no boat whatever, shall be allowed to work until her owner has complied with the law in regard to wearing her number of legal dimensions upon her mainsail; and if she attempt to do \*, she shall be seized by the collector or captain of the watch-boat, and held until her number is painted upon her sail; and no compliance with the law with respect to number shall be adequate, unless such number be painted upon the mainsail; nor with respect to the letter designated in her license (according to section 4 of the original act) unless such letter be painted thereon.

SECTION 6. *And be it further enacted*, That it shall be the duty of the person for the time being in charge of the watch boat, to report at once to the collector, all violations of this act, or those passed at the sessions of 1871 and 1873, in relation to the general subject; and a failure to do so shall be a forfeiture of any wages that may be due him; and further, he shall not be allowed any longer to have charge of the watch-boat, and his place therein shall be vacant. This shall not be held to release him from his own duties upon violation of said

Appeal not to restore license. License suspended during pendency of the appeal.

Status of Defendant's plantation during pendency of appeal.

Costs, how paid.

Same form of proceedings may be used for all violations of the oyster acts.

Plantation license fees in arrear.

Suspension of right to dredge or dispose of plantation until payment of such fees.

No sale or disposal of plantation or right of dredging or planting thereon until approved by collector.

Collector not to approve: When.

No boat to work until her number of dimensions is painted upon her mainsail. Penalty for non-compliance.

Seizure, &c. Duty of person in charge of Watch-boat to report all violations of the oyster acts.

Penalties for neglect of duty.

\* So enrolled.



## CONCERNING THE PUBLIC REVENUE.

What to be deemed conclusive proof of ownership of any oyster boat for the purposes of this act acts. The possession or having the care and management of any oyster boat, shall, for the purposes of this act, be deemed and taken to be conclusive proof of ownership, so as to dispense with the necessity of any proof whatever of title to the boat; and every actual owner of an oyster boat, which is used in violating the oyster laws of 1871 or 1873, aforesaid, or this act, and all persons on board of her at the time of such violation, shall be deemed and taken to be principal offenders, and be dealt with accordingly.

Who shall be deemed principal offenders.

SECTION 7. *And be it further enacted,* That it shall be the duty of the collector and of the captain of the watch-boat to see that the name of any boat employed in planting or dredging for oysters is plainly painted on her stern, at the usual place, in white letters upon a black ground, or black letters upon a white ground, so that the same may at all times be seen; and if he find any boat not so lettered, or the lettering shall be concealed or otherwise obscured, he shall notify the persons on board of her, that the license under which she is employed is annulled, and thereupon the said license shall be annulled, and there shall be no right thereafter to use or employ her in planting or dredging. And further, the party by whom she is at the time used or employed, or under whose order or authority she sails, shall not have any license granted to him or for his use or benefit at any time afterward.

How name of vessel shall be painted.

Penalties for non-compliance.

Duties of the collector and captain of Watch boat.

SECTION 8. *And be it further enacted,* That it shall be the further duty of the collector and captain to ascertain, at least once every month, and keep a record thereof, the name of the owner of every boat employed in the oyster business, and those on board of her shall give it to him; and the name given shall be taken to be the true name of such owner, who shall be held and taken to be cognizant of, and consenting to, any violation of the act to which this is a supplement, and the other acts connected with the same, by any one on board his boat. He shall be an accessory before the fact to any violation by them, of this or the aforesaid acts, and liable accordingly. In case refusal be made to furnish the name of the owner, or there should be reason to believe that the true name is not given, it shall be the duty of those officers respectively, to immediately take the boat itself into his custody, and detain her until the proper and right name be furnished, and to that end he shall have power to call upon and require, as he may in every other case of necessity, the Sheriff of the County to aid him, which Sheriff may employ any force or means whatever, for that purpose.

Further duties. Shall keep a monthly record of names of the owner and employees, of every boat, to be given by those on board. Responsibilities of owner whose name is so given. Duties and powers of the officers in case of refusal to furnish name of owner.

SECTION 9. *And be it further enacted,* That in addition to

## CONCERNING THE PUBLIC REVENUE.

the other requirements made by law, no license to plant oysters shall be \* until the applicant shall furnish the collector with a statement of the boat or boats to be employed by him in the business, giving separate name and tonnage, and the name of the owner, and the persons who are to work her. This provision, however, shall not apply to the case of a plantation worked by a person other than the owner, but when so worked, the person employed to work it shall make the statement before he begins to work. Should he fail to do so, the Collector shall seize and hold his boat until the requisite information be given.

Additional requirements for licenses.

Statement to be furnished. What to specify.

Exception.

SECTION 10. *And be it further enacted*, That no person not a resident and citizen of this State, shall hereafter take out a license to plant or dredge, until he shall furnish the collector with his name in full, and the place of his residence as minutely as may be.

Non-resident to give his name and place of residence.

SECTION 11. *And be it further enacted*, That it shall be the duty of the State Treasurer to require from the collector, whose duty it shall be to furnish it, information on the first day of June and September of each year, of the names and residences of all persons having licenses to plant oysters or dredge for them, and the names of the boats used in the business; and this information shall be given in writing and upon oath legally administered, this being intended as a guide in the settlement with the collector.

State treasurer shall obtain from the collector a sworn list of the names and residences of all licensees, and the names of all boats used.

SECTION 12. *And be it further enacted*, That it shall be the duty of the captain of the watch-boat when he has knowledge of a violation of any of the provisions of this, or the other acts with which this is connected, to proceed immediately to seize the boat or boats employed in such violation and hold her or them in his custody until he has furnished the collector with the facts upon which he has acted, and until such collector has proceeded to enforce the provisions of this and the other of said acts.

Duty of the captain of the watch-boat when he has knowledge of any violation of the oyster laws.

SECTION 13. *And be it further enacted*, That neither the Captain of the watch boat, nor any of her crew shall receive any pay for time not actually and actively spent in the discharge of the duties required by this act, and the act to which this is a supplement, but such time shall be deducted in the computation of their wages.

Compensation of the captain and crew of the watch-boat.

SECTION 14. *And be it further enacted*, That the captain and crew of the watch-boat shall be practical seamen, and part of

Their qualifications and duties.

\*So enrolled.  
† So enrolled.

## CONCERNING THE PUBLIC REVENUE.

Certain  
repairs,  
How author-  
ized.

their duty shall be to keep the boat, her apparel, tackle and furniture, in good repair and condition, and this without extra charge; and no repairs involving extra expense shall be made without the concurrence of both the collector and captain, and then only such as are authorized by law.

Collectors  
shall issue no  
license until  
fee has been  
paid.

SECTION 15. *And be it further enacted,* That the collector shall issue no license nor permit any boat to dredge, until the price or fee for said license has been actually paid, and the collector violating this provision shall not only be responsible for said license fee, but shall, in addition thereto, forfeit a like sum to the State, which shall be sued for and collected by action on his official bond, as in other cases of a breach of the conditions thereof.

Penalty for  
violation.

List of  
licenses to be  
kept by  
collector.  
What to  
specify.  
When and  
how to be  
published

SECTION 16. *And be it further enacted,* That the collector shall keep a true and accurate list of all licenses issued by him, giving the names of every boat and Captain thereof, respectively, with the amount paid for each license, which list he shall publish in at least one newspaper in Dover, the first week in April and October, each year.

Collector to  
keep a  
separate  
account in  
Farmers  
Bank at  
Dover, of  
moneys re-  
ceived for  
licenses.  
How the  
same shall  
be deposited  
and drawn  
by him.

SECTION 17. *And be it further enacted,* That the collector shall keep a separate account in the Farmers' Bank at Dover, of all moneys received by him for licenses issued, and shall deposit, weekly, all moneys received by him therefor. And all disbursements which he is or may be authorized by law to make, shall be by checks drawn on said fund in his official capacity, which shall be indicated by the written or printed word, "Collector" immediately after his name. These checks shall be numbered, consecutively, from first to last, during his continuance in office; shall state briefly what they are for; and the bills for which they are given shall have a corresponding number, and shall be filed in order in the office of the collector, and shall be subject to the inspection of any citizen and tax payer who may wish to examine the same; and no disbursements shall be made by the said collector in any other way.

Boundary  
stakes once  
set  
Not standing  
or visible  
When no  
defence for  
any person  
is asserted.

SECTION 18. *And be it further enacted,* That when the boundary stakes required by the act to which this is a supplement, have once been set, it shall be neither a defence nor excuse for any person prosecuted for a violation of any of the provisions of this act, or the act to which this is a supplement, that they were not standing or visible at the time the alleged offence was committed; but if the person accused be proved to have taken oysters anywhere but on his own ground, he may be properly convicted.

Conviction;  
When

## CONCERNING THE PUBLIC REVENUE.

SECTION 19. *And be it further enacted,* That section 6, of chapter 363, volume 14, of the Laws of Delaware, passed at Dover, March 20, 1873, be and the same is hereby repealed.

Sec. 6, chap.  
363, vol. 14  
repealed.

SECTION 20. *And be it further enacted,* That the sum of three hundred dollars annually be and is hereby set apart and appropriated out of the oyster fund to the Levy Court of Kent county; and the said Levy Court is hereby authorized and directed to appropriate the whole of said sum in improving that part of the road from Little Creek to Mahon, which lies between the run and fast land, and for that purpose shall appoint, annually, in the month of March, some skillful and judicious road overseer to superintend and make such repairs, and said overseer shall be subject, in all respects, to the general laws governing other road overseers. And in order to facilitate such improvement, it shall be the duty of all oystermen to land and deposit their oyster shells on shore at some convenient place to said road, so that they may be used in said repairs, and it shall be unlawful to empty or throw such shells into the water, unless the distance from the place shall be so great as to make it unreasonable to land and deposit them as aforesaid, of which unreasonableness the Collector and road overseer shall concurrently be the judges.

\$300 appropriated out of the oyster fund for the improvement of a certain road.

Powers and duties of the Levy Court of Kent county in expending said sum and improving said road.

Oystermen to deposit their oyster shells on shore convenient to said road.

SECTION 21. *And be it further enacted,* That it shall be the duty of the collector to have two hundred copies of this act printed on good foolscap paper, and to furnish every boat licensed, with a copy thereof, and he shall also supply one copy to any captain or commander of an unlicensed oyster boat, who shall apply to him for the same, but no neglect or failure of the collector in this respect shall exonerate or excuse any one violating any of the provisions of this act, or the act to which this is a supplement.

Collector shall furnish every licensed boat with a printed copy of this act. Also to any captain or commander of an unlicensed boat applying therefor. Failure to furnish such copy shall be no defence to any violation of the oyster laws.

*Passed at Dover, March 10, 1875.*

## CONCERNING THE PUBLIC REVENUE.

## CHAPTER 14.

## OF THE LEVY COURT.

Amended  
Code, 1874.  
6a. AN ACT to amend Section 23, Chapter 8, 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 23.  
Chapter 8, of  
Revised  
Code,  
Amended. SECTION 1. That section 23, chapter 8, Revised Statutes of the State of Delaware, be and the same hereby is amended, by striking out all the words in the second paragraph after the word "appointment" and inserting the words, until the next meeting of the Levy Court.

*Passed at Dover, March 10, 1875.*

## CHAPTER 15.

## OF THE LEVY COURT.

AN ACT directing the Levy Court of Sussex County to pay certain moneys.

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

Levy Court  
of Sussex  
county to  
make addi-  
tional appro-  
priations to  
certain  
towns for  
the main-  
tenance of  
roads, streets  
and bridges.

2 cc. to the  
town of  
Milton.

\$200 to  
Seaford

\$100 to  
Lewes

SECTION 1. That the Levy Court of Sussex 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 of the sum of two hundred and fifty dollars to the commissioners of the town of Milton, in addition to the sum now required to be paid by said Levy Court to said commissioners; for the payment of the sum of two hundred dollars to the commissioners of the town of Seaford, in addition to the amount now required to be paid by said Levy Court to said commissioners; and for the payment of the sum of one hundred dollars to the commissioners of the town of Lewes, in addition to the amount now required to be paid by said Levy Court to

## CONCERNING THE PUBLIC REVENUE.

said commissioners and shall also make an order for the payment of the sum of one hundred dollars, additional, to the commissioners of that part of Milford known as South Milford, for the use of streets and bridges in said town, to be by them expended in repairing and maintaining in proper order, the roads, streets and bridges within the limits of said towns; and the said commissioners shall have the sole supervision of said roads, streets and bridges, and shall settle with the said Levy Court in the same manner as other overseers of public roads. And the said Levy Court of Sussex county shall also make an order for the payment of the sum of one hundred dollars annually, to the overseer of the streets in the town of Laurel, which said sum shall be in addition to the amount now appropriated for road purposes in said town, and shall be paid to the overseer of the streets in said town, and be by him applied to repairing and maintaining Corn street and Pine street, and such other streets in said town, as said overseer shall deem necessary to be repaired.

\$100 to  
South  
Milford.

\$100 to  
Laurel.

*Passed at Dover, March 25, 1875.*

## CHAPTER 16.

## OF THE VALUATION OF PROPERTY.

AN ACT to further amend Chapter 11 of the Revised Code.

*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 11, of the Revised Code, be, and the same is, hereby amended, by adding to said section the following words, viz: Provided that legacies for religious, charitable and educational purposes, shall not be subject to taxation.

Amended  
Code 1874,  
84.  
Section 1,  
chapter 11,  
of Revised  
Code  
amended.  
Certain  
legacies  
exempt from  
taxation.

SECTION 2. This act shall go into effect immediately, but shall not apply to any legacies devised by the will of any person deceased before the passage of this act.

Exception.

*Passed at Dover, February 23, 1875.*

## CONCERNING THE PUBLIC REVENUE.

## CHAPTER 17.

## OF COLLECTORS.

Volume 14, 345. Supplement to chap. 372, vol. 14, A SUPPLEMENT to Chapter 372 of Volume 14, Laws of Delaware, entitled "An Act in relation to the collection of taxes in this State." passed at Dover, April 10, 1873.

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

SECTION 1. That hereafter it shall be the duty of the collector of county taxes, in each hundred or election district in this State, to write in full the day and date of the month and the year when given, upon every receipt for taxes which he shall give.

*Passed at Dover, February 23, 1875.*

## CHAPTER 18.

## OF COLLECTORS.

Amended Code, 1874. 86. AN ACT to amend Chapter 12 of the Revised Code, as published in the Code of 1874, "Entitled of Collectors."

Section 19, chapter 12, of Revised Code, as amended. 1874, repealed and supplied. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 19, of chapter 12, of the Revised Code, as published in the Code of 1874, be, and the same is hereby repealed, and the following inserted and enacted in lieu thereof.

Collectors shall yearly, in May, make lists of persons engaged in certain occupations. SECTION 19. Every collector shall, in the month of May, yearly, make out a list of the wholesale and also of the retail dealers in goods, wares and merchandise, produce, or any property whatsoever; and of the manufacturers, vendors of goods, wares and merchandise by sample; inn or tavern keepers without the privilege of selling intoxicating liquors; keepers of eating houses; keepers or travelers of stallions or jacks for the use of mares; auctioneers, brokers, private bankers, foreign life

## CONCERNING THE PUBLIC REVENUE.

insurance agents, foreign fire insurance agents, real estate agents, conveyancers, photographers, dentists, physicians, and attorneys-at-law, in his hundred, particularly specifying each class, and by the first day of June, deliver the same to the clerk of the peace of his county, certified to under his hand, to be filed of record. In all cases where there are more than one person engaged in any one of the foregoing occupations as partners, he shall give the name of each of the individuals composing the firm or partnership, and in every case return the christian name of the respective party or parties. He shall also ascertain the post office address of the party or parties so doing business, which he shall return with the name of the firm, incorporated company or individual, so returned by him on the list aforesaid. It shall be the duty of the clerk of the peace of the several counties in this State, to compare the said lists, so returned to them by the collectors, with the list of the persons or firms who shall have taken out a license by that time, fifteen days prior to the then next term of the court of General Sessions of the peace and jail delivery in their county, and make therefrom a list for each hundred of the persons and firms who shall have failed to take out a license for the occupation in which he or they may have been reported engaged in, and deliver said last mentioned lists, with the name of the collector duly certified, to the Attorney General, two days before the then next term of the court of General Sessions of the peace and jail delivery in such county. The clerks of the peace shall not, after the making and delivery of the aforesaid lists to the Attorney General, issue a license to any persons or firm whose name appears on said lists, without an order from the Attorney General until after the discharge of the grand jury at the then next term of the said court of the General Sessions of the peace. In the event of any person or persons being indicted who shall have a license for the transaction of the business for which such person may be indicted, and his or her name shall appear on the lists so as aforesaid required to be certified to the Attorney General by the clerk of the peace, the costs upon such indictment shall be paid by the clerk of the peace of the county in which such indictment has been found. Provided that before the clerk of the peace shall deliver to the Attorney General the list required by this section, he shall forward through the post office a written or printed notice addressed to the person or persons so having failed to take out a license for the occupations in which he or they are reported to be engaged, setting forth that he or they have failed to take out a license for the occupation in which he or they are reported engaged, and that unless such license is taken out within the term of ten days from the

Lists to be certified and delivered to clerks of peace by first day of June.

What lists shall state.

Collector's list to be compared by the clerk of the peace, with the list of licenses issued.

Lists of those who have failed to take out license, to be certified and delivered to the Attorney General. When.

No license to be issued after such delivery, and before the discharge of Grand Jury, without order from the Attorney General.

If any licensee be indicted, being named on the list certified to the Attorney General, the costs shall be paid by the clerk of peace.

Proviso. Before list shall be delivered by clerk of peace, notice shall be mailed to persons having failed to take out license.



## CONCERNING THE PUBLIC REVENUE.

What notice shall set forth  
 When name of person notified shall be stricken from said list.  
 Fee for notice.  
 Record of notices. What to state.  
 No indictment. When.

date of the notice, that, he or they, will be subject to an indictment at the ensuing term of court, and said notice shall state where said licenses can be procured. If the person or persons so notified as aforesaid, shall, within ten days from the date of forwarding such written or printed notice, take out a license for the occupation in which he or they may have been reported engaged, then it shall be the duty of the clerk of the peace to strike the name of him or them from the said list. The clerk of the peace shall receive from the person or persons notified fifty cents for each notice sent as required by this section, which shall be paid at the time of taking out such license, and no other costs than said sum shall be charged, and shall keep a record of the names of the persons or firm or incorporated company to whom such notice may be sent, the dates on which said notices have been placed in the post office, and the post offices to which said notices have been mailed. No person whose name may have been returned by the collector on the list aforesaid directed to be made by this act shall be indicted by the Attorney General unless the provisions of this act shall have been complied with, and the notices sent as directed.

*Passed at Dover, March 18, 1875*

## TITLE FOURTH.

## Of Elections.

## CHAPTER 19.

## OF ELECTIONS IN GUMBOROUGH HUNDRED.

AN ACT to change the place of holding elections in Gumborough 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 the place of holding all general and special elections, and all elections for assessors and inspectors in Gumborough hundred, Sussex county, shall be at the school house in School District, No. 36, in Sussex county, and not at the school house in School District, No. 147.

Place of  
holding  
elections in  
Gumbor-  
ough  
hundred  
changed.  
Where to be  
held.

*Passed at Dover, February 9, 1875.*

## CHAPTER 20.

## OF ELECTIONS.

AN ACT to amend Title Fourth of the Revised Statutes entitled "Of Elections."<sup>1</sup>

Amended  
Code 1874,  
103.

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

SECTION 1. That section 3, of chapter 18, of the Revised Statutes be amended, by adding at the end of said section the words "and shall also deliver to each inspector, as aforesaid, a stamp of not less than one inch in diameter, with the name or number of the proper hundred, ward or election district ;

Amended  
Code 1874,  
115.  
Section 3,  
chap. 18 of  
Rev. Code  
amended.

## RESPECTING ELECTIONS.

Stamp and  
ink to be  
delivered  
to each  
inspector.  
Description.

and the year, month, and day of the month on which such general election shall be held ; and also ink of a suitable kind to be applied to such stamp; the said stamp shall be so arranged that the date may be changed."

Tax receipt  
to be  
produced  
and  
stamped.  
When.  
How.

Identity :—  
how proven.

SECTION 2. Either of the judges may require any person offering to vote on the ground of having paid a tax, to produce the receipt for such tax ; and if the vote of such person is taken, the said receipt shall be immediately stamped on the face thereof by one of the judges, with the stamp provided for by section 3. If a vote be objected to on the ground that the person offering to vote is not the person named in the tax receipt, either of the judges may require such person to produce proof, under oath, of his identity ; either of the judges may administer a proper oath to any person testifying in that behalf, and the question of identity shall be determined according to the opinion of a majority of the judges.

Section 25,  
chapter 18  
of Revised  
Code  
amended.

SECTION 3. That section 25, of said chapter 18, be amended by inserting after the word "aforesaid" in the fifth line of said section, the words, "and shall also deliver the stamp and appurtenances mentioned in section 3."

To what  
elections  
applicable.

Stamp to be  
delivered  
and return-  
ed. When.  
How.

SECTION 4. The provisions of the foregoing amendments shall apply to special elections for General Assembly, and to the elections provided for by chapters 19, 20 and 21 of the Revised Statutes ; and shall also apply to the election of assessors and inspectors, and to that end the sheriff of each county shall, one week previous to such election, deliver to each collector, or other presiding election officer of every hundred, ward or election district in his county, the stamp, with a proper date, with the appurtenances provided for by section 1, of this act. The collector or other presiding officer shall return the stamp and appurtenances into the office of the sheriff, within three days after the election.

Allowance  
to sheriffs.

SECTION 5. The Levy Courts of the several counties shall make proper allowances to the respective sheriffs for the expenses incurred under this act.

Inconsistent  
acts  
repealed.

SECTION 6. That all acts and parts of acts inconsistent with this act, are hereby repealed, and made null and void.

Publication  
of chap. 18  
of Revised  
Code as  
amended.

SECTION 7. That chapter 18, of Revised Statutes as hereby amended, shall be published entire with the acts of the present session.

*Passed at Dover, March 19, 1875.*

## CHAPTER 21.\*

## OF THE GENERAL ELECTION.

- SEC. 1. To be held Tuesday next after the first Monday of November.  
Places:—New Castle; Kent; Sussex.
2. Change of place; notice of.
  3. Sheriff to deliver to inspectors.  
Ballot boxes; tape; wax; stamps; ink.  
List of officers to be chosen.  
List of electors.  
Tally lists; certificates; oaths.
  4. Boxes, how made; contents.
  5. Lists of electors; how prepared.  
To be furnished sheriff, in August.
  6. Tally lists; how made.
  7. Certificates of Election.
  8. Form of oath; certificate of.
  9. Inspector to give notice of election.
  10. Substitute to be chosen in his absence.
  11. Judges of election; how chosen.
  12. Penalty for refusing to serve.
  13. Oath of election officers.  
To be signed.
  14. Clerks of election; how chosen; oath of.
  15. Ballot boxes; how used, and kept.
  16. Election officers to be in separate room.
  17. Election; when to be opened.
  18. Mode of voting; elector's name recorded.  
Poll lists; checked.  
Ballots not to be examined; stamping receipts.
  19. Disputed votes; how decided.  
Oath of electors; refusal to take oath.  
Not to be allowed to swear; when.
  20. Swearing falsely; perjury.
  21. Election; when to be closed.
  22. Mode of counting the votes.  
To be done publicly.  
Who shall keep the boxes.  
Disposition of the ballots.  
Two tally lists; how made.  
Counting not to be adjourned.
  23. Two certificates of the result.  
How made; signing; sealing; custody.

- SEC. 24. Inspectors to meet on Thursday as a board of canvass.  
Sheriff to preside; substitutes.
25. Inspectors to produce certificates and boxes which may be opened; also, deliver stamps, &c.
  26. These to be sent, in case of death, &c.
  27. Penalty for not attending the board of canvass.  
Inspector may be arrested.  
Warrant for certificates, &c.
  28. Board to ascertain the aggregate state of the vote.
  29. And make certificates.  
To be inclosed, and indorsed.
  30. Form of certificates.  
How filled up.
  31. Tie vote; certificate of; to be delivered to the Governor.
  32. How delivered and filed.  
To the Legislature; when.
  33. Inspector to deliver election papers to clerk of the peace.
  34. Sheriff to keep the ballot boxes, until, &c.
  35. To be delivered to the Legislature; when.
  36. Repealed.  
Penalty on him.
  37. Special elections.  
To fill vacancies.  
Writs of election; how issued.
  38. When executed
  39. When not to be issued.
  40. Sheriff to give notice of special election.
  41. To give notice to inspectors, &c.
  42. Inspectors to give notice of special elections.
  43. Presiding officer, at.
  44. Judges of.
  45. Places of holding; manner.
  46. Board of canvass.  
President; substitute; result.

SECTION 1. The general election, in and for the several counties, on the (Tuesday next after the first Monday) of November, shall be held in the respective hundreds of said counties, at the places hereinafter appointed for that purpose:† that is to say:

## FOR NEW CASTLE COUNTY.

In *Brandywine hundred*, at the Brandywine Academy, in the village of Brandywine;‡ in *Christiana hundred*, at the house

Time of holding.  
Places.  
Amendment, chap. 362, vol. 11.

New Castle—

Brandywine.  
Christiana.  
Amendment, chap. 417, vol. 11.

† For provisions respecting elections in Wilmington, see chapter 19, [Amended Code, 1874.]

‡ For place of election in the two election districts in Brandywine hundred, see page 3, [Amended Code, 1874.]

\* NOTE.—This Chapter comprises chapter 18 of the Revised Statutes, as published in the Amended Code of 1874, and amended by chapter 20 of the current volume, and is published in accordance with section 7, of the last mentioned chapter.

Where the provisions of chapter 20, of the current volume, refer especially to chapter 18, of Title Fourth of the Revised Statutes, they have been incorporated in the same: but where they refer generally to several chapters of the said title, and cannot be suitably incorporated in said chapter 18, they will be found in the next foregoing chapter 20 of the current volume.

IGNATIUS C. GRUBB, Secretary of State.

## RESPECTING ELECTIONS.

known by the name of the (Rodney Inn, now occupied by Sarah Donnan;) in *Mill Creek hundred*, at the "Mermaid Tavern," now occupied by Rebecca Walker; in *White Clay Creek hundred*, at the village of Newark, in the house now occupied as a tavern by Benjamin F. Herdman; § in *Pencader hundred*, at Glasgow, in the house now occupied as a tavern by James Merritt; in *New Castle Hundred*, at the Court House, in the town of New Castle; in *Red Lion hundred*, at the village of St. George's, in the house now occupied as a tavern by John Sutton, junior; \* \* \* \* \* and in *Appoquinimink hundred*, at the village of Blackbird, in the house now occupied as a tavern by Basset Ferguson.†

White Clay Creek.

Pencader

New Castle.

Red Lion.

St. Georges.

Appoquinimink.

## FOR KENT COUNTY.

Kent—

*Duck Creek.* In *Duck Creek hundred*, at Smyrna, in the house now occupied as a tavern by Owen C. Crow; in *Little Creek hundred*, at the village of Leipsic in the office now occupied by Ezekiel W. Reed; † \* \* \* \* \* §§  
*Dover.* in *Milford hundred*, at Milford, at the house now occupied as a  
*Murderkill.* tavern by James Tomlin; and in *Misphillion hundred*, [at the  
*Milford.* town of Harrington, at the hotel of Benjamin T. Fleming.]  
*Misphillion.*  
*Amendment,*  
*chap. 397.*  
*vol. 13.*

Sussex—

## FOR SUSSEX COUNTY.

*Cedar Creek.* In *Cedar Creek hundred*, [at the school house in consolidated  
*Amendment,* school districts No. 2, 100, 103, and 104 in the town of Milford.]  
*chap. 374,* In *Broadkill hundred*, at the Milton Academy, in the village  
*vol. 14,* of Milton; \*\* in *Nanticoke hundred*, at Bethel or Passwaters'  
*Broadkill.* Cross-roads, at the house lately occupied by Jacob Carpenter,  
*Nanticoke.* deceased; in *North West Fork hundred*, at the village of  
*North West* Bridgeville, at the house now occupied as a tavern by Manlove  
*Fork* Adams; †† in *Broad Creek hundred*, at the storehouse now occu-  
*Broad Creek.* pied by James Boyce; ‡‡ in *Little Creek hundred*, at Laurel, at  
*Little Creek.* the house now occupied as a tavern by George W. Wootten;  
*Amendment,* in *Dagsborough hundred*, at the house now occupied as a carri-  
*chap. 398,* age shop by William Baker; in *Baltimore hundred*, (some con-  
*Dagsbor-* venient place in the village of Roxana to be designated by the  
*ough.* inspector, for the time being, of Baltimore hundred); in *Indian*  
*Baltimore.*  
*Indian*  
*River.*

|| For Christiana South Election District, see page 5, [Amended Code, 1874.]

§ For White Clay Creek East Election District, see page 10, [Amended Code, 1874.]

§ For Red Lion East Election District, see page 6, [Amended Code, 1874.]

† For both Election Districts of St. George's hundred, see page 7, [Amended Code, 1874.]

‡ For Appoquinimink North Election District, see page 8, [Amended Code, 1874.]

¶ Kenton hundred, see page 14, [Amended Code, 1874.]

|| For both Districts of Dover hundred, see page 11, [Amended Code, 1874.]

§§ For North and South Murderkill, see page 12, [Amended Code, 1874.]

†† For Georgetown hundred, see page 15, [Amended Code, 1874.]

‡‡ For Seaford hundred, see page 16, [Amended Code, 1874.]

|| For Gumborough hundred, see page 17, [Amended Code, 1874.]

## RESPECTING ELECTIONS.

*River hundred*, at the old storehouse of Wesley W. Stevenson, now unoccupied, being the place where the last general election was held; and in *Lewes and Rehoboth hundred*, at Lewes, at the house now occupied as a tavern by Edward Watson.

Lewes and  
Rehoboth.

SEC. 2. If at any time it shall be impracticable to hold the election in any hundred at the place appointed by law, the inspector of such hundred shall have power to appoint some other place in said hundred, as near as can be conveniently obtained to the place herein directed; and he shall give public notice of the place so appointed, by advertisements posted in at least five of the most public places of the hundred, if circumstances will admit of such notice being given; but if not, then he shall give such public and general notice as the circumstances will permit.

Change of  
place.

Notice of.

SECTION 3. The sheriff of each county shall, after the twenty-third and before the twenty-seventh day of October in the year of holding the general election, deliver to the inspector of each hundred of his county, two suitable ballot boxes, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next general election, an alphabetical list of the names of all the free white male citizens, of the age of twenty-one years and upwards, residing and assessed in such hundred, ["or election district, where a hundred is divided into two or more election districts,"] written or printed forms—of tally lists, of certificates of election in said hundred, of the oath or affirmation of the inspector and the persons to be taken as judges of the election, and of the certificate of administering such oath or affirmation, with written or printed directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same, and shall also deliver to each inspector, as aforesaid, a stamp of not less than one inch in diameter, with the name or number of the proper hundred, ward or election district, and the year, month, and day of the month on which such general election shall be held; and also ink of a suitable kind to be applied to such stamp. The said stamp shall be so arranged that the date may be changed.

Ballot boxes.  
Lists.

Lists of  
voters.  
Amendment,  
chap. 642,  
vol. 11;  
chap. 539,  
sec. 3,  
vol. 12.

Tally lists  
Certificates.

Stamp and  
ink to be  
delivered to  
each  
inspector.

Description.

SECTION 4. The ballot boxes shall each be of sufficient size to contain all the ballots of the hundred, with one of the tally lists and certificates of election; in the lid of one of the boxes there shall be a hole, sufficient only to admit with convenience one ballot; and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape and sealing wax.

Boxes, how  
made.

## RESPECTING ELECTIONS.

Lists of  
voters.

SECTION 5. The said alphabetical list shall be made and certified by the clerk of the peace of the county, under his hand and seal of office ; and, as to every person whose name shall be contained in such list, and who shall appear by any certificate recorded in the office of said clerk, to be naturalized, the word "naturalized" shall be distinctly affixed to the name of every such person ; such alphabetical list shall be delivered by the clerk of the peace to the sheriff on some day in the month of August next preceding the general election.

Naturalized.  
To be fur-  
nished in  
August.Tally lists,  
how made.

SECTION 6. There shall be two of the said tally lists, each of which shall consist of a margin on the left for the names of the persons voted for, and squares formed by parallel lines, drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows of five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right, to contain more dots than any person will probably receive votes in the hundred.

Form of  
certificates.

SECTION 7. There shall be two of the said certificates of election, which may be according to the following form, viz ;

Amendment,  
chap. 362,  
vol. 11.

—county and—hundred, ss. *At the general election, held in said hundred, ( Tuesday next after the first Monday,) in November, A. D. eighteen hundred and—, the votes stand as follows :*

<i>For the office of Governor,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
<i>For the office of Representative in Congress,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
<i>For the office of Senator in the General Assembly,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
<i>For the office of Senator in the General Assembly in lieu of—,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
<i>For the office of Representative in the General Assembly,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
and so on,		
<i>For the office of Levy Court Commissioners,</i>		
<i>received</i>	<i>votes for</i>	<i>hundred</i>
<i>received</i>	<i>votes for</i>	<i>hundred</i>

## RESPECTING ELECTIONS.

<i>For the office of Sheriff,</i>	
<i>received</i>	<i>votes</i>
<i>received</i>	<i>votes</i>
<i>For the office of Coroner,</i>	
<i>received</i>	<i>votes</i>
<i>received</i>	<i>votes</i>

*And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed. In testimony whereof, we the judges of said election for said hundred, have hereunto set our hands the day and year aforesaid.* In the said written or printed forms of certificates, before the same shall be delivered by the Sheriff as above directed, the name of the county and hundred and the date of the year shall be inserted in the blanks for said purposes in the foregoing form; and the offices, to be filled at the election, shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes; and the offices not to be filled at the election, shall be omitted.

SECTION 8. The form of the oath or affirmation to be administered to the inspector and judges shall be as follows, viz; Form of oath.

*I——do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly, or willfully, receive, or consent to the receiving of, the vote of any alien, and also that I will not receive, or consent to the receiving of, the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote; that I will not receive or reject, nor concur in receiving or rejecting, any vote through partiality or under bias; and that I will determine every matter that shall come before me, and perform every act and duty by law required of me, touching the said election, truly, faithfully and impartially, according to the best of my skill and judgment; that I will cause the ballots, that shall be taken at this election to be fairly read and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability; and that if I shall discover any partiality, unfairness, or corruption in the conducting of the said election, I will disclose the same to the attorney general, to the end that the subject may be investigated, so help me God, (or so I solemnly affirm.)* There shall be three distinct forms of the foregoing oath or affirmation written or printed on one sheet; which forms shall be numbered and distinguished as No. 1, No. 2, and No. 3. On the same sheet, after the last of said forms, shall be written or printed a form for the certificate of the qualification of the inspector and judges, as follows, to wit:



## RESPECTING ELECTIONS.

Lists of  
voters.

SECTION 5. The said alphabetical list shall be made and certified by the clerk of the peace of the county, under his hand and seal of office ; and, as to every person whose name shall be contained in such list, and who shall appear by any certificate recorded in the office of said clerk, to be naturalized, the word "naturalized" shall be distinctly affixed to the name of every such person ; such alphabetical list shall be delivered by the clerk of the peace to the sheriff on some day in the month of August next preceding the general election.

Naturalized.  
To be fur-  
nished in  
August.

Tally lists,  
how made

SECTION 6. There shall be two of the said tally lists, each of which shall consist of a margin on the left for the names of the persons voted for, and squares formed by parallel lines, drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows of five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right, to contain more dots than any person will probably receive votes in the hundred.

Form of  
certificates.

SECTION 7. There shall be two of the said certificates of election, which may be according to the following form, viz ;

Amendment,  
chap. 362,  
vol. 11

———county and———hundred, ss. *At the general election, held in said hundred, ( Tuesday next after the first Monday, ) in November, A. D. eighteen hundred and———, the votes stand as follows :*

<i>For the office of Governor,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
<i>For the office of Representative in Congress,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
<i>For the office of Senator in the General Assembly,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
<i>For the office of Senator in the General Assembly in lieu of——,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
<i>For the office of Representative in the General Assembly,</i>		
<i>received</i>		<i>votes</i>
<i>received</i>		<i>votes</i>
and so on,		
<i>For the office of Levy Court Commissioners,</i>		
<i>received</i>	<i>votes for</i>	<i>hundred</i>
<i>received</i>	<i>votes for</i>	<i>hundred</i>

## RESPECTING ELECTIONS.

<i>For the office of Sheriff,</i>	
<i>received</i>	<i>votes</i>
<i>received</i>	<i>votes</i>
<i>For the office of Coroner,</i>	
<i>received</i>	<i>votes</i>
<i>received</i>	<i>votes</i>

*And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed. In testimony whereof, we the judges of said election for said hundred, have herunto set our hands the day and year aforesaid.* In the said written or printed forms of certificates, before the same shall be delivered by the Sheriff as above directed, the name of the county and hundred and the date of the year shall be inserted in the blanks for said purposes in the foregoing form ; and the offices, to be filled at the election, shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes ; and the offices not to be filled at the election, shall be omitted.

SECTION 8. The form of the oath or affirmation to be administered to the inspector and judges shall be as follows, viz ;

Form of  
oath.

*I——do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly, or willfully, receive, or consent to the receiving of, the vote of any alien, and also that I will not receive, or consent to the receiving of, the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote ; that I will not receive or reject, nor concur in receiving or rejecting, any vote through partiality or under bias ; and that I will determine every matter that shall come before me, and perform every act and duty by law required of me, touching the said election, truly, faithfully and impartially, according to the best of my skill and judgment ; that I will cause the ballots, that shall be taken at this election to be fairly read and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability ; and that if I shall discover any partiality, unfairness, or corruption in the conducting of the said election, I will disclose the same to the attorney general, to the end that the subject may be investigated, so help me God, (or so I solemnly affirm.)* There shall be three distinct forms of the foregoing oath or affirmation written or printed on one sheet ; which forms shall be numbered and distinguished as No. 1, No. 2, and No. 3. On the same sheet, after the last of said forms, shall be written or printed a form for the certificate of the qualification of the inspector and judges, as follows, to wit :

## RESPECTING ELECTIONS.

Certificates.  
Amendment,  
chap. 36a,  
vol. 11.

—county, and—hundred, ss. *We, the subscribers, inspector and judges for said hundred of the general election, therein held on (the Tuesday next after the first Monday) of November, in the year of our Lord one thousand eight hundred and— certify, that on said day, before opening the said election in said hundred, the foregoing oath or affirmation was duly administered to each of us, according to law; the blanks in which said certificate shall be filled by the sheriff, or by his order, before delivering the same to the inspector.*

Notice of  
election.

SECTION 9. The inspector of each hundred shall, within two days after receiving from the sheriff a list of officers to be chosen at the general election, give public notice of the time and place of holding the then next general election in his hundred, and of the officers to be voted for at such election, by advertisements posted in at least five of the most public places in his hundred.

Substitute  
for inspector.

SECTION 10. If at the time for holding the general election there shall be no inspector of any hundred, or if he shall be absent from the place of election at nine o'clock of the forenoon of the day of the election, the electors there shall proceed forthwith, without ballot, to choose from among the qualified voters of the hundred there present, an inspector of the hundred; and in choosing such inspector, the justices or justice of the peace residing in the hundred, and if no such justice shall be present, the constables or constable of the hundred who may be present, and if no such constable shall be present, then two qualified voters of the hundred, to be nominated and appointed by the electors, shall be the judge or judges.

Judges of  
election

How chosen

SECTION 11. The inspector shall be a judge of the general election, and the presiding officer. There shall also be two other judges of the said election, to be chosen from among the qualified voters of the hundred, as follows, that is to say; one of the said judges shall be chosen by the inspector, and the other by the person who at the election for inspector next previous, received the next highest number of votes for said office. If at the time for opening the general election, the said judges or either of them shall not have been chosen as aforesaid, a majority of the voters then present may select such judge, or judges, in such manner as at the time may be deemed most expedient for ascertaining the sense of the majority.

Penalty for  
refusal to  
serve

SECTION 12. If any person chosen to be a judge of an election, shall refuse to serve, he shall forfeit and pay to the State a fine

## RESPECTING ELECTIONS.

of fifty dollars, upon conviction thereof by indictment in the court of General Sessions of the peace and jail delivery in the county where such offence is committed.

SECTION 13. Before opening the election the inspector and judges shall each take an oath or affirmation, according to the form prescribed in section 8, such oath to be administered to the judges by the inspector, and by one of them to him; and they shall each, after taking such oath or affirmation, sign one of the written or printed forms thereof delivered to the inspector by the sheriff of the county, as provided in section 8, that is to say: the form distinguished as No. 1, shall be signed by the inspector, his name being first inserted in the blank; the form No. 2, shall be signed by one of the judges, his name being first inserted in the blank; and the form No. 3, shall be signed by the other judge, his name being first inserted in the blank. Before signing the said forms, it shall be ascertained whether the inspector, or either of the judges, conscientiously refuses to take an oath; and in case of such conscientious refusal, the form for the person so refusing shall be made correct by effacing the words "*swear or*" in the beginning, and "*so help me God*" in the end of the form: but as to the person who shall not conscientiously refuse to take an oath, the form shall be made correct by effacing the words, "*or affirm*," in the beginning, and the words "*or so I solemnly affirm*," at the end of the form. The inspector and judges shall also sign the certificate of their qualification as written or printed upon the sheet containing the aforesaid forms.

SECTION 14. Each of the said judges, after being duly qualified, shall choose one clerk of the election, to whom the inspector, or one of the judges, shall administer an oath or affirmation as follows:—

*You do solemnly swear (or affirm) that as clerk of this election you will not use or assent to any falsehood, fraud or deceit, and that you will keep the polls, and perform your duties, truly, faithfully and impartially, so help you God (or so you solemnly affirm.)* If in reading the votes and keeping the tally lists, it shall become necessary to appoint one or more additional clerks, the inspector and judges may do so; administering to each clerk, so appointed, the foregoing oath or affirmation. No other certificate need be made of the oath or affirmation administered to the clerks than that contained in the form of the certificate of election prescribed in the second section.

SECTION 15. Before opening the election, the inspector and judges shall also examine the ballot box provided with a lock

## RESPECTING ELECTIONS.

and key, and see that the same contains nothing ; the box shall then be locked, and the key delivered to one of the judges, who shall keep the same ; and the box shall be kept by the inspector or the other judge, so that the person having the key shall not have possession of the box till the same shall be opened as hereinafter directed.

Election  
officers to be  
in a separate  
room.

SECTION 16. The inspector and judges of the election, and the clerks shall, during the time of the election being open, be and continue in a room or place by themselves, separate from the other electors ; and no person, other than such inspector, judges and clerks, during the time of the election being open, shall be admitted within such room or place.

Election  
opened  
between the  
hours of 8  
and 9 o'clock  
A. M.  
Amendment,  
chap. 25,  
vol. 14.

SECTION 17. [The general election shall be opened in every hundred on the Tuesday next after the first Monday in the month of November, in the year in which the same is held, between the hours of eight and nine o'clock in the morning, by the inspector making proclamation that the same is open.]

Mode of  
voting

SECTION 18. Each qualified elector shall deliver a single ballot, containing the names of the persons voted for, to the inspector, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon a list of polls to be kept by each of the clerks, whom the judges shall direct to that duty, and one of the judges shall write against it, on the alphabetical list delivered by the sheriff to the inspector as aforesaid, the word "*voted* ;" there shall be no examination of a ballot, except to determine that it is single ; and the inspector shall, immediately after pronouncing the elector's name, put the ballot into the box in his presence, unless the vote shall be objected to. Either of the judges may require any person offering to vote on the ground of having paid a tax, to produce the receipt for such tax ; and if the vote of such person is taken, the said receipt shall be immediately stamped on the face thereof, by one of the judges, with the stamp provided for by section 3. If a vote be objected to on the ground that the person offering to vote is not the person named in the tax receipt, either of the judges may require such person to produce proof under oath of his identity. Either of the judges may administer a proper oath to any person testifying in that behalf, and the question of identity shall be determined according to the opinion of a majority of the judges.

Poll lists

Tax receipt  
to be pro-  
duced and  
stamped  
When  
How

Identity

How proven

Challenge  
its

SECTION. 19. If a vote be objected to, its admission or rejection shall be determined according to the opinion of a majority of the judges ; but either of the judges may require the

## RESPECTING ELECTIONS.

inspector to administer to a person claiming to vote, whether he have paid a tax or not, the following oath or affirmation : *You do solemnly swear (or affirm) that you are of the age of twenty-one years and not arrived to the age of twenty-two years ;* Oath of elector under twenty-two. and to any person offering to vote on the ground of having paid a tax and being otherwise qualified, according to the constitution, the following oath or affirmation : *You do solemnly swear (or affirm) that you are of the age of twenty-two years, and that you, at this time, reside in this hundred, and that you have not voted and will not vote on this day in any other hundred, and that you have resided in this county one month, and in this State one year next before this election, and that you have, within two years, paid a county tax which was assessed at least six months before this election ;* Over twenty-two any person refusing to take such an oath or affirmation, if so required, shall not be permitted to vote ; but no person shall be required or permitted to take either of the said oaths or affirmations, if the judges, or a majority of them, shall, from their own knowledge or the circumstances appearing, consider that such person is not entitled to vote. Refusal Not to be allowed to swear, when.

SECTION 20. If any person shall, in taking either of the oaths or affirmations mentioned in the foregoing section, swear or affirm falsely, he shall suffer the same punishment as shall at the time be provided by law against willful and corrupt perjury. Perjury.

SECTION 21. The election shall be continued open until five o'clock in the afternoon, when it shall be closed. The inspector shall, one-half hour before closing the election, make proclamation that the same will be closed in that time. Election closed at 5 o'clock. Notice.

SECTION 22. When the election shall be closed, the inspector and judges shall, openly and publicly, unlock the box containing the ballots, and shall remove the lid so far as that the ballots can be taken separately from the box. One of the judges shall keep in his custody the said box, while another shall publicly, in the presence of the other judges and such of the electors as shall think proper to be present, take the ballots, one by one from the box and read the same. Counting votes; mode. Publicly. Custody of boxes. When a ballot shall be read, it shall be put into the other box delivered by the sheriff to the inspector, as provided in the second section, it being first seen that the said box contains nothing, and the same being kept during the reading in the possession of one of the judges ; and two clerks at least shall keep accurate count of the ballots as they are read, which shall be done on such tally lists as aforesaid, by writing the name of every person voted for in the margin under a design- Disposition of ballots. Tally. How made.

## RESPECTING ELECTIONS.

nation of the office for which the vote is given to him, and making a distinct dot with a pen in the squares in the row against such name for every vote such person shall receive for the same office ; and each square, when full, shall contain five rows of dots, each row consisting of five dots ; and each clerk shall, upon the reading of the name, repeat it with the number of the dots in the row, pronouncing at the last dot in the square, "*tally full*," and at the first dot of the succeeding square, "*one of a new*." If the same person shall be voted for for different offices, his name shall be written in the margin for each office, and a just count kept of the votes given to him for each office.

The reading and counting of the votes shall be continued, without interruption or adjournment, until completed.

Certificates  
of result.

Words.

Signed.

Sealed

Custody

SECTION 23. When the reading and counting of the votes is completed, the inspector and judges shall forthwith make and sign two certificates of the election in their hundred, according to the form prescribed in section 7, stating every office for persons to fill which votes shall have been given at said election, the name of every person to whom any vote shall have been given for such office, and the number, in words at length, of votes given to such person for the said office. The tally lists shall be signed by the inspector, judges, and clerks, and deposited with one of said certificates, in the box into which the ballots shall have been put when read ; and the lid of said box shall be secured by tape, crossed and sealed in sealing wax, by one of the judges, (not being the inspector.) The other certificate and the ballot boxes shall be kept by the inspector, and produced at the court house as required in the section next following.

Meeting of  
inspectors

Board of  
canvass

SECTION 24. The inspectors of the several hundreds in each county shall meet on the Thursday next succeeding the day of the general election, at twelve of the clock, noon, at the court house of their county. The sheriff of the county shall attend at the same time and place ; and the said sheriff and inspectors shall be a board of canvass, of which the sheriff shall be the presiding officer ; but if the sheriff shall be dead, or shall not attend, then the coroner of the county shall be a member and the presiding officer of the said board ; but if the coroner shall not be in attendance, the prothonotary of the county shall be a member and the presiding officer of said board ; but if he shall not be in attendance, then the inspectors present shall appoint one of their number to be the presiding officer of said board, and the said board may appoint clerks as they may deem proper.

## RESPECTING ELECTIONS.

SECTION 25. Each inspector shall, at the said time and place last mentioned, deliver to the sheriff, or other presiding officer of the board, the certificate of election for his hundred, so signed as aforesaid, and also the ballot boxes, the one being secured as aforesaid, and shall also deliver the stamp and appurtenances mentioned in section 3. If the certificate of election for any hundred cannot be produced, the ballot box for that hundred may be opened, and the certificate therein contained, taken and used, and again deposited in said box, which shall be secured as before.

Inspectors  
to produce  
certificates.

And boxes,  
stamps, &c.

May be  
opened;  
when.

SECTION 26. If any inspector, after the election and before the meeting of the board of canvass, shall die, or be prevented from attending the meeting by sickness, or accident, the certificate of election and ballot boxes for his hundred shall be sent by safe and secure conveyance, (for the safety of which the inspector, or his executors or administrators, or heirs, shall be responsible) on the said Thursday next succeeding the day of the general election, to the court house of the county, and there be delivered to the sheriff of the county, or other presiding officer of the board of canvass, by twelve of the clock, noon.

To be sent  
in case of  
death, &c.

SECTION 27. If any inspector shall neglect or refuse to attend the said board of canvass, not being necessarily prevented as aforesaid; or if the certificate of election, or the ballot boxes for any hundred, shall not be produced or sent and delivered to the sheriff, or other presiding officer of the board of canvass, as before required, the sheriff, or other presiding officer of the board of canvass, shall have power to issue his warrant, under his hand, to any person or persons whom he may appoint, commanding such person or persons, without delay to arrest and bring to the meeting of the board of canvass such inspector or so neglecting, or refusing, to attend, and to obtain and produce to the board of canvass, the certificate of election and ballot boxes which such inspector ought to have produced and delivered to the sheriff, or presiding officer of said board; or if a command for an arrest shall at any time be improper, then such warrant may command the person or persons to whom it shall be directed, without delay to obtain and produce to the board of canvass, the certificate of election and ballot boxes that shall not have been produced, or sent and delivered as hereinbefore required; and the person or persons to whom such warrant shall be directed, are required and strictly enjoined to execute the same, and to call and command any assistance which may be required.

Penalty for  
not attending  
board  
of canvass.

Arrest.

Production  
of certificates,  
&c.

SECTION 28. The said board of canvass shall publicly, in the

Summary of  
vote.



## RESPECTING ELECTIONS.

presence of such electors of the county as shall think proper to be present, ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall have been given, in all the hundreds of the county, for every person voted for for such office.

Certificates  
of election.

Governor.

Representa-  
tive in  
Congress.

Senators.

Representa-  
tives.  
Sheriff.  
Coroner.  
Levy Court.

Inclosing  
and indors-  
ing.

SECTION 29. After the state of the election shall have been ascertained, by calculating the votes as aforesaid, the sheriff or other presiding officer of the board of canvass and the inspectors present at the said board shall, before any adjournment or separating of said board, make under their hands the following certificates, to wit : four certificates of the election of governor, certifying in words at length, the number of votes given for every person voted for for that office ; two certificates of the election of a representative or representatives, as the case may be, of this State in the House of Representatives of the United States in Congress ; certifying in words at length the number of votes given for every person voted for for that office ; two certificates of the election of senator or senators, and two certificates of the election of representatives for the county in the general assembly ; two certificates of the election of sheriff ; two certificates of the election of coroner ; and one certificate of the election of Levy Court commissioners, or of such of said officers as shall have been voted for at the said election. The sheriff, or other presiding officer of the board of canvass, shall inclose and seal up each of said certificates separately in a paper, with an indorsement thereon describing the certificates inclosed. Upon the paper inclosing the certificates of the election of senators or representatives in the general assembly, the names of the person chosen shall be indorsed.

Form of  
certificates.

SECTION 30. The aforesaid certificates may be according to the following form, to wit :

Amendment,  
chap. 362,  
vol. 11

*The State of Delaware. — county, ss. Be it remembered, that at the general election held on the [Tuesday next after the First Monday] in November, in the year of our Lord one thousand eight hundred and — for — county, according to the constitution and laws of the State of Delaware, [here insert, to wit, if the certificate be of an election of Governor or of representative in Congress, the number in words at length of votes given for each person voted for, for said respective offices ; if the certificate be of an election of senator or representatives in the general assembly, or of Levy Court commissioners, or of sheriff or coroner, the names of the persons elected] which is manifest by calculating and ascertaining the*

RESPECTING ELECTIONS.

*aggregate amount of the votes given for each person voted for, according to the provision made by law in this behalf. In testimony whereof, we the sheriff of the said county [or — of the county, presiding officer of the board of canvass, duly officiating because of the non-attendance (or death, as the case may be,) of the sheriff] and the inspectors of the several hundreds of the said county, who have this day met and ascertained the state of the said election throughout the said county, as the law requires, have herewith set our hands at the court house in said county, on Thursday the — day of November, being the Thursday next succeeding the day of the election aforesaid, in the year aforesaid.*

And the manner of making the insertion aforesaid may be: <sup>How filled up.</sup>  
as follows, to wit:—

In case of Governor—

*votes were given for* *for Governor ;*  
*votes were given for* *for Governor ;*

Governor.

and so on naming each person voted for ;

In case of Representative to Congress,—

*votes were given for*  
*for Representative to Congress ;*  
*votes were given for*  
*for Representative to Congress ;*

Representative in Congress.

and so on, naming each person voted for ;

In case of Senators or Representatives to the General Assembly—

*was duly chosen Senator [or, and were*  
*duly chosen Senators] for said county in the General Assembly ;*  
*and was duly chosen Senator for said county*  
*in lieu of late Senator for said county, in the*  
*General Assembly were duly chosen repre-*  
*sentatives for said county in the General Assembly ;*

Senators. Representatives.

In case of Sheriff or Coroner,—

*was duly chosen Sheriff [or Coroner as the case*  
*may be] of said county ;*

Sheriff, &c.

And in case of Levy Court Commissioners,—

*was duly chosen Levy Court Commissioner for*  
*hundred ; and so on.*

Levy Court.

SECTION 31. If, by reason of an equal number of votes having been cast for two or more persons for the office of senator or representative in the general assembly, it shall appear to the said board of canvass that a vacancy will occur in said office, a certificate of such fact shall thereupon be made under the hand of the sheriff or other presiding officer, and the inspectors present ; which certificate shall be delivered by the said sheriff,

The votes.

Certificates of, to Governor.

## RESPECTING ELECTIONS.

or presiding officer, with the aforesaid certificates of election to the Governor, as hereinafter is provided.

How delivered: and filed.

SECTION 32. The sheriff or other presiding officer of the board of canvass shall, either personally, or by a person deputed by him for that purpose, deliver and lodge the said certificates of the election for Governor, according to the directions of the constitution in this behalf, and shall lodge one of said certificates of the election of Senator or Senators, and one of the said certificates of the election of representatives for the county in the general assembly, in the office of the prothonotary of Kent county; and shall deliver one of said certificates of the election of representative or representatives in the House of Representatives of the United States, and one of said certificates of the election of sheriff, and one of said certificates of the election of coroner, to the Governor, and lodge the other of the said certificates, and the said certificate of the election of Levy Court commissioners, in the office of the clerk of the peace of the county, all within five days next ensuing the day of calculating the votes, and ascertaining the state of the election as aforesaid; and further shall deliver, on the first day of the meeting of the general assembly after the election, the other certificate of the election of Senator or Senators to the Senate, and the other certificate of the election of representatives for the county to the House of Representatives. The prothonotary of Kent county shall, on any day of the meeting of the general assembly, deliver, if required, the certificate of election of Senators or of Representatives to the order of the house to which it belongs, or to any person named in the indorsement thereon.

To the Legislature; When.

Papers to be filed with clerk of the peace.

SECTION 33. Each inspector shall, on the Thursday next preceding the day of the general election, deliver into the office of the clerk of the peace of his county, the oaths or affirmations that shall have been signed by the inspector and judges of the election in his hundred, and the certificate of said oaths or affirmations being administered, to be made and signed as directed in the thirteenth section, and the two lists of the polls kept at the election as before directed, and the alphabetical list aforementioned, with the notes of "voted" as the same shall have been made thereon; all which shall be filed in the office of the said clerk, and shall be public records, and as such, admissible as evidence.

Sheriff to keep boxes

SECTION 34. The sheriff shall preserve the ballot boxes containing the ballots, certificate and tally lists deposited therein as before directed, safely, and secured in the manner in which the same shall have been delivered to him, until the last day

## RESPECTING ELECTIONS.

of February next after the election ; and if a sheriff shall not be presiding officer of a board of canvass, then the said ballot boxes shall be delivered by the presiding officer of said board to the sheriff of the county, safely and securely, as soon as circumstances will admit thereof. Substitute.

SECTION 35. The Senate shall have power to compel a delivery to that body of the ballot boxes aforesaid, or of the certificate of the election of Governor, or of the certificate of the election of any member or members of that body, and for that purpose, to order and cause to be arrested and brought before them, any sheriff, coroner, prothonotary, or other officer presiding at a board of canvass, and to adjudge him guilty of a contempt for neglect or refusal to deliver any such certificate, and to proceed against him accordingly ; and the house of representatives shall have power to compel the delivery of said ballot boxes, or of the certificate of election of any members of that body, in like manner and by like proceedings. To be delivered to the Legislature when.

SECTION 36. Repealed by chapter 122, volume 13, Delaware Laws, section 2.

## SPECIAL ELECTION FOR GENERAL ASSEMBLY.

SECTION 37. Whenever a vacancy shall happen in either branch of the General Assembly, whether by the death, resignation, or removal of a member, by a tie vote at the general election, or otherwise, the speaker of the house in which the vacancy happens,) if the General Assembly 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. Vacancies. Writs of election.

SECTION 38. If a writ of election to fill a vacancy in the Senate be issued after an adjournment, without day, of the General Assembly, and not less than ten days before the holding of the general election, the said writ shall be executed at the time of holding the next general election ; the election to fill the vacancy pursuant to said writ being held by the same persons and in all respects as the general election, unless a session of the General Assembly shall, in the meantime, be convened by the Governor. When executed.

SECTION 39. If a vacancy shall happen in the House of Representatives after an adjournment, without day, of the General Assembly, no writ of election shall be issued under section 37, unless the Governor shall also issue a writ for convening the General Assembly. Not to issue when.

## RESPECTING ELECTIONS.

Notice by  
Sheriff.

SECTION 40. The sheriff shall, on the next day after receiving a writ of election, unless the same shall be Sunday, and then on the Monday next following, put up on the outside of the court house door of his county, and also in one of the most public places of each hundred of his county, a proclamation reciting the said writ and appointing a day for holding a special election pursuant thereto—such day not to be more than five nor less than four days next after the day of receiving the writ exclusive of that day ; subject however to the provisions of the thirty-eighth section in cases falling within that section.

Notice to in-  
spector.

SECTION 41. The sheriff shall also, upon receiving a writ of election, deliver a written notice thereof, and of the day appointed for holding an election pursuant thereto, to the inspector of each hundred of his county who served at the preceding general election ; or if such inspector of any hundred be dead, removed, or unable to serve, then to the assessor of such hundred : and the said sheriff shall, in such written notice, require the inspector or assessor to produce the certificate of the election, to be held in his hundred, at the court house of his county, on the day next after the day of holding the election by twelve o'clock, noon.

Notice by  
inspector.

SECTION 42. Every inspector or assessor receiving such notice as aforesaid, shall forthwith give public notice thereof by advertisements posted in at least five of the most public places of his hundred, stating the day and place of the election and the officer or officers to be chosen.

Presiding  
officer: who.

SECTION 43. The inspector of the hundred who shall have served at the next preceding general election, or in case of his death, removal, or inability, the assessor of the hundred shall be the presiding officer for such special election ; and if both inspector and assessor shall be absent from the place of election at the time for opening the same, the electors present shall choose a presiding officer, as above prescribed in the tenth section of this chapter for choosing a presiding officer at the general election.

Judges of  
election

SECTION 44. The presiding officer of such special election shall, before opening the same, take to his assistance, from among the qualified electors of the hundred, two persons to be judges of the election ; who shall be subject to the same penalty for a refusal to serve, and shall, with the presiding officer, be qualified in like manner as is provided in case of the general election.

Place.

SECTION 45. Every special election shall be held in each

## RESPECTING ELECTIONS.

hundred at the place appointed by law for holding the general election ; and shall be opened, conducted and closed at the same time, and in the same manner, and under the same regulations as the general election. Manner.

SECTION 46. The inspectors of the several hundreds shall, on the day next after the day of holding a special election, at twelve of the clock, noon, meet at the court house of the county as a board of canvass. Board of  
canvass. The sheriff of the county shall then and there attend as the presiding officer of the said board ; Sheriff  
presides. and in case of his absence, the coroner shall act ; and in case of his absence, the prothonotary of the county shall act, and in case of his absence a presiding officer shall be chosen by the inspectors present. Substitutes. The certificates of the election in the several hundreds, shall be produced and the state of the election throughout the county shall be ascertained, and certificates thereof shall be made and returned, in the same manner and under the same regulations as provided for the general election ; and the sheriff, or other presiding officer of the board of canvass, shall have the same power for compelling the attendance of inspectors and obtaining the certificates of election as in case of the general election. Result.

*Chapter 18, of Revised Statutes as Amended, &c. 1874.*

*Amended March 19, 1875.*

## TITLE FIFTH.

## Of certain Public Officers.

## CHAPTER 22.

## SALARIES.

Vol. 14, 50. AN ACT to amend Chapter 36, of Volume 14, of the Laws of Delaware.

Section 1,  
chap. 36, of  
vol. 14,  
amended.

Attorney  
General to  
receive \$500.  
in addition to  
his salary, to  
pay deputy.

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 volume 14, of the Laws of Delaware be and is hereby amended by adding to said section the following, to wit :—And he shall receive five hundred dollars in addition to the aforesaid sum of fifteen hundred dollars, for the purpose of paying his deputy, payable in quarterly installments of one hundred and twenty-five dollars each.

*Passed at Dover, March 24, 1875.*

## CHAPTER 23.

## OF CONSTABLES.

AN ACT defining the duties of Constables in certain cases.

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

Constables  
to enforce  
stock laws.

SECTION 1. That it is hereby declared to be the duty of all constables to enforce the provisions of all laws that have been or may hereafter be enacted, prohibiting live stock from running at large.

## IN RELATION TO PUBLIC OFFICERS.

SECTION 2. That constables for every performance of their duty under the several laws enacted by the General Assembly of the State of Delaware, prohibiting live stock from running at large, shall be entitled to, and shall receive one half the fines created by said acts; and that the other half of said fines shall be for the use of the school district in which said duty was performed.

Compensation, one half of fines.  
Residue to be for use of State.

SECTION 3. That any constable who shall refuse to perform his duty as required by this act, shall, upon being tried before a justice of the peace residing in the hundred in which such offence is alleged to have been committed, and being found guilty of said offence, be fined by the said justice of the peace in a sum not less than one dollar nor more than five dollars.

Refusal to perform duty  
Trial.  
Fine.

SECTION 4. That all fines imposed by virtue of the provisions of section 3, of this act, shall be subject to and paid over to the order of the clerk of the school district in which said offence was committed, all legal charges and costs having first been paid out of the same.

Fines imposed upon constables.  
To whom paid

*Passed at Dover, February 11, 1875.*

## CHAPTER 24.

## OF CONSTABLES.

AN ACT to amend Chapter 27, vol. 14, Laws of Delaware.

Vol. 14, 44.

*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 27, volume 14, Laws of Delaware be and the same is hereby amended, by striking out the words "and one at Riddle's Mills on the Brandywine, hundred, and county aforesaid" and inserting in lieu thereof the words:—and one constable shall reside within the limits of the village known as Riddle's Mills, and shall have and exercise jurisdiction in criminal matters only, and shall not be obliged to give bond or security for a penal sum exceeding

Section 1. chap. 27, vol. 14, amended.  
Constable resident in village of Riddle's Mills to have criminal jurisdiction only.  
Bond.



## IN RELATION TO PUBLIC OFFICERS.

two hundred dollars. In case of the Levy Court not electing a constable at any time when the term of the constable residing within the limits of the Village of Riddle's Mills shall expire, the said constable shall hold his office until his successor shall be elected. Any constable elected or appointed under the provisions of this act shall forfeit his office if he shall remove from the locality for which he shall have been so elected or appointed.

Shall hold  
until election  
of successor

(Office  
forfeited.  
When.

Publication  
as amended.

SECTION 2. Chapter 27, of volume 14, Laws of Delaware, shall be published, as herein amended and supplied, by the Secretary of State, with the acts of this present General Assembly.

*Passed at Dover, March 24, 1875.*

## CHAPTER 25.\*

## OF CONSTABLES.

AN ACT relating to Constables in Christiana Hundred in New Castle county.

Levy Court  
of New  
Castle Co.  
authorized  
to appoint  
3 or more  
Constables.

The constable  
residing  
at village of  
Riddle's  
Mills to  
exercise  
jurisdiction  
in criminal  
cases only.

Bond for  
\$200.

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 Levy Court of New Castle county be, and they are hereby authorized and required to appoint three (or more) constables in New Castle county, (as the case may require) one of whom shall reside in or near the village of Newport, one in or near the Rising Sun Village on the Brandywine, and one constable shall reside within the limits of the village known as Riddle's Mills, and shall have and exercise jurisdiction in criminal matters only and shall not be obliged to give bond or security for a penal sum exceeding two hundred dollars. In case of the Levy Court not electing a constable at any time, when the term of the constable residing within the limits of the village of Riddle's Mills shall expire, the said constable

\*This chapter comprises chapter 27, of volume 14 as amended by chapter 24 of current volume and is published in accordance with section 2 of the last named chapter.

## IN RELATION TO PUBLIC OFFICERS.

ble shall hold his office until his successor shall be elected. Any constable elected or appointed under the provisions of this act shall forfeit his office if he shall remove from the locality for which he shall have been so elected or appointed.

Term of office shall continue until successor elected.

Constables to forfeit office; when.

SECTION 2. *And be it further enacted*, That all acts heretofore enacted, relating to constables in Christiana hundred, in New Castle county, be and the same are hereby repealed, and that this act be deemed a public act.

Inconsistent acts repealed.

*Passed at Dover, February 2, 1871.*

*Amended, March 24, 1873.*

## CHAPTER 26,

## OF RECORDERS OF DEEDS.

AN ACT to authorize the Recorder of Deeds in and for New Castle county to procure a new Seal of office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Thos. M. Ogle, recorder of deeds in and for New Castle county be and he is hereby authorized to procure a new seal for his office, to be made of brass, of the diameter of one and a half inches and engraved with the devices of the present seal, which said seal, when completed, shall be taken and deemed to be the seal of the recorder's office of New Castle county in the State of Delaware, and shall, thereafter, be fixed to all writings, papers and records where the seal of said office is required, and the present seal shall then be broken and destroyed by the said recorder.

Thomas M. Ogle, recorder of Deeds, to procure a new seal of office.

Present seal to be destroyed.

SECTION 2. *And be it further enacted by the authority aforesaid*, That the Levy Court and Court of Appeals of New Castle county shall pay the necessary cost and expenses of procuring the said new seal.

Levy Court to pay cost and expenses.

*Passed at Dover, January 27, 1875.*

## IN RELATION TO PUBLIC OFFICERS.

## CHAPTER 27.

## OF RECORDERS OF DEEDS.

AN ACT authorizing the Recorder of Deeds in and for Sussex County to procure a record for the purpose of Recording the Leases of the Rehoboth Beach Camp Meeting Association, of the Methodist Episcopal Church therein.

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

Recorder of  
deeds in  
Sussex  
county to  
procure a  
record for  
the leases or  
deeds of the  
"Rehoboth  
Beach Camp  
Meeting As-  
sociation."

SECTION 1. That the recorder of deeds, in and for Sussex County, is hereby authorized to have a record of forms printed and bound, for the purpose of recording the leases or deeds of "The Rehoboth Beach Camp Meeting Association," which Record shall be printed upon good record paper, and in script type, with the necessary blanks for the names, numbers and dates.

Record shall  
be evidence.

SECTION 2. *And be it further enacted,* That the said record shall be evidence in law, as other records of Sussex county.

*Passed at Dover, March 24, 1875.*

## CHAPTER 28.

## OF NOTARIES PUBLIC.

AN ACT authorizing the Governor to appoint an additional Notary Public in Dagsboro Hundred, Sussex County.

Additional  
notary  
public in  
Dagsbor-  
ough  
hundred.

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 Notary Public in Dagsborough Hundred, Sussex county.

*Passed at Dover, March 11, 1875.*

IN RELATION TO PUBLIC OFFICERS.

CHAPTER 29.

OF NOTARIES PUBLIC.

AN ACT to enable the Governor to appoint an additional Notary Public for Wilmington hundred, New Castle 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 concurring.)*

SECTION 1. That the Governor be and he hereby is authorized to appoint an additional "Notary Public" for Wilmington hundred in New Castle county.

Additional notary public for Wilmington hundred.

SECTION 2. 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.  
Public act.

*Passed at Dover, March 26, 1875.*

CHAPTER 30.

OF NOTARIES PUBLIC.

AN ACT to amend Chapter 578, of Volume 11, of the Laws 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 578, of volume 11, of the Laws of Delaware be, and is hereby amended as follows, to wit ; By striking out the word "nine" in line 2 of said section, and inserting in lieu thereof the word "eleven."

Volume 11, 663.  
Sec. 1,  
Chap. 578.  
Vol. 11,  
amended.

SECTION 2. That the notary public appointed by the Governor under and by virtue of an act entitled "An Act for the appointment of an additional justice of the peace in New Castle county passed at Dover February 15, \* 1875," shall be included in said number "eleven."

Notary included in said number "eleven."

*Passed at Dover, March 26, 1875.*

\*So enrolled—Note. The act referred to passed February 12, 1875.

## IN RELATION TO PUBLIC OFFICERS.

## CHAPTER 31.

## OF PROTHONOTARIES.

AN ACT to authorize the Prothonotary of Kent county, to make a certain index.

Prothonotary of Kent county to make copy of judgment indexes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the prothonotary of the Superior Court of the State of Delaware, in and for the county of Kent, is hereby authorized and directed to make or cause to be made, a true and correct copy of the direct and reverse indexes of all judgments entered or signed in said Superior Court, from the year eighteen hundred and thirty-two, to the year eighteen hundred and seventy-five, which then remain unsatisfied of record.

Levy Court to examine copy.

SECTION 2. *And be it further enacted,* That the prothonotary shall copy or cause to be copied said indexes as aforesaid, and then after said copy shall have been made, it shall be the duty of the Levy Court to duly examine the said indexes after they have been completed, and if they approve of the execution thereof, the said copy shall become and be the said indexes.

Compensation.

SECTION 3. *And be it further enacted,* That after the Levy Court shall have examined, and if they approve of the execution thereof, they shall pay to the prothonotary a just and reasonable compensation for his services, not to exceed the amount of eight hundred dollars.

How to be used

SECTION 4. *And be it further enacted,* That the said indexes shall only be used for future reference, and that the prothonotary be and he is hereby authorized to procure new indexes (pursuant to Campbell's system of indexing) in which to index all judgments which may be entered or signed in the said Superior Court, on and after the first day of January eighteen hundred and seventy-five.

New indexes pursuant to Campbell's system, to be procured for future judgments

*Passed at Dover, February 23, 1875.*

## IN RELATION TO PUBLIC OFFICERS.

## CHAPTER 32.

## OF PROTHONOTARIES.

A SUPPLEMENT to the "Act entitled an Act" to authorize the Prothonotary of Kent county to make a certain index. Passed at Dover, February 23, 1875. Current Vol. Feb-64.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the prothonotary of the Superior Court of the State of Delaware, in and for Kent county, is hereby authorized and directed to index all judgments entered or recovered in the Superior Court of the State of Delaware, in and for Kent county, on and after the 1st day of January, A. D. 1875, either according to the Campbell's system of indexing, or according to the Thomas system of indexing, as to him shall seem best adapted to public use and convenience. Prothonotary of Kent county may use either Campbell's or Thomas' system in indexing future judgments.

*Passed at Dover, March 22, 1875.*

## CHAPTER 33.

## OF THE CLERK OF THE ORPHANS' COURT.

AN ACT to authorize the Clerk of the Orphans' Court of New Castle county, to make a copy of a certain index.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the clerk of the Orphans' Court, of the State of Delaware, in and for New Castle county, is hereby authorized and directed to make or cause to be made, a true and correct copy of the Orphans' Court Index, from the year A. D. 1794, to the year A. D. 1868. Clerk of the Orphan's Court of New Castle county to make copy of Orphan's Court index.

SECTION 2. *And be it further enacted,* That Alexander B. Cooper and John H. Rodney, Esquires, be and they are hereby appointed commissioners, whose duty it shall be to examine such copy of the said index as aforesaid, after the clerk Commissioners to examine the copy

## IN RELATION TO PUBLIC OFFICERS.

of said court shall have completed it, and if they approve of the execution or correctness thereof, they shall certify the same to be a true and faithful copy or index, and that then and after such certificate, the said copy or new index shall become and be the Orphans' Court Index for the time aforesaid, in lieu of the index now used.

Compensation.

SECTION 3. *And be it further enacted*, That after the said commissioners have certified as aforesaid, the Levy Court of New Castle county shall make a just and reasonable allowance to the said clerk and commissioners for their services.

*Passed at Dover, February 11, 1875.*

## CHAPTER 34.

## OF THE REGISTER IN CHANCERY AND CLERK OF THE ORPHANS' COURT.

AN ACT to authorize Henry Todd, the present Register in Chancery, and Clerk of the Orphans' Court of Kent county, to transcribe or copy into a suitable book, the Index to the recognizances in the said courts.

Henry Todd register in chancery, and clerk of the Orphans' Court of Kent county to make copy of recognizance index.

Commissioners to examine.

Compensation.

How new index to be made.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met*, That Henry Todd, register in chancery and clerk of the Orphans' Court, of Kent county, be and he is hereby authorized to procure a suitable book for the purpose, and transcribe or copy therein the present index to the recognizances entered into in said courts since February 7, 1802. And whenever, and as soon as said copy shall have been completed, Alexander J. Taylor and John F. Saulsbury be and they are hereby appointed and authorized to compare the same with the original, and certify to the correctness of said copy so as aforesaid to be made by the said Henry Todd of said index. For which service, as well as for the making of said copy by the said Henry Todd, the Levy Court of Kent county shall make a just and fair compensation, to be paid by the county treasurer.

SECTION 2. *And be it further enacted*, That in the arrangement of said new index, it shall not be deemed necessary to follow strictly the captions of the pages of the old book, so

## IN RELATION TO PUBLIC OFFICERS.

that the substance is preserved and a better form adopted, thereby reducing the labor of making said copy, and of course the cost of the work. Provided, however, that in all other respects, said copy shall conform strictly to the original, and shall be so certified by the said Alexander J. Taylor and John F. Saulsbury, to the Judges of said courts, before the same shall be accepted as the index to the recognizances of said courts, or the compensation paid for making and comparing said copy.

SECTION 3. The entire amount of expense to be incurred under this act, and discharged as provided for under its provisions, shall not exceed the sum of two hundred and fifty dollars. Expense limited.

*Passed at Dover, February 18, 1875.*

## CHAPTER 35.

## OF THE REGISTER OF WILLS.

AN ACT in relation to making a General Index to the Will Records in the Register's office in Sussex county.

*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. That the Levy Court of Sussex county be and is hereby authorized and required to appoint some suitable and competent person, who shall be a citizen of said county, whose duty it shall be to provide one good, substantial and well-bound book, in which the person so appointed by the said Levy Court, shall make a full and complete general index to all the will records in the register's office in said county ; and that it shall be and is hereby made the duty of the present register of wills in said county and his successors in office, to continue said general index of wills, from and after the completion of the index authorized by this act, and that the said person so appointed shall be repaid the cost of said book by the Levy Court of said county. Levy Court of Sussex county to have made a general index of wills.  
Duty of register of wills to continue same.  
Repayment of cost.



## IN RELATION TO PUBLIC OFFICERS.

Commission-  
ers to exam-  
ine index.

SECTION 2. That if the said person, appointed as aforesaid, shall make said general index as aforesaid, then that John R. McFee and Edwin R. Paynter, Esquires, be and they are hereby appointed commissioners whose duty it shall be to examine said general index after the said person appointed as aforesaid shall have completed the same, and if they approve of the execution thereof, they shall certify the same to be a true and correct "General Index" to the will records in said office, and after said certificate, it shall be the "General Index" to said records.

Compensa-  
tion.  
Proviso.

SECTION 3. That they shall also certify the completion of said "General Index" to the Levy Court of Sussex county, who shall pay to the said commissioners and to the person appointed as aforesaid, a just and reasonable compensation for their services, provided such compensation shall not exceed the sum of five hundred dollars.

*Passed at Dover, March 9, 1875.*

## TITLE SIXTH.

### Of Religion, Public Education and Health.

#### CHAPTER 36.

##### OF FREE SCHOOLS.

AN ACT transferring the home and mansion farm of Isaac G. Phillips, from School District No. 168, in Sussex county, to School District No. 50, 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 the house and mansion farm of Isaac G. Phillips, lying in School District 168, in Sussex county, shall hereafter be and form a part of School District No. 50, in Sussex county, aforesaid, and the said Isaac G. Phillips, and all and every the persons residing on said farm, mentioned herein, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and be subject to all the duties and liabilities of taxables of said School District No. 50, in Sussex county, and are hereby relieved and discharged from the same in said School District No. 168, in Sussex county.

House and  
farm of Isaac  
G. Phillips  
transferred  
to School  
District, No.  
50.

SECTION 2. *Be it enacted,* That this act shall be deemed and taken to be a public act.

Public act.

*Passed at Dover, January 27, 1875.*

## PUBLIC EDUCATION.

## CHAPTER 37.

## OF FREE SCHOOLS.

AN ACT transferring certain real estate belonging to Lorenzo D. Ginn, from School District No. 81, to School District No. 72, in New Castle county.

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

Farm of  
Lorenzo D.  
Ginn trans-  
ferred to  
School  
District,  
No. 72.

SECTION 1. That the farm of Lorenzo D. Ginn, upon which Joseph C. Hutchison now resides, be and is hereby transferred from School District No. 81, to School District No. 72, in New Castle county ;—and

Where  
assessed.

SECTION 2. That hereafter the aforesaid farm shall be assessed for school purposes in School District No. 72, in New Castle county.

*Passed at Dover, March 2, 1875.*

## CHAPTER 38.

## OF FREE SCHOOLS.

AN ACT transferring the house and premises of Cyrus P. Rogers from School District No. 110 in Kent County to United School District Nos. 32, 75, 76 and 78 in Kent County.

House, &c.,  
of Cyrus P.  
Rogers,  
transferred to  
United  
School Dis-  
trict Nos. 32,  
75, 76 and 78.

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

That the house and premises of Cyrus P. Rogers lying in School District No. 110, in Kent county, shall, hereafter be and form a part of United School District Nos. 32, 75, 76 and 78, in Kent county aforesaid; and the said Cyrus P. Rogers and all and every the persons residing on the premises mentioned herein, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and be sub-

PUBLIC EDUCATION.

ject to all the duties and liabilities of taxables of said United School District Nos. 32, 75, 76 and 78, in Kent county, and are hereby relieved and discharged from the same in said School District No. 110 in Kent county.

*Passed at Dover, March 16, 1875.*

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CHAPTER 39.

OF FREE SCHOOLS.

AN ACT to change the lands of John A. Nicholson, G. W. S. Nicholson, Henry Q. Nicholson and L. W. Muse, from School District No. 76, to School District No. 72, Sussex county.

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

SECTION 1. That the lands of John A. Nicholson, G. W. S. Nicholson, Henry Q. Nicholson and L. W. Muse now being in School District No. 76, in Sussex county, be changed to and is hereby declared to be part of School District No. 72.

Lands of  
certain  
persons  
transferred to  
School Dis-  
trict No. 72.

*Passed at Dover, March, 17, 1875.*

## PUBLIC EDUCATION.

## CHAPTER 40.

## OF FREE SCHOOLS.

AN ACT to extend the limits of United School District Nos. 46 and 133 in Sussex county.

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

Limits of  
United  
School Dis-  
trict Nos.  
46 and 133 in  
Sussex  
county  
extended.

SECTION 1. That the limits of United School District Nos. 46 and 133 in Sussex county shall be extended as follows, to wit ; commencing at Adams and Company's Mill pond, at a gully on the lands late of Kendall M. Lewis, thence northward up said gully to a line between the lands late of said Kendall M. Lewis, lands of John P. Collins, and lands of Wilson Knowles to the public road leading from Laurel to Concord, thence west to the Yellow Banks on Broad Creek.

School Dis-  
trict No. 60,  
not to  
levy tax  
within exten-  
ded limits.

SECTION 2. That the lands embraced in the above named limits, shall be a part of United School District Nos. 46 and 133, and shall enjoy all the rights and privileges of said district. And that School District No. 60, from which the above named territory was taken, shall no longer have the power to levy any tax for school purposes within the aforesaid limits.

*Passed at Dover, February 10, 1875.*

## CHAPTER 41.

## OF FREE SCHOOLS.

AN ACT to change the boundary of School District No. 81, in New Castle county.

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

Boundary of  
School Dis-  
trict No. 81  
in New Cas-  
tle county  
changed.

SECTION 1. That hereafter the eastern and southeastern boundaries of School District No. 81, in New Castle county,

## PUBLIC EDUCATION.

shall be as follows, to wit ; Beginning at the southeast portion of the farm of Passmore Mitchell, at a point where the said farm intersects the public road leading from Townsend to the state road leading from Odessa to Blackbird, thence from the said place of beginning, in a straight line to the east end of the public road leading from what is known as " Barlow's bridge," to the public road leading from Middletown to Smyrna, the said " Barlow" road already being a line of said district.

SECTION 2. That the lands lying on the north and west of said line, shall be assessed for school purposes hereafter, in School District No. 81 in New Castle county.

Certain lands to be assessed in School District No. 81.

*Passed at Dover, February 23, 1875.*

## CHAPTER 42.

## OF FREE SCHOOLS.

AN ACT uniting the School Districts of Dover.

*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 Saturday of April, 1875, the United School District Nos. 60, 90, 91 and 92, and United School District Nos. 18 and 101 in the county of Kent as now bounded, or as they may be hereafter bounded, shall form one united school district by the name of the " Dover Public Schools," and shall have the same corporate powers and franchises as united districts have by the laws of this State, and be governed by a board of nine commissioners, to be elected as follows, viz :—The school voters in the aforesaid district shall meet at the principal school house of the first named united district on Governor's Avenue on the first Saturday of April next, at 2 o'clock, P. M., and then and there hold an election for school commissioners, each voter voting for not more than six commissioners, and the nine highest in votes shall be declared elected, and shall constitute the Board ;

Certain school districts of Dover united under name of "Dover Public Schools."

Corporate powers.

Government.

Election of commissioners.

Where. When.

Manner of voting.

## PUBLIC EDUCATION.

Terms of  
office.

the two highest in votes to serve for three years, the two next highest two years, and the two next highest one year, and of the remaining three elected the one highest in votes to serve for three years, the next highest two years, and the lowest one year ; and at each and every annual election thereafter, each voter shall vote for two commissioners, and the three highest in votes shall be declared elected for the term of three years ; and in all cases where two or more have an equal number of votes, the choice shall be decided by lot. All elections shall be held at the school house aforesaid, unless otherwise ordered by the board of commissioners.

Tie vote;  
how decided.

Commission-  
ers to meet  
annually.  
Where.  
When.

Organiza-  
tion.

Other  
meetings.

Visit schools.

SECTION 2. The commissioners shall meet annually, in the place where the election was held on the Monday following the election, at 10 o'clock, A. M., and organize the board by the election of a president, who shall be one of the commissioners, and a clerk who may or may not be one of the board, and shall hold stated meetings once every month and special meetings when required by the president or a majority of the commissioners, and by committee shall visit all the schools in the districts once a week while the schools are in session.

Quorum.  
Vacancy,  
how filled.

SECTION 3. A majority of the board shall form a quorum, and any vacancy occasioned by non-election, death, resignation or otherwise, shall be filled by the board for the whole or the residue of the term as the case may be.

Powers of  
board.  
Appoint  
treasurer  
and other  
officers,  
agents, and  
teachers,  
and remove  
them.

Fix com-  
pensation.

Make by  
laws.

May draw  
State school  
Fund  
dividends

Fix amount  
of school  
taxes to be  
raised, and  
collect same

Proviso.

SECTION 4. The Board shall [have power] to\* appoint a treasurer, and take his bond with sufficient security for the faithful performance of his duties, and to appoint all other officers, agents and teachers that may be necessary, and fix their compensation ; such appointees to be subject to removal at any time ; and to make "by laws" for their own government, the government of their officers, agents and teachers, and for the schools.

SECTION 5. The Board shall have the right to draw the dividends, from time to time, which the several districts named in section 1 shall be entitled to as their part of the State school fund, and shall have authority to fix such sum in addition, as they may deem necessary to educate all the children in the districts that are entitled to be educated in the public schools, and to assess, levy and collect the same, as school taxes now are by law, provided the said sum shall not exceed three thousand dollars ; and if, during the present, or any other year hereafter, the sum of money to be raised by

\*So enrolled

## PUBLIC EDUCATION.

tax or subscription, together with the sum to be received from the State, shall, in the opinion of the school board, for the time being, or a majority of them, be inadequate or not sufficient to keep up a good school, as contemplated and provided for in the third section of the act for the establishment of free schools, (Hall's Digest 490,) then and in such case, it shall and may be lawful for such Board, and they, or a majority of them, are hereby authorized and empowered, in addition to the money to be raised by tax or subscription, and to be received from the State, as aforesaid, to raise and levy such further sum as they may deem necessary and proper for the purposes aforesaid, by ordering and directing that such sum per quarter per each and every child or pupil that attends the said school, and which the said school board, or a majority of them, may see fit to charge therewith, shall be paid by the parent, guardian, or person sending such child or pupil into the hands of the school board, at the end or expiration of every quarter, or term, and in case of default of payment of any such quarter, the same may be handed over to the collector, and may be collected as school taxes are now authorized to be collected by the laws of this State: and the said collector shall be answerable on his bond, as now provided by law, for the collection and payment over of the quarter or term charges, and shall have the same compensation as now provided by law for collecting and paying over school taxes.

If school moneys prove inadequate, may collect further funds quarterly from parents, guardians, &c. of any scholar.

Collector of taxes to collect in case of default of payment.

His liability.

SECTION 6. The Board shall have all the power granted to school committees and commissioners, be subject to all the restrictions imposed on them, and perform all the duties required of them by the laws of this State, not inconsistent with the provisions of this act.

General powers, restrictions, and duties of school commissioners applicable to the board.

SECTION 7. All school property, real and personal, owned by the districts named in the first section of this act, shall become and be the property of the united district created by this act. As soon as may be, after the election of the commissioners herein provided for, they shall settle the accounts of the two united districts hereby consolidated, respectively, and all cash on hand, belonging to either of said districts, shall be paid over to the treasurer of the Dover public schools: and all taxes unpaid at the time of the organization of the new board, shall be collected in the same manner as if this act had not been passed, and paid over to the treasurer of such schools, and said board shall have full power to enforce such collection and payment.

School property of respective districts to become property of the united districts.  
Accounts, how settled.  
Unpaid taxes, how collected and paid.

SECTION 8. All the provisions of the General Laws regulat-



## PUBLIC EDUCATION.

General school laws applicable if not inconsistent. ing free schools in this State shall be applicable to the united district created by this act, as far as they are not inconsistent with the special provisions hereof.

*Passed at Dover, March 9, 1875.*

## CHAPTER 43.

## OF FREE SCHOOLS.

AN ACT authorizing and requiring the School Committee, of School District, No. 72, in Sussex County, to raise one hundred and fifty dollars annually, for school purposes.

\$150 to be raised annually by taxation in School District No. 72, in Sussex county, in lieu of present sum of \$30.

How levied and collected.

Not to impair. What

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That it shall be lawful for the school committee, of School District, No. 72, in Sussex county, and they are hereby required, annually, to levy, assess, and collect, the sum of one hundred and fifty dollars, for the support of a free school in said district, in lieu of the sum of thirty dollars now required to be raised ; said sum shall be levied, assessed, and collected, in the manner now provided by law, for the levying, assessment and collection of school taxes, and shall not impair the right of the school voters in raising by taxation, such sum as may be determined upon at an annual stated meeting, provided that a greater sum than four hundred dollars shall not be raised in any one year, by taxation, for the purpose aforesaid.

*Passed at Dover, March 15, 1875.*

## PUBLIC EDUCATION.

## CHAPTER 44.

## OF FREE SCHOOLS.

AN ACT for the Relief of United School Districts Nos. 39 and 41 in New Castle county.

WHEREAS, it has been represented to this General Assembly by a committee appointed at a meeting of the school voters of United School Districts Nos. 39 and 41, in New Castle county, that the sum now authorized by law to be levied and raised by taxation, is insufficient for the purposes of public education in said districts, therefore,

*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 passage of this act, the school committee of the United School Districts, Nos. 39 and 41, in New Castle county shall levy and raise by taxation, annually, in the manner now provided by law, the sum of one thousand dollars for the support of the graded school in said united school districts.

United School Districts Nos. 39 and 41, in New Castle county to raise by taxation, annually, the sum of \$1000

*Passed at Dover, March 16, 1875.*

## CHAPTER 45.

## OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 70, 102, 70½ and 102½ in Sussex county, and for other purposes.

*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,)*

SECTION 1. That School District No. 70 be and the same is hereby divided into two separate districts, by the following line beginning at Nanticoke River, at the bridge at the foot of Market street, and running north with Market Street to Sec-

School District No. 70 in Sussex county divided into two districts. Dividing line.

## PUBLIC EDUCATION.

ond street, and running thence with Second street in an east-  
erly direction until it strikes the line of District No. 71 ; the  
district north of Second street shall be called and numbered  
School District No. 70 $\frac{1}{2}$ , and the District south of Second  
street, No. 70.

District No.  
102 in Sussex  
county  
divided into  
two districts.

Dividing  
line.

Numbers of  
new districts.

SECTION 2. That School District No. 102, be and the same  
is hereby divided by the following line ; beginning at the bridge  
at the foot of Market street and running north with Market  
street to Poplar street, and thence with Poplar street in a  
westerly direction to Cedar Avenue, and thence with Cedar  
Avenue in a southerly direction to the Nanticoke river, and  
thence with Nanticoke river to the foot of Market street. The  
school district north of Poplar street and west of Cedar  
Avenue shall be called and numbered as School District No.  
102 $\frac{1}{2}$ , and school district south of Poplar street shall be called  
and numbered School District No. 102.

School  
districts  
consolidated.

Corporate  
name, pow-  
ers and  
government.

Commission-  
ers.

How, where,  
and when  
elected

SECTION 3. That on and after the first Saturday of April,  
A. D. 1875, the School District Nos. 70, 102, 70 $\frac{1}{2}$ , and 102 $\frac{1}{2}$ , in  
Sussex county, as now bounded, or as they may be hereafter  
bounded, shall form one united school district by the name  
of the Seaford public schools, United Districts Nos. 70, 102,  
70 $\frac{1}{2}$ , and 102 $\frac{1}{2}$ , and shall have the same corporate powers and  
franchises as united districts have by the laws of this State, and  
be governed by a board of seven commissioners, to be elected  
annually by the school voters of said united school districts ;  
the said school voters shall meet at the town Hall, in the town  
of Seaford, on the first Saturday of April, at two o'clock in the  
afternoon, in every year, to elect seven commissioners as afore-  
said.

Annual  
meeting.

Other  
meetings

Visit schools.

SECTION 4. The commissioners shall meet annually in  
the place where the election was held, on the Monday following  
the election, at 10 o'clock in the forenoon and organize the  
board by the election of a president who shall be one of the  
commissioners, and a clerk who shall also be one of the com-  
missioners, and shall hold stated meetings once every month  
and special meetings when required by the president or a ma-  
jority of the commissioners ; and by a committee, or otherwise,  
shall visit all the schools in the districts once a week while the  
schools are in session.

Quorum

Vacancy  
How filled

SECTION 5. A majority of the board shall form a quorum,  
and any vacancy occasioned by death, resignation, or other-  
wise, shall be filled by the board for the whole or the residue  
of the term, as the case may be.

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SECTION 6. The Board shall appoint a treasurer, and take his bond with sufficient security for the faithful performance of his duties, and appoint all other officers and agents that may be necessary, and employ a sufficient number of teachers to teach the children, in said united school districts, in a proper manner, and fix their compensation; such appointees and teachers to be subject to removal at any time. Said board shall have power to make by-laws for their own government, the government of their officers, agents and teachers, and for the schools.

Powers :  
Appoint and  
remove  
treasurer,  
officers,  
agents and  
teachers.  
  
Fix com-  
pensation.  
  
Make  
By-Laws.

SECTION 7. The board shall have the right to draw the amount of the dividends from time to time which the several districts named in section 3 (three) of this act shall be entitled to, as their part of the State school fund, and shall have authority to fix such amount in addition as they may deem necessary to educate all the children in the districts that are entitled to be educated in the public schools, and to assess and levy the school taxes to and upon the cash value of real and personal property and the poll, and collect the same as school taxes now are by law, but they shall not raise by taxation for the support of the schools in any year a less amount than one thousand dollars, nor more than two thousand dollars in any one year.

Draw State  
school fund  
dividends.  
  
Fix and raise  
by taxation  
amount re-  
quired for  
school  
purposes.  
  
Restriction  
of their  
power.

SECTION 8. The Board, in addition to the powers conferred by this act, shall have all the power granted to school committees and commissioners, be subject to all the restrictions imposed on them, and perform all the duties required of them by the laws of this State not inconsistent with the provisions of this act.

General  
powers, re-  
strictions and  
duties of  
school com-  
missioners,  
applicable to  
the board

SECTION 9. All school property, real and personal, owned by the districts named in the third section of this act, shall become and be the property of the united districts created by this act.

School prop-  
erty of  
respective  
districts.  
How vested.

SECTION 10. All the provisions of the general laws regulating free schools in this State, shall be applicable to the united districts created by this act, so far as they are not inconsistent with the special provisions hereof.

General  
school laws  
applicable  
where not  
inconsistent

SECTION 11. The said Board shall have the power to sell, deed and dispose of the school houses, land, fixtures and furniture in the said Districts Nos. 70, 102, 70½ and 102½ to the highest bidder or bidders, either at public or private sale, and to assess, levy and collect a tax of not more than three-quarters of one per-centum on all the taxable property, real and

Board may  
dispose of  
school  
houses, &c.  
  
May impose  
a certain tax

## PUBLIC EDUCATION.

Academy building to be procured with the proceeds of such sale and tax.

personal, in said united school districts belonging to white persons, which, together with the moneys arising from the sale of the school houses, lands and furniture aforesaid, shall be used by said board to procure a site, if necessary, for a school house or academy building, and the construction and building of the same.

Proviso.

Regulation of poll tax.

Non-payment of school tax. Penalty.

SECTION 12. *Provided, however,* that no person assessed under the provisions of this act for school purposes, or the erection of a suitable building for school house or academy shall be assessed at a less amount than three hundred dollars upon his head, as a poll tax, and any person failing to pay his school tax shall be deprived of voting at any school election in said united districts.

*Passed at Dover, March 17, 1875.*

## CHAPTER 46.

## OF FREE SCHOOLS.

AN ACT to make personal property liable to taxation for school purposes in the School Districts in which it is situated.

Personal property liable to taxation for school purposes.

Shall be assessed and taxed only in the school district in which it is actually located.

Duty of school committees in making the assessment lists. Further duties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the personal property of all white persons now subject to tax for school purposes, shall be liable to assessment and tax for school purposes in the school district only in which it is actually located; and it shall be the duty of the school committees of the several school districts within the limits of this State, making the assessment lists for their respective districts, to place thereon the rates of the personal property now subject to tax for school purposes in the school district in which it has an actual location only, irrespective of the residence of the owners thereof.

SECTION 2. *And be it further enacted,* That the school committees of the several school districts within this State, shall not take the rates of personal property from the assessment list of the hundred in which it stands assessed at the

## PUBLIC EDUCATION.

time, but shall fix the rates of personal property for their respective school districts upon personal view thereof, or other sufficient information of the owner or persons having control of the same. The said school committees, in making the assessment lists for their respective school districts, shall adopt and use as a guide the assessment lists of the hundred in which their districts may be situated, so far as it may be practicable. The assessment list of each school district, aforesaid, shall only include the personal property actually located therein, provided that no property shall be assessed for school purposes under the provisions of this act, except such personal property as under the previous law could be assessed for school purposes.

Personal  
view of the  
property  
assessed.

Proviso

SECTION 3. *And be further enacted*, That the Secretary of State be and he is hereby authorized to make publication of this act in the month of March, in one newspaper in each county in at least two issues.

To be pub-  
lished in  
newspapers.

*Passed at Dover, March 9, 1875.*

## CHAPTER 47.

## OF FREE SCHOOLS.

A SUPPLEMENT to Chapter 42; of the Revised Code of 1852, as published in 1874, entitled of "Free Schools".

Amended  
Code, 1874  
203

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

SECTION 1. That the school committee, in the several school districts in Sussex county, shall, annually in the month of April, levy a tax of one dollar upon the owners of each and every dog, and two dollars for each and every bitch, in the several school districts in said county, for school purposes. The school committee in each district, in making out the duplicate list required to be issued to the collector, shall distinguish therein between white and colored persons. The warrant to be issued to the collectors shall include the taxes

Dog tax for  
school  
purposes in  
Sussex  
county.

School Com-  
mittee shall  
distinguish  
between  
white and  
colored  
persons in  
making out  
duplicate  
list for  
Collector.

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Collector's  
warrant to  
include  
what.  
The tax  
collected  
from whites,  
how appro-  
priated.  
Tax col-  
lected from  
colored  
persons,  
how appro-  
priated.

levied under this act. The moneys collected under this act, from white persons, shall be paid over to the school committees in the several school districts, to be used for school purposes in the district in which the taxes are collected.

SECTION 2. The moneys collected under this act, from colored persons, shall be paid over to the county Treasurer of Sussex county, by the collectors, which shall be by him equally divided among the several colored schools in said county.

How drawn.

The moneys so divided among the colored schools aforesaid, shall be drawn upon warrants of the colored teachers in said county, countersigned by the collector of the hundred in which such colored school is located.

Power of  
Collector  
respecting  
dog tax.

SECTION 3. The collectors shall have the same power to collect the taxes under this act as the collector of county taxes.

Liability of  
Collector  
and County  
Treasurer.

SECTION 4. The official bonds of the collectors and county treasurer shall be liable for all the moneys collected and received under this act.

*Passed at Dover, March 23, 1875.*

## CHAPTER 48.

## OF FREE SCHOOLS.

AN ACT to tax colored persons for the support of their own schools.

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

Levy Courts  
to tax colored  
persons for  
support of  
their own  
schools.  
Tax rate.

SECTION 1. That the Levy Courts in the several counties of this State be and they are hereby authorized annually, in the month of April, to lay and apportion a tax of thirty cents in the hundred dollars, and so pro rata upon the assessments of the real and personal property, and poll of colored persons as they shall stand upon the assessment lists of the several hundreds, which shall be set apart as a separate and distinct

Separate  
fund

## PUBLIC EDUCATION.

fund for the support and maintenance of colored schools in this state. The warrant required to be issued to the collectors of the several hundreds, shall include the taxes levied under this act. The said taxes shall be collected by the collectors aforesaid, by the same process as other taxes now are, and pay\* over the same as hereinafter directed.

How collected.

SECTION 2. All the moneys collected under this act shall be paid as other taxes, to the county treasurer in each county, which he shall keep as a separate fund, and which shall be paid by him to the treasurer of the "Delaware Association for the education of the colored people." The fund arising under this act shall be applied by said association to the support and maintenance of colored schools throughout this State, and shall be distributed by said association as follows, to wit: the said association shall ascertain the amount collected under this act, from each county, and shall distribute to each county the amount raised by said county, under the provisions of section 1 of this act.

To whom paid.

How distributed.

SECTION 3. That the treasurer of said association shall give bond to the State of Delaware, for the penal sum of two thousand dollars, conditioned for the faithful application of the moneys received under this act.

Treasurer of the Delaware Association for the education of the colored people, to give bond.

SECTION 4. That the official bond of the county treasurer and county collectors to each county, shall be liable for the moneys collected and received under this act.

Bond of county treasurer and county collectors. Liability.

SECTION 5. The county treasurer and collectors to each county shall be entitled to the same per cent for the collection and application of the moneys collected and accounted for under this act, as they are for the collection and application of county taxes.

Rate of commissions.

*Passed at Dover, March 24, 1875.*

\* So enrolled.



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## CHAPTER 49.

## OF FREE SCHOOLS.

AN ACT to remove certain property from School District No. 48, New Castle county.

Certain property within the limits of the city of New Castle shall be exempt from taxation for school purposes in School District No. 48.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That all property included within the limits of the city of New Castle, and which, prior to the act of assembly incorporating said city, was included within the limits of School District 48, of New Castle county, and which was liable to assessment for school purposes in said district, shall be exempt from assessment and taxation, for the said purposes in the district aforesaid.

*Passed at Dover, March 25, 1875.*

## CHAPTER 50.

## OF FREE SCHOOLS.

AN ACT in relation to Free Schools in this State.

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

State Superintendent of free schools. To be appointed by Governor, when Qualifications Term of office. Vacancy, how filled. State Board of Education, who shall constitute it

SECTION 1. On the second Tuesday in April next, and annually thereafter, the Governor shall appoint and commission some suitable person of good moral character and well qualified with regard to his mental attainments for the place, as superintendent of the free schools of the State of Delaware; he shall hold his office for one year, and until his successor shall in like manner be appointed.

The Governor shall have power to fill any vacancy caused by death, resignation or otherwise.

SECTION 2. That the Secretary of State, President of Delaware college, State Auditor, and the State Superintendent

## PUBLIC EDUCATION.

shall constitute a State Board of Education for this State, who shall meet on the first Tuesday of January, in each and every year, in the Capital at Dover, at 2 o'clock in the afternoon. The Auditor shall, by virtue of his office, be secretary of said Board of Education. The President of Delaware college shall, by virtue of his office, be President of said Board of Education.

Annual meeting. When. Where. Auditor to be secretary. Who, president.

The State Board of Education shall hear appeals and determine finally all matters of controversy between the superintendent and teachers or commissioners, and between school commissioners and teachers; the State Board of Education together with the State Superintendent shall determine what text books are to be used in the free schools of this State.

Powers and duties of State Board.

The State Board of Education, together with the State Superintendent, shall issue an uniform series of blanks for the use of teachers, and shall require all records to be kept and returns to be made according to these forms.

SECTION 3. The members of the State Board of Education shall receive no salary or compensation for the performance of the duties thereof, except as hereinafter provided. A majority of the members of the State Board of Education shall constitute a quorum to do business, but a less number may adjourn from time to time, until a quorum be obtained. Their secretary shall keep a record of their proceedings, and all books, papers and other documents shall be carefully preserved by the secretary, and be by him handed over to his successor in office. He shall receive the sum of one hundred dollars per annum, payable quarterly, in installments of twenty-five dollars each.

No compensation. Exception.

Quorum

Secretary, his duties.

His salary.

SECTION 4. The State Superintendent shall visit every school once a year. He shall note in a book, to be kept for that purpose, the number of scholars, the condition of school building, ground and appurtenances; the qualification and efficiency of the teachers; the conduct and standing of the scholars; the method of instruction, and the discipline and government of the schools. In the visits of the Superintendent to the schools, he shall advise with the teachers respectively, and give them such instructions in regard to discipline and teaching, as he may deem necessary, and shall have power to suspend or withdraw any teacher's certificate, upon his refusal to comply with the reasonable directions of the Superintendent, subject, however, to an appeal as in other cases.

State Superintendent. Duties.

May withdraw a teacher's certificate; when.

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He shall, by every means in his power, strive to promote and advance the cause of education and interest in the schools, and, in order to secure his entire time, he shall not engage in any other business, or pursue any other calling.

Shall engage in no other business or calling.

Shall examine all who propose to teach in the State.

Mode of examination— who may attend— when and where held.

Qualifications of teachers.

Certificate.

Appeal.

Shall keep a list of certificates granted by him

Provide

Teacher to present certificate, and pay fee— when, to whom.

How fee applied.

SECTION 5. The State Superintendent shall examine all persons who shall apply to him for that purpose, and who propose to teach in this State, and any one interested may attend such examination, which may be oral, or by printed or written questions, or partly by each method. These examinations may be at such times and places as the Superintendent may appoint, having due regard to the necessities of the schools, and the convenience of the teachers. Every applicant who is of good moral character, and who shall be found qualified to teach the branches now required by law to be taught, shall receive a certificate thereof, from the Superintendent, and under his hand. Any applicant having been refused a certificate may appeal to the State Board of Education. The Superintendent shall also keep an accurate list of all certificates granted by him, with the dates thereof, and the names of the persons to whom granted. *Provided*, that before such certificate shall enable the holder thereof to be employed as a teacher, he shall present it to the county treasurer of the county wherein the certificate was issued, and pay to him the sum of two dollars, who, upon payment thereof, shall countersign said certificate, and then it shall be effective; and the county treasurer shall pay said sum to the State Treasurer, to be applied by him towards the payment of the salary of the said Superintendent.

Salary, \$1800

How drawn

SECTION 6. The State Superintendent shall receive a salary of eighteen hundred dollars per annum, to be paid quarterly by the State Treasurer on warrants drawn by himself, and marked correct by the State Auditor, but the State Auditor shall not mark such warrant correct, when such Superintendent has failed to discharge his duties faithfully, and to the best of his abilities.

Annual Report to the Governor

SECTION 7. The State Superintendent shall annually, on the first Tuesday in December, in each and every year, report in writing to the Governor the condition of the public schools, and make such recommendations and suggestions as he may think proper.

School commissioners in each district to levy a tax of \$100 in New Castle and Kent Counties,

SECTION 8. It shall be the duty of the school commissioners in each of the school districts of the State, annually, in the month of April, to assess, levy and collect, as provided in chapter 42 of the Revised Statutes, without regard to any vote thereon, in each of their respective districts, that is to

## PUBLIC EDUCATION.

say, in each of the school districts in New Castle and Kent counties, the sum of one hundred dollars; in each of the school districts in Sussex county, the sum of sixty dollars, to be applied to the support of the schools of their districts, which said sums, so required to be raised by said districts, shall be in lieu of the amount now required to be raised by chapter 70, section 1, of the 12th volume of Delaware laws, which latter amount shall no longer be required to be raised.

SECTION 9. The school commissioners in their respective districts shall not employ any person as teacher after the first day of August next, in any school district, who does not hold a certificate from the State Superintendent.

SECTION 10. This act shall not apply to any school or school districts managed or controlled by an incorporated board of education, unless by special request of said board.

SECTION 11. The Superintendent shall hold a teachers' institute, in each of the counties of this State, at least once a year, of at least three days' session, at which time all the teachers in their respective counties shall attend, unless unavoidably detained, at which time the Superintendent shall give all the information to teachers within his power, and such other instructions as he may deem advisable for the advancement of education, and have a general interchange of views of teachers as to the wants of the various schools.

SECTION 12. It shall be the duty of every teacher employed under the provisions of this act, to make out and hand to the commissioners of the district, at the end of each month, a report, setting forth the whole number of pupils attending school during the month, designating whether male or female, the number of days each has attended, the books used and branches taught, and until such report shall have been made, it shall not be lawful for the commissioners to pay such teacher his or her salary. The reports made in pursuance of the previous provisions shall be forwarded annually, in the month of November, by the clerks of the several districts, to the State Superintendent.

SECTION 13. The State Superintendent shall, by the consent of the State Board of Education, or a majority of them, have power to re-district or consolidate any of the districts in Sussex county, when, in his judgment, such consolidation or re-districting is necessary for the promotion of education in said county, provided, however, he shall not interfere with any consolidated district or incorporated board of education.

*Passed at Dover, March 25, 1875.*

and \$60 in  
Sussex  
County,  
without  
regard to  
any vote  
thereon.  
How applied.  
To be in  
lieu of  
amount  
required by  
Chap. 70,  
Vol. 12.  
School com-  
missioners  
not to  
employ any  
teacher not  
holding  
certificate.  
When.  
Act not  
applicable to  
incorporated  
schools.  
Exception.

Teacher's  
Institute.  
When held.  
Duties of  
teachers  
respecting it.  
Duty of su-  
perintendent

Monthly  
Reports of  
teachers.  
What set  
forth therein.  
Day to be  
withheld  
from report  
if made.  
Reports to  
be forwarded  
to State  
Superin-  
tendent.  
When.  
By whom.

When Su-  
perintendent  
may re-  
district or  
consolidate  
any of the  
districts in  
Sussex  
county.  
Proviso.

## PUBLIC EDUCATION.

## CHAPTER 51.

## DELAWARE COLLEGE.

AN ACT authorizing and requiring the State Treasurer to cause to be issued bonds of this State to the amount of fourteen thousand dollars, in lieu of bonds of this State to a like amount required to be cancelled.

Preamble.

Amended  
Code, 1874.  
218.  
Chap. 137.  
Vol. 13. 127.

WHEREAS, it has come to the knowledge of this General Assembly, that the bonds of this State (fourteen in number) each for one thousand dollars, being a portion of the amount invested for the benefit of Delaware College, according to the provisions of an act entitled "An act establishing a college for agricultural and mechanic arts in this State" passed at Dover, March 14, 1867, are now due, and that the coupons have been detached therefrom and paid, and, whereas, the said act requires that the principal of said bonds shall be forever held sacred for the purposes therein mentioned, in order the better to carry into effect the provisions of said act: Now, therefore,

State  
Treasurer  
required to  
hold for  
cancellation  
certain bonds  
held for  
benefit of  
Delaware  
College.

New bonds  
to be issued  
in lieu  
thereof.

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

SECTION 1. That the State Treasurer be and he is hereby authorized and required to hold for cancellation, and to present at his settlement with the legislative committee for that purpose, the bonds (fourteen in number) each for one thousand dollars, held by him for the benefit of Delaware College, and in lieu thereof, to cause to be issued, bonds of this State to a like number and for the same amount.

For what  
purpose.

Cost of  
printing and  
other expenses.

How charged

SECTION 2. The said bonds authorized to be issued by this act shall be for the benefit of Delaware College. The cost of printing and all expenses incident thereto shall be charged against said college fund, and retained by the State Treasurer according to the provisions of said act entitled "An Act establishing a college for agricultural and mechanic arts in this State" passed at Dover, March 14, 1867.

*Passed at Dover, March 26, 1875.*

## PUBLIC EDUCATION.

## CHAPTER 52.

## PUBLIC SCHOOL IN DELAWARE CITY.

AN ACT to incorporate Delaware City Public School and for other purposes.

*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.)*

SECTION 1. That all the school districts, or parts of districts being in whole or in part in the town of Delaware City, numbers 52 and 76, or which now receive the benefits of the schools kept in said town, be and they are hereby declared incorporated into one common school district, to be governed and managed by six trustees to be elected by the school voters of said districts for the term of two years, or until their successors shall be duly elected; they shall have full power and authority to levy and raise by taxation in the same manner as such taxes are assessed, levied and collected under the laws concerning free schools in this state, such sums of money as they shall deem necessary for the purchase of suitable grounds and buildings, or for the erection of suitable buildings for the accommodation of all the scholars of a proper age residing within said districts, and for the support of the school or schools to be taught therein; also to employ all the teachers necessary to carry into effect the objects of this corporation. And it is hereby declared to be the duty of said trustees, and the intention of this act, that they shall make ample provision for the tuition of scholars from the primary branches of an education, up to and including a full academic course; and generally to do all other acts and things incident to such corporations, *provided* that the amount to be raised by taxation in any one year for the purchase or erection of buildings, or for the support or maintenance of the school, shall be determined by the voters at the annual meeting to be called for that purpose, and that no greater sum than fifteen hundred dollars shall be raised by the regular tax in any year for the support of the schools of said district, or like amount for the erection of buildings.

Certain school districts in town of Delaware City incorporated into one district.

Trustees: how elected.

Terms.

Powers.

Duties.

Proviso.

Taxes.

Amount: how determined.

Limited.

SECTION 2. That all the property, both real and personal or mixed, now held by the two united or consolidated districts under this act, shall be deemed, taken and held to be the common property of said districts as united or consolidated by virtue of this act. And in all the future distributions of the

Property of the districts consolidated. How held.

Distribution of the school fund.

## PUBLIC EDUCATION.

Proviso.  
Respecting  
apportion-  
ment of the  
property of  
the districts  
consolidated.

Non-resi-  
dents and  
persons over  
21 years of  
age may be  
admitted as  
scholars.

How the  
necessary  
funds may  
be raised by  
trustees

When act  
shall take  
effect.

Meeting to  
determine.

How called.

Acceptance  
or non-ac-  
ceptance to  
be certified.

Mode of  
voting.

Election of  
trustees.

school funds of this State among the several school districts thereof, the trustee of said fund shall treat this consolidated district as two districts and make the distribution accordingly: *Provided*, that in the distribution or disposal that may be made of the property held by the districts embraced in this act, that all excess over the amount realized by the district possessing the least valuable property, shall revert to the district or districts respectively realizing a larger amount, and shall be used by them towards the payment of the first tax that may be levied for the purpose of carrying out the provisions of this act. The trustees of this school may, in their discretion, admit into said school or schools to be conducted under this act, persons residing out of the limits of this corporation or persons over the age of 21 years, on such terms as they shall deem equitable, and the proceeds of the tuition of scholars so admitted, shall be paid over to the treasurer of said institution as a part of the common fund thereof.

SECTION 3. That if the trustees herein mentioned shall deem it imprudent to raise by taxation the whole sum necessary to carry into effect the objects of this corporation, at one time, they may, in their discretion, levy and raise by taxation such portion thereof as they may deem proper, and borrow on bond and mortgage on the property of said school districts or consolidated school districts, or otherwise, the balance of the sum necessary to carry into effect the objects and designs of this act, and to liquidate the same by annual installments, or otherwise, as may be agreed upon by said trustees, and the party or parties making such loan.

SECTION 4. That the provisions of this act shall not take effect until a majority of the school voters of the two school districts before named, shall decide to consolidate the said districts in a meeting called for that purpose, of which due notice shall be given by written advertisement posted in four of the most public places in said district; such notice shall be given by the clerks of the respective school districts, stating the day, hour and place of meeting, and the purpose for which it is called; all votes shall be given by ballot at said election, and it shall be the duty of the officers appointed to conduct such election, under their hands and seals, [to certify] the acceptance or non-acceptance of this act to the clerk of the peace, of New Castle county, who shall file the same in his office. In voting, those in favor shall vote *aye*, and those opposed, *no*. At any time after the majority shall decide to consolidate the two districts before mentioned, it shall be lawful to elect six trustees in the following manner; on the

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day of the first annual town election thereafter, and at the same place, shall elect three trustees to serve for two years, <sup>Terms.</sup> and at the same time and place shall elect three trustees to serve for one year, and at the next and each succeeding annual town election thereafter, shall, in the same manner and order, and at the same place, elect three trustees, whose term of office shall be two years, or until their successors shall be elected. The same election officers that receive the ballots for the town officers, shall, at the same time, receive the ballots for the trustees and directors of the public school. In case of a vacancy, the remaining trustees or a majority of <sup>Vacancy.</sup> them may make a temporary appointment to supply such vacancy, until the same can be filled by election. Any member elected to fill a vacancy, shall hold for the residue of the term of the member whose place he supplies.

SECTION 5. That when the first six trustees are elected, the <sup>Corporation.</sup> same shall be deemed, and by force of this act, shall become a corporation by the name, style and title of the Delaware City public school. The board shall be known under the name, style and title of the trustees and directors of the Delaware City public <sup>Corporate name.</sup> school, and under that name may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity. Have and use a common seal, and the same to change, to alter, to renew at their pleasure, and have all the privileges and franchises incident to a body corporate of this kind and character. They shall ap- <sup>Name of Board.</sup> point one of their board treasurer, who, in virtue of his office, shall also be secretary, who shall have no vote in the board <sup>Powers.</sup> of directors, except in the case of a tie vote, when he shall have the deciding vote. The treasurer shall give bond and security in twice the amount estimated to come into his hands as <sup>Treasurer.</sup> treasurer as aforesaid. All bills against said institution shall be audited by said trustees, or a majority of them, and paid by drafts on the treasurer, and the drafts so drawn and paid <sup>Powers and duties.</sup> by said treasurer, shall be vouchers from which the account of said treasurer shall be annually settled.

SECTION 6. That the trustees elected as herein provided, <sup>Trustees may levy and collect a supplement tax.</sup> shall have full power and authority to levy and collect a supplement tax outside and beyond the regular tax, to be annually assessed, which shall be laid upon such persons as are <sup>How.</sup> receiving the greatest amount of benefit from said schools, in such proportions as said trustees shall deem equitable and just in the premises, which tax shall be collected the same as the regular taxes are collected, and subjected to all the laws for the collection of said regular taxes. The said trustees shall re- <sup>Compensation.</sup>



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ceive no compensation for their services, except such as may be voted them at the annual election for trustees : said trustees shall annually lay before the voters of said district at the annual election for trustees, a full account of their doings in the premises since their election, embracing the number of scholars taught ; the department in which they have been taught ; the number of teachers employed, and the sum paid to them respectively, with any other information in relation to the conducting of said schools, that they may deem of interest to the voters of said district.

Principal and assistant teachers.

Qualifications.

Certificate. Trustees: their duties.

SECTION 7. The trustees or directors shall employ one teacher as a principal, and one or more assistants, as they may deem necessary. The trustees or directors before employing a principal, must require the applicant for the position, to produce (and of recent date), a certificate from the State examining board, if one there be, or from the board of public education, of the city of Wilmington, or a satisfactory certificate from some other board of examiners, which certificate shall set forth that the applicant is well qualified for the position of principal of an academy, and is of good habits and good moral character. They shall be well satisfied that the assistant teachers are qualified for their positions. The directors shall have full power to make by-laws, to appoint all teachers, and to fix the amount of their salaries, and may dismiss them at any time for incompetency, cruelty, neglect of duty, or immorality ; shall direct what branches of learning shall be taught in said school, and what books shall be used therein, and may suspend or expel from the school all pupils found guilty of lewd or refractory or incorrigible conduct.

Qualifications of trustees.

Their powers respecting real estate.

Proviso

Restriction

Manner of conveying school property.

SECTION 8. That the trustees to be elected as aforesaid, shall be freeholders within the limits of said corporation, and shall have resided therein at least one year before their election as such trustees. They shall have full power and authority to erect the necessary building or buildings on the lot or lots now owned by said district or districts ; or if deemed best to sell any one or all of the lots now owned by said district or districts, and to purchase another location or lot and building more suitable for the purposes contemplated by this act, *Provided, however,* That before any such sale of the present property of said district or districts shall be made [as] aforesaid, the said trustees shall call a meeting of the voters of said district or districts, and lay before them the new location proposed for school purposes aforesaid, and a vote shall be taken for and against such change, and if a majority of the voters present at such an election shall vote in favor of making the change

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proposed as aforesaid, then said trustees are hereby authorized and empowered to sell and dispose of all the present property of said district or districts, or such part thereof as shall be agreed upon by the voters of such district or districts, and execute a deed or deeds for the same, under the hand and seals of said trustees, or a majority of them, which deed or deeds so as aforesaid executed, shall convey and transfer to the purchaser all the right and title of said district or districts, of, in and to the property so as aforesaid conveyed. And said trustees shall have full power and authority to dispose of, and cause to be removed, the school house of district number 52, and are required to dispose of, in the following manner, the grounds known as the school and church lot, being the same as conveyed by Daniel Newbold and Rachel his wife, by indenture dated December 31, 1829, and by Manuel Eyre, by indenture dated December 29, A. D. 1829, for school and church purposes. The trustees shall first open through said school and church lot from Fourth street to Fifth street, a continuation of Bayard street of a width of sixty feet, and shall dispose of the residue of said school and church lots in any manner, they, in their judgment, think to the best advantage for the benefit of the consolidated school districts, and said trustee shall take from the person or persons of whom said new property shall have been purchased, a deed in such manner as shall secure a good and valid title to said district or districts in such lands and premises so as aforesaid purchased, forever.

Certain property to be removed and disposed of.

How.

SECTION 9. That no supplement tax shall be assessed upon the inhabitants of said district under the provision of section 6th, of this act, in any year, unless a tax equivalent to three hundred dollars clear of delinquents and commissions shall have been levied and raised for each of the districts composing the consolidated district, to wit: the sum of six hundred dollars as the regular tax of said district. The trustees shall make or cause to be made the necessary assessments on the persons or property of said district, and hold a court to hear any and all appeals therefrom, the same as is provided by law, in regard to other school districts of this State.

No supplement tax to be assessed in a certain district, unless, &c.

Appeals from assessments.

SECTION 10. That this act shall be deemed an incorporation for public purposes and public improvements, and shall have perpetual succession, reserving, nevertheless, to the legislature the right to alter, amend or repeal the same for abuse or misuse of its corporate franchise.

Incorporation for public improvement. Perpetual. Reservation

*Passed at Dover, March 4, 1875.*

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ceive no compensation for their services, except such as may be voted them at the annual election for trustees : said trustees shall annually lay before the voters of said district at the annual election for trustees, a full account of their doings in the premises since their election, embracing the number of scholars taught ; the department in which they have been taught ; the number of teachers employed, and the sum paid to them respectively, with any other information in relation to the conducting of said schools, that they may deem of interest to the voters of said district.

Principal  
and assistant  
teachers.Qualifica-  
tions.Certificate.  
Trustees :  
their duties.

SECTION 7. The trustees or directors shall employ one teacher as a principal, and one or more assistants, as they may deem necessary. The trustees or directors before employing a principal, must require the applicant for the position, to produce (and of recent date), a certificate from the State examining board, if one there be, or from the board of public education, of the city of Wilmington, or a satisfactory certificate from some other board of examiners, which certificate shall set forth that the applicant is well qualified for the position of principal of an academy, and is of good habits and good moral character. They shall be well satisfied that the assistant teachers are qualified for their positions. The directors shall have full power to make by-laws, to appoint all teachers, and to fix the amount of their salaries, and may dismiss them at any time for incompetency, cruelty, neglect of duty, or immorality ; shall direct what branches of learning shall be taught in said school, and what books shall be used therein, and may suspend or expel from the school all pupils found guilty of lewd or refractory or incorrigible conduct.

Qualifica-  
tions of  
trustees.Their powers  
respecting  
real estate.

Proviso

Restriction.

Manner of  
conveying  
school  
property.

SECTION 8. That the trustees to be elected as aforesaid, shall be freeholders within the limits of said corporation, and shall have resided therein at least one year before their election as such trustees. They shall have full power and authority to erect the necessary building or buildings on the lot or lots now owned by said district or districts ; or if deemed best to sell any one or all of the lots now owned by said district or districts, and to purchase another location or lot and building more suitable for the purposes contemplated by this act, *Provided, however,* That before any such sale of the present property of said district or districts shall be made [as] aforesaid, the said trustees shall call a meeting of the voters of said district or districts, and lay before them the new location proposed for school purposes aforesaid, and a vote shall be taken for and against such change, and if a majority of the voters present at such an election shall vote in favor of making the change

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proposed as aforesaid, then said trustees are hereby authorized and empowered to sell and dispose of all the present property of said district or districts, or such part thereof as shall be agreed upon by the voters of such district or districts, and execute a deed or deeds for the same, under the hand and seals of said trustees, or a majority of them, which deed or deeds so as aforesaid executed, shall convey and transfer to the purchaser all the right and title of said district or districts, of, in and to the property so as aforesaid conveyed. And said trustees shall have full power and authority to dispose of, and cause to be removed, the school house of district number 52, and are required to dispose of, in the following manner, the grounds known as the school and church lot, being the same as conveyed by Daniel Newbold and Rachel his wife, by indenture dated December 31, 1829, and by Manuel Eyre, by indenture dated December 29, A. D. 1829, for school and church purposes. The trustees shall first open through said school and church lot from Fourth street to Fifth street, a continuation of Bayard street of a width of sixty feet, and shall dispose of the residue of said school and church lots in any manner, they, in their judgment, think to the best advantage for the benefit of the consolidated school districts, and said trustee shall take from the person or persons of whom said new property shall have been purchased, a deed in such manner as shall secure a good and valid title to said district or districts in such lands and premises so as aforesaid purchased, forever.

Certain property to be removed and disposed of.

How.

SECTION 9. That no supplement tax shall be assessed upon the inhabitants of said district under the provision of section 6th, of this act, in any year, unless a tax equivalent to three hundred dollars clear of delinquents and commissions shall have been levied and raised for each of the districts composing the consolidated district, to wit: the sum of six hundred dollars as the regular tax of said district. The trustees shall make or cause to be made the necessary assessments on the persons or property of said district, and hold a court to hear any and all appeals therefrom, the same as is provided by law, in regard to other school districts of this State.

No supplement tax to be assessed in a certain district, unless, &c.

Appeals from assessments.

SECTION 10. That this act shall be deemed an incorporation for public purposes and public improvements, and shall have perpetual succession, reserving, nevertheless, to the legislature the right to alter, amend or repeal the same for abuse or misuse of its corporate franchise.

Incorporation for public improvement. Perpetual. Reservation.

*Passed at Dover, March 4, 1875.*

## PUBLIC EDUCATION.

## CHAPTER 53.

## PUBLIC SCHOOLS IN LEWES.

AN ACT to establish a Board of education, for the town of Lewes, and to incorporate the same and for other purposes.

*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.)*

**Certain districts consolidated and incorporated. Government.** SECTION 1. That School Districts, Nos. 14, 15, 110 and 112, which now receive the benefits of the schools kept in said districts, be, and they are hereby, declared incorporated into one consolidated district, to be governed and managed by a board of public education, consisting of twelve members, to be elected as hereinafter provided.

**Board of education in Lewes.** SECTION 2. That from and after the passage of this act, there shall be established, in and for the town of Lewes, a board of education to be styled "The Board of Public Education, for the town of Lewes," whose design and purpose shall be the direction, management and superintendence, of the public education of children, in said consolidated districts, between the ages of six and twenty one years.

**Corporate name.**

**Purpose.**

**Names of the members of the board.** SECTION 3. That the following named citizens of the town of Lewes, viz ; William P. Orr, Robert Arnell, Elihu J. Morris, Harbeson Hickman, John A. Clampett, David A. Marshall, David Hall, Edward Russell, David L. Mustard, Lemuel W. Waples, Thomas E. Ricards and James H. Russell, and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid, shall be and they are hereby, created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority, to devise, establish and modify, from time to time, a plan and system of education for children between the ages aforesaid, in the said consolidated districts, and to superintend the same ; to appoint, suspend and remove teachers, and provide school houses ; to make by-laws, rules and regulations for their own government, and for the government of the teachers and schools under their superintendence ; to designate and elect officers of the said board, and to fill vacancies in any manner whatever caused, until the next election for members of the board, and to take and acquire, receive, hold and enjoy for the purposes aforesaid, moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or

**Corporate powers.**

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bequest ; and that they, as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any Court of Law or Equity in the State of Delaware or elsewhere, and have a common seal, with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations, and necessary or convenient for carrying out the purposes of their creation.

SECTION 4. That the persons named as corporators in this act, shall constitute the board of public education, until the first Saturday in April, A. D. eighteen hundred and seventy six, or until their successors are duly elected and qualified ; the first election for the members of the board of public education, shall take place on the first Saturday in April, A. D. eighteen hundred and seventy six, at which election four persons shall be elected to serve for the term of one year, four for the term of two years, and four for the term of three years, and on the first Saturday of April, annually thereafter, to fill vacancies caused by the limitation to terms of office prescribed, or in any manner whatever. The election shall be held in the afternoon, the polls opened at one o'clock, or within thirty minutes thereafter, and closed at five o'clock ; the members shall not receive either pay or emolument, or be allowed any compensation for their services. The board shall appoint a secretary and treasurer, who shall be members thereof ; the board shall appoint the place of election, and give notice thereof for ten days previous to the time of holding said election, by hand-bills, under the signature of the secretary of the board, posted in five of the most public places in the consolidated district. They shall appoint an inspector and an assistant inspector of said election, (not members of the board) who shall preside thereat. The officers holding the election, shall, before opening the polls, each take an oath or affirmation as follows :

*I — do solemnly swear (or affirm,) that in holding the election this day for members of the board of public education, I will faithfully and impartially discharge my duty, and make true certificates of the result thereof, and deliver the same according to law, so help me God, (or so I solemnly affirm.)*

The inspector is authorized to administer this oath or affirmation to the assistant, and he to the inspector. Within two days after any election the certificates of the result shall be delivered under the hands of the officers holding the election as follows : one to the secretary of the board, and one to each of the persons elected ; which certificates shall be made out and

Term of members of the board, named in section 3.

Successors elected.

When, how.

Election hours.

No compensation.

Secretary and treasurer.

How appointed.

Place of election, and time.

Notice.

Officers of election.

Oath.

How administered.

Certificates.

How delivered.

## PUBLIC EDUCATION.

Board to  
determine  
election of  
its members.

Qualifica-  
tions of  
members and  
voters.

signed as aforesaid, immediately after counting the vote. The board shall be the judges of the election of its members, who must, in addition to being qualified voters of the town of Lewes, have paid a school tax, for the support of the schools established under this act, within the year preceding the election, and must be elected by the voters of said consolidated districts having the same qualifications; plurality of votes to elect.

Illegal  
voting.

Receiving  
illegal vote  
or refusing to  
give  
certificate of  
election.

\$50 fine

SECTION 5. That if any person not having a right to vote at any election held under this act shall vote at such election, or if any inspector or assistant shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election, as required by the next foregoing section, every such person, inspector or assistant, shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction in the court of General Sessions in and for the county of Sussex, and to be paid to the board of public education aforesaid, for the benefit of the schools under their charge.

Annual re-  
port of board.

When  
published.

SECTION 6. That the board of public education shall, on or before the Monday next preceding the first Saturday in April, in every year, cause to be published a full report of their accounts and proceedings during the past year, setting forth aggregates under their appropriate heads. They shall also depute one of their members to settle with the auditor of the State.

Settlement  
with State  
auditor.

Board to  
determine  
amount to be  
raised for  
educational  
purposes.

Restriction

Manner of  
levying and  
collecting  
taxes

SECTION 7. That the board of education shall, every year, determine the amount to be raised on the real estate, improvements on public ground, and persons of white citizens, in said consolidated districts, for educational purposes; such sum not to exceed twenty-five hundred dollars, and that the taxes levied and collected for educational purposes in said consolidated districts shall be levied upon real estate, houses, or public land, and persons in said consolidated district; and the board of public education, in assessing the poll or person, shall have the same power granted to county assessors by section 10, of chapter 10, of the Revised Code.

Powers  
respecting  
taxes and  
dividends

SECTION 8. That the board of public education shall have the same power and authority in collecting taxes given to commissioners of public schools in this State, and shall have the right to draw dividends from time to time, made and entered to the credit of School Districts Nos. 14, 15, 110 and 112.

## PUBLIC EDUCATION.

SECTION 9. That the board of public education shall have full power and authority to levy and collect a supplemental tax, outside and beyond the regular tax to be annually assessed, which shall be laid upon such persons as are receiving the greatest amount of benefit from the said schools, in such proportion as said board of education shall deem equitable and just in the premises, which tax shall be collected in the same manner as the regular taxes are collected, and subject to all the laws for the collection of said regular taxes.

Supplemental tax.  
How collected.

SECTION 10. That each member of the board of public education, before entering upon the discharge of the duties of his office, shall take an oath or affirmation, to perform the same diligently and faithfully, according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the president of the board, or by any member thereof, as well as by any officer authorized by law to administer oaths or affirmations.

Oath of members.  
When and how administered.

SECTION 11. That the districts consolidated by authority of this act, and having money in hand prior to its passage, shall be allowed credit for the same, if paid over to the board of public education in a *pro rata* distribution among the taxables of the district having paid the same.

Money of districts consolidated, in hand prior to passage of act.

SECTION 12. That this act shall be and continue in force for the term of twenty years, from, and after its passage; and that all laws or parts of laws which conflict with the same, or any of its provisions, be and the same are hereby repealed, so far as it conflicts with Districts Nos. 14, 15, 110 and 112.

How distributed

Act to continue for 20 years

Inconsistent laws repealed.

*Passed at Dover, March 9, 1875.*



## PUBLIC EDUCATION.

## CHAPTER 54.

## PUBLIC SCHOOLS IN NEW CASTLE.

AN ACT to establish a board of education for the city of New Castle, and to incorporate the same, and for other purposes.

Board of  
education  
established  
in New  
Castle.

Corporate  
name.

Purpose

Corporate

Corporate  
powers.

Members of  
the board to  
divide into  
three classes

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 from and after the passage of this act, there shall be established in and for the city of New Castle a board of education, to be styled "The Board of Public Education for the city of New Castle," whose design and purpose shall be the direction, management and superintendence of the public education of children in said city, between the ages of six and twenty one years.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the following named citizens of the city of New Castle, Dr. J. T. Maxwell, Wm. Herbert, James M. Houseman, Edward Connolly, Mark M. Cleaver, Wm. F. Lane, A. J. Brown, A. M. Hizar, E. Challenger, and their successors as hereinafter provided, shall constitute the said board, and under the name and style aforesaid, shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify from time to time, a plan and system of education for children between the ages aforesaid, in the city of New Castle, and to superintend the same ; to appoint, suspend and remove teachers of such children, and provide school houses ; to make by-laws, rules and regulations for their own government, and for the government of the teachers and schools under their superintendence ; to designate and elect officers of the said board, and to fill vacancies in any manner whatever caused, until the next election for members of the board, and to take and acquire, receive, hold and enjoy for the purposes aforesaid, moneys, and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest, and that they as such body corporate, and by the name and style aforesaid, may sue and be sued, and have a common seal, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations, and necessary or convenient for carrying out the purposes of their creation.

SECTION 3. *And be it further enacted by the authority aforesaid :* That at the first meeting of the board, or of a ma-

## PUBLIC EDUCATION.

jority of the members thereof, after the passage of this act, the members shall be divided in a manner to be determined upon by themselves, into three classes ; the first class to hold office for one year, the second for two years, and the third for three years, or in each case until the next annual election, and that an election for one third of the members of the board shall take place on the first Saturday in March, eighteen hundred and seventy-six, to fill the vacancies caused by the expiration of the term of office of those of the first class, and on the first Saturday in March, eighteen hundred and seventy-seven, to fill the vacancies caused by the expiration of the term of office of those of the second class, and on the first Saturday in March, annually thereafter, to fill vacancies which may be caused by the limitations to terms of office, herein prescribed, or in any manner whatever. The election shall be held in the afternoon ; the polls opened at one o'clock, or within thirty minutes thereafter, and closed at seven o'clock ; the term of office of members of the board appointed now, (except those of the first and second classes aforesaid,) or chosen at the annual elections, shall be three years ; and they shall not receive either pay or emolument, or be allowed any compensation for their services. The board may appoint a person secretary who is not a member thereof. The board shall appoint the place of election, and give notice thereof for ten days previous to the time of holding said election, by handbills, under the signature of the secretary of the board, posted in twelve or more of the most public places in the city ; they shall appoint an inspector and an assistant inspector of said election, (not members of the board,) who shall preside thereat. The officers holding the election shall, before opening the polls, each take an oath or affirmation as follows :

*I, —, do solemnly swear (or affirm) that in holding the election this day for members of the board of public education, I will faithfully and impartially discharge my duty, and make true certificates of the result thereof, and deliver the same according to law, so help me God, (or so I solemnly affirm.)*

The inspector is authorized to administer this oath or affirmation to the assistant, and he to the inspector. Within two days after any election, the certificate of the result shall be delivered under the hands of the officers holding the election as follows : One to the secretary of the board, and one to each of the persons elected ; which certificates shall be made out and signed as aforesaid, immediately after counting the votes. The board shall be the judges of the election of its members, who must, in addition to being qualified voters of the city of

When  
How.

Terms of  
office.

Successors,  
when and  
how elected.

Election :  
Time.

Term of  
members.

No compen-  
sation.  
Appointment  
of secretary.

Place of  
election :  
Notice.

Officers of  
election.

Oath.

Certificate  
of election.  
When and  
how de-  
livered.

Board to  
determine  
election of  
its members.

## PUBLIC EDUCATION.

Qualifica-  
tions of  
members of  
the board,  
and voters.

New Castle, have paid a school tax for the support of the schools established under this act within the year preceding the election, and must be elected by the inhabitants of the city having the same qualifications: plurality of votes to elect.

Illegal  
voting.  
Receiving  
illegal vote,  
or refusing  
to give  
election  
certificate.

SECTION 4. *And be it further enacted by the authority aforesaid,* That if any person not having a right to vote at any election, held under this act, shall vote at such election, or if any inspector or assistant shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as required by the next foregoing section, every such person, inspector or assistant shall forfeit and pay fifty dollars to be adjudged on indictment and conviction in the court of general sessions in and for the county of New Castle, and to be paid to the board of public education aforesaid, for the benefit of the schools under their charge.

\$50 fine.

Board shall  
publish  
annual  
report.

When.

SECTION 5. *And be it further enacted by the authority aforesaid,* That the board of public education shall, on or before the Monday next preceding the first Saturday in March in every year, cause to be published a full report of their accounts and proceedings during the past year, setting forth aggregates under their appropriate heads; they shall also depute one of their members to exhibit their accounts and vouchers to the city council at their next regular meeting after such publication, and also to settle with the Auditor of the State.

Exhibit  
accounts to  
city council.

Settle with  
State auditor

City council  
shall annual-  
ly determine  
the amount  
to be raised  
for education-  
al purposes,  
according to  
the estimates  
of the board.

Sum not to  
exceed \$4000.

How paid in.

How drawn  
out.

Liability of  
city treas-  
urer and  
sureties.

SECTION 6. *And be it further enacted by the authority aforesaid,* That the city council shall every year, when determining the amount to be raised on the persons and estates in the city of New Castle, for public use, also determine, according to a computation to be laid before them by the board of public education, the sum necessary to be raised on the persons and estates for executing the foregoing provisions of this act, such sum not to exceed four thousand dollars; and the same shall be paid into the city treasury as other taxes are paid, and shall be paid out by the city treasurer upon orders drawn by the aforesaid board under the hand of the president and attested by the secretary. The city treasurer and his sureties shall be responsible for his faithful payment of all sums that shall thus come into his hands, and such shall be the legal effect of any security given by him as such treasurer both as to himself and his sureties; and the city council shall make any requisite order and appropriation.

Board may  
draw school  
dividends.

SECTION 7. *And be it further enacted by the authority aforesaid,* That the said board shall have the right to draw divi-

## PUBLIC EDUCATION.

dends from time to time, made and entered to the credit of School Districts Nos. 45 and 46.

SECTION 8. *And be it further enacted by the authority aforesaid*, That each member of the board before entering upon the discharge of the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully, according to the best of his knowledge and judgment, such oath or affirmation may be administered by the president of the board or by any member thereof, as well as by any officer authorized by law to administer oaths or affirmations. Oath of members.  
How administered.

SECTION 9. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force for the term of twenty years from and after its passage; and that all laws or parts of laws which conflict with the same, or any of its provisions, be and the same are hereby repealed. Act in force for 20 years.  
Inconsistent acts repealed

*Passed at Dover, March 10, 1875.*

## CHAPTER 55.

## OF PUBLIC SCHOOLS IN WILMINGTON.

AN ACT to annex for school purposes, School District No. 19, in New Castle county to the city of Wilmington.

WHEREAS, by the extension of the limits of the city of Wilmington, made by an act of assembly amending the charter thereof, passed at Dover, February 16th, 1866, the more thickly settled and populous part of School District No. 19, in New Castle county, was taken within the limits of the said city, leaving but a small extent of territory (with few inhabitants,) to constitute the present district, *therefore*, Preamble.  
Chap. 37.  
Vol. 13. 34.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That School District No. 19, in New Castle county be and the same is hereby annexed for school purposes to the city of Wilmington; and the inhabitants of the said dis[trict] are hereby declared to be entitled to the same benefits and privi- School district No. 19, annexed to Wilmington.

## PUBLIC EDUCATION.

leges of the public schools of the said city, as though they were residents within the corporate limits thereof.

Board of  
education  
in Wilming-  
ton may  
draw all  
dividends  
credited to  
said district  
by trustee of  
school fund.

Trustee to  
pay the  
dividends.

When.

SECTION 2. *And be it further enacted*, The board of public education in Wilmington shall have the right to draw all dividends heretofore made and entered, (and unpaid) to the credit of said School District No. 19, in New Castle county, or which shall hereafter be made and entered to the credit of said district, in the account of the trustee of the school fund, with said district, and it shall be the duty of the said trustee to pay said dividends upon an order signed by the president of the said board, and attested by the secretary, accompanied by a certificate, signed and attested in like manner, that the inhabitants of said district have received, or are receiving the benefits and privileges of the public schools of Wilmington.

Wilmington  
board  
substituted  
for the school  
committee of  
said district.

Election of  
school com-  
mittee and  
clerk dis-  
penssed with.

Powers and  
duties of  
school  
committee  
devolved on  
the board of  
public  
education in  
Wilmington.

SECTION 3. *And be it further enacted*, That the board of public education, in Wilmington, be and the same is hereby substituted for the school committee of the said District No. 19. The meeting of the school voters of the said district, on the first Saturday of April in every year hereafter, and their election of a school committee and clerk, for the said district, being hereby dispensed with, and all the powers of such school committees in reference to assessments of school taxes, levy and collection of taxes, appointment of tax collectors, taking security by bond from the same, and generally all the other powers and duties of a school committee, under the provisions of the law in reference to free schools, are hereby devolved upon the said board of public education in Wilmington, so far as the said district is concerned.

*Passed at Dover, March 10, 1875.*

## TITLE SEVENTH

Of the Poor, the Insane, Deaf and Dumb, and the Blind.

## CHAPTER 56.

## CONCERNING ALMSHOUSES AND THE POOR.

AN ACT to provide two additional Trustees of the Poor for Wilmington hundred.

Amended  
Code, 1874,  
231.

*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 48, of the Revised Statutes of the State of Delaware, be and the same is hereby amended, so that Wilmington hundred in New Castle county shall have four trustees of the Poor, and that the additional trustees shall be entitled to the same compensation as any other trustee of the Poor now receives.

Section 1, of  
chap. 48 of  
the Revised  
Code,  
amended.

Wilmington  
hundred to  
have four  
trustees of  
the poor.

SECTION 2. *Be it further enacted,* That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

Inconsistent  
acts repealed.

*Passed at Dover, January 27, 1875.*

## CHAPTER 57.

## OF THE INSANE.

AN ACT to amend section 3, chap. 57, vol. 14, Laws of Delaware.

Vol. 14, 66.

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

That section 3, chapter 57, volume 14, Laws of Delaware, amended.

Section 3,  
chap. 57, of  
vol. 14,  
amended.

## OF THE INSANE.

An indigent  
insane person  
not having  
manifested  
marked  
improvement  
may be  
discharged  
from  
hospital.

be and the same hereby is amended by striking out all the words after the word "unnecessary" and inserting in lieu thereof, the words following, to wit: "or that said indigent lunatic or insane person has not for one year past manifested any marked improvement in his or her condition, then such indigent lunatic or insane person, upon the written request of the Governor addressed to the proper authorities of the said asylum, hospital or institution, shall be discharged from a residence in the said asylum, hospital or institution, under the provisions of this act."

*Passed at Dover, March 4, 1875.*

## CHAPTER 58.

## OF THE DEAF AND DUMB, AND THE BLIND.

Judges of  
Superior  
court *ex-  
officio*  
trustees of  
indigent  
blind, deaf  
and dumb, to  
whom appli-  
cation may  
be made for  
the admission  
of any such  
into any  
institution  
selected by  
said trustees.

AN ACT for the benefit of the indigent Deaf and Dumb, and of the indigent Blind.

Governor to  
cause such  
applicants to  
be admitted  
as the  
trustees shall  
recommend.

This act shall  
not prevent  
any person  
from being  
maintained  
at any  
institution  
under the  
provisions of  
the law  
under which  
such person  
was appoint-  
ed to such  
institution.

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 the Superior Court, shall be *ex officio* trustees for the indigent deaf and dumb and for the indigent blind persons of the State, to whom application may be made for the admission of any such persons into any institution for the instruction of the deaf and dumb, or for the instruction of the blind that may be selected and named by the said trustees.

SECTION 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. This act shall not be held to prevent any person or persons maintained at any institution by the State of Delaware, from being so maintained or instructed, but said persons shall be under the authority of said judges, until discharged under the provisions of the law under which said persons were appointed to, \* sent to such institution.

\* So enrolled

## OF THE DEAF AND DUMB, AND THE BLIND.

SECTION 3. *And be it further enacted*, That the Governor is hereby authorized and empowered to draw his warrant on the trustees of the school fund, in favor of the president or treasurer of any institution wherein such pupils may be, for the board and tuition of each indigent pupil from this State, *provided*, that the amount paid for each of said pupils, shall not be greater than the sum paid by the State of Pennsylvania for each indigent pupil of that State who is taught in the Pennsylvania institution for the instruction of the deaf and dumb, or in the Pennsylvania institution for the instruction of the blind; *and provided further*, that no indigent pupil from this State shall be maintained as a beneficiary in any such institution for a longer period than five years, except as hereinafter provided.

Governor may draw on the trustee of the school fund for board, &c.

Proviso.

Amount limited.

Further proviso.

Term of pupils limited to five years.

Exception.

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

Term may be extended three years by the Governor.

When.

SECTION 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 trustee of the school fund shall charge the sum paid for each pupil to the income of the school fund distributable to such county, and shall deduct it therefrom at the next apportionment.

What Governor's warrant shall specify.

Trustee to deduct from the county apportionment of school fund.

SECTION 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 number, names and residence of the indigent pupils from this State, and the expenditures in their behalf.

Trustees to make annual reports to the Legislature.

SECTION 7. *And be it further enacted*, That all acts or parts of acts inconsistent with the foregoing provisions be and the same are hereby repealed.

Inconsistent acts repealed.

*Passed at Dover, March 23, 1875.*



## TITLE EIGHTH.

## Of the General Police.

## CHAPTER 59.

## FOR THE PROTECTION OF MUSKRATS.

## AN ACT for the protection of Muskrats.

Penalty for  
killing or  
capturing  
muskrats  
between  
March 25,  
and Dec. 15

Fine.

Commitment  
for refusal  
to pay.

Possession.

Proviso.

Not applica-  
ble to 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 unlawful for any person within this State to take, kill or capture by any means whatever, any muskrat, between the twenty-fifth day of March and the fifteenth day of December in any year, and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace in this State, shall be fined five dollars for each muskrat so taken, killed or captured, and if such person shall fail or refuse to pay such fine and costs, the said justice shall forthwith commit him to the custody of the sheriff until the same are paid, one-half of said fine for the use of the State, the other half for the informer; and every person having such muskrat in his possession shall be deemed to have taken, killed or captured the same in violation of the provisions of this act, unless the contrary be proved, *Provided, however,* this act shall not apply to the taking or killing muskrats on any embanked or improved marsh. This act shall not apply to New Castle county.

*Passed at Dover, March 2, 1875.*

## OF THE GENERAL POLICE

## CHAPTER 60.

## OF THE PROTECTION OF GAME.

AN ACT authorizing the Levy Courts of the several counties in this State, to adopt measures for the destruction of Hawks and Owls.

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

SECTION 1. That the Levy Court of each county in this State, be and is hereby authorized and empowered to make such provisions at their meeting, to assess and calculate a rate for the county rates and levies, as to said Levy Court may be thought proper and advisable, for raising and collecting a fund, and applying the same to the destruction of hawks and owls.

*Levy Courts to assess county rates for a fund for the destruction of hawks and owls.*

SECTION 2. That the said Levy Court be and is hereby further authorized and empowered to appoint all such persons, and make such rules for their government, and from time to time, to do and perform every matter and thing which a majority of the members thereof may deem necessary for carrying into effect the intent and design of this act, and shall compel such persons as may be charged with the application of any moneys belonging to said fund, to settle their accounts with said Levy Court, and said Levy Court shall report the same to the auditor of this State, in the same manner as other public disbursements.

*Levy Courts shall make such appointments and rules as may be necessary to execute the law.*

*Accounts. How settled and reported.*

SECTION 3. That the Levy Courts in the several counties of this State shall pay fifty cents for each and every hawk and owl killed and destroyed as aforesaid. And the person presenting the scalp of such hawks or owls shall make an affidavit that such hawks or owls was\* killed within the limits of this State. *Provided*, that nothing in this act shall be understood to apply to fish hawks or mouse owls.

*Bounty for each scalp.*

*Affidavit.*

*Proviso.*

SECTION 4. That no provision of this bill apply to New Castle county, Delaware.

*Act not applicable to New Castle county.*

*Passed at Dover, March 23, 1875.*

\*So enrolled.

## OF THE GENERAL POLICE.

## CHAPTER 61.

## FOR THE PROTECTION OF SHEEP.

AN ACT taxing Dogs, and for the protection of Sheep.

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

**SECTION 1.** That there shall annually be assessed, levied and collected at the same times and in the same manner and on the same terms as other county taxes are assessed and collected, a tax on every dog, owned, kept or harbored within the county of Kent, viz ; on every male dog, one dollar, and on every female dog, two dollars ; any person harboring any dog or dogs shall be taken to be the owner thereof.

*Dog tax to be levied and collected in Kent county. When, how.*

*Who deemed owner.*

*Duty of assessor to make dog list.*

*List to be posted. Return to Levy Court.*

*Alterations.*

*A separate account to be kept of moneys collected under this act, to be styled the dog tax fund.*

*How the fund shall be appropriated.*

*Provide.*

**SECTION 2.** It shall be the duty of the assessor, whose duty it is to assess real and personal property, to make out a separate alphabetical list on or before January 1st, of the names of each and every owner of any dog, and the number and kind of such dogs within such hundred, and shall post on or before January 15th, the same in at least five public places in such hundred, and shall make return of said list to the Levy Court of said county on the first Tuesday in February of each year, and the said Levy Court shall have power to make additions to and corrections of said lists at any time before the same is placed in the hands of the collector for collection.

**SECTION 3.** The collectors of taxes in the several hundreds shall keep and return to the treasurer of the county, a separate account of all taxes collected under this act, and the treasurer shall enter and keep in the books a separate account of all moneys received under it for taxes or fines, and all expenses incurred in their assessment and collection, which account shall be styled the *Dog Tax Fund*.

**SECTION 4.** That all the money collected under the provisions of this act over and above the expenses of its assessment and collection, shall be held for the payment of all losses from the destruction or injury of sheep and lambs by dogs as herein-after provided, but any money not immediately required for such purposes may be appropriated to the use of the county as other taxes ; *provided* that no such appropriation shall be made when there is a less sum than one thousand dollars in the treasury to the credit of said fund.

**SECTION 5.** That whenever any person residing within the county of Kent, whether owner, or keeper of sheep for shares

## OF THE GENERAL POLICE.

of profits, shall have sheep or lambs destroyed or injured by dogs, he shall, immediately, upon loss or injury of such sheep or lambs, make a list of the number so destroyed or injured and the amount of damages claimed, and present the same to the nearest or to a near justice of the peace, whereupon it shall be the duty of said justice of the peace to appoint three reputable, disinterested free holders who shall visit the place upon which the damage was alleged to have been done, and view the sheep or lambs so destroyed or injured, and assess the actual damage that should be awarded ; and if they require it, may cause witnesses to appear and testify under oath or affirmation administered by said justice to any matter relating to the case and the award of said freeholders or by any two of them, sworn or affirmed to before said justice and certified by him, shall be sufficient voucher for the treasurer to pay the same, as also one dollar to each of said freeholders and the justice of the peace for their services in the case, and if there shall not be sufficient money in the treasury applicable to the payment of such certificate when presented, the treasurer shall note upon said certificate the time of its presentation, and such certificate shall have precedence according to its date, when there shall be money in the treasury applicable thereto.

How damages for loss or injury of sheep by dogs shall be assessed and awarded.

Award of freeholders, certified by justice of peace to be a voucher to county treasurer for payment of same.

Duty of treasurer when not sufficient money in treasury for payment of certificate.

Priority of certificate.

SECTION 6. All persons owning dogs on which they have paid tax, shall have the same right of property in them as in other personal property, and to recover by law for loss or damage thereto.

Property in dogs on which tax is paid

SECTION 7. That when any person owning or harboring any dog detected in killing or worrying any sheep or lambs, shall be notified of the same, sworn or affirmed to by the person cognizant of the facts, he shall cause such dog to be immediately killed, and if he refuse or neglect to kill such dog for ten days after such notice, he shall be liable to pay a fine of ten dollars, to be sued for as other debts are sued for by any citizen of the county, and if judgment shall be obtained, and the money collected, it shall be paid to the county treasurer, and credited to the Dog Tax Fund ; and the justice trying the case, shall, upon judgment against such owner, cause such dog to be immediately killed, and shall be entitled to fifty cents for such services in addition to his legal costs.

Liability of person refusing to kill any dog owned or harbored by him after sworn notice that such dog has been detected in killing sheep, &c.  
Fine  
How collected and appropriated.

Dog to be killed.  
When.  
Fees.

*Passed at Dover, March 24, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 62.

## FOR THE PREVENTION OF CRUELTY TO ANIMALS.

Vol. 14, 387.

AN ACT to amend chapter 414, vol. 14, Laws of Delaware.

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

Chap. 414, of  
vol. 14,  
amended.

SECTION 1. That chapter 414, vol. 14, Laws of Delaware, be and the same is hereby amended by striking out all of said act after the enacting clause thereof, and substituting the following.

Penalty for  
cruelty to  
animals.

SECTION 2. That whoever shall overdrive, overload, drive when overloaded, overwork, torture, torment, mutilate, or shall cruelly kill, beat, ill-treat or otherwise abuse any animals, or work or drive the same when unfit for labor, or cruelly abandon the same, or shall cause any animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, mutilated, or to be cruelly killed, beaten, ill-treated or otherwise abused, or worked or driven when the same is unfit for labor, or to be cruelly abandoned or having the charge or custody of any animal, either as owner, or otherwise shall inflict unnecessary cruelty upon the same, or unnecessarily fail to provide the same with proper food, drink, shelter; or shall keep or use, or in any way be connected with, or interested in the management of or shall receive money for the admission of any person to any place kept or used for the purpose of fighting any dog, cock, or other creature, or shall knowingly suffer or permit any place over which he or she has possession or control, to be occupied, kept or used for such purpose, or shall be present at, or shall encourage, aid or assist at such exhibition, shall for every such offence be fined in a sum not exceeding twenty-five dollars, and shall be imprisoned until such fine is paid.

Fine.  
Imprison-  
ment.

Cruelty to  
animals, by  
transporta-  
tion or aban-  
donment.

SECTION 3. If any owner or owners, possessor, or person or persons having the charge or custody of any living animal, shall carry or cause to be carried on or upon any vehicle, or otherwise, any such animals tied or fastened in any cruel or inhuman manner, or shall carry or cause to be carried any edible live animal in or upon any vehicle or otherwise, without providing suitable transportation, and while awaiting slaughter; or shall abandon any maimed, sick, infirm or disabled animal to die, he or they shall be punished for every such offence in the manner provided in section 2.

How  
punished.

## OF THE GENERAL POLICE.

SECTION 4. When complaint is made on oath or affirmation, to any justice of the peace, that the complainant believes, and has reasonable cause to believe, that the laws for the prevention of cruelty to animals have been or are being violated in any particular building or place, such justice of the peace, if satisfied that there is probable cause for such belief, shall forthwith issue a search warrant which may be directed to any proper officer, or to any other person by name, for service, authorizing him to search such building or place, and to arrest any person or persons there found aiding or abetting in the violation of said laws, and to bring such person or persons before some justice of the peace, to be dealt with according to law, but no such search shall be made between the hours of sunset and sunrise, unless the justice of the peace shall be satisfied that it is necessary, in order to prevent the escape of the person to be searched for, and then the authority shall be expressly given in the warrant.

Justice of peace to issue search warrant upon complaint of cruelty to animals.

No search between sunset and sunrise.

Exception.

SECTION 5. That any violation of any of the provisions of this act, shall be deemed and taken to be and shall constitute a public nuisance, offensive to the public sense and morals, and punishable as such, and that any justice of the peace in this State, shall have plenary jurisdiction in all cases of the violation of any of the provisions of this act, and it shall be the duty of any justice of the peace, upon complaint made before him, on oath or affirmation, that the complainant believes, and has reasonable cause to believe that a person has violated or is violating any of the provisions of this act, to issue his warrant directed to any sheriff, constable, or to any police officer of any city or town, commanding him to arrest such person and bring him before said justice for trial; if upon such trial the said justice shall find that the person arrested has violated any of the provisions of this act, he shall thereupon impose the fine as prescribed in this act.

Any violation of this act a public nuisance.

Justices of the peace to have plenary jurisdiction.

Trial.

Fine.

SECTION 6. It shall be the duty of any sheriff in the State, or constable, or police of any city or town, within this State, upon his own view of any violation of any of the provisions of this act, to arrest such offender and bring him before any justice of the peace of the State of Delaware, to be dealt with according to law, and all fines collected under this act shall be paid one half to the funds of the school district in which such nuisance is committed, and the other half to the State Treasurer.

Duty of sheriff, constable, or public officer to arrest an offender.

Fines. How applied.

SECTION 7. The word animals in this act shall be construed to mean and include pigeons and all brute creatures.

"Animals," what to include.

*Passed at Dover, March 26, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 63.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 81, in New Castle county.

*Not lawful for live stock to run at large in School District No. 81, 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 not be lawful from and after the passage of this act for any live stock to run on the public highways in School District No. 81, New Castle county.

*Lawful for any person to take up and impound estrays.*

SECTION 2. It shall be lawful for any person in said district to take up any live stock running on the highway in said district, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

*Compensation.*

*If damages sustained, justice of peace may appoint three freeholders to estimate same.*

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the said animals shall be delivered.

*In case said stock is not claimed within 30 days, to be advertised for sale. Notices.*

SECTION 4. In case said stock is not claimed, and all charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at expiration of which time they shall proceed to sell the same, the proceeds of which sale after deducting all just charges, shall be deposited in the Citizens National Bank at Middletown, to the credit of said school district and be held by said bank for one year, if not sooner claimed by some person who shall make satisfactory proof before some justice of the peace in New Castle county that they are the real owners of said stock. Upon a certificate of said justice of the peace, said owner shall be entitled to draw the money from said bank; if not so claimed it shall be subject to and paid over on the order of the clerk of said school district in which said stock was taken up, to be devoted to the school purposes of said district.

*Sale.*

*Proceeds to be deposited in the Citizen's National Bank at Middletown to be held for one year.*

*If unclaimed to be paid to clerk of the school district.*

*Passed at Dover, January 20, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 64.

## OF STRAYS.

AN ACT to prevent Stock from running at large in School District No. 83, New Castle county.

*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 passage of this act, it shall not be lawful for any live stock to run on the highways within the limits of School District No. 83, in New Castle county.

Unlawful for live stock to run at large in School District 83, in New Castle county.

SECTION 2. That it shall be lawful for any person in the said school district, to take up any live stock running on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; provided that this section shall not apply to live stock that is under the care and control of a herdsman.

Such stock may be taken up and impounded by any person.

Compensation.

Proviso.

Stock under care of herdsman.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

If damages be sustained, freeholders may be appointed by justice of peace to estimate same.

SECTION 4. That in case the said stock is not claimed, and all just charges are\* in accordance with this act, satisfied within thirty days, the person having said stock in charge, shall advertise the same at public sale by not less than three written or printed notices posted for at least ten days previous to said sale in three conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace, in said county, who shall hold the same for one year if not sooner claimed by some person who shall prove to the satisfaction of the justice, that they are the real owner of said stock; if not so claimed, it shall be subject to and paid

Stock to be advertised for sale, if not claimed within 30 days.

Notices.

Proceeds to be deposited for one year with justice of peace.

If not claimed, to be paid to clerk of the school district.

\*So enrolled.



## OF THE GENERAL POLICE.

over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

Act not to  
prevent  
proceeding  
under the  
general law.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock, as provided in the general law concerning strays.

*Passed at Dover, January 26, 1875.*

## CHAPTER 65.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 68, New Castle county.

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

Unlawful for  
live stock to  
run at large  
in School  
District No.  
68, New  
Castle  
county

SECTION 1. That it shall not be lawful from and after the passage of this act for any live stock to run on the highways in School District No. 68, New Castle county.

Any person  
may take up  
and impound  
stock  
running at  
large

SECTION 2. It shall be lawful for any person in said school district, to take up any live stock running on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Compensa-  
tion.

In case  
damages are  
sustained,  
justice of  
peace may  
appoint  
freeholders  
to estimate  
same.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

In case stock  
is unclaimed  
and unpaid  
for within 30  
days, it shall  
be adver-  
tised for sale

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall adver-

## OF THE GENERAL POLICE.

tise the same at public sale, by not less than three written or printed notices posted for at least ten days previous to said sale, in three conspicuous places in the district in which the said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if no sooner claimed by some person who shall prove to his satisfaction that they are\* the real owner of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

Notices.

Sale.

Proceeds deposited with justice of peace, who shall hold same for one year.

If not claimed, to be paid over to clerk of the school district.

*Passed at Dover, January 29, 1875.*

## CHAPTER 66.

## OF STRAYS.

AN ACT prohibiting live stock from running at large within certain limits in Broad Creek hundred, Sussex county, Delaware.

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

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the highways or on unenclosed lands within the following limits in Broad Creek hundred, Sussex county, and State of Delaware, to wit, within the limits, beginning at Laurel Bridge and running with the public road, through lands of Henry Clay Lewis, and lands known as the Lazarus Turner place, and until it intersects the public road leading from the village of Concord to John Chipman's saw mill, thence with said public road through the lands of Mary A. Collins and Benjamin F. Fooks and others, to Concord saw mill owned by Isaac S. and James W. Cannon, thence down with the waters of Deep Creek to the waters of Nanticoke river; thence with the waters of said

Unlawful for live stock to run at large within certain limits in Broad Creek hundred, Sussex county.

\*So enrolled.

## OF THE GENERAL POLICE.

River, to the mouth of Broad Creek ; thence up with the waters of said Broad Creek to Laurel Bridge, the place of beginning.

Any person may take up and impound stock running at large.

Compensation.

SECTION 2. It shall be lawful for any person within the said limits and bounds, to take up any live stock running on the highways or unenclosed lands within the said limits and bounds and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

If damages sustained, justice of peace to appoint freeholders to estimate same.

Report of freeholders.

Fee to justice and freeholders.

SECTION 3. In case any damages have been sustained by reason of such stock running at large as aforesaid within said limits, upon the application of the person sustaining such damage, or their agent, to any justice of the peace of said county, the justice to whom such application shall be made, shall appoint three suitable freeholders of said county, and shall swear or affirm them faithfully to discharge their duty in the premises, to estimate such damages, and to make report of the same in writing under their hands to the person sustaining said damage, and to the party impounding said stock, and the damages estimated and assessed by said freeholders, together with the legal charges for keeping said stock, and the fee for impounding the same, and a fee of one dollar to the justice, and a fee of one dollar to each of the freeholders aforesaid, shall be paid by the person or persons claiming said stock to the parties severally entitled thereto, before the said stock is delivered to him or them so claiming it.

Stock shall be advertised for sale if not claimed within 30 days.

Notices.

Sale may be discontinued.

Proceeds of sale deposited with constable, to be held by him one year.

SECTION 4. That in case said stock is not claimed, and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same to be sold at public sale by not less than three written or printed notices posted in three public places in the district in which said stock was taken up, at least ten days before the day of sale, fixing the time and place of said sale, and a copy of said notice shall be delivered to the owner, if known, or at his place of abode, if known, and at the time fixed in said advertisement the person having the same in charge shall proceed to sell the same, but the person having the same in charge may discontinue the sale and advertise said stock in the same manner as before directed, the proceeds of which sale, after deducting all legal charges, and one dollar for advertising, and five per cent. of the gross proceeds of said sale for making said sale, shall be deposited with some constable of said county, who shall, with his sureties, be liable on his

## OF THE GENERAL POLICE.

bond therefor, and who shall hold the same for one year if not sooner claimed by some person who shall prove to the satisfaction of said constable that he is the real owner of said stock, but in case such person shall prove to the satisfaction of said constable, within the year aforesaid, that he was the real owner of said stock, then the said constable shall pay to such person the said residue of such gross proceeds after deducting the charges aforesaid. If not so claimed, it shall be subject to and shall be paid over by said constable on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes, of said district."

Liability of  
constable  
and sureties.

If not  
claimed,  
proceeds to  
be paid to  
clerk of  
school dis-  
trict.

SECTION 5. That any person not having such stock in custody, who shall sustain any damage by reason of said stock running at large within said limits and bounds in said Broad Creek hundred, may apply to any justice of the peace, within the county, who shall appoint three suitable freeholders of said county to estimate said damages, they being first sworn or affirmed, who shall report to said justice in writing under their hands, or the hands of a majority of them, the amount of damages sustained, and to whom the same should be paid, and from whom due, if known, and the justice shall issue a summons, directed to the sheriff of the said county or to any constable of said county, and the hearing, judgment and execution thereon shall be in the same manner as all other proceedings in civil actions cognizable before justices of the peace, and the justice of the peace shall be entitled to a fee of one dollar for the appointment of the freeholders, and the freeholders shall be entitled to a fee of one dollar each, and the justice shall, for issuing the summons and all subsequent proceedings, be entitled to the same fees as are now allowed by law in civil cases cognizable before justices of the peace, and the sheriff, constable and witnesses shall be allowed the same fees as are now allowed by law in civil cases.

If damages  
be sustained  
by person  
not having  
such stock  
in custody,  
justice of  
peace may  
appoint  
freeholders  
to estimate  
and report  
the same.

Summons.

Hearing, &c.

Fee of justice  
and  
freeholders.

Fees of  
sheriff, con-  
stable and  
witnesses.

*Passed at Dover, February 4, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 67.

## OF STRAYS.

AN ACT prohibiting live stock from running at large within the limits of School Districts Nos. 46 and 133 in Sussex county.

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

Unlawful for any horse, cow, sheep, hog or goats to run at large in School Districts Nos. 46 and 133, in Sussex county.

SECTION 1. That from and after the passage of this act, it shall not be lawful for any animal of the horse or cow kind, or any sheep, hogs or goats to run at large on the highways or on unenclosed lands within the limits of School Districts Nos. 46 and 133, in Sussex county.

Such live stock may be taken up and impounded by any person.

SECTION 2. That it shall be lawful for any person within the limits of said school districts, to take up any animal of the horse or cow kind, or any sheep, hogs or goats running at large, as aforesaid, within said limits, and impound the same ; and any person so taking up and impounding any animal as aforesaid, shall have the right to demand and receive one dollar for every animal so taken up, and shall also receive twenty-five cents per head for every day such animal or animals may be kept, and may retain the same until all legal charges are paid.

Compensation.

If damages be sustained, a justice of peace may appoint freeholders to estimate and report same.

SECTION 3. That in case any legal damages have been sustained by reason of any such animal running at large, as aforesaid, within said limits, upon the application of the person or persons sustaining such damages, or their agent, to any justice of the peace in said county, three suitable freeholders of the said county shall be appointed by the justice of the peace to whom such application shall be made ; who, having first been duly sworn or affirmed to faithfully discharge their duties in the premises, shall estimate such damages, and make report of the same in writing, under their hands, or the hands of a majority of them, to the person sustaining such damages, and to the party impounding such animal. The damages estimated and assessed by said freeholders, together with the legal charges for impounding and keeping such animal, and a fee of one dollar to the justice of the peace, and a fee of one dollar to each of said freeholders, shall be paid by the person or persons claiming such animal, to the parties severally entitled thereto, before such animal shall be delivered to him or them so claiming it.

Fee to justice and freeholders.

SECTION 4. That in case any such animal be not claimed,

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and all just charges, in accordance with this act, satisfied within twenty days from said impounding, the person having such animal in charge shall advertise the same to be sold at public sale, by not less than three written or printed notices posted in three public places in the district in which said stock was taken up, at least ten days before the day of sale, fixing the time and place of said sale. A copy of said notice shall be delivered to the owner of such animal, if known, or at his place of abode, if known, and at the time fixed in said advertisements, the person having such animal in charge shall proceed to sell the same; but the person having such animal in charge may discontinue the sale, and advertise again as aforesaid. The proceeds of any such sale, after deducting all legal charges, and one dollar for advertising, and five per centum of the gross proceeds for making said sale, shall be deposited with some constable of said county, who, with his sureties, shall be responsible therefor on his official bond, and shall hold the same for one year, if not sooner claimed by some person who shall satisfactorily prove to said constable that he is the real owner of said animal; but in case such person within a year, as aforesaid, shall prove, as provided above, that he was the real owner of such animal, then the said constable shall pay to such person the residue of such gross proceeds, after deducting the charges as aforesaid. If not so claimed, the said residue, after deducting said charges, shall be subject to, and paid over by, said constable on the order of the clerk of the school district in which said animal was taken up, to be devoted to school purposes in said district.

Stock to be advertised for sale, if not claimed within 20 days.

Notices.

Sale may be discontinued.

Proceeds to be deposited with constable to be held one year.

Liability of constable and sureties.

If not claimed, to be paid to clerk of school district.

SECTION 5. That any person not having such animal in custody, who shall sustain any damages by reason of said animal running at large within said limits, may apply to any justice of the peace within the county, who shall appoint three suitable freeholders of the said county to estimate said damages, who, first having been duly sworn or affirmed, shall report to the said justice of the peace in writing, under their hands, or the hands of a majority of them, the amount of damages so sustained, and to whom the same should be paid, and from whom due, if known, and the justice of the peace shall issue a summons directed to the sheriff of said county, or to any constable of said county, and the hearing, judgment and execution thereon, shall be in the same manner as all other proceedings in civil actions cognizable before justices of the peace; and the justice of the peace shall be entitled to a fee of one dollar for the appointment of the freeholders, and the freeholders shall be entitled to a fee of one dollar each, and the justice of the peace shall, for issuing the sum-

If damages be sustained by persons not having such stock in custody, justice to appoint three freeholders to estimate and report same.

Summons.

Proceedings.

Fees of justice and freeholders.

## OF THE GENERAL POLICE.

Fees of  
sheriff,  
constable  
and  
witnesses.

mons and all subsequent proceedings, be entitled to the same fees as are now allowed by law in civil cases cognizable before justices of the peace, and the sheriff, constable and witnesses shall be allowed the same fees as are now allowed by law in civil cases for the performance by them of similar duties.

Penalty for  
pound-  
breach.

SECTION 6. That any person or persons who shall willfully, by force, or otherwise, unlawfully take, or procure to be taken from the place of impounding, any animal taken up and impounded as hereinbefore provided, shall, upon complaint made and filed with any justice of the peace in said county, (the person making such complaint having first been duly sworn or affirmed,) be tried by said justice of the peace, and if, after a hearing, he shall be found guilty of said offence, he shall be fined by the said justice of the peace in the sum of five dollars, one half for the use of the person making such complaint, and the other half for the use of the school district in which said animal may be taken up and impounded. The said fine shall be collected in the same manner, and the costs shall be the same, as is by law provided for the collection of other fines imposed by justices of the peace.

Trial.

Fine

*Passed at Dover, February 5, 1875.*

## CHAPTER 68.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 49, New Castle county.

Unlawful  
for live  
stock to run  
at large in  
School  
District No.  
49, New  
Castle  
county.

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

SECTION 1. That it shall not be lawful from and after the passage of this act, for any live stock to run on the highways in School District No. 49, New Castle county.

May be  
impounded  
by any  
person.

SECTION 2. It shall be lawful for any person in said school district, to take up any live stock running on the highways in said district and impound the same, and they shall have the

## OF THE GENERAL POLICE.

right to demand and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same. Before said stock is delivered, he shall also pay a fee of one dollar to the justice, and a fee of one dollar to each of the freeholders appointed by the justice.

If damages be sustained, justice of peace to appoint three freeholders to estimate same.  
Fees of justice and freeholders.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices posted for at least ten days previous to said sale, in five conspicuous places in the district in which said stock was taken up, at the expiration of which time, they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims or charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if no sooner claimed by some person who shall prove to his satisfaction that they are\* the real owner of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be used to† the school purposes of said district.

Stock to be advertised for sale, if not claimed within 30 days.

Notices.

Proceeds to be deposited with some justice of peace for one year.

If unclaimed, to be paid to clerk of school district.

*Passed at Dover, February 9, 1875.*

\* So enrolled.

† So enrolled.



## OF THE GENERAL POLICE.

## CHAPTER 69.

## OF STRAYS.

AN ACT entitled an act to prevent live stock from running at large in School District, Nos. 51 and 148, in Sussex county.

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

Unlawful for live stock to run at large in School Districts Nos. 51 and 148, in Sussex county.

SECTION 1. That from and after the passage of this act, it shall not be lawful for any live stock to run at large on the highways or unenclosed premises within the limits of School Districts Nos. 51 and 148, in Sussex county.

May be taken up and impounded by any person

SECTION 2. That it shall be lawful for any person in the said school districts to take up any live stock running at large on the highway or unenclosed premises within said districts and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up and impounded, and twenty five cents per head for each day such animals are kept, and may retain the same until all legal charges are paid.

Compensation.

If damages be sustained, justice of peace to appoint freeholders to estimate same.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large upon the highways or unenclosed lands, upon the application of the person sustaining any damage, or their agent, to any justice of the peace of the county, he shall appoint three suitable freeholders to estimate the damages, which, together with the legal charges for keeping said stock and the fee for impounding the same, and the fee of one dollar to the justice, and a fee of one dollar to each of the freeholders appointed by the justice, shall be paid by the person claiming the same, before the same is delivered

Fees of justice and freeholders.

Stock to be advertised for sale if unclaimed for twenty days.

SECTION 4. That in case said stock is not claimed, and all just charges, in accordance with this act, satisfied within twenty days from said impounding, the person having said stock in charge shall advertise the same to be sold at public sale, by not less than three written or printed notices posted in three public places in the district in which said stock was taken up, at least ten days before the day of sale, fixing the time and place of said sale, and a copy of said notice shall be delivered to the owner, if known, or at his place of abode, if known, and at the time fixed in said advertisement they shall proceed to sell the same, but the person having the same in charge may discontinue the sale and re-advertise said stock in the same

Notices.

Sale may be discontinued

## OF THE GENERAL POLICE.

manner as before directed ; the proceeds of said sale, after deducting all legal charges, and one dollar for advertising, and five per cent. of the gross proceeds for making said sales, shall be deposited with some constable of the county, who, together with his securities, shall be held responsible for the same on his official bond, who shall hold the same for one year if not sooner claimed by some person who shall prove to his satisfaction that they are the real owners of said stock, if not claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken, to be devoted to the school purposes of said district.

Proceeds to be deposited with constable for one year.

Liability of constable and securities.

If not claimed, to be paid to clerk of school district.

SECTION 5. That any person not having said stock in custody, sustaining any damage by reason of such stock running at large upon the highways or unenclosed premises, within said Districts Nos. 51 and 148, aforesaid, may apply to any justice of the peace within the county, who shall appoint three suitable freeholders to estimate said damages, who shall report to said justice in writing under their hands, or a majority of them, the amount of damages estimated, and to whom the same should be paid, and from whom due, and the justice shall issue a summons directed to the sheriff of the county, or to any constable of the county, and the hearing, judgment and execution thereon shall be in the same manner as all other proceedings in civil actions cognizable before justices of the peace ; and the justice of the peace shall be entitled to a fee of one dollar for the appointment of the freeholders, and the freeholders shall be entitled to a fee of one dollar each, and the justice shall, for issuing the summons, and all subsequent proceedings, be entitled to the same fees as are now allowed by law in civil cases cognizable before justices of the peace, and the sheriff, constable and witnesses shall be allowed the same fees as are now allowed by law in civil cases.

If damages be sustained by person not having such stock in custody, justice to appoint freeholders to estimate same, and make report.

Summons and proceedings.

Fees of justice, freeholders, and other officers.

*Passed at Dover, February 11, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 70.

## OF STRAYS.

AN ACT to prevent stock from running at large in School District No. 56, New Castle county.

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

Unlawful for live stock to run at large in School District No. 56, in New Castle county.

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run on the highways within the limits of School District No. 56, in New Castle county.

May be taken up and impounded by any person.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided*, that this section shall not apply to live stock that is under the care and control of a herdsman.

Compensation.

Proviso.

If damages be sustained, justice of peace may appoint freeholders to estimate same.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county, may, upon the application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

Stock to be advertised for sale, if unclaimed for 30 days.

Notices.

Proceeds to be deposited with some justice for one year.

SECTION 4. That in case the said stock is not claimed, and all just charges are\* in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than three written or printed notices posted for at least ten days previous to said sale, in three conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same; the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace, in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that they are the real owner of said stock; if not so claimed, it shall be subject to and paid

\* So enrolled.

## OF THE GENERAL POLICE.

over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

*If unclaimed to be paid to clerk of school district.*

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock, as provided in the general law concerning estrays.

*Nothing in this act to conflict with general law concerning strays.*

*Passed at Dover, February 15, 1875.*

## CHAPTER 71.

## OF STRAYS.

AN ACT to restrain certain animals from running at large in School District No. 54, Pencader hundred, and that portion of district No. 43, lying in Pencader hundred, New Castle county.

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

SECTION 1. That no resident of School District No. 54, Pencader hundred, and that portion of School District No. 43, lying in Pencader hundred, New Castle county, holding actual possession in fee, by lease or otherwise, of five acres or more of land in said school districts, and no member of a family, the head of which shall hold land as aforesaid, shall suffer any animal of the cow or horse kind, owned or held by such resident, to pasture or run at large upon public roads of said school districts.

*Unlawful for certain persons to allow any animal of the cow or horse kind to run at large within certain limits in Pencader hundred, New Castle county.*

SECTION 2. That no other resident of said school districts, or but one member of the family of such resident, shall suffer more than one animal of the cow or horse kind, owned or held by such resident, to pasture or run at large upon the public roads of said districts.

*Unlawful for other persons to suffer more than one such animal to run at large within said limits.*

SECTION 3. That no person shall suffer any animal of the cow or horse kind, owned or held by such person, to pasture or run at large on the roads of said school districts, after notice in writing, signed by three or more land holders of the school

*Unlawful for any person to suffer any such animal to run at large therein.*

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after notice  
that such  
animal is  
"breachy"

districts wherein said owner or holder resides, shall have been served, on said owner, either personally or by leaving the same at the residence of the party, to the effect that such animal is breachy and unfit to run at large.

Penalty for  
violation  
of this act.

SECTION 4. Every person willfully suffering animals to run at large contrary to the provisions of either of the foregoing sections of this act, shall be liable to a penalty of one dollar per head for each and every day such animal or animals do so run at large, to be recovered by suit before any justice of the peace of New Castle county, made by any party interested, one half said penalty to be paid to the prosecutor, and the other half to the road commissioners of the hundred of Pencader, and the owner or holder of such animal or animals running at large contrary to the provisions aforesaid, shall also be held in like manner for the benefit of the damaged party, provided said penalty or damages be sued for within twenty days after each transgression or trespass.

How re-  
covered.

To whom  
paid.

Owner liable  
for damages

Proviso.

Not to con-  
flict with  
general stray  
law.

SECTION 5. Nothing in this act shall be construed to interfere with or prevent parties from proceeding with such animals as provided in the laws concerning strays.

*Passed at Dover, Feb. 15, 1875.*

## CHAPTER 72.

## OF STRAYS.

AN ACT to prohibit live stock from running at large in School District No. 165, in Sussex county.

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

Unlawful for  
live stock to  
run at large  
within  
certain limits  
in School  
District No.  
165, in Sus-  
sex county.

SECTION 1. That it shall not be lawful from and after the passage of this act, for any live stock to run at large on the public highways or unenclosed lands in that part of School District No. 165, in Sussex county, which lies on the east side of the public road leading from John Chipman's mill to Concord.

## OF THE GENERAL POLICE.

SECTION 2. It shall be lawful for any person within the said limits in said school district, to take up any live stock running at large upon the public highways or unenclosed lands within the aforesaid limits, and impound the same, and they shall have the right to demand and receive the sum of one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all the legal charges are paid.

May be taken up and impounded by any person.

Compensation.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large upon the public highways or unenclosed lands within the aforesaid limits, any justice of the peace in the said county, may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for taking up and keeping said stock, shall be paid by the person claiming the same, together with one dollar to the justice of the peace, and one dollar to each of the freeholders, before the same is delivered.

If damages be sustained, a justice of peace may appoint freeholders to estimate same.

Fees to the justice and freeholders.

SECTION 4. That in case said stock is not claimed, and all just charges not satisfied in accordance with this act, within thirty days, the persons having said stock in charge shall advertise the same at public sale, by not less than three written or printed notices posted for at least ten days previous to said sale in three conspicuous places in said district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same the proceeds of which sale, after deducting all just charges, shall be deposited with some constable in said county, who, together with his securities, shall be liable on his official bond, and who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of said constable, that they are the real owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to school purposes in said district.

Stock to be advertised for sale, if not claimed for 30 days.

Notices.

Proceeds to be deposited with some constable for one year.

Liability of constable and securities.

If unclaimed, to be paid to clerk of the school district.

*Passed at Dover, February 17, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 73.

## OF STRAYS.

AN ACT to prohibit Live Stock from running at large in School District No. 56, partly in Broad Creek hundred, and partly in Nanticoke hundred, in Sussex county.

Unlawful for live stock to run at large in School District No. 56, 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 it shall not be lawful for any live stock to run at large within the limits of School District No. 56, partly in Broad Creek hundred, and partly in Nanticoke hundred, in Sussex county.

Penalty for willfully suffering any live stock to run at large within said district.

How recovered.

To whom paid.

Injured party may recover damages from owner or holder.

Proviso.

This act not to conflict with law concerning strays.

Public act.

SECTION 2. *Be it further enacted,* That if any person or persons living within the limits of School District No. 56, aforesaid, or any person or persons residing without the limits of said School District No. 56, shall willfully suffer any live stock to run at large within the limits of said School District No. 56,\* shall be liable to a penalty of fifty cents for each and every day, for each and every cow, horse, mule, sheep, hog, or other stock so suffered to run at large, to be recovered by suit before any justice of the peace of Sussex county, upon complaint being made by any person interested, one half of the said penalty to be paid to the prosecutor, and the other half to the school commissioners of the school district aforesaid, for the use and benefit of free schools; and the owner or holder of such cattle, horses, mules, sheep, hogs, or other stock, shall pay to the party or parties injured, damages to be recovered in like manner, provided, such penalty or damages be sued for within thirty days after each and every such violation of this act.

SECTION 3. *And be it further enacted,* That nothing in this act shall be construed to interfere with, or prevent, any person from proceeding with such cattle, horses, hogs, sheep, or other stock, as provided in the law concerning strays.

SECTION 4. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

*Passed at Dover, Feb. 17, 1875.*

\* So enrolled

## OF THE GENERAL POLICE.

## CHAPTER 74.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 34, in New Castle county.

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

SECTION 1. That it shall not be lawful from and after the passage of this act, for any live stock to run on the highways in School District No. 34, New Castle county.

Unlawful for live stock to run at large in School District No. 34, in New Castle county.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running on the highways in said District, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

May be impounded by any person.

Compensation.

SECTION 3. In case any damage may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

If damages be sustained, justice of peace may appoint freeholders to estimate same.

SECTION 4. In case said stock is not claimed, and all charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge, shall advertise the same at public sale by not less than five written or printed notices posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up; at the expiration of which time, they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with the clerk of said school district in said county, who shall hold the same for one year if no sooner claimed by some person who shall prove to his satisfaction that they are the real owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district, in which said stock was taken up, to be devoted to the school purposes of said district.

Stock to be advertised for sale if unclaimed for 30 days.

Notices.

Proceeds to be deposited with clerk of the school district for one year.

If unclaimed shall be devoted to school purposes of the district.

*Passed at Dover, February 23, 1875.*



## OF THE GENERAL POLICE.

## CHAPTER 75.

## OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 79, in New Castle county.

Unlawful for live stock to run at large in School District No. 79, in New Castle Co., without a herdsman

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 from and after the passage of this act, for any live stock to run at large on the highways in School District No. 79, in New Castle county, unless accompanied and attended by a herdsman.

Such stock may be taken up and impounded by any person

SECTION 2. *Be it further enacted,* That it shall be lawful for any person in said school district, to take up any live stock running at large on the highways in said district, (unattended as aforesaid), and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per day for every day such animals are kept, and may retain the same until all legal charges are paid.

Compensation

If damages be sustained, any justice of peace may appoint freeholders to estimate same.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace, in the county of New Castle, may appoint three suitable freeholders to estimate the damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

The stock to be advertised for sale, if unclaimed for 30 days.

SECTION 4. In case said stock is not claimed, and all charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge, shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale, in five conspicuous places in said district in which said stock was taken up, at the expiration of which time, they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some constable of New Castle county. (whose bond shall be liable for the same,) who shall hold the same for one year, if not sooner claimed by some person or persons, who shall prove to the satisfaction of some justice of the peace of said county, that they are the real owners of said stock. If not so claimed it shall be subject to, and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

Notices.

Proceeds to be deposited with constable for one year.

If not claimed, to be paid to clerk of the school district.

Proviso.

## OF THE GENERAL POLICE.

SECTION 5. *Provided* that nothing in this act shall authorize any person to take up any stock escaping from the inclosed premises of the owner of such stock.

Act not applicable to stock escaping from inclosed premises.

*Passed at Dover, February 24, 1875.*

## CHAPTER 76.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 91, in Sussex county, 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 from and after the passage of this act, for any live stock to run on the highways or on unenclosed lands in School District No. 91, Sussex county, Delaware.

Unlawful for live stock to run at large in School District No. 91, in Sussex county.

SECTION 2. It shall be lawful for any person in said school district, to take up any live stock running on the highways or unenclosed lands in said district, and impound the same, and he shall have the right to demand and receive one dollar for every animal so taken up, and twenty five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Such stock may be taken up and impounded by any person. Compensation.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large in said District, any justice of the peace of the county, may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock and a fee of one dollar to the justice, and a fee of one dollar to each of the freeholder appointed by the justice, shall be paid by the person claiming the same, before said stock is delivered.

If damages be sustained, a justice of peace may appoint freeholders to estimate same.

SECTION 4. In case said stock is not claimed, and all just charges are not satisfied within thirty days from the taking up of said stock, the person having said stock in charge shall advertise the same at public sale, at five of the most public places in said district, for ten days previous to said sale, at

The stock to be advertised for sale, if not claimed for 30 days.

## OF THE GENERAL POLICE.

Proceeds shall be deposited with any justice for one year.

If not claimed, to be paid to clerk of the school district.

the expiration of which time he shall proceed to sell the same to the highest cash bidder. The proceeds of such sale after deducting all just charges, and paying all just expenses, shall be deposited immediately with any justice of the peace in said county, who shall hold the same for one year from the date of deposit, if no sooner claimed by some person or persons who shall prove to his satisfaction that he is, or they are, the real owner or owners of said stock. If not so claimed, it shall be paid over to the order of the clerk of the school district in which said stock was taken up, to be devoted to school purposes in said district.

*Passed at Dover, February 25, 1875.*

## CHAPTER 77.

## OF STRAYS.

AN ACT to prevent stock from running at large in School Districts Nos. 16 and 124, in Sussex county.

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

SECTION 1. That it shall not be lawful from and after the passage of this act, for any cattle, horses, mules, sheep, hogs, or any other live stock, to run at large on the highways within the limits of School Districts Nos. 16 and No. 124, in Sussex county.

Unlawful for any livestock to run at large in School Districts Nos. 16 and 124, in Sussex county.

Penalty for willfully suffering live stock to run at large in said districts.

How recovered.

SECTION 2. That if any person or persons living within the limits prescribed as aforesaid, or any persons residing without the said limits, shall willfully suffer their live stock to run at large on the highways within the limits of said School Districts No. 16 and No. 124, he or she shall be liable to a penalty of fifty cents for each and every day, for each and every horse, mule, cow, ox, sheep, hog or other live stock so suffered to run at large, to be recovered by suit before any justice of the peace in Sussex county, upon the complaint made by any per-

## OF THE GENERAL POLICE.

sons interested, the one half of said penalty to be paid to the prosecutor, and the other half to the school committee of the School district in which the offence was committed, for the use of the said free school in said district, and the owner or owners of such live stock so running at large within the limits aforesaid, shall be liable for any and all damages committed by such stock, to be recovered in like manner, for the benefit of the persons or parties damaged. All suits under this section shall be brought within thirty days after the violation of this act.

To whom paid.

Owners shall be liable for damages.

Suits to be brought within 30 days.

SECTION 3. It shall be lawful for any person or persons to take up and impound any live stock running at large as aforesaid, on the highways in said School Districts No. 16, and No. 124, and it shall be the duty of such person or persons to give notice immediately to the owner or owners thereof, if known, and if unknown, to post five notices of such impounded stock, describing the same, within the most public places of said School Districts No. 16 and No. 124, and if the owner or owners receiving notice, shall not, within five days after such notice, appear and pay the fine, and twenty-five cents per day for the keeping of each animal impounded, then the person impounding, shall advertise and sell the impounded stock at public sale to the highest bidder on five day's notice, and after paying the said fine and keeping expense, shall pay over the balance to the owner or owners of such impounded stock. If the owner or owners be unknown, and the said five notices be posted for five days, and no one appears to claim the same, the justice of the peace residing in Lewes and Rehoboth hundred, shall make an order for any constable of said county to advertise and sell the said stock at public sale as aforesaid, and after paying the said fine and expenses of keeping, and legal fees for advertising and selling, and fifty cents to the justice for making said order, shall deposit the balance with the clerk of the peace for Sussex county, who shall hold the same for the benefit of the owner or owners for one year, if such owner or owners appear before him and prove their right to the same, and if no owner or owners appear in that time, he shall then pay over the same to the school committee of the school district in which the said stock was taken up, for the benefit of the free school in said school district: *provided* that the damages awarded against such impounded stock, shall also be paid out of the said fund in the hands of the said constable, before he shall deposit with the clerk of the peace. In any suit for damages under this act, the justice shall appoint three referees, residents of said School Districts No. 16 and No. 124, who shall assess the same and report in writing to the said justice, who

Stock may be taken up and impounded by any person.

Notices.

Stock to be advertised and sold, if fine and expenses not paid within five days after notice.

Proceeds: how disposed of.

If the owner be unknown, and if stock is not claimed, the justice in Lewes and Rehoboth hundred shall order same to be advertised and sold.

Proceeds to be deposited with clerk of peace for one year.

If not claimed, to be paid to school committee.

Proviso. In suits for damages, the justice of peace shall appoint referees to assess the same, and make report.

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Appearance and affidavit by owner, and re-delivery to owner.

No charge except for keeping and fees.

Act not to prevent proceedings under the laws concerning strays.

shall render judgment thereon. If the owner of any impounded stock as aforesaid, appear and file an affidavit that he did not allow such stock to run at large, in said School Districts No. 16 and 124, or that said stock had escaped from his enclosure without his or her knowledge, then such stock shall be delivered to such owner without any charge for such impounding, except for the keeping, and the constable and justice fees.

SECTION 4. That nothing in this act shall be construed to interfere with, or prevent parties from proceeding with such animals as provided in the laws of this State, concerning strays.

*Passed at Dover, March 1, 1875.*

## CHAPTER 78.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School Districts Nos. 25, 27 and 28, New Castle county, Delaware.

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

Unlawful for live stock to run at large in School Districts 25, 27, and 28, in New Castle county.

SECTION 1. That it shall not be lawful from and after the passage of this act, for any live stock to run on the highways in School Districts Nos. 25, 27 and 28, New Castle county.

Such stock may be taken up and impounded by any person.

Compensation.

SECTION 2. It shall be lawful for any person in said school districts to take up any live stock running on the highways in said districts, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

If damages be sustained, a justice of peace may appoint freeholders to assess same.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges

## OF THE GENERAL POLICE.

for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

SECTION 4. In case said stock is not claimed, and all charges are not, in accordance with this act, satisfied within thirty days the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices posted for at least ten days previous to said sale in five conspicuous places in the districts in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with the clerk of the district in which said stock was taken up, who shall hold the same for one year, if no sooner claimed by some person who shall prove to his satisfaction that they are the real owners of said stock; if not so claimed, it shall be devoted to the school purposes of said district.

Stock to be advertised for sale, if not claimed within thirty days.

Notices.

Proceeds, to be deposited with clerk of the district for one year.

If not claimed, to be devoted to school purposes.

*Passed at Dover, March 1, 1875.*

## CHAPTER 79.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 112, Sussex county, Delaware.

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

SECTION 1. That it shall not be lawful, from and after the the passage of this act, for any live stock to run on the highways or on unenclosed lands in School District No. 112, *Provided*, that the provisions of this act shall not apply or extend beyond or north of Lewes creek, Sussex county.

Unlawful for live stock to run at large in School District 112, in Sussex county.

Proviso.

SECTION 2. It shall be lawful for any person in said district, and the duty of any constable in Lewes and Rehoboth hundred, to take up any live stock running on the highways or unenclosed land in said district, and impound the same, shall, take up

Any person may, and any constable of Lewes and Rehoboth hundred shall, take up

## OF THE GENERAL POLICE.

and im-  
pound such  
stock.

Compen-  
sation.

If damages  
be sustained,  
a justice of  
peace shall  
appoint free-  
holders to  
estimate  
same.

Fees to be  
paid.

and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, upon the application of the person sustaining any damage, or their agent, to any justice of the peace of the county, he shall appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, and the fee for impounding the same, and a fee of one dollar to the justice, and a fee of one dollar to each of the freeholders appointed by the justice, shall be paid by the person claiming the same, before the same is delivered.

The stock to  
be advertised  
for sale, if  
unclaimed for  
30 days

Notices.

Sale may be  
discontinued.

Proceeds to  
be deposited  
with the  
treasurer of  
the town of  
Lewes for  
one year.

If not  
claimed, to  
be paid to  
clerk of the  
school dis-  
trict.

If any person  
not having  
such stock  
in custody,  
sustain dam-  
ages, justice  
of peace  
shall appoint  
freeholders  
to estimate  
same.  
Report of  
freeholders.

SECTION 4. That in case said stock is not claimed, and all just charges, in accordance with this act, satisfied within thirty days, the person having such stock in charge shall advertise the same to be sold at public sale, by not less than three written or printed notices posted in three public places in the district in which said stock was taken up, at least ten days before the day of sale, naming the time and place of said sale, and a copy of said notice shall be delivered to the owner, if known, or at his place of abode, if known, and at the time named in said advertisement they shall proceed to sell the same, but the person having the same in charge may discontinue the sale, and re-advertise said stock in the same manner as before directed, the proceeds of which sale, after deducting all legal charges, and one dollar and fifty cents for advertising, and five per cent. of the gross proceeds for making said sales, shall be deposited with the treasurer of the town of Lewes, who shall hold the same for one year, if not sooner claimed by some person who shall prove to his satisfaction that they are real owners of said\*. If not so claimed it shall be subject to, and paid over on the order of, the clerk of the said school district, to be devoted to the school purposes of said district.

SECTION 5. That any person not having such stock in custody, sustaining any damage by reason of such stock running at large within said School District No. 112, may apply to any justice of the peace within the county, who shall appoint three suitable freeholders to estimate said damages, who shall report to said justice, in writing, under their hands, or a majority of them, the amount of damages estimated, and to whom the same should be paid, and from whom due, and the justice shall issue a summons directed to the sheriff of the county or

\* So enclosed.

## OF THE GENERAL POLICE.

to any constable of the county, and the hearing, judgment and execution thereon shall be in the same manner as all other proceedings in civil actions cognizable before justice[s] of the peace, and the justice of the peace shall be entitled to a fee of one dollar for the appointment of the freeholders, and the freeholders shall be entitled to a fee of one dollar each, and the justice shall, for issuing the summons, and all subsequent proceedings, be entitled to the same fees as are now allowed by law in civil cases cognizable before justices of the peace, and the sheriff, constable and witnesses shall be allowed the same fees as are now allowed by law in civil cases.

Summons  
and pro-  
ceedings.

Fees of the  
justice,  
freeholders  
and other  
officers.

*Passed at Dover, March 4, 1875.*

## CHAPTER 80.

## OF STRAYS.

AN ACT to prohibit stock from running at large within united School District Nos. 44 and 150, 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 it shall not be lawful from and after the passage of this act, for any cattle, horses, mules, sheep, hogs or any other stock to run at large within the limits of united School Districts Nos. 44 and 150, Sussex county.

Unlawful for  
live stock to  
run at large  
in United  
School Dis-  
tricts Nos. 44  
and 150,  
Sussex  
county.

SECTION 2. *And be it further enacted,* that if any person or persons living within the limits prescribed as aforesaid, or any person or persons residing without said limits, shall willfully suffer any cattle, horses, mules, sheep, hogs or other stock to run at large within the limits aforesaid, he or she shall be liable to a penalty of one dollar for each and every day, for each and every cow, horse, mule, sheep, hog or other stock so suffered to run at large, to be recovered by suit before any justice of the peace of Sussex county, by complaint being made by any person interested, one half of the penalty to be paid to the prosecutor, and the other half to the commissioners of united School District Nos. 44 and 150, for the use and benefit

Penalty for  
willfully  
suffering  
stock to run  
at large  
therein.

How  
recovered.

To whom  
paid.



## OF THE GENERAL POLICE.

If damages be sustained, justice of peace may appoint free-holders to estimate same.

of said school ; and the owner or holder of such cattle, horses, mules, sheep, hogs or other stock so found running at large within the limits aforesaid, then \* in case any damage may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable persons to estimate damages, which, together with the legal charges for keeping said stock shall be paid by the person claiming the same, before the same is delivered.

This act not to prevent proceedings as provided in the law concerning strays.

SECTION 3. *And be it further enacted*, that nothing in this act shall be construed to interfere with or prevent any person from proceeding with such cattle, horses, mules, sheep, hogs or other stock, as provided in the law concerning strays.

*Passed at Dover, March 4, 1875.*

## CHAPTER 81.

## OF STRAYS.

AN ACT to prohibit Live Stock from running at large in all that part of School District No. 149, in Sussex county, which lies in Nanticoke hundred.

Unlawful for live stock to run at large in a certain part of School District No. 149, 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 it shall not be lawful for any live stock to run at large within all that part of School District No. 149, in Sussex county, which lies in Nanticoke hundred.

Penalty for willfully suffering stock to run at large therein.

SECTION 2. *And be it further enacted*, That if any person residing without said School District No. 149, or any person living within the limits of said district shall willfully suffer any live stock to run at large within the limits of that part of said school district, which lies in Nanticoke hundred, in Sussex county, he or she shall be liable to a penalty of fifty cents for each and every day, for each and every cow, horse, mule, sheep, hog or other stock so suffered to run at large, to be recovered by suit before any justice of the peace of Sussex

How recovered.

\* So enrolled.

## OF THE GENERAL POLICE.

county, upon complaint being made by any person interested, one half of the said penalty to be paid to the prosecutor, and the other half to the school commissioners of the school district in which the offence was committed, for the use and benefit of free schools, and the owner or holder of such cattle, horses, mules, sheep, hogs or other stock shall pay to the persons or parties damaged, the amount of such damages to be recovered in like manner : *Provided* such penalty or damages be sued for within thirty days after each and every such violation of this act.

To whom paid.

Owner to pay damages.

Proviso.

Suits to be brought within 30 days.

SECTION 3. *And be it further enacted*, That nothing in this act shall be construed to interfere with or prevent any person from proceeding with such cattle, horses, hogs, sheep or other stock as provided in the law concerning strays.

This act not to prevent proceedings under the law concerning strays.

SECTION 4. *And be it further enacted*, That this act shall be a public act.

Public act.

*Passed at Dover, March 5, 1875.*

## CHAPTER 82.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 3, in Sussex county.

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

SECTION 1. That it shall not be lawful from and after the first day of April, A. D. 1875, for any live stock to run at large on the highways, or on the unenclosed land, within the limits of School District No. 3, in Sussex county.

Unlawful for live stock to run at large in School District No. 3, in Sussex county.

SECTION 2. It shall be lawful for any person in said school district, to take up any live stock running on the highways in said district, and impound the same, and they shall have the right to demand and receive fifty cents for every animal so taken up, and twenty-five cents per head for every day such

Such stock may be taken up and impounded.

Compensation.

## OF THE GENERAL POLICE.

animals are kept, and may retain the same until all legal charges are paid.

If damages be sustained, a justice of peace may appoint freeholders to estimate same.

Fees to be paid.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county, may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same; before said stock is delivered, he shall also pay a fee of one dollar to the justice, and a fee of one dollar to each of the freeholders appointed by the justice.

*Passed at Dover, March 8, 1875.*

## CHAPTER 83. \

## OF STRAYS.

AN ACT to prohibit Live Stock from running at large in School District No. 105, Sussex 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 not be lawful from and after the passage of this act, for any live stock to run at large on the highways or unenclosed lands within the limits of School District No. 105, Sussex county.

Unlawful for live stock to run at large in school district No. 105, Sussex county.

SECTION 2. That if any live stock belonging to any person or persons, shall hereafter be found running at large within the limits aforesaid, it shall and may be lawful, for any person of lawful age, to take up, secure, and impound such stock so running at large within said limits, who shall forthwith give notice thereof to the owner or owners of the same, if known, and if not known, then by advertisements posted in three of the most public places in said school district, and any constable may, after five days from securing or impounding as aforesaid, sell the same on ten days notice, by advertisements posted as aforesaid, and the proceeds of sale, after deducting one dollar, and five per cent. for selling shall be paid, one half to the person impounding, and the other to the school com-

Notice.

Sale.

Proceeds; how applied.

## OF THE GENERAL POLICE.

mittee, for the benefit of the school in said district, but if the owner thereof shall, before the sale of the same, pay to the person so securing or impounding said stock, one dollar for each head of cattle, and two dollars for each horse, gelding, mare or colt, and to the constable, one dollar and fifty cents for advertising the sale thereof, and to the person impounding, the further sum of twenty-five cents per day for keeping the same; such stock so taken up and impounded as aforesaid, shall thereupon be restored to the owner or owners.

Stock to be restored to the owner. When.

*Passed at Dover, March 9, 1875.*

## CHAPTER 84.

## OF STRAYS.

AN ACT to prohibit Live Stock from running at large in School District No. 162, in Sussex county, Del.

SECTION 1. *Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met,* That after the passage of this act it shall be unlawful for any live stock to run at large in School District No. 162, in Sussex county.

Unlawful for live stock to run at large in School District No. 162, in Sussex county.

SECTION 2. It shall be lawful for any person in said district to take up any live stock running at large in said district, and impound the same, and they shall have the right to demand and receive fifty cents for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Stock may be taken up and impounded by any person. Compensation.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for impounding and keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

If damages be sustained, freeholders to be appointed by justice of peace to estimate same.

SECTION 4. That in case said stock so taken up is not claimed, and all just charges paid or satisfied, in accordance with this act, within thirty days, the person having the said stock

Stock to be advertised for sale, if unclaimed for 30 days.

## OF THE GENERAL POLICE.

in charge shall advertise the same for public sale by not less than three written or printed notices posted at least ten days previous to said sale in three conspicuous places within said school district ; at the expiration of that time they shall proceed to sell the same, the proceeds of such sale, after deducting all just costs and charges, shall be deposited with some constable of Sussex county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to his satisfaction that he or she is the owner of said stock ; if not so claimed, it shall be paid over to the clerk of said school district, and the said constable and his sureties shall be liable for such money on his official bond.

Notices.

Proceeds of sale to be deposited with constable for one year.

If not claimed, to be paid clerk of the school district.

Liability of constable and sureties.

*Passed at Dover, March 9, 1875.*

## CHAPTER 85.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 117, Sussex county.

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

SECTION 1. That it shall not be lawful from and after the first day of April next ensuing, for any live stock to run on the highways in School District No. 117, Sussex county.

SECTION 2. That it shall be lawful for any person in said school district, to take up any live stock running on the highways in said district, and impound the same, and they shall have the right to demand and receive fifty cents for every animal so taken up, and fifteen cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for

Unlawful for live stock to run at large in School District No. 117, in Sussex county.

Stock may be taken up and impounded by any person.

Compensation

If damages be sustained, justice to appoint freeholders to estimate same.

## OF THE GENERAL POLICE.

keeping said stock, shall be paid by the person claiming the same before said stock is delivered ; he shall also pay a fee of one dollar to the justice of the peace, and a fee of fifty cents to each of the freeholders appointed by the said justice of the peace. Fees to be paid.

*Passed at Dover, March 17, 1875.*

## CHAPTER 86.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School District No. 77½, Sussex county.

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

SECTION 1. That it shall not be lawful from and after the first day of April next ensuing, for any live stock to run on the highways in School District No. 77½, Sussex county. Unlawful for live stock to run at large in School District No. 77½, in Sussex county.

SECTION 2. That it shall be lawful for any person in said school district to take up any live stock running on the highways in said district, and impound the same, and they shall have the right to demand and receive fifty cents for every animal so taken up, and fifteen cents per head for every day such animals are kept, and may retain the same until all legal charges are paid. Stock may be taken up and impounded by any person. Compensation.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before said stock is delivered ; he shall also pay a fee of one dollar to the justice of the peace, and a fee of fifty cents to each of the freeholders appointed by the justice of the peace. If damages be sustained, freeholders to be appointed by justice of peace to estimate same. Fees to be paid.

*Passed at Dover, March 17, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 87.

## OF STRAYS.

AN ACT prohibiting Live Stock from running at large in School Districts Nos. 94 and 154, in Sussex county.

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

Unlawful for live stock to run at large in School Districts Nos. 94 and 154, Sussex county.

SECTION 1. That it shall not be lawful from and after the passage of this act, for any live stock to be willfully allowed to run at large in School Districts Nos. 94 and 154, Sussex county.

Stock may be taken up and impounded by any person.

SECTION 2. It shall be lawful for any person in said school districts, to take up any live stock running at large in said districts, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Compensation.

If damages be sustained, freeholders to be appointed by justice of peace to estimate same.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same, before the same is delivered.

If unclaimed for 30 days, stock to be advertised for sale.

Notices.

Proceeds to be deposited with clerk of the school district for school purposes.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale after deducting all just claims or charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

*Passed at Dover, March 19, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 88.

## OF STRAYS.

AN ACT to prohibit stock from running at large in Kenton hundred.

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

SECTION 1. That it shall not be lawful from and after the passage of this act, for any stock to run on the highways in Kenton hundred, Kent county.

Unlawful for stock to run at large in Kenton hundred, Kent county.

SECTION 2. It shall be lawful for any person in said hundred to take up any stock running on the highways in said hundred, and impound the same, and they shall have the right to demand and receive fifty cents for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Stock may be taken up and impounded by any person.

Compensation.

SECTION 3. In case any damage may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

If damages be sustained, freeholders to be appointed by justice of peace to estimate same.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge, shall advertise the same at public sale, by not less than three written or printed notices posted for at least ten days previous to said sale in three conspicuous places in the hundred in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said hundred, who shall hold the same for one year, if not sooner claimed by some person, who shall prove to his satisfaction that they are the real owners of said stock. If not so claimed, it shall be subject to, and paid over on, the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

If unclaimed for 30 days, stock to be advertised for sale.

Notices.

Proceeds to be deposited for one year with some justice of peace.

If not claimed, to be paid to clerk of the school district.

*Passed at Dover, March 23, 1875.*



## OF THE GENERAL POLICE.

## CHAPTER 89.

## OF STRAYS.

AN ACT to amend chapter 443, volume 13, Laws of Delaware.

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

Section 2, of  
chap. 443,  
vol. 13,  
amended.

SECTION 1. That chapter 443, volume 13, laws of Delaware, entitled "An act prohibiting live stock from running at large in School Districts Nos. 20 and 20½, in New Castle county," be and the same is hereby amended by striking out of section 2, the words "ten cents," and substituting therefor, the words "one dollar," said amendment to go into effect from and after the passage of this act.

*Passed at Dover, March 25, 1875.*

## CHAPTER 90.

## OF DITCHES.

AN ACT to extend Vine's Branch Ditch.

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

Commission-  
ers appoint-  
ed to view  
low grounds  
adjoining  
town of  
Frankford,  
Sussex  
county, and  
lay off a  
ditch.

Course of  
ditch

SECTION 1. That Thomas J. Hollaway, Philip Short, of W., and Stephen C. Aydelott, be and they are hereby appointed commissioners to go upon and view the low grounds adjoining the town of Frankford, Sussex county, Delaware, and lay off a ditch sufficient in width and depth to thoroughly drain said low grounds, said ditch to begin at the lower terminus of Vine's Branch Ditch at the head of what formerly was known and called by the name of Gum's Mill Pond, and thence running in a north-easterly direction on and with the line dividing the lands of Manaen Gum and John Hickman, to the end thereof, and thence as near as may be practicable and expedi-

## OF THE GENERAL POLICE.

ent with the run of the old Branch lying between said Gum's Mill Pond and Fosque's Mill Pond into the head waters of the pond known by the name of Baltimore Mills, and said ditch to be cut through the dams or embankments of said Gum's and Fosque's Mill Ponds, provided the owners of said mill properties shall give to said commissioners, previous to their going upon and viewing said low grounds, their written consent that said ditch shall be so cut.

To be cut through the dams of certain mill ponds.

Proviso.

Consent of the owners to be first had.

SECTION 2. That said commissioners shall take with them a skillful surveyor, and proceed to lay off and specify the termini, courses and distances, size, depth and width of said ditch, and estimate the cost of making and cutting the same, the amount that each person shall contribute whose land adjoins or will be benefited by the drainage of said ditch, and the amount of damages, if any, which any land owner may sustain by the cutting thereof, which said damage shall be paid or tendered before cutting the ditch. They shall estimate the number of acres of low grounds which each taxable owns that is benefited thereby, and make a return of their proceedings, with a plot of said ditch and adjoining low grounds, to the April term, 1875, of the Superior Court, of the State of Delaware, in and for Sussex county. The commissioners and surveyor shall be sworn to the faithful and impartial discharge of their duty, and the former are hereby empowered to swear each other and the surveyor. All the commissioners must act, but a majority may decide any matter authorized by this act.

Shall take a surveyor.

Shall specify termini, courses, size, &c., of ditch.

Shall estimate costs, benefits, damages, &c.

Damages to be paid or tendered before cutting ditch.

Shall make return to Superior Court.

Commissioners and surveyors to be sworn.

SECTION 3. That all persons who shall be benefited by said ditch, shall be liable to contribute to the cost of making the same, and to the damages awarded and the expense of the proceedings. The commissioners shall determine who shall be benefited, and shall apportion the same upon them according to such benefit.

Persons benefited, to contribute to the cost &c.

Commissioners to determine who will be benefited.

SECTION 4. That the said return of the proceedings of said commissioners with a plot, as aforesaid, shall be filed in the office of the prothonotary of said court, on or before the first day of said term thereof, and may be confirmed by said court, after which it shall remain in force for seven years as a basis of any subsequent assessment that may be made by the managers for completing and repairing said ditch, or other necessary purpose.

Return and plot: where to be filed.

After confirmation by court, shall remain in force for seven years, as a basis of future assessments.

SECTION 5. That the commissioners, after confirmation of said returns by said court, shall convene the persons liable to contribute to said ditch, at Frankford, for the purpose of choosing three managers and a treasurer of said ditch, to serve for

Managers and treasurer: how chosen

## OF THE GENERAL POLICE.

Notice: how given. one year, and until others are chosen. Notice of the time and place of this meeting, shall be posted in five public places of the neighborhood, six days before the meeting. The managers, or if one of said managers be dead, or has removed from the county, or refuses to act, then the other managers, or if all said managers be dead, or have removed from the county, or refuse to act, then the treasurer shall annually thereafter, in the same manner, call a meeting for the same purpose at Frankford, on the first Saturday in March, at one o'clock, P. M. The managers and treasurer shall be chosen among the taxables, and at all meetings the taxables present shall be entitled to vote, either in person or proxy, lawfully executed under hand and seal, and attested by two witnesses in the proportion that each is liable to contribute; that is to say, each taxable shall be entitled to one vote for every dollar of tax paid by him, *Provided*, that each taxable of one dollar or less, shall be entitled to one vote.

Meeting annually thereafter: how called.

Managers and treasurer: how chosen.

Each taxable entitled to one vote for every dollar of tax paid. *Provido.*

Each taxable of one dollar or less, to be entitled to one vote.

Managers shall proceed to make said ditch, &c.

SECTION 6. That the managers chosen as aforesaid, shall proceed to make and open said ditch according to the return filed in the office of the prothonotary as aforesaid, or to cleanse the same as may be necessary, and shall have all needful powers for that purpose. They shall keep all regular accounts of their expenditures, and shall render the same to the yearly meeting of the taxables, and all payments shall be made by orders drawn by them on the treasurer, and any person assessed for a tax, may discharge the same, by work done under the direction of the managers, and their certificates shall be received by the treasurer in payment of the tax.

Accounts to be kept, and payments made by orders.

Tax may be paid by work.

Treasurer to collect all taxes.

Bond of treasurer.

Upon refusal or neglect to give bond, another treasurer to be appointed.

When to settle. Compensation.

SECTION 7. That the treasurer shall collect all sums assessed as aforesaid, and shall have the same power herein, as a collector of county rates. He shall give bond to the taxables, with surety to be approved by the managers, in double the amount of the assessment which he may be authorized to collect, conditioned for the faithful performance of his duty, and for the payment to his successor, of any money due from him; to which said bond and condition shall be annexed a warrant or power of attorney, to confess judgment thereon in the usual form. And if the person so appointed treasurer, shall neglect or refuse to give bond as aforesaid, within thirty days next after his appointment, the said managers may thereupon appoint another treasurer, who shall, in like manner, give bond as aforesaid, and so on, until a treasurer be appointed, who shall give bond and security as hereinbefore provided. He shall settle with the taxables at their annual meeting, and shall be, entitled to retain five per cent. on amount received, as compensation.

## OF THE GENERAL POLICE.

SECTION 8. That said ditch so opened, shall remain open for the benefit of those liable to contribute therefor, and if any person shall obstruct or stop up such ditch cut under this act, he shall forfeit and pay to the managers, for the use of the ditch company, not less than twenty, nor more than one hundred dollars.

Penalty for obstructing or stopping up ditch.

SECTION 9. That it shall be lawful for any person who may be taxable or interested in said ditch, either by themselves, or by such other persons as they may employ to enter upon the lands of any person through which said ditch may pass, and remove any obstruction or obstructions, of whatever nature or kind the obstruction may be, which may exist in said ditch, so that the water may pass freely through the same.

Taxable may enter upon lands and remove obstructions.

SECTION 10. That if any person or persons, through whose lands said ditch may pass, should hinder or prevent any person or persons so interested, as aforesaid, from entering upon said land to remove any obstructions which may exist in said ditch, such person or persons so hindering or preventing the removal of such obstructions which may exist in said ditch, such person or persons shall forfeit and pay the sum of one hundred dollars, besides the cost of suit, to be sued for and recovered by any of the taxables of said ditch, before any justice of the peace, in and for Sussex county.

Forfeiture for hindering persons interested from entering to remove obstructions.

SECTION 11. That if any obstructions should exist in any such ditch so as aforesaid, made or occasioned by the fault or neglect of any such person or persons, such person or persons so hindering or preventing the free passage of the waters through the said ditch, shall be liable for the necessary expenses 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, in and for said county.

Any person obstructing the free passage of water, to be liable for the expenses of removing the obstructions.

SECTION 12. That if any commissioner appointed under this chapter shall refuse or be unable to act, or die, the associate judge of said county, in vacation, shall appoint another in his place.

Associate judge to fill vacancy.

SECTION 13. That the court may, before confirmation of the return, grant orders of review on the application of any party or parties interested, whose tax or taxes shall amount to fifty dollars, and such order of review must be executed and returned to the next term of the said court, on the first day thereof.

Review. When. How.

## OF THE GENERAL POLICE.

Fees to commissioners,  
&c.

Treasurer to  
pay all costs  
and charges.

SECTION 14. That the fees under this act shall be, to each commissioner two dollars per day ; to the managers each day actually spent in the discharge of their duties, one dollar ; to the surveyor, three dollars per day, and such reasonable sum as shall be agreed upon by the parties, or taxed by the court, for plot and report ; to the prothonotary, for order certified under seal, one dollar ; for the confirmation of a report, fifty cents. All costs and charges to be payable by and collectable from the treasurer, out of the funds in his hands.

*Passed at Dover, March 24, 1875.*

## CHAPTER 91.

## OF ROADS AND BRIDGES.

AN ACT authorizing John T. Moore to straighten and change a certain public road on his own land in Little Creek hundred, in Sussex county, and to place gates across the same.

John T.  
Moore to  
straighten a  
road on his  
own land.

Location.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John T. Moore be and he is hereby authorized to straighten and change the public road running across the farm of said John T. Moore, now in the tenure of Eli Hastings, and situate in Little Creek hundred, so that the said road shall run straight, or nearly straight from the mouth of the lane leading out from the dwelling now occupied by Joseph Collins on said public road, originally laid out through the farm of the said John T. Moore, near the dwelling house occupied by said Eli Hastings, to the old public road leading from Laurel to Spring Hill.

To be put in  
good order  
for travel at  
his expense.

Public road.

Part vacated  
to be  
enclosed.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the road so changed and straightened shall be put in good order for public travel at the expense of the said John T. Moore, and shall be a public road, and so much of the old road as is rendered useless by said change is hereby vacated, and the said John T. Moore is authorized and empowered to enclose and fence the same.

## OF THE GENERAL POLICE.

SECTION 3. *And be it further enacted by the authority afore-* May place two gates across new road.  
*said,* That it shall and may be lawful for the said John T. Moore to erect and place two gates across the said public road, when changed, as follows, viz: one at the point where the said new road intersects the old road leading from Laurel to Spring Hill, on the east side of said farm, and the other on the west side of the field now occupied by said Eli Hastings, at the point where the road so changed will enter said field. Their location.

SECTION 4. *And be it further enacted by the authority afore-* Penalty for injuring or opening the gates.  
*said,* That if any person or persons shall willfully or negligently injure or destroy the said gates, or either of them, or willfully or negligently open them or either of them, and leave 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 willfulness, *Provided,* it shall be the duty of the said John T. Moore, 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. Damages to be paid also. Proviso. Gates shall be kept in good repair, &c.

*Passed at Dover, January 28, 1875.*

## CHAPTER 92.

## OF ROADS AND BRIDGES.

AN ACT to authorize Philip Short, of S. to straighten a certain public road in Dagsboro hundred, Sussex county.

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

SECTION 1. That Philip Short of S., be and is hereby authorized and empowered to straighten that portion of the public road leading from Indian river to Laurel, as follows, to Philip Short of S., to straighten part of a certain road.

## OF THE GENERAL POLICE.

Location. wit ; commencing at a point in the said public road at the residence of Charles Phillips, thence in a straight line, a distance of about three hundred yards to the aforesaid public road.

Public road. SECTION 2. That the road so straightened and put in good order for public travel at the expense of the said Philip Short of S., 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 Sussex county.

Old road vacated. When.

*Passed at Dover, February 24, 1875.*

## CHAPTER 93.

## OF ROADS AND BRIDGES.

AN ACT authorizing a change in course of a public road in Cedar Creek hundred, Sussex county, Delaware.

Wm. E. Hopkins and Daniel Ryan to change a certain road. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William E. Hopkins and Daniel Ryan, from and after the passage of this act, shall have power and authority, and they are hereby authorized and empowered to change, lay out and make straight, a certain public road in Cedar Creek hundred, in Sussex county, leading from the village of Milford toward Cedar Beach, in the following manner ; that is to say, beginning where Front street in South Milford terminates, within the incorporation of Milford, and following the same course of said street through lands of William E. Hopkins and Daniel Ryan, to where it shall intersect Cedar Beach road.

Location.

To be put in good traveling order, at their expense. SECTION 2. *And be it further enacted,* That the aforesaid William E. Hopkins and Daniel Ryan, shall change, make and lay out, at their own proper cost, charge and expense, the said road, and put the same in good order for public travel, making the said road the width required by law, and after the said road is made, opened and put in good order for public travel as aforesaid, that then and from thenceforth, the said road

To be a public road, maintained by the county.

## OF THE GENERAL POLICE.

shall be considered a public road, and maintained by the county as such. When.

SECTION 3. *And be it further enacted,* That after the said road shall have been laid, opened and made, and put in good order for public travel as aforesaid; it shall and may be law-  
for for\* said William E. Hopkins, Daniel Ryan, William Marshall and others, to stop up and enclose the old Cedar Beach road, commencing at the south east corner of Simon Hagaman's lot, and running along said road to where it will intersect the new aforesaid road. Vacated road to be stopped up and enclosed.

*Passed at Dover, February 26, 1875.*

## CHAPTER 94.

## OF ROADS AND BRIDGES.

AN ACT concerning a road in Milford hundred, Kent county.

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

SECTION 1. That John S. Harrington, Joseph Owens and Stephen R. Betts, three judicious and impartial citizens of Milford hundred, county of Kent, and State aforesaid, be and are hereby appointed to go upon and view the lands, and determine whether there is need of a public road in said hundred, to begin at a corner of John W. Hall and George McColley's lands, thence in south easterly direction between lands of W. C. Tomlinson and Josiah Kesler, across land of Andrew Louderbough, and thence on a line of the land between Mary Wallace and D. W. Lewis, till it intersects the county road leading from Milford to Harrington, a distance of one and a half miles, more or less. If they, or a majority of them, shall determine that there is need of a new road, they shall lay out the same, and assess the costs of the expenses thereof of making the said road, and cause a plot to be made with a re-  
Com-  
missioners.  
Location.  
To assess  
expenses of  
making  
road.

\*So enrolled



## OF THE GENERAL POLICE.

Plot and  
return.

Proviso.

No land  
damages.Commis-  
sioners to be  
sworn.Compensa-  
tion.

turn to the levy court of said county that an appropriation for the opening of the same as a public road,\* provided that no damages or allowance shall be made, allowed, or considered for any land that may be taken or required in laying out and opening the said road.

SECTION 2. *Be it enacted*, That the commissioners be sworn or affirmed before entering upon their duties hereby assigned them, to perform them faithfully and impartially.

SECTION 3. *Be it enacted*, That the pay of the commissioners shall be two dollars each, and the surveyors a sum not to exceed ten dollars for making survey, plot, and a return, and that the Levy Court shall cause the same to be paid.

*Passed at Dover, February 26, 1875.*

## CHAPTER 95.

## OF ROADS AND BRIDGES.

AN ACT to enable Isaac Gooden, to change a certain public road in Dover hundred, in Kent county, Delaware.

Isaac  
Gooden to  
open a  
certain new  
road.

Location.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Isaac Gooden be and he is hereby authorized and empowered to open a new road in Dover hundred, Kent county, Delaware, commencing in the public road leading from the "Hour Glass" to Westville, at a point opposite the outlet from Thomas William's farm, and running in a westerly direction through lands of Isaac Gooden, along the line dividing the lands of Thomas Williams and said Isaac Gooden, until it intersects a new county road laid out through lands of Isaac Gooden, lands of Thomas Williams and other lands known as John J. Voshell lands, and there to terminate.

SECTION 2. *Be it further enacted by the authority aforesaid*, That the road so opened, when put in good order for public

\* So enrolled.

## OF THE GENERAL POLICE.

travel at the expense of the said Isaac Gooden, shall be a public road and be kept in repair at the expense of Kent county. And the old road running from the commencement of said new road to where it intersects the John J. Voshell road, shall be vacated whenever the said new road shall be accepted by the Levy Court of Kent county, and may be inclosed by the said Isaac Gooden, his heirs and assigns.

When put in order at his expense, to be a public road, maintained by county.

Vacated road to be inclosed.

*Passed at Dover, March 2, 1875.*

## CHAPTER 96.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a public road in Duck Creek hundred, Kent county, 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 John H. Bewley, Horace Spruance, Edward Beck, John Vangasken and Nathaniel F. Wilds, five judicious and impartial citizens of Duck Creek hundred, Kent county and State aforesaid, be and are hereby appointed to go upon and view the premises, and determine whether there is need of a new public road in said hundred, county, and State aforesaid, to begin in the centre of the new road running through lands of Jeremiah W. Robinson, and known as the Jeremiah W. Robinson road, and running through lands of George Robinson, negro, and through lands of John Serverson, Sr., and John Serverson, Jr., and through lands of Abel J. Reese, in a straight line until it intersects a new road, now surveyed and located across lands of John Mustard, that leads to the site for new bridge, between Kent and New Castle counties, and if they, or a majority of them, shall determine that there is need of a new road, they shall lay out the same and assess the damages and costs of, and the expense thereof, of making the said road, and cause a plot to be made with a return of the

Commissioners.

Location..

Damages.

Plot.

## OF THE GENERAL POLICE.

same to the Levy Court of said county, that they may make appropriation for the opening of the same as a public road.

**Commissioners sworn.** SECTION 2. *Be it further enacted*, That the commissioners be sworn or affirmed before entering upon their duties hereby assigned them, to perform them faithfully and impartially.

**Compensation.** SECTION 3. *Be it further enacted*, That the pay of commissioners shall be two dollars each, and the surveyor, eight dollars for making plot and return, and that the Levy Court shall cause the same to be paid.

*Passed at Dover, March 4, 1875.*

## CHAPTER 97.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a Public Road in Milford hundred, Kent county, State of Delaware.

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

**Commissioners.** SECTION 1. That W. N. W. Dorsey, William Hill and Daniel Burr, be and they are hereby appointed commissioners to lay out and open a public road in Milford hundred, Kent county, and State aforesaid, beginning in the State road at the Tub Mill Bridge, and following a private road, open and paid for to a width of 25 feet, widening the same five additional feet, to a point near S. T. Jenkins' farm gate; thence through lands of said Jenkins to a corner of Eli F. Hammond's farm; thence continuing in a straight course along the line between the said Hammond and Jenkins to a point near the said Hammond's gate; thence through lands of S. T. Jenkins to a corner between A. P. Lewis and Charles Mills; thence along the line between said Lewis, Mills, and the old Baptist Church lot, to a point in the public \* at or near said church.

**Location.**

\* So enrolled.

## OF THE GENERAL POLICE.

SECTION 2. That if the aforesaid commissioners, or a majority of them, shall determine that the public convenience requires the laying out and making a new public road on the route designated in section 1 of this act, they shall, with the assistance of some skillful surveyor, after being duly sworn or affirmed, lay out such new road as they shall deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, and shall assess the damages of every owner of land through which said road shall pass, taking into consideration all the circumstances of benefit, as well as injury, and they shall make a computation of the costs of opening and making said new road.

Sworn.

Surveyor,

Plot.

Damages.

SECTION 3. That the plot and return so to be made as aforesaid, by the said commissioners, or a majority of them, shall be returned to the clerk of the peace in and for Kent county, to be by him laid before the Levy Court of said county, that they may make appropriation for the opening and making of the same as a public road.

Plot, &c.,  
returned.

SECTION 4. That this act be and the same is hereby declared to be a public act.

Public act.

*Passed at Dover, March 4, 1875.*

## CHAPTER 98.

## OF ROADS AND BRIDGES.

AN ACT in relation to the Road Commissioners in Saint George's hundred in New Castle county.

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

SECTION 1. That hereafter the road commissioners in Saint George's hundred shall not be allowed to levy and collect for road purposes in said hundred, a greater amount than fifty-five hundred dollars in any one year.

Road Com.  
missioners  
not to levy  
and collect  
more than  
\$5,500.

*Passed at Dover, March 8, 1875.*

## OF THE GENERAL POLICE.

same to the Levy Court of said county, that they may make appropriation for the opening of the same as a public road.

Commission-  
ers sworn.

SECTION 2. *Be it further enacted*, That the commissioners be sworn or affirmed before entering upon their duties hereby assigned them, to perform them faithfully and impartially.

Compensa-  
tion.

SECTION 3. *Be it further enacted*, That the pay of commissioners shall be two dollars each, and the surveyor, eight dollars for making plot and return, and that the Levy Court shall cause the same to be paid.

*Passed at Dover, March 4, 1875.*

## CHAPTER 97.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a Public Road in Milford hundred, Kent county, State of Delaware.

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

Commission-  
ers.

Location.

SECTION 1. That W. N. W. Dorsey, William Hill and Daniel Burr, be and they are hereby appointed commissioners to lay out and open a public road in Milford hundred, Kent county, and State aforesaid, beginning in the State road at the Tub Mill Bridge, and following a private road, open and paid for to a width of 25 feet, widening the same five additional feet, to a point near S. T. Jenkins' farm gate ; thence through lands of said Jenkins to a corner of Eli F. Hammond's farm ; thence continuing in a straight course along the line between the said Hammond and Jenkins to a point near the said Hammond's gate ; thence through lands of S. T. Jenkins to a corner between A. P. Lewis and Charles Mills ; thence along the line between said Lewis, Mills, and the old Baptist Church lot, to a point in the public \* at or near said church.

\* So enrolled.

## OF THE GENERAL POLICE.

SECTION 2. That if the aforesaid commissioners, or a majority of them, shall determine that the public convenience requires the laying out and making a new public road on the route designated in section 1 of this act, they shall, with the assistance of some skillful surveyor, after being duly sworn or affirmed, lay out such new road as they shall deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, and shall assess the damages of every owner of land through which said road shall pass, taking into consideration all the circumstances of benefit, as well as injury, and they shall make a computation of the costs of opening and making said new road.

Sworn.  
Surveyor.  
Plot.  
Damages.

SECTION 3. That the plot and return so to be made as aforesaid, by the said commissioners, or a majority of them, shall be returned to the clerk of the peace in and for Kent county, to be by him laid before the Levy Court of said county, that they may make appropriation for the opening and making of the same as a public road.

Plot, &c.,  
returned.

SECTION 4. That this act be and the same is hereby declared to be a public act.

Public act.

*Passed at Dover, March 4, 1875.*

## CHAPTER 98.

## OF ROADS AND BRIDGES.

AN ACT in relation to the Road Commissioners in Saint George's hundred in New Castle county.

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

SECTION 1. That hereafter the road commissioners in Saint George's hundred shall not be allowed to levy and collect for road purposes in said hundred, a greater amount than fifty-five hundred dollars in any one year.

Road Com.  
missioners  
not to levy  
and collect  
more than  
\$5,500.

*Passed at Dover, March 8, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 99.

## OF ROADS AND BRIDGES.

AN ACT authorizing the laying out of a public road in Cedar Creek hundred, Sussex county, Delaware.

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

Commission-  
ers.

Location.

Plot.

Commission-  
ers sworn.

Compensa-  
tion.

SECTION 1. That Robert H. Davis, George Russel and Henry W. Laws, three judicious and impartial citizens of Cedar Creek hundred, Sussex county, and State of Delaware, be and are hereby appointed to go upon, and view the premises, and determine whether there is need of a new public road in the aforesaid hundred, county and State : To begin at a point in the public road leading from Milford to "Thorn Point," near the "Lone Tree," thence in a straight line to the said "Lone Tree," thence across the marsh in a straight line to the Light House, the whole distance being about one mile, and if they, or a majority of them, shall determine that there is need of a new road, they shall lay out the same, and cause a plot to be made, with a return to the Levy Court of said county, of the same, that they may make the appropriation for the opening of the same as a public road.

SECTION 2. That the commissioners be sworn or affirmed before entering upon the duties hereby assigned, to perform said duties faithfully and impartially.

SECTION 3. That the pay of the commissioners shall be two dollars each, and the pay of the surveyor shall be ten dollars for making plot and return, and that the Levy Court shall cause the same to be paid.

*Passed at Dover, March 11, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 100.

## OF ROADS AND BRIDGES.

AN ACT authorizing Joshua Bennett to erect a gate across a certain road in Milford hundred.

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

SECTION 1. That Joshua Bennett be and he is hereby authorized to erect a gate across the road leading from Milford to the bay shore, known as the "Pier Road," at that point where the said road is intersected by the boundary lines of the land of the said Joshua Bennett.

Joshua Bennett to erect a gate across the "Pier road" at a certain point.

*Passed at Dover, March 11, 1875.*

## CHAPTER 101.

## OF ROADS AND BRIDGES.

AN ACT authorizing David W. Ralph to change a public road on his own land.

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

SECTION 1. That David W. Ralph is hereby authorized to change the course of the public road leading from Mt. Pleasant M. E. Church, to Jacob A. Collins' mill, as now used, at a point at or near the dwelling house of said David W. Ralph in Little Creek hundred, so as to straighten said road, and cause it to be opened further north and east in a continued straight line from where it now runs.

David W. Ralph to change a certain road

Location.

SECTION 2. That when the said David W. Ralph, shall, at his expense, have made the said change, and opened the road hereby authorized, of the width of thirty feet, and put the same in good order for travel, of the width required for public

When put in order at his expense, may inclose vacated road.



## OF THE GENERAL POLICE.

Public road. roads in Sussex county, it shall be lawful for him to inclose his lands so as to shut up the way there over, where the same originally passes, and the part of the road so opened in conformity herewith shall be deemed a part of the public road aforesaid, of Sussex county.

*Passed at Dover, March 11, 1875.*

## CHAPTER 102.

## OF ROADS AND BRIDGES.

AN ACT to authorize Joseph B. Morris to erect a gate across a public road in Indian river hundred, Sussex county.

Joseph B. Morris authorized to erect a gate across a certain public road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Joseph B. Morris be and he is hereby authorized to erect a gate across the public road leading from Long Neck to Warwick landing, on Indian river, near the said landing, opposite his land.

*Passed at Dover, March 11, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 103.

## OF ROADS AND BRIDGES.

AN ACT to repeal an act, entitled "An Act to make part of a certain Public Road in Pencader hundred, New Castle county, a charge upon the said county," and for other purposes. Vol. 12, 622.

*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 make part of a certain public road in Pencader hundred, New Castle county, a charge upon the said county," passed at Dover, March 15, 1865, being chapter 544 of the 12th volume of the laws of Delaware, be and the same is hereby repealed. Chap. 544, of vol. 12, repealed.

SECTION 2. That Curtis B. Ellison, Joseph W. Cooch, Robert M. Black, Samuel McIntire and George Morrison of New Castle county, be and they are hereby appointed commissioners, to go upon and view the premises, and determine whether there is any need of a change in the course of the public road leading from the New Castle and Frenchtown turnpike road, passing through the eastern part of Pencader hundred, to the Elkton and Christiana turpike road, or of any part thereof, and if the said commissioners, or a majority of them, shall determine that any such change is necessary, then they shall, with the assistance of an impartial surveyor, by them to be appointed, lay out such new road as the change of course as aforesaid shall render necessary, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public and private convenience; and shall determine what part of the old road shall be vacated on the opening of the new; and who shall enclose the same, all of which shall be set out in the return; and they, or a majority of them, shall assess the damages which may accrue to the owner or owners of land by reason of the change aforesaid, taking into consideration all circumstances of benefit as well as of injury which shall accrue to each of said owners; and shall also assess the damages which may accrue to the owner or owners of land by reason of the vacation of any road, taking into consideration all the circumstances of benefit as well as of injury which shall accrue to each of said owners; and they shall make a computation of the costs of opening and making such new road, as may be rendered necessary by the change of course aforesaid, and making the bridges and causeways thereon, if any, setting down the several items of

Commissioners.

Location.

Surveyor.

Duties of commissioners.

Damages.

Computation of costs.

## OF THE GENERAL POLICE.

**Return** said costs, all of which, together with the damages assessed, and their determination that a change in the course of said public road is necessary, the said commissioners shall set forth in their return, with a description of such new road as they may lay out, and shall annex to their return the plot of the surveyor, showing the part of the said road vacated, and the new road laid out.

**Plot, &c., to be returned to clerk of peace.** **Effect.** SECTION 3. That the plot and return so to be made, as aforesaid, by the said commissioners, or a majority of them, shall be returned to the clerk of the peace in and for New Castle county, and the effect thereof shall be the same, and like proceedings be had, as if the said plot and return had been made by commissioners appointed by the Court of General Sessions of the peace and jail delivery, under the provisions of chapter 60 of the revised statutes of this State, and had been confirmed by said court.

**Commissioners and surveyor sworn.** SECTION 4. That the aforesaid commissioners, and the surveyor appointed by them, shall, before performing the duties herein assigned them, be severally sworn or affirmed to perform the duties incumbent upon them under this act, faithfully and impartially, according to the best of their skill and judgment; and any one of said commissioners may administer said oath or affirmation to the others, and to the said surveyor; and for their services the said commissioners shall receive three dollars *per diem* for the time engaged in the duties prescribed by this act, and the surveyor a reasonable compensation, to be fixed by the Levy Court of New Castle county.

**Compensation.**

*Passed at Dover, March 12, 1875.*

## CHAPTER 104.

## OF ROADS AND BRIDGES.

AN ACT to authorize George Hallowell and John P. Hudson to straighten a public road upon their own lands in Cedar creek hundred, Sussex county, at their own expense.

George Hallowell and John P. Hudson to straighten a part of a certain road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That George Hallowell and John P. Hudson, be and they are here-

## OF THE GENERAL POLICE.

by authorized and empowered to alter and straighten that portion of the public road leading from Milford to the Delaware Bay, which crosses their farms, in tenure of Stephen Warrington and Robert Hazel.

SECTION 2. *And be it further enacted as aforesaid,* That the said George Hallowell and John P. Hudson, shall lay out and make said road of the width of thirty feet, at least, at their own cost and charges, and put the same in good order for the public use ; then and from thenceforth the same shall be deemed and taken as the public road.

When put in order at their expense, to be a public road.

SECTION 3. *And be it further enacted as aforesaid,* That after the said road shall have been laid out, opened and made as aforesaid, it shall be lawful for the said George Hallowell to inclose such portion of the old road as is rendered useless by the said charge ; \* and provided that the the new road made and laid out shall first be accepted by the Levy Court of Sussex county, and by their vote declared a public road, and shall be maintained by the county as such.

May inclose vacated portion of road. When.

*Passed at Dover, March 17, 1875.*

## CHAPTER 105.

## OF ROADS AND BRIDGES.

AN ACT to authorize Dr. William Marshall to erect a gate across a certain public road in Cedar Creek hundred, Sussex county.

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

SECTION 1. That Dr. William Marshall, be and he is hereby authorized and empowered, at his own expense, to erect a gate across a certain public road in Cedar Creek hundred, Sussex county, authorized to be laid out by this General Assembly, at or near what is known as the "Lone Tree," a point upon said public road.

Dr. William Marshall to erect a gate across a certain public road.

*Passed at Dover, March 18, 1875.*

\*So enrolled.

## OF THE GENERAL POLICE.

## CHAPTER 106.

## OF ROADS AND BRIDGES.

AN ACT to straighten a certain public road therein mentioned. Daniel C. Hoffercker, Wm. R. Cahoon, Sen., Myers Cassons, Samuel Hargadine and Henry Pratt.\*

Commission-  
ers.

Location.

Surveyor.

Damages

What to be  
vacated.

Who to  
inclose

Return

Public road

When.

When  
vacated

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Joseph Rash, Robert M. Hewes, Henry Pratt, Jr., James H. Green, William Campbell, be and they are hereby appointed to go upon and examine the public road leading from Pearson's corner to Hazletville, as far as the point thereon, where "Pearson's steam saw mill formerly stood, and determine whether there is need for the straightening of said road between those points; and if they, or a majority of them, shall decide that it is needful and proper that said road should be straightened between those points, they, or a majority of them, (being first duly sworn or affirmed according to law) shall proceed to lay out and straighten the same, with the assistance of a skillful surveyor, if they shall deem such assistance necessary, and to assess the damages, if any, to the several owners of the lands through which said straightened road shall pass, observing all the directions contained in an order to lay out or straighten a road under proceedings in the court of General Sessions of the peace of Kent county, and to vacate so much of the present road as shall be outside of the limits of the new or straightened road, and decide and direct who may inclose the parts of said road so as aforesaid declared vacated.

SECTION 2. *And be it further enacted,* That whenever and as soon as said road shall be laid out, and a proper return of the same shall be prepared, it shall and may be lawful to return the same directly to the Levy Court and Court of Appeal of Kent county, and when accepted and approved by that body, shall become one of the public roads of the county, and be a county charge as other public roads now are. But the old or present road shall not be obstructed until the new road shall be opened and put in good traveling order; which shall be done at the proper cost and charges of the owners of the lands through which said road pass; but all other expenses connected with the laying out and straightening of said road shall be borne as in cases where similar work is done under and by virtue of an order of court.

*Passed at Dover, March 18, 1875.*

\*So enrolled.  
180 enrolled.

## OF THE GENERAL POLICE.

## CHAPTER 107.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in Kenton hundred, in Kent county.

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

SECTION 1. That Benjamin F. Blackiston, Joseph C. Downs, Lewis M. Bell, Thomas R. Taylor and William Stevens of Kent county, be and they are hereby appointed commissioners to go upon and view the premises, and determine whether there is need of a new public road in Kenton hundred; beginning at a point on the road leading from Blanker to Blackiston's meeting house, at or near the lands of William Hutchinson, across the lands of W. M. Shakespear, and through lands of Goldsborough and Johnson, lands of John Finn and lands lately of Sylvester Rynhart, to the public road leading from Blackiston's corner, to Kenton, and if the aforesaid commissioners or a majority of them, shall determine that there is need of 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 all circumstances of public or private convenience or detriment, and shall cause a plot of said road to be made representing the courses and distances thereof, and shall assess any damage which may accrue to the owner or owners of the lands, through\* the said public road shall pass, taking into consideration all the circumstances of benefit, as well as injury, which shall accrue to each of the owners, and shall make a computation of the costs of opening and making said public road, and making the bridges and causeways thereon, if any, setting down the several items of said costs, and shall, in their return, set forth a description of the said public road and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

SECTION 2. That the plot and return so to be made as aforesaid, by the said commissioners, or a majority of them, shall be returned to the clerk of the peace, in and for Kent county, to be by him laid before the Levy Court of said county, and the said Levy Court may adopt and establish the said road so as aforesaid laid out and returned to them.

\*So enrolled.

## OF THE GENERAL POLICE.

Commissioners and surveyors sworn.

SECTION 3. That the aforesaid commissioners and the surveyor employed by them, shall, before performing the duties herein imposed, be severally sworn or affirmed to perform their respective duties faithfully and impartially, according to the best of their skill and judgment, and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Compensation.

Public road.

When

SECTION 4. That the road hereby authorized, shall, from its adoption by the Levy Court aforesaid, be deemed and taken to be a public road, and the laws of this state applicable to public roads in Kent county, are hereby extended to and shall apply to said road.

Public act.

SECTION 5. That this act shall be deemed and taken to be a public act.

*Passed at Dover, March 18. 1875.*

## CHAPTER 108.

## OF ROADS AND BRIDGES.

AN ACT to vacate a part of a certain Road and lay out a new road in or near the village of Farmington, Mispillion Hundred, Kent county, Delaware.

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

Commissioners to vacate part of a certain road, and lay out a new one

SECTION 1. That Alexander Johnson, William H. Powell, Shermizer Fisher, William H. Murphy and Isaac Watson, be and they are hereby appointed commissioners who are hereby authorized, empowered and directed to go upon the premises and determine whether that part of the public road lying in the village of Farmington, Mispillion hundred, Kent county, and state of Delaware, and extending from the Delaware railroad in a southeasterly direction to the south west corner of a lot of land owned by A. H. Reynolds in right of his wife, should be vacated, and a new road laid out, beginning at the south west corner of the said lot of land owned by the said A. H. Reynolds

Location.

## OF THE GENERAL POLICE.

in right of his wife, and running thence in a westerly direction with line of lands of Moses Harrington, until it intersects the said Delaware railroad ; and running thence in a northerly direction with line of said Delaware railroad until it intersects the public road leading from Marshy Hope Bridge to Milford, and extending from the northern line of lands of said Moses Harrington in a northerly direction to the northern terminus of Broad street, and if the said commissioners shall determine that the public convenience requires that the said part of the old road should be vacated, and the said new road laid out, then they shall, with the assistance of a skillful and impartial surveyor by them to be employed, vacate the said part of the old road, and lay out the said new road in such manner as to them shall seem most advantageous to the public, and the least detrimental to individuals, and shall cause a draught thereof to be made, showing the new road as well as that part of the old road to be vacated, with notes of the most remarkable places, and the lands and premises, by, through and upon which the said new road passes, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public or private convenience or detriment, and shall assess the damages of every the owners or holders of said lands and improvements, on occasion of vacating the said part of the old road, and the laying out of the said new road ; and shall make a computation of the costs of opening and making said road, setting down the several items of said costs.

SECTION 2. That the said draught, together with the return of the said commissioners, shall be returned and filed in the office of the clerk of the peace, in and for Kent county, to be by him laid before the Levy Court of said county, and if no sufficient objection is made thereto, then the said Levy Court of said county shall approve and confirm the said draught and return of the said commissioners, and shall settle and pay the damages which may be assessed by the said commissioners, and pay the legal charges of the commissioners, surveyors, &c., as other similar expenses are paid ; and when the said draught and return shall have been so approved, the said new road shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent county are hereby extended to and shall apply to said road ; and the said part of the old road, ordered to be vacated, shall be taken in and inclosed by the owner or owners whose property it adjoins or passes through.

SECTION 3. That the said commissioners, before performing



## OF THE GENERAL POLICE.

Commissioners and surveyor sworn. the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties with fidelity, and the surveyor to perform the service for which he is employed, faithfully and impartially, according to the best of his skill and judgment, which oaths or affirmations may be taken before any notary public or before any justice of the peace in and for Kent county. And the acts of a majority of the said commissioners shall be as valid as if concurred in by all of them; and in case of any vacancy or vacancies, another or other commissioners may be appointed by any Judge of the Superior Court of the state of Delaware, to supply such vacancy or vacancies.

Majority.

Judge to supply vacancies.

*Passed at Dover, March 22, 1875.*

## CHAPTER 109.

## OF ROADS AND BRIDGES.

AN ACT to confirm and establish a certain road leading to and across the bridge over Duck creek, at or near Fleming's landing.

Preamble,  
Vol. 14, 71.

WHEREAS, by an act of the General Assembly of the State of Delaware, passed February 9, 1871, entitled "An act to provide for the erection of a bridge over Duck creek, at a point at or near Fleming's landing, and for other purposes," it was enacted that it should be lawful to erect a pivot bridge at the place aforesaid, and in said act it was further provided that in case said bridge should be erected at a point to which on either or both sides there should be no public road, that the freeholders, in said act provided, should lay out such road or roads in the manner provided in chapter 60, of the revised code, for laying out public roads, and in pursuance of such authority, a road was, by the said freeholders laid out, being partly in New Castle and partly in Kent county, and extending from the road from Smyrna to Short's landing in Kent county, across said bridge, to the road from Taylor's bridge to Fleming's landing in New Castle county, and all other acts and proceedings of said freeholders, and all subsequent acts were in all respects in accordance with the provisions of said chapter 60, aforesaid, except that the said return of the said

## OF THE GENERAL POLICE.

freeholders was not laid before the court of General Sessions of the Peace and Jail Delivery in the said respective counties for confirmation, as is by the said chapter 60 and the provisions of law in relation to laying out of public roads required, therefor for remedy thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That all and singular the acts, doings and proceedings of the freeholders in laying out the said road aforesaid, as the same is by them laid out in Kent and New Castle counties aforesaid, are hereby ratified and confirmed, and the plots and returns of the said freeholders made by them to the Levy Courts of New Castle and Kent counties respectively, shall be and are declared to be of the same force and validity as if the same had been returned to the court of General Sessions of the Peace and Jail Delivery in said counties respectively, in accordance with the provisions of chapter 60 aforesaid, and had been by the said courts respectively confirmed, and the said road so laid out and mentioned in said plots and returns, is declared to be a public road, to be opened and maintained as other public roads in said counties respectively. And all acts and proceedings heretofore taken, or which may be taken by the Levy Court of said respective counties in relation thereto, in regard to opening and maintaining the same as other public roads in said counties, respectively are established, approved and confirmed.

Proceedings of freeholders in laying out a certain road, confirmed.

Plots and returns to be as valid as if returned in accordance with chap. 60 of Revised Code.

Said road to be a public road.

Proceedings of Levy Courts in relation thereto approved and confirmed.

*Passed at Dover, March 24, 1875.*

## CHAPTER 110.

## OF ROADS AND BRIDGES.

AN ACT in relation to public roads in 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 the Levy Court of Kent county, be and they are hereby authorized and empowered to straighten any public road in

Levy Court of Kent county may straighten any public road with consent of the land owners.

## OF THE GENERAL POLICE.

said county, wherever the public good requires it, and the same can be done by and with the consent of the owners of the lands through which the said road runs.

May fix and  
mark bound-  
ary of roads,  
on applica-  
tion.

SECTION 2. *And be it further enacted*, That whenever the the boundary of any road in said county are \* not marked and cannot be ascertained, the said Levy Court may fix the said boundary and mark them, on application by any overseer of roads, or by the owners of the lands over which said road runs.

*Passed at Dover, March 24, 1875.*

## CHAPTER III.

## OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in Indian River and Georgetown hundred, in Sussex county.

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

Commis-  
sioners.

Location.

SECTION 1. That Peter P. Dodd, William Hancock and James Rust, 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, Beginning at a point in the public road leading from Georgetown to Springfield cross roads, at or near the dwelling house of Peter Rust, running thence in a northerly direction in and with a private road leading through lands of Peter Rust and Stephen A. Walls, to lands of Stephen E. Blizzard, and thence through lands of said Stephen E. Blizzard and Henry C. Blizzard, Alfred C. Blizzard, Kendal B. Atkins, and lands owned partly by Daniel J., and C. Rodney Layton, to the public road leading from Millsboro to Milton, via Gravelly Hill station on the Junction and Breakwater R. R. Co., terminating at a point thereon within about one mile of said station, in a southern direction therefrom: And if they, or a majority of them, shall determine that there is need of such

\* So enrolled.

## OF THE GENERAL POLICE.

new public road, they shall, with the assistance of some skill-  
 ful 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 the distance, and all circumstances  
 of public convenience, and shall cause a plot thereof to be  
 made, representing the courses and distances thereof, with  
 notes of the most remarkable places, and of the woodlands,  
 cleared lands and improvements by and through which the  
 same shall pass, and they shall assess the damages and im-  
 provements 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,  
 setting down the several items of 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 return the plot  
 of said road.

Surveyor.

Plot.

Damages.

Computation  
of costs.Return of  
commissioners.

SECTION 2. The plot and return so to be made as aforesaid,  
 shall be returned to the clerk of the peace in and for Sussex  
 county, to be by him laid before the Levy Court of said  
 county, which road the said Levy Court may adopt and settle  
 the damages estimated as aforesaid, and when said road shall  
 have been established as a public road, the same shall be and  
 remain subject to the same regulations and laws as other public  
 roads in said county.

Plot and  
return to be  
laid before  
Levy Court.

Public road.

SECTION 3. The said commissioners and surveyors, 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 affirma-  
 tion the commissioners are hereby authorized to administer.  
 The acts of a majority of said commissioners shall be as valid  
 as if concurred in by all. This shall be a public act.

Commis-  
sioners and  
surveyor  
sworn.Oath, by  
whom ad-  
ministered.Acts of  
majority  
valid.  
Public act.

*Passed at Dover, March 24, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 112.

## OF ROADS AND BRIDGES.

AN ACT authorizing Benjamin Draper and Robert Raughley to straighten a certain Public Road in Mispillion hundred.

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

Benjamin  
Draper and  
Robert  
Raughley  
to straighten  
a certain  
public road.

Location

When old  
road may be  
vacated

Vacated  
road to  
revert.

To be public  
road, when.

SECTION 1. That Benjamin Draper and Robert Raughley, be and they are hereby authorized to straighten the public road in Mispillion hundred, in Kent county, leading from Anthony's cross-roads to the Delaware and Maryland line, in the following manner, that is to say : beginning in the said public road, at a corner for lands of John Wheeler, near the school house in School District No. 89, in Kent county, and running thence in an easterly direction, on a line between lands of Benjamin Draper and Robert Raughley, about four hundred yards, intersecting the old road aforesaid at the mouth of the public road leading to Maloney's school house, and when they shall have made the change in said road as contemplated in this act, as good for public use as the other parts of the aforesaid road, they may close up and vacate that part of the old road supplied by the new one, and the old road so vacated shall revert to the proper owners of the adjacent lands.

SECTION 2. That the aforesaid new road shall be made at the expense of the party benefited thereby, and when completed as aforesaid for public travel, shall be deemed and taken to be a part of the public road leading from Anthony's cross-roads to the Maryland and Delaware line.

*Passed at Dover, March 25, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 113.

## OF ROADS AND BRIDGES.

AN ACT appointing commissioners to lay 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 Johns, James E. Boyer, William T. Hall, Charles Hall [and] John W. Downs, be and they are hereby appointed commissioners to go upon and view the premises, and determine whether there is need of a public road, to begin at the public road leading from Marydel to "Slaughter's Station," touching lands of Francis Greenwell, William Kersey, John Stevens, James Stevens, Spencer Scotten, Thomas Clements, Robert H. Gruff [and] John Williams, so as to intersect the public road leading from Marydel to Dover, at or near the lands of William Slay, and if they, or a majority of them, shall determine that there is need of such a road, they shall, with the assistance of some skillful surveyor, to be by them selected lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of the most remarkable places, and of the woodland, cleared land and improvements, by and 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, setting down the several items of said costs, and if a road shall be laid out, shall, in their return to be made to the clerk of the peace in and for Kent county, 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 return the plot as aforesaid.

SECTION 2. The plot and return so to be made as aforesaid by the said commissioners, shall be returned to the clerk of the peace in and for Kent county aforesaid, to be by him laid before the Levy Court of said county, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulations and laws as other public roads in said county.

## OF THE GENERAL POLICE.

## CHAPTER 112.

## OF ROADS AND BRIDGES.

AN ACT authorizing Benjamin Draper and Robert Raughley to straighten a certain Public Road in Mispillion hundred.

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

Benjamin  
Draper and  
Robert  
Raughley  
to straighten  
a certain  
public road.

Location.

When old  
road may be  
vacated.

Vacated  
road to  
revert.

To be public  
road, when.

SECTION 1. That Benjamin Draper and Robert Raughley, be and they are hereby authorized to straighten the public road in Mispillion hundred, in Kent county, leading from Anthony's cross-roads to the Delaware and Maryland line, in the following manner, that is to say : beginning in the said public road, at a corner for lands of John Wheeler, near the school house in School District No. 89, in Kent county, and running thence in an easterly direction, on a line between lands of Benjamin Draper and Robert Raughley, about four hundred yards, intersecting the old road aforesaid at the mouth of the public road leading to Maloney's school house, and when they shall have made the change in said road as contemplated in this act, as good for public use as the other parts of the aforesaid road, they may close up and vacate that part of the old road supplied by the new one, and the old road so vacated shall revert to the proper owners of the adjacent lands.

SECTION 2. That the aforesaid new road shall be made at the expense of the party benefited thereby, and when completed as aforesaid for public travel, shall be deemed and taken to be a part of the public road leading from Anthony's cross-roads to the Maryland and Delaware line.

*Passed at Dover, March 25, 1875.*

## OF THE GENERAL POLICE.

## CHAPTER 113.

## OF ROADS AND BRIDGES.

AN ACT appointing commissioners to lay 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 Johns, James E. Boyer, William T. Hall, Charles Hall [and] John W. Downs, be and they are hereby appointed commissioners to go upon and view the premises, and determine whether there is need of a public road, to begin at the public road leading from Marydel to "Slaughter's Station," touching lands of Francis Greenwell. William Kersey, John Stevens, James Stevens, Spencer Scotten, Thomas Clements, Robert H. Gruff [and] John Williams, so as to intersect the public road leading from Marydel to Dover, at or near the lands of William Slay, and if they, or a majority of them, shall determine that there is need of such a road, they shall, with the assistance of some skillful surveyor, to be by them selected lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of the most remarkable places, and of the woodland, cleared land and improvements, by and 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, setting down the several items of said costs, and if a road shall be laid out, shall, in their return to be made to the clerk of the peace in and for Kent county, 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 return the plot as aforesaid.

SECTION 2. The plot and return so to be made as aforesaid by the said commissioners, shall be returned to the clerk of the peace in and for Kent county aforesaid, to be by him laid before the Levy Court of said county, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulations and laws as other public roads in said county.



## OF THE GENERAL POLICE.

Commission-  
ers and  
surveyor  
to be sworn

Who may  
administer  
oath

Acts of ma-  
jority valid.

Vacancies  
How filled.

Fees.

SECTION 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 may be administered by either of said commissioners or any public officer qualified to administer oaths; 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 residing within said county. The fee of the commissioners shall be one dollar, and the fee of the surveyor, two dollars for each day of actual service, with a proper compensation to the surveyor for his plot.

*Passed at Dover, March 25, 1875.*

## CHAPTER 114.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in Dover hundred, Kent county.

Commis-  
sioners.

Location.

Surveyor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Joseph Moore, John W. Cullen, John P. M. Denney, Andrew J. Wilson and Harvey D. Learned, be and they are hereby appointed commissioners to go upon the premises and determine whether there is need of a new public road in Dover hundred, East election district, in Kent county, beginning at a point where Division street in the town of Dover, intersects the Horse head road leading into said town, and running parallel or nearly parallel with the Delaware railroad, until it shall intersect with the public road leading from DuPont's Station to Morgan's corner, at a point one hundred and fifty yards east from the road-gate in front of William F. McKee's house, and if they, or a majority of them, shall determine that there is need of a public road on the line described, they shall, with the assistance of some skillful surveyor, to be selected by them, lay out a new public road as aforesaid. The com-

## OF THE GENERAL POLICE.

missioners above named, or a majority of them, shall make a plot of said road so laid out, showing its courses and distances, the woodland and cleared land through which it passes, and other objects of note concerning its construction, and shall assess the damages of them, the owners and holders of said land on occasion of the laying out of such new road, taking into consideration all circumstances of benefit or injury, will accrue to any therefrom, and shall compute the costs of opening and making such road, and of making the bridges, if any, and causeways thereon, separately, and shall make said map or plot, assessment of damages and computation of costs part of their return, and shall return their said proceedings to the Court of General Sessions of the peace and jail delivery, at its then next session in and for Kent county, after the date of their said return: The effect of such return, when made, shall be the same as if made upon an order of said court, upon petition preferred to lay out said road, and the same persons had been duly appointed to lay out said road by the court aforesaid: All subsequent proceedings shall be the same as provided in chapter 60 of [the] Revised Statutes of this State in reference to laying out public roads in Kent county; and when the Levy Court of said county shall have approved the said road, it shall be deemed and taken to be a public road of Kent county, and all laws applicable to public roads in said county shall apply to the new public road aforesaid.

SECTION 2. *Be it enacted by the authority aforesaid,* That the commissioners aforesaid, and the surveyor to be by them chosen, shall severally be sworn or affirmed, faithfully and impartially to perform the duties enjoined upon them by this act, before viewing the premises; either of said commissioners may administer the oath or affirmation to the other commissioners, and to the surveyor, and a majority may do or determine any matter. In case of a vacancy, another commissioner may be appointed by the Judge of the said court, resident in said county, in vacation, and the duties of such commissioner or commissioners shall be the same as the duties of those appointed in this act. The fee of each commissioner, surveyor and chain carrier, shall be the same as is provided by law, for similar services in laying \* public roads, and shall be paid in the same manner.

*Passed at Dover, March 25, 1875.*

\*So enrolled.

## TITLE NINTH.

## Regulations concerning trade.

## CHAPTER 115.

## OF THE NAVIGATION OF THE CHRISTIANA RIVER.

## AN ACT to protect the navigation of the Christiana River.

*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,)*

Wilmington  
and Western  
R. R. Co. to  
bridge Chris-  
tiana river  
below  
mouth of the  
Brandywine

SECTION 1. That the Wilmington and Western Railroad company, in constructing their railroad as described in the act incorporating said company, are hereby authorized to bridge the Christiana river below the mouth of the Brandywine in the city of Wilmington; and the said company are hereby required to make the said bridge a pivot bridge of not less than ninety feet clear width, for the passage of vessels on each side of the centre pier, and the said centre pier shall be so located in relation to the channel of the river as the wharf commissioner of said river shall direct.

How con-  
structed

Bridge at-  
tendance to  
be provided  
by company.

SECTION 2. That the said company shall, at their own expense, provide proper attendance upon said bridge as is customary in like cases.

*Passed at Dover, March 23, 1875.*

## OF PILOTAGE, NAVIGATION AND VESSELS.

## CHAPTER 116.

## OBSTRUCTING NAVIGATION.

AN ACT for the protection of the harbor at New Castle, Delaware.

WHEREAS, it has been represented to this General Assembly, <sup>Preamble.</sup> that the harbor of the city of New Castle, in this State, on the river Delaware, is encroached upon by the wharf of the New Castle and Frenchtown turnpike and railroad company, known as the coal wharf, and that the said wharf is detrimental to the free and public use of the said harbor by the public, and obstructs the same by reason of the deposit of mud and the consequent shoaling of the water on the north of the said wharf.

SECTION 1. *Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the New Castle and Frenchtown turnpike and railroad company, be and they are hereby required, immediately, to remove at their own expense, so much of said wharf in the preamble of this act mentioned, as extends into the river Delaware beyond the wharf line, as established by the authorities of the town of New Castle aforesaid, under and by virtue of an act of the General Assembly, passed at Dover, April 9, A. D. 1873. <sup>The New Castle and Frenchtown Turnpike and R. R. Co. to remove so much of their coal wharf as extends beyond wharf line of New Castle.</sup>

SECTION 2. *And be it further enacted,* That it shall be the duty of the Attorney General of the State of Delaware, to take immediate steps by law after the passage of this act, for the removal of so much of the wharf known as the coal wharf on the property of the New Castle and Frenchtown turnpike and railroad company at New Castle, as extends into the navigable waters of the Delaware river beyond the wharf line established by the town commissioners of the town of New Castle, under and by virtue of an act of the General Assembly passed at Dover, April 9, A. D. 1873. <sup>The Attorney General to compel removal by legal proceedings.</sup>

SECTION 3. *And be it further enacted,* If the said New Castle and Frenchtown turnpike and rail road company, shall be indicted and convicted according to law, of maintaining a public and common nuisance by reason of the continuance of said wharf, the court in which such indictment is tried, and such conviction had, may order the removal, by the sheriff of New Castle county, of said nuisance, the expense of such removal to be borne by the company aforesaid, and for the purpose of enforcing this order and defraying the expense of <sup>If said company be convicted of maintaining nuisance, the court may order removal by sheriff of New Castle county. Expenses. Payment, how enforced.</sup>

## OF PILOTAGE, NAVIGATION AND VESSELS.

Fine.

Fine and  
costs, how  
collected.Amended  
code, 1874,  
796.

the same, the said court may attach all the lands and tenements, goods and chattels, rights and credits, of the said New Castle and Frenchtown turnpike and rail road company, and sell the same and apply the proceeds in the execution of the order aforesaid. And further, the said court shall impose a fine upon the said company of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) in the discretion of the court, the payment of which said fine, together with the costs of the proceedings, the said court shall enforce, and shall have the same power of collecting the same as is prescribed in section 11, of chapter 133, of the revised statutes of the State of Delaware.

*Passed at Dover, March 24, 1875.*

## CHAPTER 117.

## OBSTRUCTING NAVIGATION.

AN ACT to prevent Obstructions in the Delaware river.

Certain obstructions interfering with the public use of the river shore or harbor of any city or town situated upon the bank of any navigable river in the State of Delaware, declared unlawful.

Offenders liable to criminal prosecution.

Penalty: removal of obstruction and fine.

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 or persons, or corporation, their agents or lessees, shall cause any obstruction to be erected or placed, or remain upon the shore of any navigable river in the State of Delaware, so as to interfere with the public use of the said river shore or harbor of any city or town situated upon the bank of such river, and shall, after notice, allow the said obstruction to remain unabated for the period of thirty days, such person or persons, or corporation or their agents or lessees, shall be proceeded against criminally by indictment in the Court of General Sessions of the Peace and Jail Delivery of the county where such obstruction may exist, and upon conviction of maintaining a public nuisance, such person or persons, or corporation or their agents or lessees, shall be required by the order of the court where such conviction is had, to remove such obstruction, and shall be fined in any sum not less than one thousand (\$1,000) nor more than ten thousand dollars (\$10,000), in the discretion of the court.

## OF PILOTAGE, NAVIGATION AND VESSELS.

SECTION 2. *And be it further enacted*, It shall be the duty of the Attorney General of the State of Delaware, upon a proper representation by the authorities of any city or town of the existence of any obstruction as aforesaid, in the harbor of the said city or town, to institute the proceedings as provided for in the foregoing section.

*Passed at Dover, March 25, 1875.*

## TITLE TENTH.

## Of Corporations.

## CHAPTER 118.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT relative to the Publication of Statements of Savings Banks and Insurance Companies.

Savings  
Banks and  
Insurance  
Companies  
incorporated  
in this State,  
to publish  
annual  
statements

When

First  
statement

When  
How pub-  
lished

What to  
set forth

\$200 fine  
for every  
omission.  
Attorney  
General to  
prosecute

Foreign  
insurance  
companies  
to make  
similar pub-  
lication

In case of  
default, un-  
lawful for  
their agents  
to do  
business in  
this State  
Penalty

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

That every savings bank, or other incorporated institution for saving, and every fire, marine, life or live stock insurance company, incorporated under the laws of this State, shall, within six months after the passage of this act, and thereafter, annually, before the first day of July in each year, publish or cause to be published, once a week for three weeks, in at least two newspapers of this State, a statement in detail, setting forth its financial condition at the time such statement is published, presenting the amount and nature of the business done during the last preceding year, with the assets and liabilities of the corporation, and the manner in which its assets are invested, the amount of annual expenses, and for a failure to publish such statement, the said bank or insurance company shall be liable to a fine of two hundred dollars for each and every such omission, to be prosecuted and received by the Attorney General for the use of the State.

SECTION 2. And every foreign, fire, life, marine or live stock insurance company, having a duly authorized agent or agents representing it within this State, or doing business within the State, shall be required to publish a statement as provided in the foregoing section, and in default of such publication it shall not be lawful for any agent or agents to pursue the business of representing a company so omitting to publish or to receive insurance for the same, within the limits of this State, under the penalty prescribed in the preceding section.

*Passed at Dover, March 22, 1875.*

## OF CORPORATIONS.

## CHAPTER 119.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to provide incorporation for religious, charitable, literary and manufacturing purposes, for the preservation of animal and vegetable food, for building and loan associations, and for draining low lands.

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 when any number of persons, not less than three, two-thirds of whom are citizens of this State, are associated or mean to associate for religious, charitable, literary or manufacturing purposes, or for the preservation of animal and vegetable food, or as building and loan associations, or for draining low lands, and shall be desirous to acquire and enjoy the powers and immunities of a corporation, or body politic in law, it shall and may be lawful for such persons to prepare an instrument in writing, therein specifying the objects, articles, conditions, capital, and name, style or title under which they have associated or mean to associate, and the same through their attorney, to exhibit and present during vacation to the associate judge of the Superior Court of the county in which such corporation is intended to be situated or have its principal business transacted, and said associate judge is hereby authorized to examine said instrument, and if the objects, articles and conditions are therein set forth and ascertained and shall appear to said judge to be lawful, and not injurious to the community, the said judge shall direct said writing to be filed among the records of the said Superior Court, and order the prothonotary to publish in some newspaper of the county, to be designated in the order, for at least three weeks, a notice setting forth that an application has been made to said judge to grant such charter of incorporation, which notice shall set forth the object of such charter : and if no sufficient reason is shown to the contrary, it shall be lawful for the Superior Court of the county in which such corporation is intended to be situated or have its principal business transacted, at the ensuing term thereof, to decree and declare, by their order indorsed upon said instrument, attested in the usual form by the said prothonotary under the seal of the said court, that the persons so associated, and such others as may be admitted by them to their company, shall, according to the conditions and articles in said instrument set forth and contained, become and be a corporation or body politic ; and further direct that such charter of incorporation, with such indorsement thereon, shall

General  
incorporation  
act.

Who may be  
incorporated.

For what  
purposes.

How.

Instrument.

To be pre-  
sented in  
vacation to  
associate  
judge of  
Superior  
Court

Filed in  
Superior  
Court.

When

Order for  
publication  
of notice of  
application  
for charter.

What notice  
shall set  
forth

Decree.

When and  
how made.



## OF CORPORATIONS.

Prothonotary to deliver charter to Secretary of State to be filed in his office. be delivered to the Secretary of State by the said prothonotary, to be filed in his office ; and a copy of the same, furnished and certified by the said secretary under his hand and the seal of his office, shall be recorded in the recorder's office of the county in which the application aforesaid is made ; and on such instrument being recorded, the persons so associated and to be associated, or meaning to associate, shall, according to the objects, articles, and conditions in said instrument set forth and contained, become and be a corporation, or body politic in law and in fact, to have continuance by the name, style and title in such instrument provided and declared. Thirty days' notice of said application shall be given by the parties who intend to apply for incorporation, in one or more of the daily newspapers published in the city of Wilmington, if the corporation is to transact its business in New Castle county, if not, in a paper published in the county where it is to be transacted.

Copy certified by said Secretary, to be recorded.

Where.

Effect.

Notice of intention to apply for incorporation.

When and how published.

What fees allowed.

All expenses paid by applicants.

Certified copy to be delivered to the applicants, when recorded.

Evidence.

SECTION 2. *And be it further enacted*, That the usual fees allowed by law for equal or similar services, shall be received by the respective officers under the provisions of this act ; and where there is no guide in that respect the court shall allow reasonable fees. And all the expense of procuring said charter of incorporation, and filing, copying, certifying, and recording the same, and the indorsement of the court thereon, as provided for by this act, shall be borne and paid by the person or persons applying therefor. And after said certified copy of said charter shall be recorded, as directed in this act, the same shall be delivered over to the applicants ; and the record thereof, or an office copy of such record, shall be evidence.

Amendments, &c., to charter

Petition to General Assembly

SECTION 3. *And be it further enacted*, That whenever any corporate body, created or established under the provisions of this act, shall be desirous of improving, amending or altering the articles and conditions of the instrument upon which it was formed and established, it shall and may be lawful, for such corporate body, in like manner as aforesaid, and upon notice as aforesaid, specifying the improvements, amendments or alterations which are or shall be desired, to exhibit its petition to the General Assembly for that purpose ; and if the General Assembly shall be of opinion that such alterations are not repugnant to the constitution of this State or the constitution or laws of the United States, the prayer of the petition may or may not be granted, as to the General Assembly may seem proper.

SECTION 4. *And be it further enacted*, That it shall and may be lawful for the Superior Court of the proper county to

## OF CORPORATIONS.

hear the petition of any corporation, under its corporate seal, by and with the consent of a majority of the corporators duly convened upon thirty days notice in a daily newspaper published in the city of Wilmington, if the application is to be made in New Castle county, and upon like notice in a newspaper published in any other county where the application is contained in its charter, or for the dissolution of such corporation; And if the court shall be satisfied that the prayer of such petition can be granted without prejudice to the public welfare, or the interest of the corporators, the court may enter a decree in accordance with the prayer of the petition, whereupon such power shall cease, or such corporation be dissolved, as the case may be: *Provided*, that the surrender of any such power shall not, in any wise, remove any limitation or restriction in such charter. And the accounts of the managers, directors or trustees, shall be settled in such court, and be approved thereby, and dividends of the effects shall be made among any incorporators entitled thereto, as in the case of accounts by assignees in insolvency, or under the law of domestic attachments. In the settlement of such accounts, and determining dividends, the court may resort to the assistance of an auditor, or master by it to be appointed: *and provided further*, that no property devoted to religious, charitable or literary purposes shall be diverted from the objects for which it was given or granted, and that the decree of the said court shall not take effect until a certified copy thereof be filed and recorded in the office of the Secretary of State.

SECTION 5. *And be it further enacted*, That any charter of incorporation granted or made under the provisions of this act, shall be subject to revocation by the Legislature, and power to amend, revoke or annul all such charters, or any amendments, alterations or additions thereto, is hereby reserved to the Legislature.

SECTION 6. *And be it further enacted*, That the Secretary of State is hereby authorized and directed to demand for the use of the State, on certifying any charter of incorporation authorized by this act, the sum of twenty dollars when the capital stock of such incorporation shall be or exceed fifty thousand dollars, and ten dollars when it does not amount to so much. And it shall not be lawful for any other officer or person to give, or permit to be given, any copy or copies of any such charter, unless the certificate of the Secretary of State is affixed thereto. The fee to the Secretary of State for a copy shall be the same as heretofore.

SECTION 7. *And be it further enacted*, That before a company incorporated by the provisions hereof, and having capi-

Proceedings  
for surrender  
of powers, or  
dissolution.

Petition to  
Superior  
Court.

How and  
when made.

Notice.  
How pub-  
lished.

Decree.

Effect.

Proviso.

Accounts.  
How settled.

Dividends.

Auditor.  
Appointment  
by court.

Further  
proviso.

When decree  
to take  
effect.

Charters  
under this  
act subject to  
amendment  
and revo-  
cation by the  
Legislature.

Tax on  
private laws.

Unlawful for  
copies of  
charter to be  
given unless  
certified by  
Secretary of  
State.

Fee to  
Secretary  
of State.

## OF CORPORATIONS.

Certificate of capital paid in.	tal stock, shall proceed to the transaction of its business, the president and a majority of its directors or managers shall make and sign a certificate, to be sworn to by them, before an officer legally qualified to administer oaths, stating the amount of its capital paid in ; which certificate, they shall, within thirty days thereafter, cause to be recorded in the office of the prothonotary of the county, in the book to be therein kept of the record of transactions of the Superior Court, under this act. Any person shall have access to, and the privilege of examining, said books, and if the said capital stock shall, at any time, by such action of the company for that purpose as it may see fit to adopt, be reduced below the amount stated in such certificate, the said officers shall, within thirty days from the time when such reduction takes place, file in the said office an additional certificate, made and signed and sworn to as aforesaid, showing the amount of such reduction, and the amount of the stock remaining. And it shall be the further duty of said officers to make publication of the filing of said certificate, in the same manner as herein is provided with respect to the notice of application for incorporation.
When and how made.	
Recorded.	
When.	
Where.	
Access to records.	
Reduction of capital.	
Additional certificate to be filed.	
When.	
How made.	
Publication.	

Unlawful to declare dividends out of capital stock.	SECTION 10.* <i>And be it further enacted,</i> That it shall be unlawful for any board of directors or managers of any company incorporated by the provisions of this act, to declare dividends out of the capital stock of said company, and for a breach of this clause, those who assent thereto shall be liable, jointly or severally, to the creditors of the company, to the extent to which the capital stock has been encroached upon or impaired by such dividend, and such liability may be enforced by an action of debt, to be brought in the name of any one or more creditors of the company, for the use of himself or themselves, and the other creditors of the company, without naming them. The money recovered in such judgment shall be divided among the creditors, <i>pro rata</i> , and the books of the company shall be open to a creditor to ascertain their names, and the amount of the indebtedness of the company to each ; the distribution to be made by the prothonotary of the county where the company transacts its business, into whose hands, for that purpose, the money recovered shall be paid. Such prothonotary shall be liable to a creditor on his official bond for the amount paid over to him in virtue hereof ; and such creditor may maintain an action thereon for his use, to recover his dividend thereof. Every director or manager of the company shall be taken to have assented
Liability of assenting directors.	
How enforced.	
Amount recovered.	
How distributed.	
By whom.	
Liability of prothonotary.	

\* NOTE.—This and the following section are so numbered in the enrolled bill and also in the original bill on file in the Senate chamber.

## OF CORPORATIONS.

to such dividend out of the capital stock, unless, having dissented, he shall, within sixty days from the time it was declared, file in the office of the prothonotary aforesaid, his declaration under oath, that such dividend was declared against his consent, and that he caused his objection to be entered upon the minutes of said company.

Director deemed to have assented to such dividend unless, &c. His declaration to be filed.

SECTION 11. *And be it further enacted,* That the following shall be the forms of the notice of application for incorporation, and of the instruments or articles of association or incorporation referred to in the first section hereof, viz :

What to state. General forms.

## (FORM NO. 1.)

(Form of notice of intention to apply for incorporation.)

Notice of intention to apply.

## NOTICE OF PROPOSED INCORPORATION.

*In conformity with the provisions of the act passed by the General Assembly of the State of Delaware on the ——— day of ——— A. D. 1875, I hereby give notice that an application was filed in the Superior Court, on the ——— day of ——— - last for a charter of incorporation of a company called (here give name) to carry on the business (here set forth the business as described in the draft of the charter) and that a draft of the proposed charter was filed with the application and is open to inspection.*

A. B. Prothonotary.

(Place for date.)

## (FORM NO. 2.)

*Form for incorporation of a company for manufacturing purposes, (or to dry, preserve, or can fruit, meats, fish, vegetables, or other edibles.)*

Form of charter for manufacturing purposes, &c.

ARTICLE I. This association shall be called, The ——— Company, and its principal place of business, or office, shall be at ——— in ——— county.

Corporate names.

ARTICLE II. Its officers shall be a President ——— Directors or managers; and a Treasurer who shall also be the Secretary. The President shall be a member of the Board of Directors or Managers.

Officers.

ARTICLE III. For the purpose of organization a meeting shall be held at 12 o'clock M., at such place as shall be designa-

Meeting for organization.

## OF CORPORATIONS.

*How called.* ted in the call for such meeting, which call must have the signatures of a majority of the proposed corporators, and be published for one week in a daily newspaper of the county, if there be one, and if not, by handbills posted in five of the most public places of the hundred where the said meeting is to be held.

*Opening of subscription books.* At such meeting the books of subscription shall be opened, in which those intending to become incorporated shall subscribe for the number of shares they wish to hold in the said company, provided said number shall not, in the case of any subscriber, exceed one-third of the whole, *Provided* that any person or firm may acquire by purchase, any number of shares of stock, and when one half the whole number of shares has been subscribed, then the share holders shall proceed to elect by a plurality of votes (each share being entitled to one) the officers aforesaid, and such others as may be deemed necessary for the management of the company's business. The terms of said officers shall be for one year, and until successors be duly chosen.

*Subscription limited.*

*Proviso.*

*Election of officers.*

*Terms.*

*First meeting after organization.* ARTICLE IV.—The company, when organized by the authority of the preceding article, shall hold a meeting at the end of one week after the meeting aforesaid, and annually thereafter on the same day, for the purpose of choosing other officers in lieu of those whose terms have expired, and for the making of by-laws or ordinances for the government of the affairs of the company, which shall remain in force until repealed or modified, and then as modified so long as the company shall choose.

*Annual meetings.*

*Elections.*

*By-laws.*

*Corporate powers.*

*Corporate seal.* ARTICLE V.—The company shall have power to use a common seal, with such device as it may choose—but with its name also engraved upon it, and the same to renew, or alter, at pleasure, to sue and be sued in all courts, to make and establish by-laws or ordinances for the government of its affairs, and the transaction of its business, provided the same be not repugnant to the constitution or laws of this State or of the United States, and generally shall have all the powers incident to corporations aggregate, and which are essential or adapted to the conduct of its particular business, but no other corporate rights. This grant of powers shall be held to include the leasing or purchase and sale from time to time, of real estate necessary to the conduct of its business, and not exceeding in value—thousand dollars, and the erection and repair of buildings thereon if necessary.

*Suing.*

*By-laws.*

*General powers.*

*Respecting real estate.*

## OF CORPORATIONS.

ARTICLE VI.—The business of the company shall be that of <sup>Business.</sup>  
 — but the said business nor any business of the com-  
 pany shall be entered upon until — dollars per share, at least, <sup>When en-</sup>  
 upon any share of stock has been paid into the treasury of the <sup>tered upon.</sup>  
 company.

ARTICLE VII.—The capital stock of the company shall be <sup>Capital</sup>  
 the sum of — dollars, divided into shares of — dollars each ; <sup>stock.</sup>  
 they shall be personal property and assignable or transferable. <sup>Shares.</sup>  
 The right to them shall be evidenced by a certificate under the <sup>Certificate.</sup>  
 company's seal, signed by the president and treasurer, and  
 such shares shall be transferred by proper indorsement on the <sup>Indorse-</sup>  
 back of a certificate. <sup>ment of</sup>  
<sup>transfer.</sup>

(FORM NO. 3.)

Form of incorporation for religious, charitable or literary  
 purposes.

Form of  
 charter for  
 religious,  
 charitable  
 or literary  
 purposes.

ARTICLE I.—This incorporation shall be called (here give <sup>Corporate</sup>  
 the name.) <sup>name.</sup>

ARTICLE II.—Its officers shall be a Board of managers, <sup>Officers.</sup>  
 composed of persons, one of whom shall be president,  
 and a treasurer who shall also be its secretary.

ARTICLE III.—The business of the company shall be <sup>Business.</sup>  
*the erection and maintenance of houses of worship ; the employment*  
*of Gospel missions at home or abroad ; the sustentation or sup-*  
*port of aged or worn out and destitute preachers ; the mainte-*  
*nance of places of sepulture or burial of the dead ; the minis-*  
*tration of affairs of charity to the needy, which shall include the*  
*care of them in houses ; and the establishment and maintenance*  
*of a society for literary purposes, library, debating society or*  
*club, school of arts and sciences as the case may be.*

ARTICLE IV.—For the purpose of organization, a meeting <sup>Meeting for</sup>  
 shall be called by any two or more of the applicants for this <sup>organization.</sup>  
 charter, to be held on some day and at some place convenient <sup>How called.</sup>  
 for the purpose, on ten days' notice published in a county  
 newspaper or by hand bill, and at such meeting those who  
 attend may be permitted to participate in the proceedings, <sup>Who may</sup>  
*provided*, they shall first have signed a paper to be exhibited <sup>participate.</sup>  
 at the meeting, agreeing to become members of the company, <sup>Proviso.</sup>  
 and to submit themselves to all its orders or requirements, as  
 all others in like condition. At such meeting each person shall  
 be entitled to one vote.

## OF CORPORATIONS.

Election of officers.

Opening of subscription books.

Shares.

Powers.

Powers respecting real estate.

Corporate seal.

Annual meetings.

Other meetings.  
Notices of all meetings.  
How given.

Shall state what.

Form of charter for Building and Loan Associations.

Corporate name.

ARTICLE V.—At the meeting provided for in the next preceding section, there shall be elected the Board of managers and the secretary ; and (in case the company choose to have on use a capital,) books shall be opened to allow the persons present to subscribe to the stock, which shall be divided into shares of ten dollars each, and be personal property, and transferable according to such rules as shall be presented by the company's by-laws.

ARTICLE VI.—All the business of the company shall be managed by the said board, and their powers shall include all the usual and necessary powers of like boards for similar purposes ; and effectually to accomplish the objects aimed at in the creation of this company, it shall have all the usual and ordinary powers of a corporation aggregate for the attainment thereof, but no other powers whatever.

ARTICLE VII.—The company shall have power to purchase or lease, and hold and transfer all such real estate as may be necessary to enable it to conduct and carry on its operations, or business.

ARTICLE VIII.—It shall also have power to use a common seal to authenticate all its official acts, and the same to change or renew at pleasure ; and to make all such by-laws for the convenient transaction of its business, not in conflict with the constitution and laws of this State or of the United States, as it may choose to adopt.

ARTICLE IX.—The company shall hold an annual meeting for the election of officers, and the transaction of any other business, on the first Monday of March in any year hereafter. And other meetings may be held at such other time as may be deemed necessary by the board of managers. Five days previous notice of all meetings shall be given by public advertisement, signed by the president, and posted in three of the most public places in the neighborhood of the place of business or of the operation of the company, which notices and all notices of meetings, shall state the day, place and hour, when and where they will be held, and also a general account of the business to be transacted at them.

(FORM NO. 4.)

*(Form of incorporation for building and loan associations.)*

ARTICLE I.—This association shall be called (*here give the name.*)

## OF CORPORATIONS.

ARTICLE II.—Its business shall be conducted by a board of Directors composed of nine stockholders, who shall be elected as follows : On the third Saturday of January or July in any year, including the present year, three directors for one year, three for two years, and three for three years, shall be voted for by a majority of votes ; The board thus elected, shall, at the January or July meeting (as the case may be) next following such election, elect, by a majority of votes, a president and vice president, who shall be of their own number, and a treasurer and secretary, who shall be stockholders, and not members of the board of directors. In all meetings of the board, a majority shall form a quorum. The board shall have the power to fill vacancies that may occur in their own body during the year. In case of failure to elect directors in any year, the corporation shall not therefore be dissolved, but the board then in office, and the other officers theretofore chosen by them, shall be continued until successors to them be duly chosen.

Board of directors.  
How elected.

Board to elect a President and other officers.

Qualifications.

Quorum.  
Vacancies.

Failure to elect directors, not to dissolve corporation.

ARTICLE III.—The object of the corporation shall be, the accumulation of a fund from monthly contributions and fines, premiums and loans, and from the purchase and sale of real estate, and the profits in the erection and construction of buildings, and interest on investments, for the benefit of the members ; and they, and their successors and assigns, shall be able and capable in law to sue and be sued, and have all the rights, privileges and immunities of a corporation aggregate, within the scope and intent of the object of its creation and not beyond, and it may have and use a common seal, and change or renew the same at pleasure.

Corporate objects.

Corporate powers.

Corporate seal.

ARTICLE IV.—It shall also have power to purchase, hold, and, from time to time, to dispose of real and personal property of any kind whatever, *provided*, the same shall not exceed in value the sum of \_\_\_\_\_ dollars : To make by-laws for its government, not repugnant to the constitution and laws of this State or of the United States, and the same to alter, change or repeal at pleasure.

Powers respecting real estate

Proviso.

By-Laws.

ARTICLE V.—The capital stock of the corporation shall not exceed four hundred thousand dollars, divided into shares of \_\_\_\_\_ dollars each ; which shall be personal property, and be certified and assigned as may be provided by the by-laws ; and no one party shall hold more shares than \_\_\_\_\_

Capital stock.

Shares.

Restriction.

The corporation shall have power to sell its accumulated funds among the stockholders, at whatever premium can be obtained for the same.

Sell accumulated funds at a premium.



## OF CORPORATIONS.

(FORM NO. 5.)

Form of  
charter for  
drainage of  
low lands.

*(Form of incorporation for the drainage of low lands.)*

Name.

ARTICLE I.—This company shall be called the *(full name)* Ditch Company, and its operations be shall\* confined to *(hundred or hundreds as the case may be.)* of

Location.

county.

Officers.

ARTICLE II.—Its officers shall be five managers, and a treasurer who shall be secretary also.

Business.

ARTICLE III.—The business of the company shall be the ditching, draining and bringing into cultivation the low lands lying upon *(Here describe them generally.)*

May enter  
upon lands  
and make  
ditches.

ARTICLE IV.—For the purpose of such reclamation, the company shall have power to enter upon any lands that, in the opinion of the managers, will be benefited by the operations to be performed by the company, and with their workmen, laborers, teams, etc., cut and make, and when made, from time to time, to clear out and scour, all such ditches or drains as, in the opinion of such managers, shall be necessary for effectually draining and reclaiming the said lands.

Shall first  
apply to  
Superior  
Court for ap-  
pointment of  
commission-  
ers to view  
lands and  
determine  
benefits.

Shall make  
return to  
recorder,  
with a  
survey of  
proposed  
ditches.

What to  
show.

Estimate  
damages,  
when.

Deposited in  
bank, when.

ARTICLE V.—Before taking any steps, however, to accomplish the ends of its incorporation, the said company shall apply to the Superior Court for the appointment of commissioners to go upon the lands, through, along, or across which the ditches of the company are proposed to be cut, and view the same and determine whether any or which of them will be benefited by the same, and to make a return of their proceeding in the premises, to the recorder, with a survey of the proposed ditches, showing their course, and the lands, by general designation, through, along, or across which they will run and to be benefited thereby, and the probable cost of making the improvements. They shall also return a valuation of the several parcels of land to be benefited by such improvements. Should there be upon the line of the company's works any lands through, along or across which the ditches are to be made that will be injured by the making of them, they shall estimate such damage, in money, and the same shall be paid to the owner, or in case of his refusal to receive it, or absence from the State or inability by reason of legal disability, it shall be deposited to his credit in the Farmer's Bank, before the company shall have any right to construct or make their

\*So enrolled.

## OF CORPORATIONS.

works through such land. The return of the commissioners shall be final and conclusive upon all parties, and shall be the basis upon which the taxes of the company are to be laid. It shall continue until a majority of the taxables demand a new one, proceedings for which shall be taken in the said court by petition, and the prayer of the petition granted, if, in the opinion of the court, such new valuation is proper to be made at the time. Before any commissioners appointed under this article proceed to act, they shall be sworn or affirmed before a justice of the peace, to perform the duties of their appointment with fidelity, which qualification must be certified upon their return. When record is made of the return, the original shall be delivered over to the company, and it, or the record or an office copy of the latter, shall be evidence. The commissioners shall each be paid by the company, two dollars for each day employed by them under this act, and the surveyor, for his survey and plot, (including fee of one dollar and fifty cents each per day to the chain carriers) such sum as the commissioners may deem just; and this money shall be paid before the commissioners shall be required to make any return. The recorder's fee shall also be paid to him at the time of the delivery over by him of the said return.

ARTICLE VI.—The company shall hold an annual meeting on the ——— day of ——— in each year, and elect by ballot, each owner being entitled to one vote for every acre of land owned by him and taxable by the company. Five managers and one treasurer, who shall be secretary as aforesaid, and such other officers as may be deemed necessary for the conduct of its business, who shall serve for a year, and afterward until successors shall be chosen, which successors, if not chosen at any annual meeting, may be chosen at a meeting to be called by the treasurer.

ARTICLE VII.—Notice of the first meeting to be held under this act may be given by five advertisements signed by any member of the company or person whose lands are to be affected by the company's works, and posted at the most public places in the neighborhood of the lands to be ditched, at least ten days before such meeting. All subsequent notices of meetings shall be signed by the treasurer or one of the managers; a failure to hold an annual meeting shall not work a dissolution of the company.

ARTICLE VIII.—Whatever money the company may find it necessary to raise, for cutting the ditches, (including the expenses contemplated by the fifth article,) and for keeping the same open and in repair, shall, from time to time, as the exi-

Return con-  
clusive.Basis of  
taxation  
until new  
one de-  
manded.Proceedings  
for same.Oath of com-  
missioners.Certified,  
how.Original  
return to be  
delivered to  
company  
when  
recorded.Evidence.  
Compensa-  
tion, how  
and when  
paid.Recorder's  
fee.Annual  
meeting,  
when.Election of  
officers.  
One vote for  
each acre.

Terms.

First  
meeting.Notice, how  
given.Subsequent  
notices of  
meetings.Failure to  
hold annual  
meeting,  
to dissolve  
company.Necessary  
fund to be  
raised by  
taxation.

## OF CORPORATIONS.

- agency may require, be collected by taxation of the owners, according to the nature of their property to be benefited ; to provide for which, the managers shall make an estimate of the money to be raised, and apportion it among the said owners, and they shall at once give notice, under their hands, of a meeting of the said owners, to be held at some convenient place to consider the said apportionment. At said meeting any owner shall have the right to be present and object to the justice of the same, in his case. The managers shall, at the close of the meeting, (which shall be kept open three hours,) reconsider their apportionment, and alter the same if they deem it expedient so to do. Such reconsideration shall be final, and then they shall make a copy of the apportionment under their hands, and deliver the same to the treasurer, and when the company orders money to be collected for its necessary purposes, the treasurer shall, upon receiving their warrant in writing, proceed to collect the same from the respective owners, according to such apportionment, and for that purpose shall have all the powers of a collector of county taxes. The apportionment shall have duration for the same time as the valuation by the commissioners, and taxes may, from time to time, be collected according to it, as the needs of the company may require. Orders for collection, however, only to be valid when made by the company at an annual meeting.
- ARTICLE IX.**—The company shall have power to have and use a common seal, to evidence its acts, to sue and be sued as other corporations, to make and establish by-laws for its own government, provided the same be not in conflict with the constitution and laws of this State, or of the United States ; and generally, all the powers of a corporation aggregate, which shall be strictly necessary for the management of its own business, and none others.
- ARTICLE X.**—In the case of private owners of a ditch or ditches not within the company's limits, but the waters collected in which can be discharged into the ditches of the company, with benefit to the owners composing said company, such private owners may be allowed to connect with the works of the company, on such terms as the latter may prescribe, and may thenceforth become constituent members of said company, with the rights of such members, and subject, as to themselves and their land drained by such private ditch or ditches, to all the burdens and responsibilities of other members or owners ; and the managers shall at once add their lands to the other lands within the company's operations, and apportion their share of the taxes among them, as provided in article VIII, with respect to original owners.
- How levied, Meeting to consider apportionments. Proceedings. Reconsideration final. Warrant to treasurer. Collection powers. Duration of apportionment. Orders for collection, when valid. Corporate powers. Seal. By-laws. General powers. Private owners of ditches may connect with works of the company and become members. On what terms. Their rights. Liabilities.

## OF CORPORATIONS.

ARTICLE XI.—The managers shall take account of all changes of ownership of lands within the company's limits, from whatever cause, and substitute the names of the new owners in lieu of the old ones, upon their original apportionment from which they shall be transferred to the copy in the hands of treasurer, and when transferred, the new owners shall stand in the place of the old, in all respects as if they had been originally owners.

Changes of ownership.

Duties of managers respecting.

ARTICLE XII.—Vacancies in the board of managers, or in the office of treasurer, may be filled at any meeting, and in the case of the treasurer, shall be filled at a meeting to be called within one month from the the time of the vacancy. Until a vacancy in the board of managers is filled, the remaining members may act as if no such vacancy had happened. A majority of the board of managers shall make a quorum, at any meeting held by them for the transaction of business.

Vacancies, how filled.

Bond of treasurer.

ARTICLE XIII.—The company shall have power, and it shall be its duty, to take from the treasurer a judgment bond with ample security, conditioned for the collection of all taxes committed to him for collection, except such as are uncollectable, and the payment over of the money upon orders drawn by the managers, or a majority of them, from time to time as demanded, and of any surplus into the hands of his successor in office. The managers shall, upon application of the treasurer, determine whether or not a tax is collectable; should they decide it is not, then it shall be allowed the treasurer, and deducted from the sum of the taxes committed to him for collection.

Uncollectable taxes allowed the treasurer.

ARTICLE XIV. At all meetings of the company, those who do not attend may vote by proxy constituted by writing under hand and seal, in the presence of two witnesses.

Voting by proxy.

How constituted.

*Passed at Dover, March 26. 1875.*

## OF CORPORATIONS.

## CHAPTER 120.

## CORPORATIONS.

AN ACT to incorporate the Peninsula Agricultural and Pomological Association ;

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two thirds ( $\frac{2}{3}$ ) of each branch thereof concurring,*

Corporators.	SECTION 1. That Charles Beaston, J. Thomas Budd, William R. Cochran, Edward W. Lockwood, John Cochran, Thomas J. Craven, Sewell C. Biggs, William Polk, Lewis P. McDowell, Daniel W. Corbitt, and such other persons as are now associated as "The Peninsula Agricultural and Pomological Association," or may hereafter be associated with them, be and they are hereby ordained and declared to be a body corporate and politic by the name of "The Peninsula Agricultural and Pomological Association," to be located in the county of New Castle, and State of Delaware, for the purpose of encouraging and promoting agriculture, horticulture, mechanics and household arts, and by that name the said corporators, their successors and assigns shall have continuance, and shall be capable to sue and be sued, plead and be impleaded, answer and be answered, appear, prosecute and defend to final judgment, decree and execution, in all courts and in every place whatsoever, before any judge or justice, in all manner of suits and proceedings in law or equity, to have and use a common seal, to alter or renew the same at pleasure ; to make contracts, and to purchase, hold, sell, mortgage, lease, aliene and convey property, real, personal and mixed, in fee simple or otherwise. To make and enforce such by-laws and regulations as may appear necessary for their own government ; the management of their business and property, and the promotion of the objects of their association, not inconsistent with the laws or constitution of this State, or of the United States, and generally to exercise and enjoy the powers, privileges and franchises incident to a corporation, except banking powers.
Incorporation.	
Name.	
Objects.	
Location.	
Corporate powers.	

Capital stock.

Shares.

SECTION 2. The capital stock of said corporation shall be of such amount as the corporation shall from time to time determine, provided that the same shall not at any time exceed the sum of twenty-five thousand dollars. The said capital stock to be divided into shares of five dollars each. Each share of said capital stock shall be personal estate, and the same shall be certified, held and assigned according to such regula-

## OF CORPORATIONS.

tion and conditions as may be provided in the by-laws ; and so much of the property of the said association as shall amount to five thousand dollars, in actual cash value, shall not be subject to, but shall be held and enjoyed by, the said corporation, free and exempt from any and all manner of municipal, county and state assessment and taxation whatsoever. Subscription to the capital stock shall be paid at such times, in such manner, and in such installments as the board of directors shall appoint, and the same shall be liable to forfeiture for non-payment, as may be provided in the by-laws.

\$5000 of stock exempt from taxation.

Stock subscription, how paid.

Forfeiture for non-payment

SECTION 3. That there shall be an annual meeting of the stockholders on the fourth (4) Saturday of January in every year, (unless some other day be provided by the by-laws.) Special meetings of the stockholders may be called in such manner as may be provided in the by-laws. At all meetings of the stockholders, all questions shall be decided by a plurality of the votes cast in person, and each stockholder shall be entitled to one vote for each share of stock held by him or her.

Annual meeting of stock holders, when.

Special meetings. Each share of stock entitled to a vote.

Plurality to decide.

SECTION 4. That the stock, property, business and concerns of the corporation shall be managed and conducted by a president, secretary and nine (9) directors, all of whom must be stockholders. The said officers and directors shall constitute a board of managers, three ( 3 ) of whom shall be a quorum, and they shall be elected by the stockholders at each annual meeting; they shall be chosen by ballot, and by a plurality of the votes cast, according to the provisions of section 3 of this act, and shall continue in office until the next annual meeting, and until successors are duly chosen. Any vacancy in the board shall be filled by its remaining members, and whenever any member thereof ceases to be a stockholder or refuses to serve, his office shall be vacated. The board of managers shall make by-laws for the government of the corporation, and for the regulation and management of its business and concerns, and may repeal and alter them at pleasure. The present officers of said association shall continue in office, and constitute the board of managers provided for in this act, until their successors shall be elected at a meeting of the members of said association, to be called by the president thereof, after the passage of this act, for the purpose of organizing thereunder. Such meeting may be called by advertisement for two ( 2 ) weeks in two ( 2 ) newspapers published in the State of Delaware, and also in two ( 2 ) newspapers published in the State of Maryland.

Management.

President, Secretary, and directors to constitute Board of Managers. Quorum.

When and how elected.

Term.

Vacancies.

Powers.

Make by-laws, and repeal and alter same.

Term of present officers to continue until successors are elected at meeting for corporate organization.

When and how called.

SECTION 5. That the board of managers shall also keep, or cause to be kept, proper books, in which shall be regularly entered

The Board to keep proper books of the corporation's transactions.

## OF CORPORATIONS.

*Inspection  
of same.*

*Statement at  
annual  
meeting.*

*May pay  
dividends.  
Proviso.*

*Employ  
officers,  
agents, &c.*

*May appoint  
special police  
to attend  
fairs or ex-  
hibitions of  
the associa-  
tion, and  
preserve  
order, &c.,  
thereat.*

*Powers of  
the special  
police within  
certain  
bounds.*

*Arrest and  
removal of  
offenders*

*Their com-  
pensation  
and removal.*

*The board  
may author-  
ize any  
auctioneer  
licensed to  
sell else-  
where in this  
State, to sell  
at any time,  
within the  
fair ground  
of the  
association,  
live stock,  
produce, &c.,  
without  
further  
license.*

tered the transactions of the corporation, which books shall at all times be subject to the inspection of the stockholders, and they shall cause to be exhibited to the stockholders at their annual meeting, a statement of the affairs and doings of the association. And they may, from time to time, after reserving such sum or sums as they (the board of managers) shall decide to be reasonable, to meet the expenses and outlays necessary to the prosecution of the objects of the association, declare and pay to the stockholders thereof, so much of the surplus funds as they shall deem proper, provided that no such dividends shall be made or declared, except from the surplus funds of the association.

SECTION 6. That the board of managers may appoint and employ such officers, agents, and servants, as they may deem necessary, and prescribe their duties, fix their compensations and secure their fidelity, as they shall deem proper. They may also appoint one or more special police to attend any fair or exhibition held by the association. It shall be the duty of said special police to preserve order at and prevent all unlawful interference with the conduct and progress of any such fair or exhibition, and for this purpose said "special police" shall be invested with all the powers which are possessed by constables and conservators of the peace, and shall have full authority within the fair grounds of the association, and also within the distance of one-half ( $\frac{1}{2}$ ) mile beyond, and surrounding said fair grounds, to arrest, and remove therefrom all disorderly persons whom they shall find disturbing the peace, or unlawfully interfering with the conduct and progress of any such fair or exhibition, and to carry the person or persons, as soon as convenient, before the nearest justice of the peace, to be dealt with according to law. Such special police shall be compensated by the association, and may be removed at pleasure, by the board of managers.

SECTION 7. That the Board of managers of the association may, subject to such conditions and regulations as may be prescribed in the by-laws, authorize and permit any auctioneer, licensed under the laws of this State to carry on the business of auctioneering at any place within this State other than the fair ground of said association, to sell and offer for sale, at any time or times, within the said fair grounds, horses, cattle, and every kind of live stock, and farm and garden produce, or articles on exhibition of any kind whatsoever, and for such purpose it shall not be necessary for any such auctioneer so authorized to take out any other, or further license whatsoever, required by the laws of this State.

## OF CORPORATIONS.

And further, the said board of managers may, subject to such conditions and regulations as may be prescribed in the by-laws, authorize and permit any person or persons to exhibit any live stock, farm or garden produce or other personal property, at any fair or exhibition held by the association. and to sell or offer for sale within the fair grounds of the association, at any time during the continuance of any such fair or exhibition, the property so exhibited or any part thereof, and also authorize and permit any person or persons to keep any eating house or eating houses, in any dining or refreshment saloon or saloons, except for the sale of spirituous liquors, wines, porter, ale and beer, within said fair grounds, or to keep and provide for horses in any feed pen or pens for horses within said ground at any time during the continuance of any such fair or exhibition, and for such purpose it shall not be necessary for any such exhibitor, eating house keeper, or keeper of horses and other stock so authorized, to take out any license therefor, any law of this State to the contrary notwithstanding.

Board may also authorize any person to exhibit at any fair, live stock, &c. and sell same within fair ground of association during fair; and any person to keep eating house, &c. within same, during fair, except for sale of certain liquors.

For such purposes it shall not be necessary for such exhibitor, eating house keeper &c., to take out a license therefor.

SECTION 8. If any person shall make or keep any booth, stall, tent, carriage or place for the purpose of selling or disposing of, or shall sell, offer or dispose of, any spirituous liquors, wine, porter, ale, beer, cider, bread, food, confectionery, refreshment or other provisions or articles within one-half mile of the fair grounds of the association incorporated by this act, during the continuance of any fair or exhibition held by said association, excepting taverns and stores regularly established, such persons shall be deemed guilty of a misdemeanor, and shall be punished by a fine according to the discretion of the court. *Provided*, that nothing in this section shall conflict with section 7 of this act.

Having stalls &c., for, or selling liquor etc., within one-half mile of fair grounds.

Exceptions.

Misdemeanor.  
Fine.  
Proviso.

SECTION 9. That all the acts and doings of the said unincorporated association 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, securities and other estate, real, personal and mixed, shall, immediately upon corporate organization at a meeting to be called, according to the provisions of section 4, of this act, become the property of said corporation, 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, securities and other effects, real, personal or mixed, together with the right and title, had originally belonged to this corporation.

Acts of the unincorporated association legalized, &c.

All the property &c. to vest in the corporation created by this act as if the same had originally belonged to it.



## OF CORPORATIONS.

Public act SECTION 10. That this act shall be deemed and taken to  
 Revocation. be a public act, and the power to revoke the same is hereby  
 reserved to the Legislature.

*Passed at Dover, January 22, 1875.*

## CHAPTER 121.

## CORPORATIONS.

Vol. 10, 276. A supplement to an "An Act to incorporate 'The new Castle county Mu-  
 Vol. 13, 662 tual Insurance company'" passed at Dover, Feb. 6, 1849, and renewed  
 by an act passed January 25, 1869.

*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 herein),*

Section 2.  
 Chap. 290,  
 Vol. 10,  
 amended.

Board of 15  
 directors.  
 Election.

Quorum.

Present  
 directors to  
 draw lots for  
 terms of  
 one, two and  
 three years

When the  
 terms of  
 each class  
 shall expire.

Section 10,  
 Chap. 290,  
 Vol. 10,  
 amended

SECTION 1. That section 2, of the act to which this is a  
 supplement, be and the same is hereby amended by striking  
 out all of said section, down to and including the word "quor-  
 um" in the sixth line of said section, and substituting in lieu  
 thereof, the following section 2. That the affairs and business  
 of the said corporation shall be conducted by a board consist-  
 ing of fifteen directors, five of whom shall be elected annually  
 for the term of three years. Not less than a majority of said  
 directors shall constitute a quorum.

SECTION 2. The directors for the time being who were  
 elected at the last annual meeting of said corporation prior to  
 this act ; shall, at their first regular meeting after the accept-  
 ance of this act by the corporation, draw lots for terms of one,  
 two and three years ; and thereupon the terms of five di-  
 rectors shall expire in one year ; the terms of five others shall  
 not expire until two years ; and the terms of five others shall  
 not expire until three years from the date of their election,  
 respectively, according to the said allotment.

SECTION 3. That section 10 of the act to which this is a  
 supplement, be and the same is hereby amended by striking  
 out the whole of said section and inserting in lieu thereof, the

## OF CORPORATIONS.

words following ; "Section 10. That if any member shall neglect or refuse to pay any installment of tax or interest on his or her deposit note, the insurance of the said member shall there-<sup>A member's insurance shall expire and policy become void, when.</sup> upon expire, and the policy held by such member shall be null and void from and after the time at which such tax or interest becomes due and payable, *provided*, that if within thirty days<sup>Proviso.</sup> the member who has made the default as aforesaid, shall pay such installment of tax or interest as aforesaid ; the policy and insurance may, at the option of said corporation, evidenced by their receipt of such payment, be revived and continued from the time of such payment only ; and the said corporation shall not be held liable for any loss occurring to the property of any member during a time when there is due from such member, and unpaid, any such tax or interest.<sup>Corporation not to be liable for loss, when.</sup>

SECTION 4. When the insurance or policy of any member expires and becomes void, as provided in the last preceding section, the deposit note shall remain as a security to the corporation for any tax or assessment which may have accrued, or any proportion assessed or to be assessed upon such member, of any loss which may have occurred prior to and until the time at which the policy or insurance had expired pursuant to the last preceding section, and the corporation may sue for and recover the whole amount of such deposit note, or any additional assessment, or both, with costs of suit ; and the amount thus collected shall remain in the treasurer's hands until the account of such member is adjusted, when, if any balance remain, it shall be returned to the party upon the surrender of his policy. Upon the expiration of the insurance or policy of any member as provided in the last preceding section, if there be no liability of such member to the corporation for any proportion of loss or otherwise as hereinbefore provided, his deposit note shall, after the expiration of thirty days from default of payment of the regular tax or interest as aforesaid, become absolutely void, and shall, upon the application of such member at the office of the corporation, be returned to him, her, or them."<sup>Deposit note to remain as security, when.</sup>

<sup>Suit by corporation for amount of same.</sup>

<sup>Balance of amount collected on note to be returned, if any, when,</sup>

<sup>When deposit note shall be returned to a member in arrears.</sup>

SECTION 5. The said corporation is hereby authorized to acquire, hold, enjoy, and dispose of real estate ; and the purchases by, and conveyance to, the said corporation of certain real estate in the city of Wilmington for a place of business, and certain real estate in New Castle, at Sheriff's sale, to save a loss, are hereby confirmed and made completely and fully valid.<sup>Corporation may hold &c. real estate. Title to certain purchases of real estate made valid.</sup>

SECTION 6. This act shall take effect as soon as there shall be filed in the office of the Secretary of State, a formal certifi-

## OF CORPORATIONS.

Act to take  
effect when  
a certain  
certificate is  
filed in office  
of Secretary  
of State.

cate under the hand of the president and the seal of the corporation, that this supplement has been submitted to, and accepted by, a meeting of the said company to be called by the president for that purpose, of which meeting notice shall be published for at least one week in two newspapers published in the city of Wilmington.

Public act.  
Revocation.

SECTION 7. This act shall be deemed and taken to be a public act, and the power to alter or revoke the same is hereby reserved to the Legislature.

*Passed at Dover, February 11, 1875.*

## CHAPTER 122.

## CORPORATIONS.

Vol. 12, 87. AN ACT further to amend an act entitled " an act to incorporate the Artisans' Savings Bank."

*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,)*

Section 3 of  
of chap. 63,  
vol. 12,  
amended.

SECTION 1. That section 3 of an act entitled " An act to incorporate the Artisans' Savings Bank," passed at Dover the twenty-eight day of February, one thousand eight hundred and sixty one, be and the same is hereby further amended as follows, to wit : That it shall be lawful for the said corporation, for the security of its depositors, and also for the purpose of providing a building for the convenient transaction of its business, after the payment of dividends to its depositors of not less than five per centum, per annum, to retain a surplus fund not exceeding one hundred thousand dollars, and that all portions of said act as heretofore amended by an act passed at Dover, the thirty first day of January, A. D. one thousand eight hundred and sixty five, inconsistent herewith, be and the same are hereby repealed.

Authority to  
retain surplus  
fund not ex-  
ceeding  
\$100,000.

Inconsistent  
provisions  
repealed.

*Passed at Dover, February 11, 1875.*

## OF CORPORATIONS.

## CHAPTER 123.

## CORPORATIONS.

AN ACT to incorporate the Laurel Peninsula and Agricultural and Mechanical Society.

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 J. T. Moore, I. J. W. Adams, I. H. Bailey, W. E. Wolfe, T. C. Horsey, J. S. Bacon, W. S. Hitch, J. M. C. Hearn, D. H. Foskey, L. B. Cannon, B. B. Warrington, T. P. Rodney, I. J. Wooten, G. E. Smith, S. J. Thomison, Levin Hitch, W. L. Sirman, Jacob Adams, Isaac Giles, Geo. H. Hearn, Jos. G. White, D. W. Moore, J. P. H. Shipley, Edward Fowler and Wm. H. Wheatley, 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 times and places, and on such notice as they may deem proper, suitable books for subscriptions to the stock of the Laurel and Peninsula Agricultural and Mechanical Society, 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 said stock not exceeding the number of fifty shares. The capital stock of said society shall not exceed ten thousand dollars, divided into two thousand shares of five dollars each.

Commissioners.

To open books for stock subscriptions.

Who may subscribe, and how.

Capital stock. Shares.

SECTION 2. *And be it further enacted as aforesaid,* That when, and, as soon as, one hundred shares of capital stock in said society 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 "Laurel and Peninsula Agricultural and Mechanical Society," 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, lease, rent, have, hold and enjoy, to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, aliene, and dispose of, and to declare dividends of such portions of the profits of the said society 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

Incorporation.

Name.

Corporate powers.

## OF CORPORATIONS.

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. *Provided*, That nothing herein contained shall confer any banking privileges on the said society, or any other liberties, franchises or privileges than those which are properly incident to such a corporation.

**SECTION 3.** *And be it further enacted as aforesaid*, That as soon as one hundred shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days' notice thereof, by advertising in five of the most public places in the community, neighborhood or vicinity of Laurel, Delaware, shall call a meeting of the said subscribers in Laurel to organize the said society by the choice and appointment of officers as hereinafter mentioned.

**SECTION 4.** *And be it further enacted as aforesaid*, That there shall be an annual meeting of stockholders, on the first Monday in September in every year, in the town of Laurel, for the purpose of electing directors, and for the transacting 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 may be called whenever the president or acting president and directors may deem them expedient or necessary.

**SECTION 5.** *And be it further enacted as aforesaid*, 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, all of whom shall be stockholders in the said society. The first election of directors shall be conducted by two of the said commissioners as 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 society, 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 society, who shall continue in

## OF CORPORATIONS.

office for the term as aforesaid, and until their successors shall be duly appointed unless sooner removed for a 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 society. A majority of the whole number of directors shall constitute a quorum for the transacting 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.

Treasurer's  
bond.  
  
Quorum.  
  
President  
*pro tem.*  
  
Vacancies.

SECTION 6. *And be it further enacted as aforesaid,* That the said president and directors shall hold their meetings in the town of Laurel, and the said president and directors shall have the general direction, conduct and management of the property, business and operations of the said society, and for that purpose shall have power to appoint, engage and employ all such officers, policemen and agents, 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 such other equipments as may be necessary; and for that purpose, to make and enter into such contracts and agreements with other persons as they may consider expedient and proper, and best adapted to promote the objects and subserve the interests of the said society. They shall have full power to do all acts that may be necessary to effect the purposes for which the said society is hereby incorporated, and to this end, raise the capital stock and funds of the said society, and to bind by their contracts, under the seal of their corporation, and the hand of the president, all the property and estate of the said society; they shall also have the power to make and prescribe the by-laws and regulations for the government of the society, to provide certificates of stock under the seal of the society, and the signature of the president, and countersigned by the secretary, for all the shares subscribed and paid for; 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 said society, they shall be authorized to do.

Meetings of  
directors.  
Where held.  
  
Powers.  
  
Salaries.  
Wages.  
  
Certificate  
of stock.

SECTION 7. *And be it further enacted as aforesaid,* That it

## OF CORPORATIONS.

President and directors to procure and issue shares of stock subscribed for.

shall be the duty of the president and directors to procure certificates of stock for all the shares subscribed for, and paid into said society, and cause the same, signed, sealed and countersigned, as aforesaid, to be issued to the subscribers thereof, which shall be assignable at the will of the holder, in the method prescribed by the by-laws of the said society; and the assignee of any such certificate so transferred shall be a stockholder in said society, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all forfeitures and penalties, due or to become due thereon, as the original subscriber would have been.

Assignee of any certificate.

His rights and liabilities.

SECTION 8. *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 society, 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, to report, and to exhibit to them a full and correct statement of the proceedings and affairs of the society for that year.

Dividends.

Report of President and directors.

Corporation not dissolved by failure to elect officers.

Election on ten days' notice.

Vacancies among commissioners.

Acts of commissioners. When to be void

SECTION 9. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said society 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 five of the most public places in the community, neighborhood or vicinity of Laurel, in the State aforesaid, and elsewhere, if deemed necessary, of the time and place of holding such election, and if any vacancies shall occur among the commissioners appointed by this act, the remaining commissioners shall be clothed with all the powers, privileges and responsibilities that they all would have been clothed with, unless the number of commissioners be reduced below the number of four of the commissioners appointed or named by this act, when their acts, as commissioners under the provisions of this act, shall be null and void, and of none effect whatever.

SECTION 10. *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

Public act.

## OF CORPORATIONS.

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 society, which is hereby reserved to the Legislature.

Charter to be perpetual.

Revocation.

*Passed at Dover, February 16, 1875.*

## CHAPTER 124.

## CORPORATIONS.

AN ACT for the renewal of the charter of the Female Bible Society of Wilmington.

Vol. 11, 162.

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

SECTION 1. That the corporation and body politic which was created and made by the name and style of the Female Bible Society of Wilmington, by the act of the General Assembly of this State entitled "An act to incorporate the Female Bible Society of Wilmington," passed at Dover, January 27, 1855; shall be renewed and continued by the same name and with all the privileges, powers and franchises granted by the said act, for the period of twenty years from the 27th day of January, A. D. 1875; the power to revoke this grant being hereby reserved.

Chap. 165 of volume 11 re-enacted.

Power of revocation reserved.

SECTION 2. All the acts and proceedings of the said, the Female Bible Society of Wilmington, done or performed between the 27th day of January, A.D. 1875, and the date of the passage of this act, shall be deemed and held as good and valid in all respects as if the charter of said society had been renewed and re-enacted prior to the said 27th day of January, A. D. 1875.

Certain acts and proceedings made valid.

*Passed at Dover, February 18, 1875.*



## OF CORPORATIONS.

## CHAPTER 125.

## CORPORATIONS.

AN ACT to incorporate the Old Dominion Steamship Company.

**CORPORATORS.** 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 Nathaniel L. McCreedy, Isaac Bell, Henry W. Johnson, Frederick Mead, Francis Skiddy, John Bodine, Isaac Davenport, Jr., Charles C. Stockley and Edward Hitchens, and their successors and assigns be and they are hereby incorporated and declared to be a body politic in law, by the name of "Old Dominion Steamship Company," and by said name to have succession, to make and have a common seal, and the same to alter at pleasure, to sue and be sued, defend and be defended in law and equity, in all courts whatsoever. That its capital stock shall be one million, two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and which may be increased, by a vote of the directors, from time to time, to an amount not exceeding three millions of dollars.

**INCORPORATION.** Name, Corporate powers, Capital, Shares, Limit.

**FURTHER POWERS.** SECTION 2. *And be it further enacted as aforesaid,* That said company shall have the right, power and authority to carry on the business of navigating the ocean, seas, bays, gulfs, rivers and harbors, between Lewes and elsewhere in this State, and the city of New York or any other place within the United States, also between the city of New York, and all and every such other places ; also between such places themselves ; also between New York or any other port or ports in the United States, and any foreign port or place, by vessels propelled either wholly or partially by steam, or other expansive fluid or motive power, or by wind or sails, and to use and employ such vessel or vessels in the transportation of passengers, freights, mails, and in all lawful commerce and navigation as it shall deem expedient, and to charge, collect and receive therefor such freight-money or rates as it may deem proper. It shall also have the right, power and authority to build, furnish and equip, purchase, charter or hire, any vessel or vessels for the purposes aforesaid, and to charter or sell the same at pleasure ; also to purchase, own and hold, real, leasehold and personal estate, and the same to mortgage, lease, sell or otherwise dispose of at pleasure ; also to subscribe for, purchase, own and hold the stock, bonds or other securities of any railroad or other company incorporated by or under the laws of this State, or of any other State ; also to loan its

## OF CORPORATIONS.

money to any such railroad or other company incorporated by or under the laws of this State, or the State of Maryland, or the State of Virginia.

SECTION 3. *And be it further enacted as aforesaid,* That the business and affairs of the company shall be managed, conducted and carried on by a board of nine directors, who shall at present consist of the said Nathaniel L. McCready, Isaac Bell, Henry W. Johnson, Frederick Mead, Francis Skiddy, John Bodine, Isaac Davenport, Jr., Charles C. Stockley and Edward Hitchens, and also shall hold their office until their successors shall have been chosen as hereinafter provided. That on the second Tuesday of February 1876, and on the second Tuesday of February in each year thereafter, an election shall be held at the principal office of the company in the city of New York (notice of which shall be given to the stockholders as prescribed by the by-laws,) for the choice of new directors, each of whom shall be stockholders. That the vote shall be by ballot, and each of the stockholders, who may be present in person or by proxy, shall be entitled to one vote for each and every share owned and held by him, and a majority of all the votes given shall be necessary to constitute a choice, and two at least, of said directors, shall reside in this State. The election of the directors shall be advertised in advance, at least two weeks in one newspaper published in this State.

Board of Directors.

Present Directors.

Term.

Annual election of directors, where held.

Notice.

Ballot.

Proxy.

Each share entitled to one vote.

Two directors to reside in Delaware.

SECTION 4. *And be it further enacted, as aforesaid,* That at the first meeting of the board of directors, after each annual election, a president and vice president shall be, by them, chosen from their number, by ballot, and a secretary shall also be appointed, each of whom shall hold office during the pleasure of the board. At all meetings of the board, when either the president or vice president is present, four directors shall constitute a quorum for the transaction of business, and when neither of those officers is present, five directors shall constitute such quorum. The board of directors shall have power to fill all vacancies occurring in the board by death, resignation or otherwise; they shall have power, also, to remove any of its officers and appoint others in the place of those removed; also to make and adopt such by-laws, rules and regulations in reference to calling general and special meetings of the stockholders, to the transfer of stock, and otherwise for the necessary or convenient transaction and management of the business of the company as they shall think proper, and the same to alter and amend. *Provided,* however, that such by-laws shall not be repugnant to this

Advertisement of election.

Board to choose President &amp;c.

When.

Terms.

Quorum.

Vacancies in board.

May remove its officers.

Make by-laws.

Proviso.

## OF CORPORATIONS.

**Annual report.** charter, or to the constitution and laws of this State or of the United States. The directors shall submit to the stockholders, at the close of every fiscal year, a report of the transactions and business of the company during the preceding year, and shall declare, from time to time, and pay, such dividends out of the profits and earnings thereof as they shall deem expedient.

**Dividends.**

**Capital stock personal property.** SECTION 5. *And be it further enacted, as aforesaid,* That the capital stock of the said company shall be personal property, and shall be certified, held, transferred or assigned, according to the provisions of the by-laws.

**Location of principal office.** SECTION 6. *And be it further enacted, as aforesaid,* That the principal office for the transaction of the business of the company shall be in the city of New York.

SECTION 7. *And be it further enacted, as aforesaid,* That this act shall continue in full force and effect for twenty years from the date of passage, and no longer, unless it shall, in the meantime, be renewed and re-enacted. It shall be deemed

**Public act.** and taken to be a public act, and shall be published as such.

**Revocation.** The power is hereby reserved to the Legislature to revoke this charter.

*Passed at Dover, February 24, 1875.*

## CHAPTER 126.

## CORPORATIONS.

AN ACT to authorize the trustees of the Methodist Protestant Church in Seaford, to sell and convey a building lot and premises in the town of Seaford.

**Preamble** WHEREAS, it is represented to the General Assembly, by the petition of members and congregation of the Methodist Protestant Church of Seaford, that it is desirable, for the welfare of said congregation, that a part of the "parsonage lot" and tenant house thereon, should be sold, so as to enable the said congregation to relieve themselves from a burdensome debt, they having still left of said lot a very commodious property for the use of their minister: therefore,

## OF CORPORATIONS.

SECTION I. *Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met,* That the trustees of the M. P. Church of Seaford or any three of them shall, on or before the first day of May next, sell at public auction, to the highest bidder, the southern part of the parsonage lot, fronting forty feet on Cannon street, and running back the same width to Pearl street, together with the buildings thereon, after giving ten days' notice of said sale by advertisements (printed) posted up in at least five of the most public places in Seaford hundred, and make and convey a good title by deed or otherwise, to the purchaser or purchasers thereof. The proceeds of said sale to be first applied to the payment of any debts that may be against said trustees as such, and the remainder, if any, to go in the general fund of said church or congregation.

The trustees of the M. P. Church in Seaford to sell part of a certain lot,

Notice of sale.

Application of proceeds.

*Passed at Dover, February, 25, 1875.*

## CHAPTER 127.

## CORPORATIONS.

AN ACT to incorporate the Peninsula Agricultural and Mechanical Society.

SECTION 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,) That E. L. Martin, G. W. S. Nicholson, Robert Lambden, George O'Neal, W. F. Townsend, C. A. Connaway, George P. Hitch, Levin S. Hitch, P. C. Matthews, John M. Elliot, Jacob G. Cannon and James H. Windsor, 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, on or before the first Wednesday in January next, or at such other time as the commissioners may deem expedient prior to the first day of January A. D. 1876, procure a sufficient number of suitable books which shall be opened at such time or times, place or places, as they think proper, in which the following

Commissioners.

To open subscription books.

## OF CORPORATIONS.

Form of  
subscription.

Notice.

Who may  
subscribe,  
and how.

entry shall be made: We whose names are hereunto subscribed, do promise to pay to the president and directors of the Peninsula Agricultural and Mechanical Society Company, the sum of five 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 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 Peninsula Agricultural and Mechanical Society Company." Witness our hands this——day of—— in the year of our Lord one thousand eight hundred and——

And after giving such notice as to them shall seem proper, they shall permit all persons of lawful age, who shall offer, to subscribe in the said books in their own names or in the name of any other person or company who shall authorize the same, for any number of shares in the said stock.

Incorporation.  
Name.Corporate  
powers.

Proviso.

SECTION 2. *And be it further enacted by the authority aforesaid,* That when, and as soon as two hundred shares shall be subscribed, the subscribers, their successors and assigns, shall be and they are declared to be incorporated by the name, style and title of The Peninsula Agricultural and Mechanical Society 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, secure, 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, aliene, 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 and 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 \* giving to the said corporation any banking privileges whatever, or any other liberties, privileges or franchises but such as may be necessary, or incident to the making and proper management of the said company.

\*So enrolled.

## OF CORPORATIONS.

SECTION 3. *And be it further enacted*, That the commissioners aforesaid, as soon as conveniently may be, after two hundred shares shall be subscribed, as aforesaid, shall give notice in five public places of Sussex county, at least ten days of the time for the subscribers to meet in Laurel, 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, twelve directors, a treasurer, and such other officers as shall be deemed necessary, and also a president, vice-president and secretary. The directors, being first sworn or affirmed well and faithfully to discharge the trust reposed in them, shall conduct the business of said company until the first Wednesday in January, in the year of our Lord, one thousand eight hundred and seventy-six, and until like officers shall be chosen; and may make such by-laws, rules and regulations, as are not repugnant to the constitution and laws of the State of Delaware, and the United States, and that may be necessary to the well-governing the affairs of the company.

Notice.

Meeting to elect directors, president, and other officers.

Term of the directors first chosen.

Powers.

SECTION 4. *And be it further enacted*, That the stockholders shall meet on the first Wednesday in January, A. D. one thousand eight hundred and seventy-six, and in every year thereafter, at the town of Laurel, of which notice shall be given at least ten days by the secretary, in manner 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 one year and until others are elected; 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 meetings they shall have full power 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 \*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 be held two 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 right of his wife or of his or her sole use and 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

Annual meetings. When.

Notice.

Officers. How elected.

Term of office.

Powers.

Each share of stock entitled to one vote.

Restrictions.

Proxy. How constituted.

\*So enrolled.

## OF CORPORATIONS.

of the party, and the authority authenticated by the signatures to \* two witnesses to its execution.

Election.  
How con-  
ducted.

SECTION 5. *And be it further enacted*, That the election of officers provided for in the preceding section shall be conducted in the following manner: that is to say; the directors for the time being shall appoint two of the stockholders not being directors, 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 of the peace, well and truly and according to law, to conduct said election and said judges shall decide upon the qualification 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 an election of president, directors, treasurer or other officers 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, directors, treasurer or other officers on the same day, or any day thereafter by giving at least ten days' notice signed by the president or secretary in manner before mentioned of the time and place of holding said election, and the president, directors and other officers of the preceding year, shall, in that case, continue to act, and be invested with all powers belonging to their respective situations, until another election shall take place. In case of the death, resignation or removal from the State, of any president, director, or other officer, his place shall be filled by the board of directors until the next annual election, *Provided*, the removal of a director from this State may not operate to vacate his place, should there be a majority still residing in the State. The president and directors shall always be sworn or affirmed, well and faithfully to discharge the trust reposed in them.

Failure to  
elect officers  
not to dis-  
solve  
corporation.

Election on  
ten days'  
notice.

Officers to  
continue  
until  
election.

Vacancies.

Proviso.

Removal  
from State  
not to create  
vacancy.  
When.

Meetings.  
Where held.

Quorum.

Powers of  
directors.

Salaries.  
Wages.

Payments  
for stock.  
Orders.

SECTION 6. *And be it further enacted*, That the said president and directors shall hold their meetings in the town of Laurel, or such other place as the directors shall deem expedient, and when met, seven shall be a quorum, who, in absence of the president, may choose a chairman, and the said directors shall annually appoint 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 proportion in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the same, which shall be signed

\*So enrolled.

†So enrolled.

‡So enrolled.

## OF CORPORATIONS.

by the president or vice president, 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.

SECTION 7. *And be it further enacted,* That the president and directors just chosen, shall procure certificates or evidence 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 sealed with the common seal of the said company, to each person, for all the shares 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 such share or shares of the capitol stock represented by said certificate, and to all estates and emoluments of the company incident to such share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and to being sued for all the balance and penalty due or to become due on such share or shares, as the original subscriber would have been.

President and directors shall furnish stock certificates to subscribers.

Transfer of certificates.

Rights and liabilities of transferee.

SECTION 8. *And be it further enacted,* That if, after thirty days' notice as aforesaid of the time and place appointed for the payment of any proportion or installment of the said capitol stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or installment at the place appointed, for the space of thirty days after the time appointed, every such stockholder or his or her assignee, shall, in addition to the installment so called for, pay at the rate of one-half of one per cent. per month for the delay of such payment; and if the same and the additional penalty shall remain unpaid for such space of time that the accumulated penalty shall become equal to the sum before paid in part and on account of such shares, the same shall be forfeited to the said company and be sold to any 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 installment as aforesaid, the president and directors, at their election, shall sue and recover the same before any justice of the peace, or in any court having competent jurisdiction of the same, together

In case of neglect to pay installments of stock, one half of one per. cent a month additional to be paid.

Forfeiture and sale of sum paid on account of shares of stock: when.

When installment may be sued for.



## OF CORPORATIONS.

Proviso. with the penalty aforesaid; *Provided*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote a \* general or special meetings of the said company on whose share or shares any installment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Bond of treasurer and others.

SECTION 9. *And be it further enacted*, That the President and Directors of the said Company shall demand and require of, and from, the said treasurer, and all and every other the officers and other persons by them employed, bond in sufficient penalties, and with such sureties as they shall, by their by-laws, rules and regulations, require for the faithful performance of the several duties and trusts to them or any of them respectively committed.

Dividends. When.

SECTION 10. *And be it further enacted*, That dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared, at least, once a year, and paid to the stockholders on demand at any time after the

Restrictions.

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 directors shall make any dividends which shall impair the capital stock of said company, the 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 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.

Liability of directors making dividends impairing capital stock.

Directors to furnish statement at annual meeting.

SECTION 11. *And be it further enacted*, That at such annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for each year; and that special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-third in amount of the capital stock, on like notice as that required for annual meetings, specifying, moreover, the object of the meeting, but no business shall be transacted at such special meeting unless a majority, in value, of the stockholders shall attend in person or by proxy.

Special meetings. How called.

Notice.

No business. When.

Admission fees to exhibition grounds.

SECTION 12. *And be it further enacted*, That on the completion of grounds of exhibition and buildings necessary thereto,

\*So enrolled.

## OF CORPORATIONS.

it shall and may be lawful, for the said company to demand and receive such sum or sums of money for admission thereto, as they, from time to time, think reasonable and proper.

SECTION 13. *And be it further enacted,* That if any person or persons, shall willfully and knowingly injure or destroy any property purchased or owned in pursuance of this act, 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 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 injury to property of company.

SECTION. 14, *And be it further enacted,* That the capital stock of the said corporation shall not exceed the sum of twenty thousand dollars, which shall be divided into shares of five dollars each. The said company shall have power, from time to time, to borrow money for the uses and purposes of the corporation, and to execute mortgages on all their estate, real and personal, and to issue bonds to secure the payment of the same; *Provided,* that the amount so borrowed shall not exceed, in the aggregate, the sum of twenty thousand dollars. Capital stock.  
Shares.  
May borrow money on mortgage, &c.  
Proviso.

SECTION 15. *And be it further enacted,* That the said company shall have full power to purchase and hold all real estate necessary for the purposes of said company, to buy and build houses and shops for corporate purposes. May purchase real estate, &c.

SECTION 16. *And be it further enacted,* That this act shall be a public act, and the power to revoke this charter for the abuse or misuse of the privileges hereby granted, upon the lawful conviction thereof, and to alter or amend this act, is hereby reserved to the legislature. Public act.  
Reservation.

*Passed at Dover, March 3, 1875.*

## OF CORPORATIONS.

## CHAPTER 128.

## CORPORATIONS.

AN ACT to incorporate the Trustees of the "Riddle Fund" for the benefit of the superannuated preachers of the Wilmington Annual Conference of the Methodist Episcopal Church.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John France, L. C. Matlack, John D. Curtis, Edward Moore and John S. Miller, trustees appointed by the Wilmington annual conference of the Methodist Episcopal Church, for the purpose of receiving from the executors of James Riddle, deceased, the moneys devised by said James Riddle "for the benefit of the worn out preachers of the Wilmington Annual Conference of the Methodist Episcopal church," and their successors in office, to be hereafter elected in conformity with the rules and regulations established by the Wilmington Annual Conference, aforesaid, are hereby created and declared to be a body politic and incorporate under the name of " Trustees of the Riddle Fund for the benefit of the superannuated preachers of the Wilmington Annual Conference of the Methodist Episcopal Church," and by that name shall have continuance and succession for twenty years ; and are hereby empowered to receive from the executors of James Riddle, aforesaid, deceased, all sums of money devised by said James Riddle for the benefit of the worn out preachers of the Wilmington Annual Conference of the Methodist Episcopal church, and they are hereby directed to invest said moneys, when received by them, in good bonds and mortgages, or in bonds of the United States, or the State \* Delaware, and change investments from time to time, as they may deem expedient, and collect the interest and dividends on said investment or investments, as the same becomes due and payable, and distribute said interest or dividends, annually, in conformity with the rules and regulations established by "The Wilmington Annual Conference of the Methodist Episcopal church," for the benefit of the superannuated preachers of said annual conference, with power to sue and be sued, to plead and be impleaded in any court of law or equity in this State, to have and to use a corporate seal, and to do and perform all other acts necessary to carry into effect the legitimate business of the corporation hereby created.

Incorporation.

Name.  
Corporate  
powers.

To receive  
certain  
moneys and  
invest same,  
&c.

To collect  
and distrib-  
ute the inter-  
est and  
dividends  
on same.

\* So enrolled.

## OF CORPORATIONS.

SECTION 2. *And be it further enacted,* That this act shall Public act. be deemed and taken to be a public act.

*Passed at Dover, March 3, 1875.*

## CHAPTER 129.

## CORPORATIONS.

AN ACT to incorporate the Bridgeville Cemetery Company of Bridgeville, Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware (with the concurrence of two-thirds of each branch of the Legislature,)* That Daniel F. Ball, David S. Myer, Simeon Penniwill, John Ray. Isaac B. Cottrell, Mark A. G. Coates, William T. Sudler, Richard W. Cannon and Henry P. Cannon and their successors, be and they are hereby constituted a corporation by the name of the Bridgeville Cemetery company of Bridgeville Delaware, with capacity and power to take and hold by contract, devise, bequest, gift, assignment or purchase of lands, goods and property, to aliene, transfer, use or dispose of the same, sue and be sued, have a common seal, make by-laws, and with all other franchises incident to a corporation, subject to the following restrictions, viz : The said corporation shall not have nor exercise any banking powers, nor hold property, real and personal of a greater amount than five thousand dollars over and above the lands aforesaid, and the buildings, fixtures and burial lots in said cemetery and belonging to the same. The estate of the lot holders, respectfully,\* or of the persons who may become lot holders, shall be of qualified inheritance, but it shall not be levied upon nor taken by execution by any process of law or equity, and it shall not be aliened or devised so as to vest any right in the alienee or devisee without the approval of two-thirds of the board of management of the said corporation, and the lots or burial places in the said cemetery shall be held subject to the by-laws and regulations of the same.

Corporators.

Incorporation.

Corporate name.

Powers.

Restrictions.

Estate of lot holders a qualified inheritance.

Exempt from execution.

Alienation.

SECTION 2. That certificates of burial lots, according to a

\*So enrolled.

## OF CORPORATIONS.

Certificates  
of burial lots  
a valid title.

Records  
evidence.

Certified  
copies of  
records.

form that may hereafter be prescribed by the board of managers, signed by the president and attested by the secretary, shall be valid and sufficient. The records and record books of said corporation that may or shall be kept in accordance with the by-laws of the same by the secretary, shall be competent evidence in any court of law or equity, and copies of said records and of entries in said books, bearing the seal of said corporation, and the official signature of the president certified by the secretary, shall also be competent evidence in such courts.

Object.

SECTION 3. The primary object of the Bridgeville Cemetery company shall be to procure suitable land not exceeding six acres, and establish a cemetery at some convenient point within one-half mile of the town of Bridgeville, that no street, road or lane shall be opened, made or laid out through or upon the land aforesaid. This prohibition does not apply to the laying out and making of avenues and lanes in the cemetery by the board of managers for the purpose of the cemetery. The land aforesaid shall not be liable to taxation or assessment.

Streets, &c.,  
not to be  
made  
through  
cemetery  
land.

Exceptions.  
Land ex-  
empt from  
taxation.

Penalty for  
injuring  
cemetery.

SECTION 4. That any person who shall willfully do any injury to said cemetery or to the buildings, fences or fixtures thereof, or to the monuments or to the trees thereon, or to the shrubbery, or commit any trespass on said land, shall pay to the corporation for every such injury or trespass a sum not less than two dollars. The justices of the peace for Sussex county shall severally have jurisdiction of all injuries, trespasses and causes of action arising under this section, if the damages do not exceed one hundred dollars.

Justices'  
jurisdiction.

Public act

SECTION 5. That this shall be deemed and taken to be a public act, and the corporation hereby created, a corporation for public improvement, and the power of revocation is hereby reserved to the Legislature.

Revocation.

*Passed at Dover, February 16, 1875.*

## OF CORPORATIONS.

## CHAPTER 130.

## CORPORATIONS.

AN ACT to incorporate "The Lone Valley Cemetery Company near New Castle, 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 therein.)*

SECTION 1. That Allen V. Lesley, John J. Black, Josph H. Rogers, William G. Guyer, Thomas Holcomb, Edward Challenger, William Herbert, James G. Shaw and Peter B. Vandever, 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 times and places, and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the "Lone Valley Cemetery Company," and they shall permit all persons of lawful age to subscribe in said books in their own name, or names of any other person or persons, corporation or corporations, authorizing the same for any number of shares of said stock.

SECTION 2. That when, and as soon as, one hundred shares of the capital stock of 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 of "The Lone Valley Cemetery 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, lease, receive, have, hold and enjoy to them and their successors forever, real and personal estate of every kind whatsoever: *Provided* the same shall not exceed the sum of forty thousand dollars, and the same to grant, mortgage, sell, aliene, convey and dispose of, in such manner and upon such terms and conditions as they or their successors may see fit, and to declare dividends of the profits of the company, 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 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-ordering of the same.

Commis-  
sioners.

Subscription  
books.

Who may  
subscribe.

Incorporation.

Corporate  
name.

Powers.

Real and  
personal  
estate not to  
exceed  
\$40,000.

Dividends.

## OF CORPORATIONS.

**Meeting for organization.** **SECTION 3.** That the commissioners aforesaid, as soon as conveniently may be, after one hundred shares shall be subscribed, as aforesaid, shall, on giving ten days' notice by hand-bills, in at least ten of the most public places in the town of New Castle, call a meeting of the said subscribers to organize the said company by the election of nine directors, who shall thereupon be invested with the control and management of the said company, and continue in office until the second Monday in January next, thereafter, and until successors shall be chosen as hereinafter provided, and the stockholders of said company shall meet, annually, on the second Monday in January in the town of New Castle and elect nine directors for said company, and no person shall be elected a director who is not at the time of his election, a stockholder in said company; all such elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share of stock.

**Notice.**

**Election of directors.**

**Term of office.**

**Annual meetings.**

**Directors must be stockholders.**

**Ballot.**

**Proxy.**

**One vote for each share of stock.**

**Directors to elect a President, &c.** **SECTION 4.** That the directors of said company shall elect from their own number, a president, secretary and treasurer, and appoint such other officers as they may deem necessary, and any vacancy in said board of directors may be supplied by the said board until the next annual election. The said board shall have power to take from any treasurer, or other officer or agent, appointed by them, such security for the faithful performance of their respective duties, as they may deem proper.

**May fill vacancies.**

**Take security from officers.**

**Capital, \$40,000.** **SECTION 5.** That the capital stock of the said company shall be forty thousand dollars, to be divided into four thousand shares of ten dollars each.

**Shares.**

**Certificates of stock to be given.** **SECTION 6.** That the said company shall procure certificates of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and the secretary, and sealed with the common seal of said company, to each person or corporation, for the share or shares of stock owned by such person or corporation, which certificate of stock shall be transferable by the holder thereof, in person or by attorney duly authorized, in the presence of the treasurer, in a book to be kept for that purpose.

**Transferable.**

**Purposes and object.** **SECTION 7.** That the said corporation shall be for public improvement, and all the lots of ground sold or leased by the said corporation shall be exclusively for burial purposes. The cemetery grounds, with the buildings, improvements and appurtenances, shall be exempt from taxation, and shall not be levied upon, nor taken by execution or other process of law or equity, and the said lots so sold or leased shall be held

**Cemetery property exempt from taxation and execution.**

## OF CORPORATIONS.

subject to the by-laws and regulations of the corporation, *provided*, that this section shall be not so construed as to prevent the holder or holders of a mortgage given for the original purchase money, from enforcing his, her or their lien or liens in the usual manner. Proviso.

SECTION 8. Any person who shall deface, mutilate, injure or destroy, any fence, shrub, vine, plant, bush, tree, grave, gravestone, tomb, monument, buildings or any other natural object, or work of art, belonging to, in, or about the said cemetery grounds, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty dollars, and may also be imprisoned for any period not more than three months, at the discretion of the court. Injuring the cemetery.  
Misdemeanor.  
Fine.  
Imprisonment.

SECTION 9. The said "The Lone Valley Cemetery Company" is hereby declared to be an incorporation for public improvement, and this a public act, but the right to revoke the same is hereby reserved to the Legislature. Public act.  
Revocable.

*Passed at Dover, March 1, 1875.*

## CHAPTER 131.

## CORPORATIONS.

AN ACT to incorporate the "Bridgeville Agricultural and Mechanical society."

*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.)*

SECTION 1. That John R. Rickards, M. L. Blanchard, Henry Q. Nicholson, Henry P. Cannon, W. J. Coates, S. P. Raughley, David Lord, Wm. H. Clarkson, Dr. W. T. Sudler, and such other persons as are now, or may hereafter be associated with them, shall be and they are hereby created a body politic and corporate, by the name of the "Bridgeville Agricultural and Mechanical Society." Corporators.  
Incorporation.  
Corporate name.



## OF CORPORATIONS.

Capital  
stockWhen to go  
into opera-  
tion.Value of  
shares.Commis-  
sioners.Subscription  
books.

Notice.

Further  
subscriptions  
may be re-  
fused; when.

Proviso

Corporate  
powers.

Proviso.

SECTION 2. That the capital stock of this company shall not exceed ten thousand dollars, and the said company shall go into operation, and their incorporation, as hereafter provided, shall take effect, whenever four hundred shares of stock of five dollars a share shall have been subscribed, and not otherwise.

SECTION 3. That E. W. Layton, James Parvis, W. J. Coates and John R. Whaley or any two of them, are appointed commissioners, and are authorized to receive subscriptions to the said capital stock, and for that purpose shall open books at such time and place as they or any two of them may designate, in the town of Bridgeville, in Sussex county, five days' notice of the time and place of opening such books being first given by advertisements posted in five public places between the towns of Greenwood and Seaford. The said commissioners shall have power to refuse to receive any further subscriptions after one thousand shares of said capital stock shall have been subscribed, if they shall deem it advisable to do so; and after such refusal on their part or on the part of a majority of them, no other subscriptions to the capital stock shall be received until after the organization of the company, and then, only with the consent of a majority of the stockholders, *provided*, that the said Commissioners shall not be required to keep the said subscription books open longer than one day, and if four hundred shares of stock shall have been subscribed for, the said corporation shall be organized as herein provided, and after the organization thereof, the balance of the stock, to the amount of one thousand shares, may be subscribed for.

SECTION 4. That the subscribers to the capital stock aforesaid, their successors or assigns, shall be and they are hereby created a corporation, by the name, style and title of the "Bridgeville Agricultural and Mechanical Society," and by that name shall have continuance and succession for the term of twenty years from the date of the passage of this act, and also, by that name, style and title, shall have power to sue and be sued in courts of law and equity, to purchase, take, hold, enjoy and sell lands, tenements, goods, chattels, rights, credits, and effects, which may be connected with or conducive to the purpose for which said company is established, to have and use a common seal, and the same to alter and renew at pleasure, to ordain by-laws for their own government not repugnant to the constitution and laws of this State or the United States, and to exercise all the powers incident to a corporation, *provided*, that the said corporation shall not have or exercise any banking powers or privileges.

## OF CORPORATIONS.

SECTION 5. That the business and concerns of the said corporation shall be managed and conducted by a board of five directors, who shall be stockholders, and shall be elected by the stockholders. At all elections for directors, and all other matters connected with the affairs of the said corporation, when a vote of the stockholders is necessary to be had, each stockholder shall be entitled to one vote for each and every share of stock held by him or her, which vote may be cast in person or by proxy. The directors shall have power to fill any vacancies which may occur in their own number, and the directors, whether elected or chosen to fill vacancies, shall continue in office until successors shall be duly elected. The stockholders shall elect a president, vice president, secretary, treasurer, and a board of directors, and all other or subordinate officers, as the nature of their corporation may require. The directors shall have power to conduct all the affairs of the corporation not conflicting with the duties of the other elected officers; shall have power to select the day or days for holding the annual fairs or exhibitions; prepare and offer premiums, and make awards for superiority or excellence, or other preference to exhibitors, or others taking part in the said annual fairs or exhibitions, and shall have full power to do any or all other matters conducive to the interest of the said corporation, *provided*, that nothing herein stated, shall be construed to give the said directors power to do anything not in the interest of the said corporation, and not agreeable to the by-laws of said corporation.

SECTION 6. That as soon as the subscription books have been closed, and the amount of stock necessary to organize shall have been taken, the commissioners or any two of them shall, by advertisements posted in five public places between Greenwood and Seaford, for five days before the day of meeting, call a general meeting of the stockholders, to be held at the town of Bridgeville at such place and time as the call shall indicate, and the stockholders who may be present at such meeting shall have power to proceed to business, to elect officers, ordain by-laws, and to do all acts which the stockholders can do under this charter. The meeting so called shall be taken as the first meeting of the said corporation, and annual meetings, for the election of officers, and the transaction of other business shall take place on the first Saturday of January in each and every year thereafter: Other meetings for the transaction of business shall occur at such times and at such places as may be directed by the by-laws.

SECTION 7. The said corporation shall have power to hold annual fairs or exhibitions, and to make and award premiums

Board of Directors.

Elections.

One vote for each share of stock.

Proxy.

Vacancies.

Election of directors, president, etc.

Powers of directors.

Proviso.

First meeting.

Notice.

Where held.

Election of officers, etc.

Annual meetings.

Other meetings.

Further powers.

## OF CORPORATIONS.

Annual  
Fairs.

for excellence or superiority or other evidences of merit ; shall have power to charge an admission fee to their grounds during the continuation of their fairs or exhibitions, regulating the prices of admission in accordance with their by-laws to that effect, at which fairs or exhibitions trials of speed of stallions, horses, mares or geldings and other stock may be had, and all the rights and privileges usually accorded to county agricultural societies are hereby granted to said corporation.

Stock sub-  
scriptions.

SECTION 8. That the subscriptions to stock shall be paid in such installments, and in such mode, as shall be required by the by-laws, and if any stockholder shall refuse to pay his subscription in such mode or manner as the said by-laws shall provide, the directors are hereby authorized to declare forfeited his shares, and all payments which may have been made upon them, or to sue and recover upon his subscription as they may deem expedient. The said stock shall be personal property, and shall be held, certified and assigned according to the provisions of the by-laws regulating the same.

Forfeiture for  
non-payment

Suits.

Stock person-  
al property.

Corporation  
not dissolved  
by failure to  
elect officers.

Subsequent  
election.  
Notice.

SECTION 9. That if at any time an election of officers of said corporation shall not be had pursuant to the provisions of this act, the corporation shall not be deemed dissolved, but it shall be lawful to hold and have such election at any time thereafter upon the directors giving five days' notice posted at five public places between the towns of Greenwood and Seaford, of the time and place for holding such election, and the officers elected at the preceding election shall continue to serve until their successors are elected.

Secretary  
and treasurer  
to give  
security.

Annual  
report of  
directors.

Dividends.

SECTION 10. That the board of directors shall have power to require of, and take from, the secretary and treasurer, duly elected according to the provisions of this act, such security as they may deem proper, for the faithful discharge of their trusts. They shall, at each annual meeting of the stockholders, submit a report, and exhibit to them, a full and correct statement of the affairs of the said company for the preceding year. They shall declare dividends of so much of the net profits of the company as shall appear to them advisable, which dividends shall be made payable on demand after ten days after the same shall have been declared, which dividends shall be declared on the first Saturday of January of each year.

Public act.

SECTION 11. That this act shall be deemed and taken as a public act, and shall be printed among the laws of the State.

*Passed at Dover, March 9, 1875.*

## OF CORPORATIONS.

## CHAPTER 132.

## CORPORATIONS.

A SUPPLEMENT to the act entitled "An act to incorporate the Pokomoke River Improvement Company," passed at Dover, March 22, 1867. Vol. 13, 222.

WHEREAS, the owners of lands situated on the streams and branches tributary to the Pokomoke river, are taxed for the purpose of defraying the expenses of cleaning the Pokomoke river aforesaid, above the lake or point of confluence of the said Pokomoke river and the North prong and Gum branch of said tributary streams, who are in no way benefited thereby, now therefore : Preamble.

*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,)*

SECTION 1. That the owners of the lands situated on or near the streams or branches aforesaid, which empty into the Pokomoke river as aforesaid, or the low grounds which are drained thereby, shall not be liable to a tax for the purpose of cleaning out the Pokomoke river above the point of confluence of the said Pokomoke river, North prong and Gum branch, but shall be liable to tax only for the purpose of defraying the actual expense of cleaning out and keeping in repair the said Pokomoke river below the said point of confluence, under and by virtue of the act incorporating the Pokomoke River Improvement Company, and shall only be embraced in said company for such purpose. Certain owners not to be liable to tax for a certain purpose.  
Shall be liable to tax for a certain other purpose.

*Passed at Dover, March 11, 1875.*

## OF CORPORATIONS.

## CHAPTER 133.

## CORPORATIONS.

AN ACT to revive, re-enact, and continue in force, the original and all supplementary acts for the incorporation of the Jamison Branch Ditch Company.

Vol. 9, 352. 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 act entitled "An Act to enable the owners of the marshes, cripples and low grounds situated upon, and contiguous to, Jamison's Branch in Little Creek and Duck Creek hundreds, to drain and improve the same," the supplement thereto passed Vol. 10, 539. ed on the 24th day of February A. D. 1851, the further supplement thereto passed on the 18th of April\* 1853, and the Vol. 11, 59. further supplement thereto passed the 11th day of March 1863, Vol. 12, 307. be and the same are hereby revived, re-enacted, and declared to be in full force and effect.

Acts revived  
and re-  
enacted.

Taxes to be  
assessed  
upon all  
lands  
benefited.

SECTION 2. *And be it further enacted,* That all taxes hereafter to be laid by the said company, shall be assessed upon all lands that in the opinion of commissioners hereinafter named will be benefited by the works of the said company, or that now are benefited thereby, and yet are not members of the said company.

Company  
may extend  
ditch through  
lands of  
certain  
parties.

How such  
lands shall  
be treated.

SECTION 3. *And be it further enacted,* That the said company shall have power, if it have it not already, to extend and straighten their ditch through lands of James Guessford, Nathaniel A. Griffin, William Taylor, Richard Golt, and Elizabeth Honey, and to include the lands of said parties within the limits of the said company, to be treated as the other works of the company are.

Commis-  
sioners.

Powers, &c.

Their acts  
final.  
When.

SECTION 4. *And be it further enacted,* That the commissioners hereinafter referred to shall be Benjamin F. Blackiston, Thomas Attix, and David O. Downs, who shall be sworn or affirmed as other commissioners have been, and they shall have power to do, execute and perform all such duties with respect to the interests of the said company as other commissioners have heretofore done and shall be subject to all the obligations and services which were imposed upon them, and their acts lawfully done, and certified, and recorded as in the case of the other commissioners, shall be final and conclusive upon all parties.

\*So enrolled.

## OF CORPORATIONS.

SECTION 5. *And be it further enacted*, That this act shall have continuance or duration for twenty years, but shall be revocable at any time by the legislature, *provided*, however, that it shall not go into effect until all expenses incurred by the company, in procuring and operating under the legislature aforesaid, and incurred in the prepervation\* of this act, have been paid.

*Passed at Dover: March 11, 1875.*

## CHAPTER 134.

## CORPORATIONS.

AN ACT to incorporate the Milford Gas-light Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That John W. Causey, Cornelius J. Hall, Reynear Williams, Dr. William C. Davidson and James H. Deputy, be and they are hereby appointed commissioners under the direction of whom, subscriptions may be received to the capital stock of the "Milford Gaslight Company" hereby incorporated and they or a majority of them may cause books to be opened at such time and places as they may direct, for the purpose of receiving subscriptions to the said capital stock of said company after having given such notice of the time and place of opening the same, as they may deem proper.

SECTION 2. *An[d] be it enacted*, That the capital stock of the said Milford Gas-light company shall not exceed the sum of one hundred thousand dollars, divided into shares of twenty-five dollars each, but as soon as four hundred shares of said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name and style of the "Milford Gas Light Company," and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, as far

\*So enrolled.

## OF CORPORATIONS.

as may be found necessary for the purposes hereinafter mentioned ; and shall have succession by said corporate name for twenty years, and may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity, and may make and use a common seal and alter or renew the same at pleasure, may establish by-laws for the regulation of the affairs of the company, and may generally exercise such powers, rights and privileges, as may be found necessary to carry into effect the purposes of this act.

First  
meeting.

Election of  
President  
and directors.

One vote for  
each share  
of stock.

SECTION 3. *And be it enacted*, That as soon as four hundred shares of said capital stock have been subscribed, the said commissioners or a majority of them shall call a meeting of the stockholders at such time and place in Milford as they may appoint, and at such meeting the said stockholders shall elect a president and four directors, by ballot, to manage the affairs of said company, and on all occasions, whenever a vote of the stockholders is to be taken, each stockholder shall be entitled to one vote for every share of stock owned by him, her or them.

Manage-  
ment.

Term of  
President  
and di-  
rectors.

Annual  
election.

Failure to  
have elec-  
tion, not to  
dissolve  
corporation.  
Subsequent  
election.

Forfeiture  
for non-  
payment of  
subscrip-  
tions.

Notice.

Further  
powers.

Purchase  
and lease  
property.

Manufacture  
gas.

SECTION 4. *And be it enacted*, That the affairs and business of the " Milford Gas Light Company," shall be managed by the president and directors and by such officers and agents as they or a majority of them may appoint, and the said president and directors shall continue in office until suspended by another election, which shall take place on the first Monday in May, eighteen hundred and seventy-six, and on the same day in each and every year thereafter by ballot as aforesaid, and in case it shall happen at any time that an election shall not take place on the day above mentioned, the said corporation shall not, for that cause, be dissolved, but it shall and may be lawful to hold an election in the town of Milford on any other day, due notice thereof being given.

SECTION 5. *And be it enacted*, That it shall be lawful for the president and directors, or a majority of them, to require payment of the subscriptions to the capital stock of said corporation at such times and in such proportions as they or a majority of them shall deem necessary, under the penalty of forfeiting all previous payment or payments, due notice thereof being given.

SECTION 6. *And be it enacted*, That the president and directors shall have full power and authority to purchase or lease property in the town of Milford, to erect thereon the necessary buildings and works of the said company, and shall have power to manufacture gas of any material they may think best,

## OF CORPORATIONS.

and to dispose of the same for lighting the town of Milford or the streets thereof, or any buildings, manufactories or houses therein situated, and to effect this object shall have power to lay pipes in, under, and along, any of the streets, lanes, or alleys <sup>Lay pipes.</sup> of said town of Milford.

SECTION 7. *And be it enacted*, That the president and directors for the time being, shall have power to receive subscriptions for the whole or any part of the capital stock remaining unsubscribed, in such manner and at such times as they or a majority of them may deem proper and necessary, and the stock of this corporation shall be deemed personal property, <sup>Stock unsubscribed for.</sup> and this act deemed and taken to be a public act. <sup>Stock to be personal property.</sup>

Public act.

*Passed at Dover, March 17, 1875.*

## CHAPTER 135.

## CORPORATIONS.

AN ACT for the renewal of the Charter of the "Home for Aged Women." Vol. 11, 165.

*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.)*

SECTION 1. The charter of the Home for aged women, a corporation and body politic of this State, and all and every the provisions of the several acts of the General Assembly of this State in force on the 30th day of January A. D. 1875, whereby any right power, franchise, privilege or immunity is or was, granted to or vested in the said corporation, be and the same are hereby renewed, extended and continued for the space of twenty years, from and after the said 30th day of January A. D. 1875, and the said corporation shall, during the said term, have, hold, enjoy and possess all and every the franchises, powers, rights, privileges and immunities heretofore vested in said corporation by any law of this State. <sup>Vol. 13, 18.</sup> <sup>Act of incorporation, &c. renewed and extended for 20 years.</sup>

SECTION 2. All acts which have been done since the said



## OF CORPORATIONS.

Acts of corporation, since a certain date, made valid.

30th day of January A. D. 1875, by the said corporation, its officers, servants or agents, or by any other person or persons for the use, benefit or advantage of the said corporation, shall be as valid and effectual in all respects as if done after the passage of this act.

SECTION 3. This shall be a public act, and shall be published as such. The Legislature reserves the right to alter or revoke the aforesaid charter.

*Passed at Dover, March 18, 1875.*

## CHAPTER 136.

## CORPORATIONS.

Vol. 11, 325. AN ACT to revive and continue in force the act passed on the 2nd of March 1855, entitled "An Act to incorporate the Rehoboth Hotel Company" and for other purposes.

Chapter 296, vol. 11, re-enacted.

Proviso.

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 act aforesaid be and the same hereby is revived, re-enacted and declared to be in full force and effect ; provided incorporation under it shall be had and done within five years from the date hereof, and that the quantity of acres of land granted to the aforesaid company shall be reduced from five to one, and that such acre shall not be located within one hundred yards of Rehoboth bay.

Corporate name changed.

SECTION 2. *And be it further enacted,* That the name of the said company shall be changed and shall be "The Sussex Hotel Company at Rehoboth city."

Vol. 14, 714. All the powers, &c., under a certain act granted to the corporation, hereby revived

SECTION 3. *And be it further enacted,* That all the powers and privileges granted to or conferred upon the company incorporated by the act passed on the eleventh day of April 1873 entitled "An act to incorporate a company to furnish boats &c., for the use of persons frequenting Rehoboth city or the campground contemplated to be established nigh thereto,"

## OF CORPORATIONS.

are hereby granted to, and conferred upon, the corporation hereby revived.

SECTION 4. *And be it further enacted*, That the power to Revocation. revoke this act is hereby reserved to the Legislature.

*Passed at Dover, March 23, 1875.*

## CHAPTER 137.

## CORPORATIONS.

A SUPPLEMENT to An Act entitled An Act to incorporate the Delaware and Chesapeake Towboat Company, passed at Dover on the 22nd day of February, 1865. Vol. 12, 564.

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 Delaware and Chesapeake Towboat Company" be and hereby is authorized to invest its earnings or any portion thereof in the subscription for, or purchase of, shares of stock in the "Chesapeake, Delaware and Hudson Transportation Company," and that all past subscriptions for or purchases of stock in said last named company, by the said Delaware and Chesapeake Company are hereby approved, ratified and confirmed. May invest earnings in purchase of stock of a certain company. Confirmation of past subscriptions or purchases.

*Passed at Dover, March 24, 1875.*

## OF CORPORATIONS.

## CHAPTER 138.

## CORPORATIONS.

AN ACT to Incorporate "Trustees to carry out certain provisions of the last will and testament of James Riddle deceased.

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

Corporators. That Leander F. Riddle, Wm. M. Field and Hannah Riddle, and their successors to be selected in accordance with the provisions hereafter contained in this act, are hereby constituted a body corporate and politic, under the name, style and

Incorporation. Name. title of " Trustees to carry out certain provisions of the last will and testament of James Riddle, deceased," and by

Perpetual. Powers. that name shall have perpetual succession, with power to sue and be sued, plead and to be impleaded, in all courts of law and equity, to have and use a common seal, and the same to alter and renew at pleasure, to take, hold in possession, invest, re-invest and collect rents, interest or dividends, on all sums of money devised by James Riddle, aforesaid, deceased, for religious purposes, objects of charity, and educational purposes in all cases when such legacies are made to be perpetual (except in

Exception. such cases only, as are heretofore provided for by special authority given to the executors of said last will and testament, or provided for by legislative enactment previous to the passage of this act,) and pay over to the person or persons duly authorized to receive the same, in such sums, and at such time or times as the same is directed to be paid under and by virtue of the last will and testament of James Riddle aforesaid deceased.

*SECTION 2. And be it further enacted,* That it shall be lawful for either of the trustees above named to provide for a successor for himself, or herself, by a last will and testament, the same to take effect after the decease of the party making such appointment, and in the event of the neglect or failure of either of the trustees above named, to provide a successor for himself or herself, by his or her last will and testament, then in such case the two surviving trustees shall have the power to choose a successor for the one failing to provide a successor for himself or herself, and when such successor is chosen by the survivors, they shall make out a certificate certifying who has been chosen as successor, such certificate shall be signed by the two surviving trustees, and the seal of the corporation shall be annexed thereto, and the same shall be deposited in the office of the Recorder of Deeds for New Castle county for record

Trustees may appoint their successors.  
How.

Certificate of choice of successor by surviving trustees.

## OF CORPORATIONS.

within six months from the time the vacancy occurs in said trustees. Recorded.

SECTION 3. *And be it further enacted,* That the trustees aforesaid and their successors, shall be required to open a book or set of books, in which they shall keep a just and true account of all sums of money coming into their hands under the provisions of this act, and also of all sums of money paid out by them, from time to time, out of the monies by them received for the purposes aforesaid. Said books shall be at all times accessible to the trustees aforesaid and their successors, and to each of them respectively, for the purposes of examination of the accounts therein kept, and upon the written request of any one of them, the vouchers for payments made shall be presented to them or her for examination in the presence of one or more of said trustees or their successors. Trustees to keep books of receipts and expenditures.  
To be accessible.  
Vouchers.

SECTION 4. *And be it further enacted,* That the power to invest, re-invest or in any way to sell the securities heretofore mentioned, or to change said funds from one security to another security, or to sell real estate, shall only be with and by the consent of the Chancellor of this State, and no such change, re-investment, investment, sale or change of said securities or transfer or sale of real estate shall be valid, unless the Chancellor of this State shall indorse his approval on the transfer, deed, certificate or other writing by which said transfer, investment, sale, or change, may be effected, and in all such transfers, deeds, certificates, or other documents or writings, by or in virtue of which any change may be made in the manner in which any security is held, or which may transfer or sell any security, real estate, or property, held by the trustees incorporated under this act, shall state in full the tenure by which said security, real estate or property, is held under this act. No power to invest, re-invest, sell, &c. without consent of the Chancellor.  
Instrument of transfer &c. to be indorsed by him.  
What instrument shall state.

SECTION 5. All appointments of trustees under this act shall be approved by the Chancellor before being valid, and said approval shall be indorsed on the certificate required in section 2 of this act. Appointments of trustees must be approved by Chancellor.

SECTION 6. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and the right to revoke the same for the misuse of any trust funds placed in the hands of the trustees aforesaid or their successors, is hereby reserved to the legislature. Indorsement of the certificate.  
Public act.  
Revocation.

*Passed at Dover, March 26, 1875.*

## OF CORPORATIONS.

## CHAPTER 139.

## NAVIGATION COMPANIES.

Vol. 7, 52. A FURTHER additional supplement to the act entitled "An act to establish a company under the name of 'The Mispillion Navigation Company,'" passed at Dover, February 1, 1827.

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

Commission- SECTION 1. That William A. Scribner, Robert H. Davis, ers appointed. James H. Deputy, Benjamin D. Anderson and Reynear Williams, be and they are hereby appointed commissioners, with Powers. all the power vested in or conferred upon the said navigation company for the improvement and protection of the navigation of the said Mispillion creek, as contemplated by the original act entitled "An act to establish a company under the name of the Mispillion Navigation Company," passed at Dover, February 1, 1827, and the several supplements and amendments thereto.

Inconsistent SECTION 2. That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

*Passed at Dover, March 4, 1875.*

## CHAPTER 140.

## NAVIGATION COMPANIES.

Vol. 13, 587. AN ACT to amend the act entitled "An act to incorporate the Lewes Creek Navigation \* Company.

Section 2, of chap. 504, of vol. 13, 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 the Lewes Creek Navigation \* Company," be and the same is hereby

\* In the original act of incorporation the corporate name is "The Lewes Creek Improvement Company," and the same does not appear to have been changed by any subsequent act.

## OF CORPORATIONS.

amended, by striking out in the first, second and third lines of section 2 of said act, the names of Labon L. Lyons, Harbeson Hickman, John Marshall, Walter Burton and Robert Arnell, as corporators, and inserting, in lieu thereof, the names of Ebe W. Tunnel, Dr. David L. Mustard, William P. Orr, Dr. David H. Houston, and Edward D. Hitchens, and that in all future publications of the laws of this State, said act shall be published as amended by this act.

Names of  
corporators  
stricken out,  
and others  
substituted.

Publication  
as amended.

*Passed at Dover, March 10, 1875.*

## CHAPTER 141. \*

## NAVIGATION COMPANIES.

AN ACT to Incorporate the Lewes Creek 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,)* That a company shall be established for the improvement of Lewes Creek. The capital stock of this company shall not exceed twenty thousand dollars, divided into eight hundred shares of twenty-five dollars each, and the said company shall go into operation, and their incorporation, as hereinafter provided, shall take effect, whenever fifty shares shall be subscribed.

Company  
to be  
established.  
Capital stock

When to  
go into  
operation.

SECTION 2. *And be it further enacted,* That Ebe W. Tunnell, Dr. David L. Mustard, William P. Orr, Dr. David H. Houston and Edward D. Hitchens, shall be commissioners, and they, or any two of them, are authorized to open books at Lewes, at any time hereafter, upon ten days' notice, posted in five of the most public places in Lewes, aforesaid, to receive subscriptions to the said capital stock, which said books shall continue open so long as the said commissioners, or a majority of them, shall direct, and may be again re-opened on giving notice as aforesaid, and closed as aforesaid, so often as may be deemed necessary by the said commissioners until the amount of said stock be subscribed.

Commis-  
sioners to  
open books.

Notice.

\*This chapter comprises chapter 504 of vol. 13, as amended by chapter 140, current volume, and is published in accordance with section 1, of said Chapter 140.

## OF CORPORATIONS.

Incorporation.	SECTION 3. <i>And be it further enacted,</i> That the said subscribers to the capital stock aforesaid, their successors and assigns, shall be and they are hereby created a corporation by the name of "The Lewes Creek Improvement Company," and shall continue and by that name have succession for twenty years from the time of the passage of this act, and shall have power and capacity to sue and be sued in courts of law and equity, to purchase, take and hold, as well as to sell and aliene any lands, tenements, hereditaments, goods, chattels, rights, credits and effects, which may be conducive to the purpose for which said company is formed, to have and use a common seal, to ordain by-laws, rules and regulation for their own government, not repugnant to the constitution and laws of this State, or of the United States, and to enjoy the franchises of a corporation, but they shall not use or enjoy any banking powers whatever. The business of the said company shall be managed by five directors, who shall be stockholders, and shall be elected by the stockholders, annually. The first election may be held upon ten days' public notice, given as herein provided for the opening of the books of the company.
Name.	The directors shall elect one of their number to be the president, and the said president and directors shall appoint one of the stockholders to be the treasurer of said company, who shall give such bond as they may deem necessary, and shall have power to remove and change such treasurer, as may be deemed necessary, until the stockholders, at an annual meeting, shall make and adopt such by-laws regulating and prescribing the duties and powers of the president, directors and treasurer, and prescribing the amount of bonds to be given by such officers, and that all such by-laws, rules and regulations may be changed, altered, or amended at any annual meeting of the stockholders, and not otherwise ; that the annual meeting shall be held in Lewes, on the second Monday in February in each and every year ; that the said company may enter upon and deepen any part of the channel of said Lewes Creek, and may also enter upon and cut through any of the public marshes for the purpose of cutting a new channel wherever they may consider it best for the improvement of the navigation of said creek, and whenever any owners of any private marsh through which the said company may consider it necessary to cut any new channel, shall refuse or neglect to make an arrangement so as to enable the said company to cut such channel, it shall be the duty of any judge of the Superior Court, upon application made to him by said company, to appoint five impartial citizens of Sussex county to go upon, view and assess the damages that any such owner shall be en-
Powers.	
Directors to manage business of company. How chosen.	
President.	
Treasurer.	
His bond.	
May be removed.	
By-laws.	
Annual meetings.	
Company to deepen channel of Lewes creek.	
Condemnation of marsh.	

## OF CORPORATIONS.

titled to, and to require that the said five impartial citizens (commissioners) shall be first duly sworn to assess such damages and make and certify to such owners and to such company the amount thereof, and also stating the width and length of the marsh which the said company may be entitled to use for the purposes of said company. And should such owner or owners be not satisfied with the award thus made and certified to them, or should the company be not satisfied with such award, then either party may, within thirty days from the time of the service of such award, apply to the Prothonotary of the Superior Court of Sussex county for a writ of *ad quod damnum*, which shall be final when the same has been confirmed by the said court; that the said company shall not enter on any private marsh until all the damages have been paid to such owner or owners, or in case of the neglect, refusal, or disability of such owner or owner[s] to receive the same, then until the said company shall deposit the said amount due such owner or owners to the credit of such owner or owners in the Farmers' Bank of the State of Delaware, at Georgetown. That for the purpose of making the improvement of the channel of said Lewes Creek more available, it may also be lawful for the said company to erect and make a tow-path along said creek, upon the banks thereof, and upon the public marshes through which said company may cut such new channel.

Writ of *ad quod damnum*.

Payment of damages.

Tow-path.

SECTION 4. *And be it further enacted*, That at the first meeting of the stockholders, called by the commissioners as hereinbefore provided for the election of directors, the subscribers shall pay the sum of five dollars on each share of stock subscribed for, and the directors may call in the balance of said subscribed stock in two installments upon giving twenty days' notice of the same, either personally to such subscribers, or by notice given in two of the newspapers published in the county, if there be such, otherwise in two of the newspapers published in this State, and there shall be at least thirty days between the times appointed for the payment of said last two installments, and [upon] the neglect or refusal to pay said last installments, or either of them, for more than ten days after the time appointed for the payment thereof, the amount heretofore paid in shall be forfeited to the company.

Installments on stock.

SECTION 5. *And be it further enacted*, That the said five commissioners herein named shall have power and authority, for the purpose of making the improvements herein contemplated, to go upon and view the said creek and marshes, and to lay off and mark out such canals, tow-path, and note such improvements as they shall deem necessary, and make a plot or description

Powers and duties of commissioners.



## OF CORPORATIONS.

Right of  
stockholders  
to vote.

Duties of  
directors.

Of the right  
to dam water

Tolls.

thereof and submit the same to the first meeting of the stockholders, to be held under the provisions of this act, for their approval, and when the same shall have been approved as returned to the said meeting, or altered by the said meeting and approved, and each stockholder who shall have paid in the first instalment of five dollars for each share of stock subscribed by him, and no others, shall be entitled to one vote for each share upon which said sum of five dollars has been paid ; and that thereupon the directors, when chosen, may proceed to the deepening of said creek and the cutting of said canals, and making the said tow-path, and may make contracts for the same, or hire and pay such laborers and procure such machines as they may deem most advantageous for the purpose of effecting such improvements.

SECTION 6. *Be it further enacted*, That it shall be the duty of said directors, and they are hereby authorized and empowered, as soon as the said improvements shall be so far completed as that vessels drawing five feet water may pass through the same at common high water, to stop or dam up such place or places in said creek, as they may deem expedient, so as to turn the waters of said creek through said improvements ; and when the said improvements shall have been so far completed as to allow vessels to pass through the same at common high water, drawing five feet, so far as to the intersection of said improvements with Canary Creek, then said company may be, and until the amount of the capital stock, or the actual amount expended in improving said navigation, and all costs attending the same, with legal interest, shall be fully satisfied, they are hereby authorized to charge and collect tolls from any vessel or boat passing through the said improvements, of more than ten tons capacity, at the rate of not more than fifteen cents per ton for the trip in and out ; and whenever the said improvements shall have been so completed as to allow vessels drawing five feet, as aforesaid, to pass and repass to the bridge over said creek at Lewes, it shall and may be lawful for the said company to charge and collect tolls from all such vessels as hereinbefore mentioned, at the rate of not exceeding thirty cents per ton for passing and repassing through any part of said improvements in and out, so long as the said company shall keep the said improvements in such condition as to allow vessels of the draught of five feet to pass and repass at common high water ; and whenever said company shall allow any obstructions to remain in said improvements so as to prevent the use of the same, for an unreasonable time, then they shall forfeit all the privileges herein conferred, that the said toll may be collected by distress and sale of any property belonging to said vessel.

## OF CORPORATIONS.

SECTION 7. *And be it further enacted*, That if any person or persons shall designedly fill up, obstruct, or injure any of the said improvements, when made, or during the making thereof, he, she or they so filling up, obstructing or otherwise injuring the said improvements, or any part of them, shall be deemed guilty of a misdemeanor, and shall be fined not more than five hundred dollars, and shall also be held responsible to said company in damages in a civil suit. This shall be deemed and taken to be a public act, and the power to revoke this act is hereby reserved to the legislature.

Penalty for  
injuries to  
creek.

*Passed at Dover, February 5, 1869.*

*Amended March 10, 1875.*

## CHAPTER 142.

## RAILROADS.

AN ACT to amend the act entitled "An Act to incorporate the Junction and Breakwater Railroad Company." Vol. 11, 365.

WHEREAS, the Government of the United States is erecting an iron pier in the harbor of the Delaware Breakwater, under the authority and provisions of an act of congress for that purpose, by virtue of which the right and privilege is granted to the Junction and Breakwater Railroad Company of connecting its railroad therewith, pursuant to the terms thereof: Therefore,

Preamble.

Chapter 354,  
of vol. 11,  
amended.

*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 Junction and Breakwater Railroad Company be and the same is hereby authorized and empowered to extend and connect their railroad to and with the Iron Pier now being erected and constructed by the United States in the harbor of the Delaware Breakwater, pursuant to the terms and provisions of the said act of Congress, and for that purpose shall have full power and authority to survey, locate and construct

The J. & B.  
R. R. Co.  
authorized  
to connect  
their railroad  
with the  
United  
States iron  
pier at the  
Breakwater.

## OF CORPORATIONS.

Powers granted to extend and construct the necessary railroad, &c.

Invested with the same powers, and subject to the same conditions provided for by the original act.

May hold and occupy so much of the Breakwater harbor, or of any land, shore, etc., owned by this State, as is necessary for the purposes of this act.

Proviso

Not to obstruct navigation. Compensation to owners of land taken.

a railroad from such point or place on their railroad as they may deem expedient, to the pier aforesaid, with one or more tracks, and such sidings, depots, buildings, and other structures as they may consider at any time necessary for the traffic, uses, and business of the said railroad company, and that for the purposes of surveying, locating and constructing the extension and connection of their railroad with the said pier, and the tracks, sidings, depots, buildings and structures as aforesaid, and for the management and operation of it when constructed, the said railroad company shall have all the corporate powers, rights, privileges and franchises conferred upon it by any and all of the provisions of the act hereby amended, for the purposes of surveying, locating and constructing and managing and operating the original railroad of the said company, subject, however, to all the conditions, limitations, restrictions and reservations, provided for therein, and that whenever it shall be necessary or expedient for the said railroad company to enter upon or occupy any portion of the harbor of the Delaware Breakwater, or any land, shore, cape, beach, or marsh, the property whereof is in this State, for the purposes, or any of them, as aforesaid, it shall be lawful for them to enter upon the same, and to hold, use, occupy and enjoy, so much thereof as may be necessary or proper therefor, *provided*, nevertheless, that nothing herein contained shall be construed to authorize the said company to unnecessarily diminish or obstruct the navigation of any part of the said harbor, and shall compensate the owner or owners of any land taken therefor.

*Passed at Dover, March 4, 1875.*

## CHAPTER 143.

## RAILROADS.

AN ACT to Incorporate the Delaware city and New Castle 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 William Reybold, James G. Shaw, F. S. Dunlap,*

## OF CORPORATIONS.

M. M. Cleaver, Wm. R. Bright, George B. Money and Wm. D. Clark, and their associates, be and they are hereby created and made a body politic and corporate, by the name, style and title of the Delaware City and New Castle Railroad company, and by such name, style and title, shall have perpetual succession, and be capable of suing and being sued, of pleading and being impleaded, in any court of law or equity in this State, or elsewhere, and of receiving, taking, holding and operating, in its corporate name and character, all real and personal property necessary and useful in the construction and maintaining of said railroad.

Incorporation.

Name.

Corporate powers.

SECTION 2. The said corporation is hereby authorized and empowered to survey, locate, construct and maintain, a railroad, of one or more tracks, from a point at or near Delaware City to a point at or near New Castle, in the county of New Castle, Delaware, and may cross or connect and consolidate the said railroad with any other railroad or railroads authorized, or which may hereafter be authorized, by the laws of this State.

Railroad authorized.

Termini.

SECTION 3. The said corporation, by their agents, officers and employees, for the purpose of surveying and locating the route of the said railroad, may enter upon and pass through any private property, without unnecessary injury to said premises, and may locate the road-way for their said railroad, not more than sixty-six feet in width, and to procure sand, gravel, wood, and other materials therefrom, and to obtain right and title to the same, as hereinafter provided.

Right to enter upon private property

SECTION 4. 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 said company, the latter may apply to the Superior Court of New Castle 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 judge or court 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 said company, of the time of their meeting for the discharge of their duty, which shall be upon the premises, and

Proceedings for condemnation of lands.

Application to Superior Court.

Notice.

Freeholders to assess damages.

Sworn.

Notice.

## OF CORPORATIONS.

**Report.** they shall make report, in writing, under their hands, or the hands of a majority of them, to both parties, of the damages so assessed, and their report shall be final : whereupon the damages so assessed being paid by the said company to the party entitled, or into said court, for his her or their use, whether they be under any disability, or in or out of the State.

**Final.**

**Damages.**

**How paid**

**Title.** The title to the lands 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 said freeholders, and other expenses in all such proceedings shall be fixed by the said court, and shall, in all cases, be paid by the said company.

**Fees.**

**Any four may call a meeting.**

**Capital stock.**

**Meeting for organization.**

**Election of President and directors.**

**Term of office. Annual meetings, when.**

**SECTION 5.** That any four of the persons herein named shall be competent to call a meeting of the corporators, a majority of whom, when met, may regulate the time, place and manner of opening subscriptions to the capital stock of the said company, which shall not exceed five hundred thousand dollars, divided into twenty thousand shares of twenty-five dollars each ; and when four hundred shares of the capital stock aforesaid shall have been subscribed, the said corporators or a majority of them shall give ten days' public notice in one or more newspapers in New Castle county, of the time and place for the subscribers to the capital stock of the said company to meet for the purpose of organizing the same, and a majority of the stock subscribers present, either in person or by proxy, shall elect a president and seven directors of the said company, all of them shall be stockholders in said company, who shall hold their offices until the regular annual meeting of stockholders, which shall be on the first Tuesday in January of each year thereof, and until their successors are elected and qualified.

**Where held.**

**Qualifications of directors.**

**Elections, how conducted.**

**SECTION 6.** 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, which shall be in Delaware City, they shall elect a president and seven directors, a majority of whom shall be citizens of this State; the first election of president and 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.

**Corporate powers.**

**Senl. By-laws.**

**SECTION 7.** The said corporation is hereby authorized and empowered to make, and use, a common seal, to alter and change the same at pleasure, and to adopt all such by-laws,

## OF CORPORATIONS.

rules and regulations as they may deem necessary, and to alter and change the same; to regulate the number, titles and duties of their officers, the time and manner of their election, the procuring and taking of subscriptions, the issuing of stock and bonds, and the payment of dividends, and the whole management and control of their business in the construction and maintenance of the said railroad, provided the said by-laws do not conflict with the laws of this State or the United States.

Officers.  
Election.  
Subscriptions.  
Stock.  
Bonds.  
Dividends.  
Railroad affairs.  
Proviso.

SECTION 8. The said corporation is hereby authorized and empowered to receive in payment of subscriptions to its capital stock, any real estate, stocks, bonds or other property at a valuation agreed upon between the president and directors thereof, and the subscriber or subscribers, and to make payment for materials and labor, or for right of way for said railroad, with the shares of its capital stock. The subscribers to the capital stock shall pay to the treasurer of said company, the installments on each share by them subscribed, as the same shall be 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 installment at the time and place appointed in such notice, he shall pay, in addition to said installment, at the rate of one-half of one per cent. a month for delay of such payment, or the shares so held by him, with all the previous payments 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 recovered as debts of like amount are recoverable by the laws of this State, provided that no stockholder shall be entitled to vote at any election of said company, on whose shares any installment shall have been due and payable more than thirty days previous to such election.

Real estate may be received in payment for stock subscriptions.  
Materials &c., may be paid for with stock.  
Installments, when paid.  
In case of omission for 30 days, one-half of one per cent. a month additional to be paid.  
Forfeiture.  
Suits.  
Proviso.  
Stockholders in arrears not to vote.

SECTION 9. The said corporation is hereby authorized and empowered to issue mortgage bonds of the said company with Coupons attached, for such sum or sums, and in such amounts as they may deem advisable, sufficient for the building, equipping, and maintaining the said road, payable at such times and on such terms as the directors may determine. And it shall also be competent for the said corporation, by their duly elected officers, to mortgage the said railroad, with all its personal and real estates, franchises, rights and privileges for the security of the said mortgage bonds, and other obligations of the said company, and they may lease the said railroad, and all the property of the said company, to any other corporation

May issue mortgage bonds.  
Mortgage railroad, &c.  
Lease same.

## OF CORPORATIONS.

individual or individuals, for such time, and on such terms, as they may deem best for the interest of the company.

**Bridges.** **Crossings.** **Duty in crossing roads and private property.** SECTION 10. The said company are hereby authorized to erect and maintain necessary bridges over any stream or pond of water which said railroad may cross, and may also cross any public or private roadway without obstructing travel upon the same, and when the said railroad shall intersect any farm, the said company shall provide and keep in repair a suitable passage across the said railroad for the use of the said farm. It shall also be the duty of said company, whenever the said railroad shall pass through any inclosed land, to fence the same on each side, on the line of the said railroad, so that the said lands shall not be exposed and thrown open by reason of said railroad passing through the same, and keep the said fence in good repair during the continuance of said charter, 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.

**Willful injury to railroad.** **Civil action for double damage.** **Misdemeanor Fine.** SECTION 11. That if any person or persons shall willfully 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 elect officers, not to dissolve the corporation.** **Another election on ten days' notice.** **Vacancies.** SECTION 12. That if at any time an election of officers 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 afterward, on giving ten days notice thereof in one or more newspapers published in this State, of the time and place of holding such meeting or 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.

**Public act.** **Revocable.** SECTION 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 for the term of twenty years, 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, March 4, 1875.*

## OF CORPORATIONS.

## CHAPTER 144.

## RAILROADS.

A supplement to the act entitled "An act to amend the act incorporating the Breakwater and Frankford Railroad Company, passed at Dover, March 8, 1871." Passed at Dover, March 12, 1873. Vol. 14, 191. Vol. 14, 531.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the regular annual meeting of the stockholders of the Breakwater and Frankford Railroad Company shall, after the present year be held at Georgetown, in Sussex county, on the third Saturday in April in every year, 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.

Annual  
meetings.  
Where.  
When.

Quorum.

Majority  
to decide.

Elections.  
by ballot  
Proxy.

One vote for  
each share  
of stock.  
Occasional  
meetings.

*Passed at Dover, March 9, 1875.*

## CHAPTER 145.

## RAILROADS.

AN ACT to amend the act entitled "An act to incorporate the Junction and Breakwater Rail Road Company." Vol. 11, 365.

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 to incorporate the Junction and Breakwater Railroad Company," passed at Dover, February 13, 1857, be and the same is hereby amended by adding the following section to said act. Chap. 354, vol. 11, amended.



## OF CORPORATIONS.

How land  
for depot  
buildings,  
&c., may be  
acquired.

SECTION 19. *And be it further enacted as aforesaid,* That whenever any land may be required on which to erect depot buildings, granaries, cattle enclosures, machine, car or carpenter shops for the use of said company, and the same cannot be procured or purchased of the owner thereof by agreement between him and the company, the latter may obtain possession and acquire title thereto in the same manner, and by the same process as is provided in section 11, of the act to which this is as an amendment.

*Passed at Dover, March 26, 1875.*

## CHAPTER 146.

## RAILROADS.

AN ACT to incorporate the "Sussex Midland Rail Road Company."

*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.)*

Corporators.

Incorporation.

Name.

Corporate powers.

SECTION 1. That George M. Davis, Simeon Pennewell, Joseph R. Rickards, Daniel F. Ball, William A. Jacobs, David S. Meyer, Garrett S. Layton, Isaac B. Cottrell, Milo L. Blanchard, Jacob Kinder, Loxley R. Jacobs, Henry Q. Nicholson, and their associates, be and they are hereby created and made a body politic and corporate, by the name, style and title of the "Sussex Midland Railroad Company," and by such name, style and title, shall have perpetual succession, and be capable of suing and being sued, of pleading and being impleaded in any court of law or equity in this State or elsewhere, and of receiving, taking, holding and operating in its corporate name and character, any real or personal property, necessary and useful in the construction and maintaining of said railroad.

Railroad authorized.

SECTION 2. The said corporation is hereby authorized and empowered to survey, locate, construct and maintain a rail

## OF CORPORATIONS.

road of double or single track, from the town of Bridgeville, <sup>Termini</sup> in the State of Delaware, or from some point near said town, in an easterly direction to Georgetown, or to some point between said Georgetown and Ellendale, on "The Junction and Breakwater Railroad," and may connect and consolidate the said railroad with "The Junction and Breakwater Railroad," <sup>Consolidation authorized.</sup> or with any other railroad or railroads authorized by the laws of \* State ; also, from the town of Bridgeville or from some point near said town, in a westerly direction, to the State line of Maryland, and may connect and consolidate the said railroad with "The Dorchester and Delaware Railroad."

SECTION 3. The said corporation, by their agents, officers and employees, for the purpose of surveying and locating the route of the said rail road, may enter upon and pass through any private property, with unnecessary injury to said premises, and may locate the roadway for their said railroad not more than sixty-six feet in width, and to procure sand, gravel, wood and other materials therefrom, and to obtain right and title to the same, as hereinafter provided. <sup>Right to enter upon private property.</sup>

SECTION 4. 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 said company, the latter may apply to the Superior Court of 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 judge or court 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 said 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 Sussex county, within thirty days after such assessment, sue out a writ of *ad quod damnum*, re- <sup>Condemnation proceedings.</sup> <sup>Application to Superior Court.</sup> <sup>Notice.</sup> <sup>Freeholders to assess the damages.</sup> <sup>Sworn.</sup> <sup>Notice.</sup> <sup>Report.</sup> <sup>Ad quod damnum.</sup>

\* So enrolled.

## OF CORPORATIONS.

quiring 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 said company to the party entitled, or into said court for his, her, or their use, whether they be under any disability, or in or out of this State, the title to the lands 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 said freeholders and prothonotary in all such proceedings, shall be fixed by the said court, and shall, in all cases, be paid by the said company.

Any six of the corporators may call a meeting.  
Meeting for organization.  
Notice  
Election of President and seven directors.  
Term of office.

SECTION 5. That any six of the persons herein named shall be competent to call a meeting of the corporators, a majority of whom, when met, may regulate the time, place and manner of opening subscriptions to the capital stock of said company, and when four hundred shares of the said stock, at twenty-five dollars per share shall be subscribed for, the said corporators, or a majority of them, shall give ten days' public notice in one or more newspapers of this state, of the time and place for the subscribers to the capital stock of the said company to meet for the purpose of organizing the same, and a majority of the stock subscribers present, either in person or by proxy, shall elect a president and seven directors of the said company, who shall hold their offices until the regular annual election of the officers of the said company, to be provided for by the by-laws thereof, and until their successors are elected and qualified.

Corporate powers.  
Seal.  
By-laws.  
Officers.  
Election  
Subscriptions.  
Dividends.  
Management of railroad affairs.  
Proviso.

SECTION 6. The said corporation is hereby authorized and empowered to make and use a common seal, to alter and change the same at pleasure, and to adopt all such by-laws, rules and regulations, as they may deem necessary and to alter and change the same, to regulate the numbers, titles, and duties of their officers, the time and manner of their election, the procuring and taking of subscriptions, the issuing of stock and bonds, and the payment of dividends, and the whole management and control of their business in the construction and maintenance of the said road; provided the said by-laws do not conflict with the laws of this State or of the United States.

Real estate &c. receivable in payment of subscriptions.

SECTION 7. The said corporation is hereby authorized and empowered to receive in payment of subscriptions to its capi-

## OF CORPORATIONS.

tal stock, any real estate, stocks, bonds, or other property, at a valuation agreed upon between the President and Directors thereof, and the subscriber or subscribers, and to make payment for materials and labor, or for rights of way for said railroad with the shares of its capital stock. Materials, &c., may be paid for with stock.

SECTION 8. The said corporation is hereby authorized and empowered to issue mortgage bonds of the said company for such sum or sums, and in such amounts, as they may deem advisable, sufficient for the building and maintaining the said road, payable at such times, and on such terms, as the directors may determine. And it shall also be competent for the said corporation, by their duly elected officers, to mortgage the said road, with all its personal and real estate, franchises, rights and privileges, for the security of the said mortgage bonds and other obligations of the said company, and if they deem it advisable, may lease the said road and all the property of the said company, to any other corporation, individual or individuals, for such time and on such terms as they may deem best for the interest of the company, and shall have power and authority to contract with the "Junction and Breakwater Railroad Company" for the use of the rolling stock of said company, and to make business and running arrangements with said company. Issue mortgage bonds. Mortgage road, &c. Lease same.

SECTION 9. The said company are hereby authorized to erect and maintain necessary bridges over any stream or pond of water which said road may cross, and may also cross any public or private road-way without obstructing travel upon the same, and when the said railroad shall intersect any farm, the said company shall provide and keep in repair suitable passage across the said railroad for the use of said farm. It shall also be the duty of said company, whenever the said railroad shall pass through any inclosed land, to fence the same on each side of the line of 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. The said company are hereby authorized to mortgage their real and personal property in case they deem it necessary in the construction of their road. Bridges Crossings. Duty in crossing roads and private property.

*Passed at Dover, March 26, 1875.*

## OF CORPORATIONS.

## CHAPTER 147.

## OF THE CITY OF WILMINGTON.

AN ACT directing the publication of the act entitled " An act authorizing the city of Wilmington to issue its bonds to meet a portion of the expense of widening Water street and Railroad avenue in said city."

**Preamble.** WHEREAS, the act entitled " An act authorizing the city of Wilmington to issue its bonds to meet a portion of the expense of widening Water street and Railroad avenue in said city," passed March 28, 1871, has not been published by the authority of the General Assembly, Therefore :

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

**SECTION 1.** That the Secretary of State shall cause said act to be printed and published with the acts which may be passed at the present session of the General Assembly.

*Passed at Dover, February 18, 1875.*

Secretary of State to publish a certain act, with the acts of the present session.

## CHAPTER 148\*.

## OF THE CITY OF WILMINGTON.

AN ACT authorizing the city of Wilmington to issue its bonds to meet a portion of the expense of widening Water street and Railroad Avenue in said city.

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

**SECTION 1.** That the mayor and council of Wilmington be and they are hereby authorized to borrow, not exceeding one hundred thousand dollars to meet the city's portion of the expense of extending, widening, laying out and opening Wa-

Borrowing of \$100,000 authorized.

For what purpose.

\*This chapter is published in accordance with section 1 of chapter 147 of the current volume, Delaware Laws.

## OF CORPORATIONS.

ter street and Railroad avenue from the south-westerly boundary line of the city to the railroad bridge over the Brandywine creek in said city, and to issue the bonds of said city for the payment thereof, with interest, at such times and in such manner as the city council shall, by ordinance, prescribe and appoint. *Provided*, that the said mayor and council shall not have the power to issue bonds for the purposes above stated until a special election of the citizens of Wilmington has been held by authority of the council aforesaid, and a majority of the votes cast thereat by the legal voters of said city, have been ascertained to be in favor of the widening and extending the streets and avenues aforesaid.

Bonds of city may be issued for payment thereof.

Proviso.

Bonds not to be issued until, when.

SECTION 2. So much of said bonds of one hundred thousand dollars as shall be required to meet the actual expense of the widening of said street and avenue, shall be issued, and no more.

Restriction upon amount to be issued.

*Passed at Dover, March 28, 1871.*

## CHAPTER 149.

## OF THE CITY OF WILMINGTON.

AN ADDITIONAL SUPPLEMENT to the act entitled "An act to limit the city debt of Wilmington, and to provide for the discharge thereof." Vol. 10, 329.

*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,)*

SECTION 1. 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 two-thirds of all the members, for the time being, of the city council, at any time hereafter, to borrow a sum or sums of money, not exceeding, in the aggregate, one hundred and twenty-five thousand dollars, which shall be in addition to the funded debt of the city heretofore authorized, and shall be appropriated, applied and expended, or so much thereof as shall be

Borrowing of \$125,000 authorized.

## OF CORPORATIONS.

Purposes for which it shall be expended.

Interest at six per cent.

Surplus to be placed to credit of water account.

Sinking fund

Duty of city treasurer respecting.

Report to city council. When

Proviso.

Vol. 14, 575.

necessary, for the following purposes and works, that is to say ; for a new water-reservoir, and for improving the water works of said city, increasing and enlarging the conveniences for the supply of water to the said city, for laying water pipes along such streets of said city as the city council may from time to time designate, for introducing the Brandywine water into the ninth ward, and into that part of the city lying south of the Christiana river, for land, bricks, sleeves, caps, stops, stophouse and necessary adjuncts and appurtenances for a new reservoir, including fencing around the same, and for connecting the said new reservoir with the main pipe on Eleventh street. Any sum borrowed under the authority of this act shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and the principal shall be payable at such time or times, and in such manner as the ordinance shall prescribe.

SECTION 2. The surplus of any money borrowed under the authority of this act, which shall remain after the completion of the work to which it is hereby appropriated, shall be placed to the credit of the water account of the city, and used for no other purpose, whatever, than in repairing or improving the city water works, or increasing or distributing the supply of water to the city.

SECTION 3. For the redemption of so much of the funded debt of the city, as shall be hereafter contracted under this act, there shall be a sinking fund of thirty-five hundred dollars applied every year to the redemption thereof, until the whole of said debt is paid. To constitute said sinking fund, the city treasurer shall set apart and appropriate for the purpose, the sum of thirty-five hundred dollars every year after the contracting of any debt under this act, until the whole of such debt be paid from money that shall come into his hands from water rents for the year, and in default of such, then from any other funds of the city, in the treasury unapplied, and he shall apply the said sum so set apart and appropriated, to the payment or purchase, at par, of so much of said debt. If in any year the city treasurer shall not be able to pay off or purchase funded debt, at par, to absorb the whole of the sinking fund for the year, he shall report the case to the city council, and they shall make such order in regard to the investment, management, control and disposal of said fund as they may deem proper, *provided*, that such fund shall stand pledged and be applicable to the redemption of said funded debt ; and shall be used for no other purpose whatever.

SECTION 4. That chapter 525, of the 14th volume of the

## OF CORPORATIONS.

Laws of Delaware, be and the same is hereby amended as follows, to wit : by striking out of section 1, of said chapter, the words following ; " along Tenth street to Lombard street, along Lombard street to Front street, along Front street to Market street, and from Market street to Jefferson street, from Jefferson street to Madison street, along Maryland avenue to the Westerly limits of the city, from Eleventh street to the Ninth ward, along Market street to Twentieth street in the Ninth ward," and substituting in lieu thereof the words following ; " along such streets of said city as the city council may, from time to time, designate ;" and by striking out of said section 1, the words following : " for laying water pipes from Front street to B street and along B street to Claymont street," and by striking out all of section 3, of said chapter, after the word " unapplied" in the 12th line thereof, and substituting in lieu thereof, the words following ; " and he shall apply the said sum so set apart and appropriated to the payment or purchase, at par, of so much of said debt. If in any year the city treasurer shall not be able to pay off or purchase funded debt, at par, to absorb the whole of the sinking fund for the year, he shall report the case to the city council, and they shall make such order in regard to the investment, management, control and disposal of said fund as they may deem proper, *provided*, that such fund shall stand pledged and be applicable to the redemption of said funded debt, and shall be used for no other purpose whatever "

Section 1, of  
chapter 525,  
volume 14,  
amended.

Section 3, of  
said chapter  
amended.

*Passed at Dover, March 1, 1875.*

## CHAPTER 150.

## OF THE CITY OF WILMINGTON.

AN ACT to amend chapter 73 of the Revised Statutes of the State of Delaware entitled, " Of the city of Wilmington."

Amended  
Code, 1874.  
404.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 16 of chapter 73 of the revised statutes of the

Section 16, of  
chap. 73, of  
Revised  
Statutes  
amended.



## OF CORPORATIONS.

State of Delaware, entitled "Of the city of Wilmington," be and the same is hereby repealed, and the following inserted in lieu thereof: "At all city elections every male citizen of the age of twenty-one years and upwards, having resided within said city for three months next previous to the election, and in a ward of said city for thirty days next preceding the election, and being otherwise qualified to vote at all State elections, and none others, shall be entitled to vote. If any person who may have had his domicile in said city, shall actually remove to another place with the intention of remaining there an indefinite time as a place of domicile, he shall thereby lose his qualification of residence, notwithstanding he may entertain a floating intention to return at some future time."

**Qualification of voters.** **Residence.** **Publication as amended.** SECTION 2. *And be it further enacted by the authority aforesaid,* That in all editions of the laws of this State, hereafter to be published, the said chapter 73 shall be published as hereby amended.

*Passed at Dover, March 22, 1875.*

## CHAPTER 151.

## OF THE CITY OF WILMINGTON.

AN ACT to further amend the charter of the city of Wilmington.

*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.)*

**Subscription of \$5000 to the United States Centennial International Exhibition.** SECTION 1. 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 a majority of all the members thereof, at any time hereafter, to subscribe, appropriate and apply a sum or sums of money, not exceeding, in the aggregate, five thousand dollars to the capital stock of the centennial board of finance, a corporation created by act of Congress for the purpose of procuring the funds requisite for

## OF CORPORATIONS.

the United States Centennial International Exhibition to be held in the city of Philadelphia, in the year eighteen hundred and seventy-six.

*Passed at Dover, March, 23, 1875.*

## CHAPTER 152.

## OF THE CITY OF NEW CASTLE.

AN ACT to incorporate the city of New Castle.

WHEREAS, the commissioners of the town of New Castle, and others, the inhabitants thereof, have, by their memorial, represented that its present form of government is inadequate to the growing necessities of the said town. and that a new charter and change of name as hereinafter set forth would conduce to the good government and prosperity thereof.

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 branch concurring therein),* That from and after the passing of this act, the town of New Castle shall be known and called by the name of the city of New Castle, and shall be bounded as follows, viz : Beginning at a point in the centre line of Delaware street extended in a south-easterly direction, being four hundred and sixty-four feet from the centre stone at the intersection of the centre lines of front and Delaware streets ; thence in a south-westwardly direction, in a straight line to a point in the centre line of south street extended nine hundred and five feet from the centre stone at the intersection of the centre lines of South and Pearl streets ; thence in a south-westwardly direction in a straight line to a point in the centre line of Johnson street extended seven hundred and eighty-six feet from the centre stone at the intersection of the centre lines of Johnson and Fourth streets, thence north-westerly along the line of Johnson street to low water mark, thence by the line of low water mark to the line between Edward Edwards and L. Taylor Dixon's land ;

Change of name.

City limits.

## OF CORPORATIONS.

thence by said line to the road leading to Delaware City, thence by a right line to Mill creek at the corner of line between lands of Richard Jackson and lands of Stephen P. M. Tasker ; thence by said line and the line between lands of Richard Jackson and lands of Thonias Holcomb, to the road leading to Hare's Corner; thence by a line parallel to the road leading from Hare's Corner to Wilmington until it intersects the north-eastern line of School District number forty-six prolonged north-westwardly ; thence by said prolonged line and said north-easterly line of said District number forty-six to low water mark ; thence by the line of low water mark to North street ; thence south-eastwardly along North street extended to a point seven hundred and nine feet from the centre stone at the intersection of the centre lines of Market and North streets ; thence running south-westwardly in a straight line to a point in the centre line of Chestnut street extended eight hundred and twelve feet six inches from the centre stone at the intersection of the centre lines of Chestnut and Market streets ; thence south-westwardly in a straight line to the east corner of the rectangular pier off Truss' wharf ; thence along the outer face of said pier, to the south-west corner of the same ; thence south-westwardly in a straight line to the south corner of Jefferson's wharf ; thence in a straight line to a point in the centre line of Delaware street, the place of beginning.

**City officers.** SECTION 2. *And be it further enacted,* That the officers of the said city shall consist of one executive officer who shall be called the mayor, five members of council who, when assembled, shall be called the city council, one assessor and one treasurer, *Provided,* that no person shall be capable of serving as mayor, member of council, assessor or treasurer, who is not a citizen of this State, and a resident of said city. The mayor and members of council must have resided in the city two years next before their election, and no ordained clergyman or minister of the gospel of any denomination shall be eligible to any office established under or by virtue of this charter.

**Proviso.**  
**Qualifications.**  
**Residence,**  
**Clergymen ineligible**

**Incorporation.** SECTION 3. *And be it further enacted,* That the mayor and city council of the said city, and their successors forever, hereafter, shall be one body politic and corporate in deed and in law, by the name and style of "The Mayor and Council of New Castle," and by that name shall be and are hereby made able and capable in law to have, take, purchase, receive, possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of what kind, nature and quality soever, and the same to sell, grant,

**Corporate name and powers.**

## OF CORPORATIONS.

demise, aliene or dispose of, to sue, be sued, plead, and be impleaded, defend, and to be defended in all courts of law and equity, or any other place whatsoever, and also to have, make and use a common seal, and the same to break, alter or renew at their pleasure, and generally shall have all the privileges and franchises incident to a corporation or body politic.

SECTION 4. *And be it further enacted*, That the mayor, members of council, treasurer, and assessor shall be elected annually by ballots on the second Tuesday of April in each and every year, and shall continue in office until their successors are legally qualified. At such election every male of the age of twenty one years, having resided within the city of New Castle one year next before the election, and otherwise qualified to vote at the general election, and none others, shall be entitled to vote.

Election of  
city officers  
by ballot.

When held.  
Term.

Qualification  
of voters.

SECTION 5. *And be it further enacted*, That for the purpose of holding such election, the city council shall, annually, appoint some discreet person, a citizen and qualified voter of said city, to be inspector of said election, who shall, on the day of the said election, appoint two citizens, qualified voters as aforesaid, to be assistant inspectors of said election. That of the time and place of holding such election, notice shall be given by advertisement made and signed by the mayor, and posted in at least ten of the most public places of the said city, at least three days before the day of said election. The said inspectors shall open the polls on the day aforesaid, at the place named in said advertisements, between the hours of eleven and twelve in the forenoon, and close the same at seven o'clock in the afternoon, and shall proceed to hold and conduct said election, having first taken the following oath or affirmation to be administered by the inspector to the assistants, respectively, and by either of the assistants, to the inspector, namely :

Inspector

Assistant  
inspectors.

Notice of  
time and  
place of  
annual  
election.

Election  
hours.

Oath of  
inspectors.

*I do solemnly swear (or affirm) That I will this day in conducting the city election of New Castle, determine and act in every particular with impartiality and faithfulness, and that I will cause to the best of my ability a true return of the election to be made, so help me God. (or so I affirm.)*

At such election the persons receiving a plurality of the votes cast for mayor, treasurer, and assessor, respectively, shall be deemed and declared elected, and the five persons receiving the highest number of votes cast for members of council, shall be deemed and declared elected. The said inspectors, or any

Plurality of  
votes to  
elect mayor,  
treasurer  
and assessor.

Highest  
number to  
elect  
members of  
council.

## OF CORPORATIONS.

two of them, shall immediately prepare certificates under their hands, setting forth the persons voted for, and the number of votes cast for each, and designating the persons who shall have been legally elected to the offices aforesaid. One of said certificates shall be delivered to each of the persons elected, and to the secretary or clerk of the city council in office at the time of said election. If at any election there be no choice of any of the persons voted for, by reason of any two or more persons having an equal and the highest number of votes for the same office, the inspector shall have a casting vote, and the candidate for whom he shall give such casting vote, shall be returned as elected.

Certificates  
of election.  
When and  
how made  
and  
delivered.

Inspector to  
have casting  
vote, when.

Mayor.

SECTION 6. *And be it further enacted*, That as soon as conveniently may be after the result of said election shall have been declared by the inspectors, as aforesaid, it shall be the duty of the mayor elect, having received the certificate hereinbefore provided for, to take and subscribe, before some justice of the peace in the county of New Castle, the following oath or affirmation :

Oath of  
office.

*I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Delaware, and that I will perform the duties of my office with fidelity.*

To admin-  
ister oath to  
other officers  
of city.

And thereupon he shall enter upon the duties of his office, and shall administer a like oath or affirmation to each of the persons who shall have been declared elected as aforesaid, as treasurer, assessor or member of city council, upon their taking of which oath or affirmation they also shall enter upon the duties of their offices, respectively.

Term of city  
officers.

Duration.

Proviso.

Failure to  
elect, or  
other  
omission not  
to dissolve  
corporation.

SECTION 7. *And be it further enacted*, That the mayor, treasurer, assessor and members of council, for the time being, shall hold their respective offices, until their successors shall have been duly elected and qualified as hereinbefore provided, and the failure to hold an election on an election day, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until a new election can be legally held.

Vacancies.

To be filled  
by city  
council.  
How.

SECTION 8. *And be it further enacted*, That in case of the death, resignation, disability, removal, or failure to give security under the provisions of this charter, of any person elected as aforesaid to the office of mayor, treasurer, assessor or member of council, the vacancy thus occasioned, shall be filled by the city council, who shall elect some suitable person, not of

## OF CORPORATIONS.

their own body, having the qualification herein provided for, to fill said vacancy until the next election, or until a successor shall be duly qualified as aforesaid.

SECTION 9. *And be it further enacted*, That if at any election held under this charter, any inspector or assistant inspector of election shall knowingly and willfully take and receive, or advise and consent to the taking and receiving of the vote of any person not entitled to vote at such election, or shall knowingly and willfully reject or advise and concur in rejecting the vote of a person entitled to vote at such election, or use any fraud, falsehood, or deceit in doing and performing any of the duties, matters or things required of him by this charter, or shall refuse or willfully neglect to perform any of the said duties, matters or things, every such inspector or assistant inspector of election, shall, for every such offence, upon conviction thereof in the court of General Sessions of the peace and jail delivery in and for New Castle county, forfeit and pay to the State, a fine of two hundred dollars for the use of the city of New Castle, and if any person not entitled to vote, shall vote or offer to vote at any such election, every such person upon conviction thereof, as aforesaid, shall forfeit and pay to the State a fine of fifty dollars for the use of the city of New Castle.

Unlawfully  
conducting  
an election.

Penalty.

Unlawfully  
voting or  
offering to  
vote.

Penalty.

SECTION 10. *And be it further enacted*, The mayor of the said city shall be the executive officer thereof, and is hereby constituted a conservator of the peace within the said city, and is authorized, empowered and required to exercise within said city, all the authority which justices of the peace in and for the county of New Castle may exercise under the laws of this State, and he shall further be invested with authority in all lawful cases of commitment, to commit persons guilty of a breach of the peace to the common jail of the county. And it shall be the duty of the mayor to take care to have the laws and ordinances of said city faithfully executed, and for that purpose shall have power and authority to arrest and hold to bail or fine, and imprison, or either, all persons guilty of a breach of said ordinances. Such power and authority shall be exercised upon complaint duly made under oath and hearing of the party accused, and for that purpose, the mayor shall have power to issue the ordinary process for the arrest of parties, and for the attendance of witnesses, and the power to punish for contempt, now possessed by justices of the peace, *Provided*, That he shall not have jurisdiction in any civil matter other than to carry out the provisions of this charter, or the regulations and ordinances adopted for the government of

Mayor's  
duties and  
powers.

Conservator  
of the  
peace within  
the city.

Commit for  
breach of  
the peace.

Execute  
laws and  
ordinances.

Complaint  
under oath  
to be made.

Issue  
process and  
punish for  
contempt  
concurrently  
with justices  
of the peace.

Proviso.  
In civil  
cases no  
jurisdiction.

Exception.

## OF CORPORATIONS.

Further  
proviso.  
Restriction  
upon fine  
and im-  
prisonment.  
Fines, how  
paid.  
Mayor to  
appoint  
president of  
council to  
serve in his  
absence.

said city by the powers herein authorized to adopt the same, and provided further, that he shall not impose any fine exceeding twenty dollars, nor imprison for a longer term than ten days, and that all fines thus imposed, and collected, shall be paid to the city treasurer.

Solemnize  
marriages.

SECTION 11. *And be it further enacted,* That the mayor shall have authority to appoint the president of council as acting mayor, to serve during the absence of the mayor from the city, or while he shall be prevented by sickness from performing the duties of his office, and the said president of council, upon receiving the appointment aforesaid, in writing, under the hand of the mayor, shall be invested with all the powers and authority hereby conferred upon the mayor, to exercise the same during such absence or sickness until notified by the mayor that he is ready to assume again the duties of his office, and the mayor shall be authorized to solemnize marriage.

Mayor to  
keep a  
record of  
proceedings  
before him.

SECTION 12. *And be it further enacted,* That the mayor of [the] city shall 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 subject to the control of the city council. Process issued by the mayor shall be similar in form to that prescribed in like cases before justices of the peace, and shall run throughout New Castle county, and shall be directed to the sheriff or to any constable of said county, or to any police constable of said city. The costs in any proceeding before the mayor under this charter, shall be the same as are provided by law in like proceedings before justices of the peace, and shall be collected from the defendant in cases of conviction, in addition to any fine imposed, or shall be paid by him before his discharge from imprisonment, but the said costs may be remitted, in the discretion of the mayor. In case the charge is for the violation of a city ordinance, and the party so charged be acquitted, the costs accruing shall be paid by the city.

Process  
issued by  
mayor.

Form sim-  
ilar to that  
of justices of  
peace.

Co-extensive  
with county.  
How  
directed.

Costs.

Paid by city,  
when.

Mayor to  
appoint  
police  
constables  
annually,  
supply  
vacancies,  
and remove  
or suspend  
such officers.

Appoint-  
ment to be  
communi-  
cated to  
council for  
approval.

SECTION 13. *And be it further enacted,* That the mayor, for the time being, shall have the power and authority, and shall annually appoint a suitable number of police constables for said city, and shall have power to supply by new appointment, all vacancies that may occur, and for good and sufficient cause may remove or suspend any police constable from office. Appointment made by the mayor, under this section, shall not take effect until approved by the city council, and for this purpose, the mayor shall communicate such appointments in writing to the said council. The mayor may, on his own motion, and at the request of the city council shall, appoint any

## OF CORPORATIONS.

number of special police constables to perform all the duties of police constables during any riot, breach of the peace, or other emergency for which the permanent police force is not adequate, and he shall have authority to call upon the sheriff of New Castle County at all times, to assist in preserving the peace of the city.

May appoint special police constables. When. Call upon sheriff to aid in preserving the peace.

SECTION 14. *And be it further enacted*, That the police constables and special police constables appointed under the authority of this charter, shall assist the mayor in carrying into effect the ordinances of the city, and laws of the State, and shall be under the exclusive direction and control of said mayor. All police constables appointed under this charter, shall have like powers within said city, as are possessed by the constables of the county of New Castle, and are hereby declared conservators of the peace within the limits of said city.

Police and special police to be under control of mayor.

Police to have powers of county constables.

SECTION 15. *And be it further enacted*, That all the legislative power of the said city, shall be vested in the city council, the members of which shall assemble as soon as may be after their election, and organize, by electing one of their own number as president, and a clerk who need not, but may, be one of their own number. They shall also adopt rules for the government of their own body, and the transaction of business before it. The said council shall meet for the transaction of business, on the first Tuesday of every month, and at such other times as the said council may determine, and a majority of the whole number of members shall constitute a quorum to do business, *provided* that no ordinances shall pass the council, unless the same shall have the concurrence of a majority of all the members of the council, and have at least two readings at a previous meeting thereof, nor shall any ordinance that may hereafter be passed by the said city council be repealed, unless notice shall have been given and entered upon the minutes of the council, at a stated or other meeting thereof, that at the next stated or other meeting a motion would be made for the repeal thereof, nor unless a majority of all the members of said council concur therein. All meetings of the said council shall be public, except meetings for the transaction of executive business.

Legislative powers vested in city council.

Organization.

President. Clerk.

Rules.

Meetings.

Quorum. Ordinances. Passage.

Repeal.

Meetings public.

Exception.

SECTION 16. *And be it further enacted*, That the said city council be and they are hereby invested with all the powers and authorities now vested by the laws of this State in the town commissioners of the town of New Castle, not inconsistent with the provisions of this charter, and especially with power to enact ordinances to preserve the health of the city, and to prevent the introduction of infectious or contagious

City council invested with powers of the town commissioners of town of New Castle.

Powers:



## OF CORPORATIONS.

To preserve health of city.	diseases, for which purpose its jurisdiction shall extend to any distance within one mile of the limits of the city ; to define
Nuisances.	and remove nuisances ; to ascertain and fix the boundaries of
Streets.	streets, squares and lanes and alleys ; to repair and amend the
Paving.	same and provide for the paving thereof ; to alter, extend or
Grades.	widen any street, square, lane or alley, or open and lay out new
Footways.	ones, subject to the provisions in that behalf hereinafter con-
Gutters.	tained ; to regulate and fix the grade of all streets, lanes and
Steps, porches, cellar doors, &c.	alleys ; to direct the paving of footways, and the laying out of
Night-watches.	gutters, and prescribe the width of said footways and the
Lighting streets.	depth of said gutters ; to prescribe the extent of steps, porches,
Public amusements.	cellar doors and other inlets to buildings ; to provide
Party walls.	night watches, and for the lighting of streets, at the expense
Markets.	of the corporation ; also to regulate public amusements ; to
Water.	regulate party walls ; to regulate the markets ; to purchase or
Gunpowder.	erect pumps or any other apparatus for supplying the city
Hogs.	with water ; to regulate the storage of gunpowder or any
Dogs.	other dangerous combustible matter ; to prevent the running
General powers.	at large of any hog or dog, and in general, with power to do
	all those matters and things for the well-being of the said
	city, which shall not be in contravention of any existing law
	of this State, or of the constitution thereof.
May appropriate money by ordinance passed by majority of all the members of council.	SECTION 17. <i>And be it further enacted,</i> That the city council shall have power and authority to appropriate, by ordinance, passed by the votes of a majority of all the members of said council, and not otherwise, all sums of money necessary to carry on the government of said city, and defray the expenses thereof, and the said city council shall, by ordinance, fix and
Fix salaries of officers, &c.	determine the salary or compensation to be paid to the mayor, assessor, treasurer, police constables, and all other persons
Members of council to have no compensation.	in the permanent or temporary employ of said city, or of any department thereof ; but members of council shall receive no compensation or emolument for their services ; and the compensation of any officer elected by the people shall not be
No change of compensation during term of officer.	changed, during his continuance in office. And they shall have power, to provide for the extinguishment of fires, to
Fires.	purchase, own and control all necessary apparatus therefor,
Apparatus.	and make and enforce ordinances for the protection of the same.
Annual estimate of sum to be raised for city expenses.	SECTION 18. <i>And be it further enacted,</i> That the said city council, on or before the second Tuesday in May, in each year, shall meet to estimate and determine the sum or sums of money necessary to be raised on the persons and estates in the
Proviso.	said city, for the public uses of the year ensuing, <i>provided</i> , that the sum to be raised in any one year for the uses aforesaid, ex-

## OF CORPORATIONS.

clusive of school tax, shall not exceed the sum of four thousand dollars, exclusive of the costs of collection, and thereupon the said city council shall issue their precept, signed by the president, and countersigned by the clerk or secretary of said council, directed to the assessor of said city, requiring him within thirty days from the date thereof, to make a true and impartial list of all the persons and estates within the same, together with the sum and sums of money, in dollars, at which it shall appear to him the said persons or property ought to be rated. In making said assessment, the rules and exemptions now applicable by law to the making of the county assessments of persons and estates, shall be applicable to the assessment herein provided for. The said list and assessment shall be laid before the council, to be examined, and being approved, a fair copy or copies thereof shall be made and set up or posted at the court house door, or at such other public places as the said council may determine, for the information of all concerned, for at least ten days previous to the time then to be appointed for holding a Court of Appeals, of which time written or printed notice shall be posted in ten public places of the city, and the said council shall be and are hereby constituted a Court of Appeals for the hearing and redressing of such as may appear to be aggrieved, with power in concurrence with the assessor, to assess such as may have been omitted from the list, *provided*, notice thereof shall be given to the person or the representative of an estate so assessed, so that he, she or they may have an opportunity of appearing before said Court of Appeals. And after the said council shall have held a Court of Appeals as aforesaid, they shall estimate and determine the rate of taxation necessary to raise the sum or sums of money required, and shall, thereupon, cause to be made out a true list agreeable to the proceedings aforesaid, and certify the same under their hands, or a majority of them, and deliver the same into the hands of a collector to be by them appointed, within ten days of the time when the rate was laid as aforesaid, with a precept or warrant under the hands of the said council, or a majority of them, requiring the said collector forthwith to collect and receive from the persons and estates assessed, the several sums in the said list mentioned. And the said council may appoint the assessor to be the collector as aforesaid, but in all cases, the person appointed collector, shall, before entering on the duties of his office, give bond to the mayor and council of the city of New Castle, with surety to be approved by the city council, and warrant of attorney attached, to confess judgment in double the amount of tax so to be collected by him, to be conditioned for the faithful performance of his duties as such collector.

Not to exceed \$4000.

Assessments.

How made.

Precept.

Assessment to be laid before council.

Copies to be posted.

Notice.

Court of Appeals. Powers.

Proviso. Notice to those liable to assessment.

Levy of city tax.

Certificate delivered to collector.

Collector's warrant.

Assessor may be appointed collector.

Collector's bond.

## OF CORPORATIONS.

SECTION 19. *And be it further enacted,* 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 thirty days after demand made, the said collector shall levy and make the same by distress and sale of the delinquents 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 chattels 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, provided that the amount so collected from the the tenant shall not exceed the amount of rent due or growing due for one year, and in case of any lands, tenements, property or estate belonging to a minor or minors, or person or persons absent from the city, the tax laid upon the assessment of such lands, tenements or estate, may be collected from the person or persons having the care or charge of such land, tenements 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, to the city council, a certificate of the facts, under oath or affirmation, and thereupon may levy the said tax upon any lands, tenements or estates 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 advertisements in one or more newspapers printed in the county of New Castle, for the shortest term which will satisfy said tax and costs, and shall execute a deed to the purchaser or purchasers, conveying all the interest of such delinquent, for the said term, in the premises sold, or if no such lands, tenements 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 custody until such tax and costs be paid, or he be legally discharged. In case of the death, disability or removal of any collector appointed under the authority of this charter, the city council shall appoint another suitable person to fill the vacancy thereby occasioned, and the person thus appointed shall have all the power and author-

Goods and  
chattels may  
be sold for  
taxes.

Goods, &c.,  
of tenants  
may be  
levied upon.  
Set-off for  
rent.

Proviso.

Not to  
exceed one  
year's rent.

Taxes of  
minors or  
absent  
persons.

Taxes of  
non-resi-  
dents, &c.

Certificates.

Sale of real  
estate for  
such taxes.

Auction.

Notice.

Deed, term,  
and title of  
purchaser.

Imprison-  
ment for  
taxes.

Death of  
collector.

Vacancy.  
How filled.

## OF CORPORATIONS.

ity for the collection of unpaid taxes, as are hereby conferred upon the person originally appointed, such person first giving security as aforesaid. No tax herein provided for shall be collected after the expiration of one year from the date of the warrant or precept for the collection of the same, provided that if the sureties of any defaulting collector shall pay to the city treasurer the amount of taxes due to the city, on the list of said collector, (and not allowed as errors) they shall have power, within one year from the expiration of the year aforesaid, to collect the same by attorney duly appointed for that purpose, who shall have all the powers in that behalf hereby conferred on a collector. The collector shall pay over to the treasurer of the city, on the first Monday of every month, all moneys that shall come into his hands under the provisions of this charter. The collector shall take from the treasurer, who shall give the same, duplicate receipts for each payment so made by him, and shall forthwith deliver one of the said receipts to the president of the city council. The oath of a collector shall in all cases be evidence of demand.

Taxes not collectable after one year from date of warrant.

Sureties of defaulting collector.

Their remedy.

Collector to pay over to treasurer, When.

To take duplicate receipts.

Oath of collector. Evidence of demand.

SECTION 20. *And be it further enacted*, That the collector shall appear before the city council at such times and places as they shall appoint, and produce to them the list of taxes, together with his receipts for payment to the city treasurer, and thereupon the said council shall ascertain and determine, whether, after a just allowance for errors and delinquencies or otherwise, any and what sum is due and unpaid from said collector to the city. The said council, 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 to the city treasurer, and if such balance be not so paid, the city treasurer shall, forthwith, take legal process for the collection of the same from such collector or his sureties. The city council shall have power, by ordinance, to adopt any measures which it may deem necessary for carrying into effect the powers herein granted, touching the assessment, receiving and collection of taxes.

Settlement with city council.

Allowance for errors.

Certificates.

Payment and collection of balance.

Powers of city council respecting taxes.

SECTION 21. *And be it further enacted*, That the city treasurer shall, before entering upon the duties of his office, give bond to the corporation of the city in such amount as shall be determined by the council, and with surety to be approved by them, conditioned for the faithful performance of the duties of his office, and with a warrant of attorney for the confession of

Treasurer's bond.

His duties.

## OF CORPORATIONS.

To keep moneys and securities of city.  
Receive taxes.  
Pay orders.

Accounts.

Annual financial statement.

Publication.

Other statements.  
When required.

Make payment and delivery to successor.

judgment thereto annexed. It shall be his duty to receive and safely keep all moneys and securities belonging to the city, to receive from the collector all taxes collected by him, to pay upon the appropriation of the city council, and orders drawn in pursuance thereof, and not otherwise, out of any moneys belonging to said city, the amounts of such appropriations, and orders to the parties in whose favor they are made. He shall keep an accurate account of all receipts and disbursements of the money of said city, and of the other transactions of his office, and shall, annually, in the month of March, make and exhibit to the city council an accurate and true statement of the condition of the city finances, showing in detail all expenditures, and on what account made, and the said council shall cause the same to be published for the information of the inhabitants of the city within ten days after its reception. And he shall at all other times, upon the requirement of said council, exhibit to them books of his office and an account of the condition of the finances of said city, and he shall pay over to his successor in office, all moneys belonging to said city, that may remain or be in his hands, and deliver to him all securities, books of account and other property of said city.

City council may cause foot-ways and gutters to be paved and curbed.

Proviso.

Owners may pave their own fronts.

But curbstones shall be furnished and fixed by city.

Further proviso.  
Breadth of pavement.

Bill for paving and curbing to be presented.

SECTION 22. *And be it further enacted*, That it shall and may be lawful for the said city council, and they are hereby authorized and empowered, where in their discretion they shall deem it right and proper so to do, to cause the footways and gutters of any street, lane or alley of the said city to be paved with bricks or stones, as the case may require, and to fix curbstones agreeably to the true regulations of the streets, lanes and alleys of the said city, *provided*, always, the owner or owners of the ground shall have the privilege of paving his, her or their own front or fronts, provided it be completed within twenty days from the day of fixing the curbstone, and notice thereof given to such owner or owners, in case such owner or owners reside within the said city, by the council or by some one by it authorized thereto, by writing signed by the president of said council, either by personal service, or the same being left at the dwelling house of such owner or owners; but the curbstone shall in all cases be furnished and fixed by the said city authorities, And provided further, that no person or persons shall be obliged to pave any foot way, to a greater breadth than four feet from the curbstone in front of any lot whereon a dwelling house shall not be erected.

SECTION 23. *And be it further enacted*, That the said city council authorized to pave as aforesaid shall, when the work is done, present a bill of the expenses, whether it be of the

## OF CORPORATIONS.

furnishing and fixing the curbstone alone, or of the furnishing and fixing of the curbstone and paving, as the case may be; to the owner or owners, according to their respective proportions, and in case the said owner or owners shall not, within thirty days after the presentation of the bill as aforesaid, pay the amount of the same to the treasurer of the said city, it shall and may be lawful for the mayor of the said city to issue a warrant in the name of the said city, directed to the sheriff of New Castle county, to be by him levied on the goods and chattels of the said owner or owners, but if no goods or chattels of said owner or owners can be found within the said city, to satisfy the debt and costs then to be levied on the ground or buildings for which said expenses were incurred, which said grounds or buildings shall be sold at public auction, for the shortest term of which the rents and profits will satisfy the debt and costs, *Provided* always, that there shall be but one charge for furnishing and fixing the curbstone as aforesaid, but that all subsequent expenses of resetting the curbstone, unless the same shall be occasioned by some default of the owner or owners of the ground, shall be borne and paid for by the said corporation. Upon the petition of a majority of the property owners on any street for one or more squares, the city council may cause the road-way of that portion of the street comprised within said square or squares to be paved at the expense of said property owners, and shall proceed in the manner provided in this and the preceding section for the curbing and paving of footways.

SECTION 24. *And be it further enacted*, That whenever it shall be expedient or necessary to lay out new streets within the limits of said city, and over territory not already surveyed and embraced in the plot of the town of New Castle, made under authority of an act of the General Assembly, passed at Dover, February 23, 1859, the associate judge of the Superior Court residing in New Castle county, shall, being requested thereto by the city council of said city, by a resolution of said council, approved by the mayor of said city, and attested under his hand and the corporate seal of said city, appoint five substantial freeholders of New Castle county, not residents of said city, as commissioners, whose duty it shall be to adjust and fix the boundaries of the city of New Castle, within the limits mentioned in the first section hereof, to lay out such new streets within the said limits, and over the territory aforesaid, 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 with the names thereof to be denoted on a plot of the same, to be accurately

Warrant for collection of bill. By whom and when issued.

Sale of goods &c.

Sale of real estate.

For what term sold.

Proviso.

Expenses of resetting curbstones, paid by city.

Exception

Proceedings for the paving of streets.

Proceedings for laying out new streets not already surveyed and embraced in town plot.

Application to Judge for Commission of freeholders.

Their duty.

Fix boundaries, lay out new streets, &c.

## OF CORPORATIONS.

Plot to be made by surveyor. Sworn. Plot if approved by council to be recorded. made by a competent surveyor whom they shall employ for the purpose, and who, before entering upon his duties, shall be sworn or affirmed to faithfully perform the same, according to the best of his skill and judgment. And the said plot being certified under the hands of said commissioners, shall be returned to the said council, and if approved by the said council, they shall indorse their approval thereon, and cause the same to be recorded in the office for the recording of deeds, &c., at New Castle, and a certified copy of which plot shall be evidence in any court in this State as to the acts of said commissioners, and the streets thereby laid out. The expense of said proceeding shall be paid by the said city, and the said commissioners shall be entitled to three dollars per diem for the time engaged in said work, *Provided* that the said commissioners shall lay out and extend Washington Avenue from where it meets the New Castle and Frenchtown turnpike, northwardly to the limits of the town of New Castle, as established by commissioners appointed by the act of the General Assembly, passed at Dover, February 23, 1859. The said avenue to be laid out of the width of eighty feet, and the said avenue as now opened and used or hereafter to be opened and used, shall be subject to the provisions of this charter, applicable to other streets of the said city, any act of assembly heretofore passed to the contrary notwithstanding.

Certified copy evidence.

Expenses paid by city.

Compensation of commissioners. Proviso. Washington avenue.

To be laid out: how.

Subject to, what.

When new streets may be opened. SECTION 25. *And be it further enacted*, That no new street shall be opened by the city council unless upon the application, in writing, of twenty resident freeholders of said city, with the concurring vote of said council. 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, 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 free holders of the said county, 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 a return of their proceedings to the said Judge, at a time

Damages to owners of ground taken for streets.

Application for commission to assess damages.

Benefit as well as detriment considered.

## OF CORPORATIONS.

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 deliver the same to the mayor of the said city. 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 delivery of such return, the said 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 of the original commission, the Judge shall grant a second commission of review upon the application of the mayor as aforesaid, or of any person interested in the return of the commission of review, within ten days after the delivery 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. The Judge shall have power to fill any vacancy in a commission. There shall be allowed the commissioners for their services, three dollars per diem, to be paid by the city council. 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 be finally ascertained, or if the person or persons so entitled, reside out of or are absent from the city during the said period of two months, then the same may be deposited to his, her or their credit in the Farmers Bank at New Castle, within the said time; and thereupon the said property or ground may be taken or occupied for the uses aforesaid. If upon the application for a review by a person interested, the freeholders appointed to assess the damages shall not increase the damages of the person so applying. The costs of such review shall be paid by such person or persons so applying.

Oath.

All view,—  
majority  
may report.  
Return.Commission  
of review.Extend to  
part of land.Variance in  
amounts.Second  
review.When con-  
clusive.Confirmation  
by Judge.May set  
aside a  
return for  
inequality.

Vacancy.

Pay of com-  
missioners.Payment or  
tender of  
damages.Deposit in  
bank, when.Costs paid  
by appli-  
cant, when.



## OF CORPORATIONS.

Expense of  
opening  
streets paid  
by city.

The expense of opening and grading streets shall be defrayed by the city.

County  
roads in city,  
how to be  
kept up.

Fifty per  
cent. of road  
taxes to be  
paid to city  
treasurer.

What to  
include.

SECTION 26. *And be it further enacted,* That the county roads passing through the limits of the city of New Castle, shall continue to be kept up and repaired by the hundred and county of New Castle as heretofore, and that the road commissioners of New Castle hundred, shall, each year after the passage of this act, pay fifty per cent. of the road taxes laid on and collected from persons and estates within the city of New Castle, to the treasurer of the city of New Castle, for the maintenance and repair of the streets of said city, under the direction of the city council. And this shall apply to and include the road taxes as aforesaid for the year eighteen hundred and seventy five.

Charter to  
go into  
operation  
when officers  
elected.  
Election.  
When.  
By whom  
held.

Where held.

Notice.  
Election.  
hours.  
Manner.

Qualification  
of voters.

Counting  
of votes.

Election,  
how  
determined.

Certificates  
of election,  
when and  
how made.

Tie, and  
casting vote.

By whom  
given.

SECTION 27. *And be it further enacted,* That this charter shall not go into operation until the officers of the city government herein provided for, shall have been elected in the following manner. Upon the second Tuesday of April, which shall be in the year of our Lord one thousand eight hundred and seventy five, Edward Challenger, Mark M. Cleaver and William H. Jefferson now acting as town commissioners of the town of New Castle, shall hold an election for the officers provided for by this charter. Said election shall be held at the court house in the said town of New Castle, after ten days' public notice, at the same hours, and in the same manner as is provided for future elections under this charter. At the said election, every male of the age of twenty one years, having resided within the limits as prescribed for the city of New Castle by this charter, one year next before the said election, and otherwise qualified to vote at the general election, and none others, shall be entitled to vote. When the polls close, the votes shall be publicly counted, and the persons receiving a plurality of the votes cast for mayor, treasurer, and assessor, respectively, shall be deemed and declared elected; and the five persons receiving the highest number of votes cast for members of council, shall be deemed and declared elected. Certificates of election shall forthwith be made out under the hands of said commissioners or persons holding said election, or a majority of them, and delivered to the officers elected, respectively. If there should be no election of any of the persons voted for, by reason of any two or more persons having an equal and the highest number of votes for the same office, the said commissioners or other persons holding said election, or a majority of them, shall give a casting vote, and the person for whom such vote shall be given shall be declared elect-

## OF CORPORATIONS.

ed. Immediately upon the result of said election having been declared by the persons holding the same, it shall be the duty of the mayor elect having received a certificate of his election, to take and subscribe before some justice of the peace in the county of New Castle, an oath, as prescribed in section 6, of this charter, and shall thereupon enter upon the duties of his office, and shall administer a like oath or affirmation to each of the persons who shall have been declared elected, whereupon they shall enter upon the duties of their office respectively.

Mayor elect  
to take oath  
of office.

Administer  
oath to other  
officers.

SECTION 28. *And be it further enacted,* That in case of the refusal of either or all of the commissioners named in the preceding section to hold such election, or of the death, disability or removal of either or all of them, the vacancy shall be filled by such person or persons as shall be chosen for that purpose, by the persons qualified to vote at such election, who shall be present at the court house at twelve o'clock, M., on the day of said election. The said commissioners, or such persons as may be chosen as aforesaid, shall, before opening said election, administer to each other the oath or affirmation prescribed for inspector and assistant inspectors in section 5 of this charter.

In case of  
refusal or  
disability of  
commissioners  
to hold  
election,  
others to be  
chosen by  
voters  
present.

Oath to be  
administered  
before opening  
election.

SECTION 29. *And be it further enacted,* That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed. And that this shall be taken and deemed to be a public act, and published as such.

Inconsistent  
acts re-  
pealed.

Public act.

*Passed at Dover, February 25, 1875.*

## CHAPTER 153.

## OF THE CITY OF NEW CASTLE.

AN ACT to Amend Chapter 102 of the 3rd Volume of Delaware Laws. Vol. 3, 223.

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

That chapter 102 of the 3rd volume of Delaware laws, be amended, by striking out the word "town" wherever it occurs

Sections 8  
and nine of  
chap. 102, of  
volume 3,  
amended.

## OF CORPORATIONS.

Harbor  
Master to  
collect a  
certain sum  
from vessels,  
to be fixed by  
city council  
of New  
Castle.

Payment.  
How en-  
forced.

Docking of  
vessels.

in the eighth and ninth sections of the said chapter, and inserting the word "city," and striking out the word commissioners wherever they occur in said sections, and inserting the words "city council;" and also, by adding to the ninth section the following: "and the said harbor master shall have, receive, and collect of and from all vessels hauling into the harbor, or making use of the wharves and docks of the same, a certain sum, to be fixed by the city council of New Castle, who shall regulate the amount of the same, and the payment of which amount, may be enforced by distress under the warrant of the harbor master, in which case the vessel so distrained upon, shall pay all just costs; the said distress shall be made by any constable; the city council of New Castle, may, by ordinance, give full power and authority to the harbor master to regulate and direct the docking and hauling of vessels in the said harbor, and may impose penalties for not obeying the same.

*Passed at Dover, March 23, 1875.*

## CHAPTER 154.

## DELAWARE CITY.

Vol. 10, 593.

AN ADDITIONAL 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.

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

Corporate  
name.

Corporate  
powers.

SECTION 1. The style and name of the corporation of the said city shall be the mayor and commissioners of Delaware City, and by that name they shall have perpetual succession, and are hereby made able and capable in law, to have, take, purchase, receive, possess, enjoy and retain to them, and their successors in office, land, tenements, hereditaments, goods, chattels and effects of what kind, nature or qualities soever, and the same to sell, grant, demise, aliene or dispose of, to sue and to be sued, to plead and to be impleaded, defend and be

## OF CORPORATIONS.

defended, in all courts of law and equity, or any other place whatsoever, and also to make, have and use a common seal, and the same to change, alter and renew at their pleasure, and have all the privileges and franchises incident to a corporation or body politic.

SECTION 2. There shall be one executive officer called the mayor, three commissioners, one assessor, one treasurer, and such other officers as the commissioners by ordinance may create and appoint. The number of commissioners may be increased from time to time, by consent of a majority of the legal voters of the city. City officers.  
Commissioners may be increased.

SECTION 3. No person shall be eligible to any office who is not at his election a citizen of the State, and a resident of the city for at least one year. The mayor must have resided in the city two years next before his election. A commissioner must have resided in the city two years before his election, and must, additionally, be at the time of his election a freeholder in the city. No ordained clergyman or minister of the gospel of any denomination shall be eligible to any office established under or by virtue of this charter, or any amendment or supplement thereto. Eligibility of officers.  
Clergymen ineligible.

SECTION 4. Every officer of said city, before he enters upon the duties of his office, shall take an oath or affirmation to support the constitution of the United States and the constitution of the State of Delaware, and that he will perform the duties of the office to which he has been elected or appointed, with fidelity. Oath of office.

SECTION 5. The city treasurer and collectors, shall, before entering upon the duties of their office, give bond to the corporation in such amount as shall be determined by the commissioners, and with surety to be approved by the mayor, conditioned for the faithful performance of the duties of their office, and with a warrant of attorney for the confession of judgment thereto annexed. Every constable for said city shall, in like manner, give bond with security to be approved as aforesaid. Bond of city treasurer, collectors and constables.

SECTION 6. The constables and the officers shall assist the mayor in carrying into effect the ordinances of the city, and shall perform all such duties as may be prescribed by act of the General Assembly, or by the ordinances of the city. The city constables shall possess like powers within the city, as are possessed by the constables of the county of New Castle. Duties and powers of the city constables and officers.

## OF CORPORATIONS.

Salaries,  
fees, &c.

How estab-  
lished, re-  
duced, or  
increased.

SECTION 7. The salaries, fees or compensation of the officers shall be established by ordinance, but no salary, fee or emolument of any officer shall be reduced or augmented for and during the period of service for which he may have been elected or appointed, and no ordinance establishing the salaries, fees or emoluments of any elective office shall take effect previous to the annual election then next ensuing, and unless it shall have been published at least two weeks before said election. The commissioners shall at no time receive compensation for their official services.

Vacancies.  
How they  
occur, and  
are sup-  
plied.

Term of  
member  
elected to fill  
a vacancy.

SECTION 8. In case of death, removal from the city, resignation or refusal to act, of any elective officer of said city, or in case of\* any person elected or appointed to any office in said city, 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 the commissioners shall make temporary appointments to supply such vacancy until the same can be filled by election, under the provisions of this charter. A member elected to fill a vacancy shall hold for the residue of the term of the member whose place he supplies.

Failure to  
hold election,  
or other  
omission, not  
to dissolve  
corporation.  
Officers shall  
hold over.

SECTION 9. A failure to hold an election on an election day, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until a new election can be legally held.

Invested  
with powers,  
&c., belong-  
ing to them,  
as heretofore  
incor-  
porated.  
Previous  
laws, &c.,  
continued  
in force.  
Annual  
election of  
officers.

SECTION 10. By this act the mayor and commissioners of Delaware City shall be vested with all power, rights, privileges, and immunities which before this time belonged to them as a municipal corporation; all the laws, ordinances and regulations in force previous to this time, and not inapplicable, shall continue in force until repealed.

Order of  
election.

Term of  
office.

SECTION 11. At the next annual election on the first Saturday of April 1875, the legal voters of Delaware City shall choose, by ballot, a mayor, one commissioner and one treasurer, whose term of office shall be two years, and at the same time shall choose two commissioners, and one assessor to serve one year. At the next annual election thereafter, on the first Saturday in April in 1876, they shall choose two commissioners and one assessor, whose term of office shall be two years, and on the first Saturday in April annually thereafter, shall choose by ballot successors to fill any offices made vacant by expiration of term of office, death, resignation or

\*So enrolled

## OF CORPORATIONS.

otherwise. The elective officers shall each hold their offices for a term of two years, or until their successors are elected. The mayor may be removed by a vote of two-thirds of the whole number of commissioners, providing there is not less than six commissioners. The reason for removal shall be entered upon the journal.

Removal of  
mayor.

SECTION 12. All elections shall be by ballot, and a plurality of votes cast shall make a choice.

Election by  
ballot and  
plurality.

SECTION 13. The commissioners shall have power to enact ordinances to preserve the health of the city, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of the city, and in such ordinances may organize a board of health for said city, which board shall be invested with all the powers and authority which the commissioners might or could exercise, relative to the object of their institution. The commissioners may also pass ordinances to define and remove nuisances, for the safety of life and property, to ascertain and fix the boundaries of streets, squares, lanes, and alleys, or to repair and improve the same, and to provide for the paving thereof, or to alter, extend or widen any street, square, lane, or alley, or open and lay out new ones, subject to the provisions in that behalf, hereinafter contained, to regulate and fix the ascents [and] descents of all streets, lanes, and alleys, to direct the paving of foot ways, and to prescribe the width thereof. No person shall be obliged to pave any footway to a greater breadth than four feet in front of any vacant lot, or lot not near or adjoining a dwelling house, to direct the laying out of gutters, and prescribe the depth thereof, to prescribe the extent of steps, porches, cellar-doors and other inlets to buildings, to regulate the construction and repairs of chimneys; to regulate party walls; to appoint a town surveyor, to provide night watches for the lighting of streets, and regulating wharves, to regulate the storage of gun powder or any other dangerous or combustible matter. They shall have power to lay and collect fines from any person or persons violating any of the laws or ordinances of the city aforesaid and in general shall have power to do all those matters any\* things for the well being of the said city which shall not be in contravention of any existing law of this State or the constitution thereof.

Powers of  
the commis-  
sioners.

Diseases.

Board of  
health.

Nuisances.  
Streets.

Paving.

Ascents and  
descents.

Foot ways.

Restriction.

Gutters.

Steps,  
porches, etc.

Chimneys.  
Party walls.

Town sur-  
veyor.

Night  
watches.

Lighting  
streets.

Wharves.

Gunpowder.

Fines.  
General  
powers.

Mayor's  
duties and  
powers.

SECTION 14. It shall be the duty of the mayor to take care to have the laws and ordinances of the said city faithfully executed. He shall have custody of the seal of the corporation, and the right of affixing the same. He shall keep a record of

Corporate  
seal.

## OF CORPORATIONS.

Judicial  
record.Approve  
or veto  
ordinances.Proceedings  
thereunder.Countersign  
all drafts  
with approval  
or non-  
approval.Conservator  
of the peace.Commit to  
jail.Take recog-  
nizances.Jurisdiction  
of offences.Same author-  
ity as justice  
of peace.

Contempt.

Mode of trial.

May issue  
process to  
any county  
constable or  
sheriff.Appoint  
proxy when  
absentDuties of  
assessor.Assess all  
persons and  
estates.

all judicial proceedings had before him under the laws of the State, the charter or ordinances of the city, which record shall be the property of the city, and shall be kept in such custody as the commissioners may direct. He shall approve or veto all ordinances or acts of the commissioners. If approved, shall write approved, and if not approved, shall write not approved, and shall sign the same ; at the same time, in writing, shall state his objections, whereupon the commissioners may reconsider their vote, and if unanimous, or after the number of commissioners is increased to five, with a two-thirds vote, the ordinance shall become a law. He shall countersign all drafts on the treasurer, with approval or non-approval, if not approved, a treasurer must not pay such draft.

SECTION 15. The mayor is hereby constituted a conservator of the peace within the said city, and is authorized and required to exercise within said city all the authority which a justice of the peace, in, and for New Castle county, may exercise under the laws of this State, with power to commit persons guilty of a breach of the peace to the county jail, or to such place as may for that purpose be provided by the city, may take recognizance for keeping the peace, for being of good behavior, and for appearance, or otherwise. The mayor shall have jurisdiction of all offences which shall be committed within the city, against any of the laws of the State, laws, ordinances, regulations or constitution of the city, are or shall be prescribed.\* The mayor shall have the same authority that a justice of the peace for the county of New Castle possesses, may punish contempt, and process issued by him shall be executed by the constables or police officers of the said city. Prosecutions before the mayor shall be by information without indictment by grand jury, or trial by petit jury. Process issued by the said mayor may be directed to any county constable, or to the sheriff of any county, who shall execute the same in like manner, and be subject to the same penalties as in other cases. In case of sickness or unavoidable absence, the mayor may appoint one of the commissioners as his proxy, who shall have, for the time being, the same power and authority as could under the same circumstances be exercised by the mayor.

SECTION 16. That the assessor after being duly qualified by oath or affirmation to perform the duties of his office to the best of his knowledge, and without favor or partiality, and within two weeks after the first Saturday in April, annually, shall make a true and impartial assessment on all the persons

\*So enrolled.

## OF CORPORATIONS.

and estates within the said city (except real estate belonging to the United States, the State of Delaware, New Castle county or Delaware City public school houses, churches, and meeting houses belonging to any religious society and used for public worship, real estate owned and used for charitable purposes, household goods, cemeteries and burying grounds) for the purpose of raising a general fund for repairing the streets and for other purposes, and the said assessor shall, forthwith, after making the assessment, cause a copy thereof to be set up in the most public part of said city, notice whereof, he shall give by at least four advertisements. And if any person or persons shall be aggrieved or overrated, by said assessment, they may, within ten days after said notices have been put up, appeal to the commissioners, who shall hold a meeting in the said town on the tenth day after such assessment is put up, unless that day fall upon Sunday, in which case they shall meet upon the following Monday, for the purpose of hearing appeals, and may take from, or add to, said assessment, as they in their judgment may see proper, and whose decision thereupon shall be final. The assessor forthwith shall proceed to make out a duplicate of the corrected assessment, and shall deliver the same to the commissioners for their approval and warrant.

Exception.

Purposes.

Set up copy of assessment.

Notice.

Appeals.

Meeting for when held.

Commissioners' decision final.

Duplicate.

Warrant.

SECTION 17. That after the expiration of the said ten days, the treasurer, for the time being, shall proceed to collect the taxes as they have been levied by said assessor, and corrected by the commissioners. The said treasurer shall have the same power and authority to collect said taxes as are given to the collectors of county rates and levies; and the said treasurer shall discharge himself of all monies in his hands, by drafts drawn on him by said commissioners, or any two of them, the said draft to be countersigned by the mayor, and shall settle his accounts annually, at least ten days before the annual election, or as often as a majority of the commissioners shall call upon him for that purpose; and the said treasurer and assessor shall receive a reasonable compensation for their services in the premises, to be determined by the said commissioners.

Treasurer to collect taxes.

His powers.

Drafts on treasurer.

Settlement of his accounts.

Compensation of treasurer and assessor.

SECTION 18. The treasurer of said town, shall, by virtue of said office, be the town constable, and shall, within the limits of the city, be a conservator of the peace, and exercise the same powers, and be entitled to the same fees as a county constable in criminal cases, and may pursue beyond the limits of said city, with or without warrant, any violator of the laws or ordinances of the said city, and arrest any such person or

Treasurer ex-officio town constable.

His powers and fees.

Arrest beyond city.



## OF CORPORATIONS.

Command  
aid.

persons, and bring them back into said city for trial, or take them before any justice of the peace, that they may be dealt with according to law. In any case of necessity, he may command the aid of any citizen or citizens.

Jurisdiction  
of offences.

SECTION 19. The mayor or any justice of the peace residing in the said town, shall have jurisdiction of all offences under said original act, or any supplement to the same, or

Fines for use  
of city.

any ordinance of said city; and all fines under said act, supplements or ordinances, shall be for the use of the city, and upon non-payment of any such fine, and the cost of prosecution,

Commitment  
for non-  
payment.

the person convicted may be committed to the jail of said city for any period not exceeding ten days, or to the county jail at New Castle until such fine and costs are paid, or he be delivered by due course of law: however, in case of committal to the county jail, the fines and forfeitures shall be for the use of the State, and the prisoner so committed shall be no further charge upon said city.

Fines for use  
of State.  
When.

City map.

SECTION 20. The map or plan of Delaware City, recorded in the recorder's office at New Castle, in 1871, signed and sealed by the commissioners, showing all the streets, squares, lanes and alleys as extended, and also in conformity with the commissioners map of 1851, this map, and the duplicate thereof, being so signed and sealed, 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, alleys and wharves of the city shall be and remain as they are laid down upon said map, with such extensions and alterations as may hereafter be made by authority of the laws of this State. The commissioners, by ordinance, may fix and adopt a wharf line. The ascents and descents of all the streets, lanes and alleys within the city shall be regulated and fixed conformable to the said map. The commissioners 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 aforesaid map or plan.

Duplicate  
public  
records.

Evidence.

Streets, &c.,  
to conform  
to said map.

Wharf line.

Ascents and  
descents not  
marked on  
said map.

Posts, &c.  
marking  
streets.

SECTION 21. The several posts and mark stones, now set and fixed in the earth in the middle, on the sides or near the sides of the streets of said city, as well as such other posts and mark stones as shall from time to time be set and fixed in the earth by the city surveyors or regulators, shall in all cases, and in all courts of law within this state, be deemed, taken and allowed as landmarks, and if any person shall willfully pluck up or remove any of said posts or mark stones, such

## OF CORPORATIONS.

person shall for every such offence forfeit and pay a fine of one hundred dollars ; and the commissioners may reward the informer of such offence by allowing him a portion of said penalty, not exceeding a moiety thereof.

Penalty for removing.

Moiety to informer.

SECTION 22. The said mayor shall have full power and authority to inquire into, hear, try, and finally determine, all those criminal matters and offences enumerated in the fifteenth section of the sixth article of the amended constitution, and committed within said city, and to punish all persons convicted of said offences, or any of them, agreeably to the laws of this State, also to inquire into, hear, try and determine all offences which shall be committed within said city against any of the laws, ordinances, regulations or constitution of said city, and to punish the offender or offenders, as by the said laws, ordinances, regulations or constitution, shall be prescribed, and also to impose fines according to law, and to levy the same, and to award process, take recognizance for keeping the peace, for being of good behavior, and for appearance or otherwise, or to commit the prisoner, as occasion shall lawfully require, without being accountable to the State for any fines or amercements to be imposed for the said offences or any of them, except such as are or shall be by law made payable into the State treasury for offences against the State. The said mayor shall have authority to punish contempt, and to issue all process necessary for the exercise of his jurisdiction, which process may be executed in any part of the State. Process issued by the said mayor, may be directed to any county constable or the sheriff of any county, who shall execute the same in like manner and be subject to the same penalties as in other cases.

Mayor's jurisdiction and powers in criminal cases.

Not accountable to State for fines, &c.

Exception.

Process issued by mayor to be executed in any part of State.

To whom directed.

SECTION 23. That such parts of the original act of which this is a supplement, and all supplements and parts of supplements of the same as are repugnant to this act are hereby repealed. The repeal shall not apply to any debt or debts, bond or judgments, due or to become due hereafter from the said town of Delaware City, and this act shall be a public act.

Repugnant laws repealed.

Repeal not to affect debts &c.

Public act.

*Passed at Dover, March 12, 1875.*

## OF CORPORATIONS.

## CHAPTER 155.

## TOWNS.

AN ACT to vacate parts of certain streets in the town of New Castle.

Certain  
parts of  
streets in  
town of New  
Castle  
vacated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the following described parts of streets in the town of New Castle, to wit; all that portion of Johnson street, and all that portion of Larkin street between Sixth street and the river Delaware, and all that portion of Union or Fifth street, and all that portion of Vine or Fourth street between Johnson street and the line of Johns street, be and the same are hereby declared vacated.

Not to  
vacate any  
part of  
Washington  
avenue.

SECTION 2. *And be it further enacted,* That nothing herein contained shall be taken or construed as vacating or authorizing the closing of any part of Washington avenue of the said town, but the same shall at all times remain an open highway and street of said town.

*Passed at Dover, February 16, 1875.*

## CHAPTER 156.

## OF TOWNS.

Vol. 12, 89. AN ACT to amend section 3, of chapter 65, of volume 12, of the Laws of 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 concurring therein,)*

Section 3, of  
chap. 65,  
vol. 12,  
amended

SECTION 1. That section 3, of chapter 65, of volume 12, of the Laws of Delaware, be and the same is hereby amended by inserting the word "Levy" after the word "the," and before the word "Court," in the second line of said section thereof.

*Passed at Dover, February 16, 1875.*

## OF CORPORATIONS.

## CHAPTER 157.

## OF TOWNS.

A SUPPLEMENT to the act entitled "An Act to incorporate the town of Vol. 13, 496.  
Wyoming, and for other purposes," Passed at Dover, March 10, 1869.

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 the Levy Court of Kent county, be and the same is hereby required to make an annual appropriation of sixty dollars to the town of Wyoming, for the support and maintenance of the roads and streets of the said town of Wyoming. Levy Court of Kent county to make annual appropriation for streets, &c., of town of Wyoming.

*Passed at Dover, March 9, 1875.*

## CHAPTER 158.

## OF TOWNS.

AN ACT authorizing a special election for Town Commissioners of the town of Seaford.

WHEREAS, by an oversight, the time for the election for town commissioners, for the town of Seaford for 1875, was allowed to pass, and, Preamble.

WHEREAS, there can be no election held without special authority, previous to the first Monday in March, A. D. 1876, therefore, Further preamble.

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 held a special election for town commissioners for the town of Seaford, on the 4th Monday in March, A. D. 1875, and said election shall be held in the same manner, and subject to the same provisions that the act of incor- Special election authorized. How held.

## OF CORPORATIONS.

## CHAPTER 155.

## TOWNS.

AN ACT to vacate parts of certain streets in the town of New Castle.

Certain  
parts of  
streets in  
town of New  
Castle  
vacated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the following described parts of streets in the town of New Castle, to wit; all that portion of Johnson street, and all that portion of Larkin street between Sixth street and the river Delaware, and all that portion of Union or Fifth street, and all that portion of Vine or Fourth street between Johnson street and the line of Johns street, be and the same are hereby declared vacated.

Not to  
vacate any  
part of  
Washington  
avenue.

SECTION 2. *And be it further enacted,* That nothing herein contained shall be taken or construed as vacating or authorizing the closing of any part of Washington avenue of the said town, but the same shall at all times remain an open highway and street of said town.

*Passed at Dover, February 16, 1875.*

## CHAPTER 156.

## OF TOWNS.

Vol. 12, 89. AN ACT to amend section 3, of chapter 65, of volume 12, of the Laws of 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 concurring therein,)*

Section 3, of  
chap. 65,  
vol. 12,  
amended

SECTION 1. That section 3, of chapter 65, of volume 12, of the Laws of Delaware, be and the same is hereby amended by inserting the word "Levy" after the word "the," and before the word "Court," in the second line of said section thereof.

*Passed at Dover, February 16, 1875.*

OF CORPORATIONS.

CHAPTER 157.

OF TOWNS.

A SUPPLEMENT to the act entitled "An Act to incorporate the town of Vol. 13, 496.  
Wyoming, and for other purposes," Passed at Dover, March 10, 1869.

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 the Levy Court of Kent county, be and the same is hereby required to make an annual appropriation of sixty dollars to the town commissioners of the town of Wyoming, for the support and maintenance of the roads and streets of the said town of Wyoming. Levy Court of Kent county to make annual appropriation for streets, &c., of town of Wyoming.

*Passed at Dover, March 9, 1875.*

CHAPTER 158.

OF TOWNS.

AN ACT authorizing a special election for Town Commissioners of the town of Seaford.

WHEREAS, by an oversight, the time for the election for town commissioners, for the town of Seaford for 1875, was allowed to pass, and, Preamble.

WHEREAS, there can be no election held without special authority, previous to the first Monday in March, A. D. 1876, Further preamble. therefore,

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 held a special election for town commissioners for the town of Seaford, on the 4th Monday in March, A. D. 1875, and said election shall be held in the same manner, and subject to the same provisions that the act of incor- Special election authorized. How held.

## OF CORPORATIONS.

Officers  
elected.Their  
powers, etc.

poration requires, and any officers elected at said election, shall have the same power, and be subjected to the same provisions as if they had been elected on the first Monday in March, as the act of incorporation requires.

*Passed at Dover, March 10, 1875.*

## CHAPTER 159.

## OF TOWNS.

Vol. 14, 126. SUPPLEMENT to an act, entitled "An act to incorporate the town of Lewes, and for other purposes," passed at Dover, March 20, 1871.

*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 herein),*

Commission-  
ers of town  
of Lewes  
authorized  
to borrow  
\$6000.

SECTION 1. That the commissioners of the town of Lewes, shall have power, and they, or a majority of them, are hereby authorized, empowered and directed, immediately after the passage of this act, to borrow upon the faith and credit of said town, and issue bonds for the same, any sum of money not exceeding six thousand dollars, for the use, and to be applied and expended under the directions, of the "Board of Public Education" in the town of Lewes, for the purpose of erecting a suitable building or buildings, and furnishing the same for educational purposes.

How, and  
for what to  
be expendedBonds to be  
issued.  
Description.

SECTION 2. The commissioners aforesaid, or a majority of them, are hereby authorized, empowered and directed to issue one hundred and twenty bonds, of the denomination of fifty dollars, bearing interest at the rate of six per centum per annum, redeemable in twenty years from date, but, nevertheless, subject to redemption at the option of the said commissioners at any time prior to the expiration of said term, which shall be in the following form, to wit :

## OF CORPORATIONS.

No. — TOWN OF LEWES, — 187 — \$50. Form.

*These presents certify and make known that the town of Lewes is held and firmly bound unto the bearer, in the sum of fifty dollars, lawful money of the United States of America, which she binds herself to pay to the bearer on or before the\* day of — A. D. 189 —, subject to redemption at the option of the town commissioners, at any time prior to the expiration of said term, with interest at the rate of six per centum, payable at the office of the treasurer of the town of Lewes, on the — day of — until the principal be paid.*

*Dated at Lewes, the — day of — 187 —. Witness the seal of the said town, and the hands of the President and Secretary of the Board of town commissioners, and the Treasurer of the town.*

— — — President.

— — — Secretary.

— — — Treasurer.

The said bonds shall be numbered from one to one hundred and twenty, and shall have coupons attached for the payment of interest, numbered to correspond with the bonds, and signed by the town treasurer. The said bonds shall be signed by the president and secretary of the board of town commissioners, and the treasurer of the town, and have the seal of the town affixed. The faith of the town is hereby pledged for the payment of the interest and principal of said bonds.

Numbered.  
Coupons.

SECTION 3. The town commissioners are hereby authorized, empowered and directed, to levy and collect an additional yearly tax in the same manner, and at the same time as the tax is levied and collected for defraying the expenses of the town; which shall be sufficient to pay the annual interest on said bonds, and also to create and establish a sinking fund sufficient to redeem the bonds at maturity.

Additional  
tax author-  
ized.  
How collec-  
ted.  
To pay  
interest on  
bonds, and  
create sink-  
ing fund.

SECTION 4. The money accumulated in the sinking fund, created by authority of the foregoing section, shall, on the first day of July of each and every year, be applied to the payment of the accrued interest on said bonds, and to reducing and canceling outstanding bonds, in such manner as the said commissioners may devise.

How ap-  
plied.

SECTION 5. The bonds authorized to be issued by section 2 of this act, shall not be sold for less than their par value, nor shall any of the said bonds be issued until the number of

Bonds, how  
sold and  
issued.

\* So enrolled.



## OF CORPORATIONS.

Duty of treasurer respecting sale and proceeds.

forty shall have been sold. The treasurer of the town is hereby authorized and directed to negotiate the sale of the said bonds, and to pay the proceeds thereof to the treasurer of the Board of Public Education of the town of Lewes with the least possible delay after he shall have received the same.

Treasurer to give additional bond.

SECTION 6. The treasurer of the town is hereby required to give an additional bond, with approved security, for the faithful performance of his duty under this act, which shall be sufficient to cover the full amount of money which may at any time come into his hands under the provisions of this act, and shall receive a compensation for his services in negotiating the sale of the said bonds, &c., which shall be determined and paid by the town commissioners.

Compensation for selling bonds, etc.

Bonds to be registered.

SECTION 7. The treasurer of the town shall procure a suitable book, and before delivering the bonds, shall register therein, the name of each purchaser, together with the number of the bonds purchased, in regular numerical order.

Publication as amended.

SECTION 8. That in any edition or compilation of the laws of the State, hereafter published, the said act, to which this is a supplement, shall be printed and published as hereby amended in all respects.

*Passed at Dover, March 10, 1875.*

## CHAPTER 160.

## OF TOWNS.

AN ACT to change the name of "High street," in the town of Dover.

Name of a certain street in town of Dover changed.

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 from and after the passage of this act, all that certain street in the town of Dover, extending from "Division street," in said town, to "South street," and is now known in part as "Governor's

## OF CORPORATIONS.

Avenue," and in part as "High street," shall be known and called by the name of "Governor's Avenue" alone, and that all extensions thereof which may at any time be made, shall be known and called by the same name.

*Passed at Dover, March 12, 1875.*

## CHAPTER 161.

## OF TOWNS.

AN ACT to amend the act entitled "An additional supplement to the act Vol. 14, 623.  
entitled 'An act in relation to the town of Dover.'"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* Section 1, of chap. 540, of Vol. 14, amended.  
That section 1, of the act entitled "An additional supplement to the act entitled 'An act in relation to the town of Dover,'" passed April 9, 1873, be and the same is hereby amended by striking out the words "fifteen hundred," in the sixth line of said section, and inserting in lieu thereof the words "two thousand."

*Passed at Dover, March 18, 1875.*

## OF CORPORATIONS.

## CHAPTER 162.

## OF TOWNS.

Vol. 14, 603. AN ACT to amend An act entitled An act to incorporate the town of Odessa.

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

Section 5, of  
chap. 537.  
Vol. 14,  
amended. SECTION 1. That section 5, of said act, be and the same is hereby amended by striking out the word "three," in the fourth line of said section and inserting in lieu thereof, the word "four."

Section 7 of  
same chap-  
ter amended. SECTION 2. That section 7, of said act, be and the same is hereby amended by striking out the words "one hundred and fifty" in the 6th line, and inserting in lieu thereof, the words "two hundred."

Section 8 of  
same chap-  
ter amended. SECTION 3. That section 8, of said act, be and the same is hereby amended by striking out the word "fifteen" in the second line of said section, and insert in lieu thereof, the word "seven."

Section 9 of  
same chap-  
ter amended. SECTION 4. That section 9, of said act, be and the same is hereby amended by striking out the word "one" in the eighth line of said section, and insert in lieu thereof, the word "two."

*Passed at Dover, March 23, 1875.*

## CHAPTER 163.

## OF TOWNS.

Vol 13, 169. A further additional supplement to the act entitled "An act to incorporate the town of Milford" passed at Dover, February 25, 1867.

*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.)*

SECTION 1. That it shall be unlawful for any person not a

## OF CORPORATIONS.

resident of said town of Milford, and who shall not have paid a town tax within twelve months next preceding such election, to vote at any election for alderman, assessor, treasurer, or commissioners, held in the said town of Milford, under and by virtue of the act to which this is a supplement.

Unlawful for person not a resident and not having paid tax, to vote at elections in Milford.

SECTION 2. That it shall be the duty of the alderman, for the time being, and he is required to appoint, annually, in the month of January, two competent and suitable persons, who shall be residents and taxables of said town of Milford, auditors of the accounts of the commissioners of said town of Milford, whose duty it shall be to examine all the accounts of said commissioners, for the current year, and to audit the same. The said auditors shall, on or before the first day of March next ensuing their appointment, publish a report of said accounts so examined and audited, in a newspaper published in said town of Milford. If no paper, then in hand bill form in three or more of the most public places in said town. The said auditors for the purpose aforesaid shall have access to all the records belonging to said town of Milford.

Alderman to appoint auditors of accounts of the commissioners.

Their duties.

Publish report.

When.

How.

Access to town records.

SECTION 3. That the assessor elected by virtue of the act to which this is a supplement, shall not receive more than thirty dollars for his services, and that the secretary of the board of commissioners, shall not receive more than thirty dollars for his services.

Compensation of assessor and secretary of board.

SECTION 4. *And be it further enacted*, That all acts or parts of acts passed by the legislature of this State, inconsistent with this act, be and the same are hereby repealed.

Inconsistent acts repealed.

*Passed at Dover, March 26, 1875.*

## TITLE ELEVENTH.

## Of the Domestic Relations.

## CHAPTER 164.

## OF DIVORCE.

Amended  
Code of 1874,  
474.

AN ACT to amend Chapter 75, of the Revised Statutes.

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

Section 4, of  
chap. 75 of  
Revised  
Statutes,  
amended.

Testimony  
may be  
taken re-  
specting  
property.  
When.

SECTION 1. That section 4, of chapter 75, of the Revised Statutes, be and the same is hereby amended by adding to said section the following words—"In all questions of alimony that may be brought before him, or in all cases in which one of the parties may raise a question in which property may be involved, it shall be within the power of said commissioners to take testimony as to the amount of property of either the complainant or the defendant, and report such testimony to the court, *Provided*, that in his report to said court, the said commissioner shall not make any recommendation concerning alimony, or questions concerning property, which by law are vested in the court, in proceedings for divorces.

*Passed at Dover, February 25, 1875.*

## OF THE DOMESTIC RELATIONS.

## CHAPTER 165.

## OF HUSBAND AND WIFE.

AN ACT to amend the act entitled "An act for the protection of women, Vol. 14, 639. Passed at Dover, April 9, 1873.

*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 for the protection of women," passed at Dover, April 9, 1873, be and the same is hereby amended as follows : Strike out the whole of section 1 thereof, and insert the following in lieu thereof, viz :

SECTION 1. That the real and personal property of any married woman, which has been heretofore acquired, is now held, or which she may hereafter acquire in any manner whatsoever, from any person other than her husband, shall be her sole and separate property, and the rents, issues and profits thereof shall not be subject to the disposal of her husband, nor liable for his debts.

SECTION 2. That any executrix or administratrix, being a married woman, shall have as full power to act in such representative capacity as though she was a *feme sole* and the fact of marriage shall not give her husband any right to participate in any manner in the management, direction and settlement of the estate of the deceased, nor shall he be liable for any act or default of hers as such executrix or administratrix, unless he is a party to her bond, as such.

SECTION 3. *And be it further enacted,* That where a married woman becomes a purchaser of real estate, she may secure the purchase money or part of it by recognizance, bond, mortgage, or otherwise, as single women may, and her husband need not be a party, nor consent to such act of giving security, and in any case where it may be proper for a party to give a bond with or without warrant of attorney, a married woman may do the same, *Provided*, however, that in case of her entering into recognizance, or giving bond or mortgage, or making other contract for the payment of money, her husband shall not be liable unless he be a party thereto.

SECTION 4. Section 2 of this act shall be printed in all future editions of the laws of this State, as section 8 of the act entitled "An act for the protection of woman," passed at Dover, April 9, 1873," and section 3 of this act shall be printed

Section 1, of chap. 550, vol. 14, amended.

Property of married women.

Rents, &c.

Executrix, &c., being married woman, may act as though a *feme sole*.

Husband no right to participate.

No liability unless party to her bond.

Married woman may secure purchase money by recognizance, mortgage, &c.

Husband need not consent.

May give bond and warrant in any case.

Proviso. Husband not liable unless a party.

How sections 2 and 3 of this act, shall be printed in future editions of the laws.

## OF THE DOMESTIC RELATIONS.

as aforesaid as section 9 of the act heretofore mentioned in this section entitled "An act for the protection of women.

Words  
stricken out  
of section 5,  
of chap. 550,  
vol. 14.

SECTION 5. *And be it further enacted,* That the following words in the 2d and 3d lines of the 5th section of chapter 550, of the 14th volume of the laws, be stricken out, viz.—with the written consent of her husband, given under his hand and seal in the presence of two witnesses."

*Passed at Dover, March 17, 1875.*

## TITLE TWELFTH.

## Of Titles to Real Property.

## CHAPTER 166.

## OF CONVEYANCES.

A further additional supplement to the act entitled An act to extend the time for recording deeds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* Time of recording deeds extended to 1877.  
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 seventy five, first being acknowledged or proved, and the acknowledgment or proof certified to according to the Laws of the State, in force at the time when such acknowledgment or proof was made, may, with the certificate of acknowledgment or proof, and all indorsements and annexations, be recorded in the office for recording 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 seventy-seven, and the said record or copy thereof shall be sufficient evidence; and from and after the said first day of January, in the year of our Lord one thousand eight hundred and seventy-seven, no deed or letter of attorney, sealed before the first day of January, in the year of our Lord one thousand eight hundred and seventy-five, shall be recorded.

*Passed at Dover, January 27, 1875.*



## OF TITLES TO REAL PROPERTY.

## CHAPTER 167.

## OF CONVEYANCES.

AN ACT relating to the recording of leases of the Potter Charity Estate.

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

The record of the leases of the Potter estate, or certified copies thereof, to be evidence.

Fees.

SECTION 1. That the record or duly certified copies thereof, heretofore made by authority of law, or which shall hereafter be made by order of the Chancellor, of all and every lease or leases of any portion of the lands, tenements or hereditaments, situated in Kent or Sussex counties, which were devised by Benjamin Potter, deceased, to certain charitable uses, shall be competent evidence in the Courts of Law and Equity in this State, and that the fee for recording any such lease, or certifying the record thereof, by any register in chancery, shall be the same as now fixed by law, to be paid to the recorder of deeds for like services.

Chap. 552 of vol. 14, repealed.

SECTION 2. *And be it further enacted as aforesaid,* That the act entitled "An act to provide for the recording of leases of the Potter Charity Estate," passed at Dover, March 28, 1873, be and the same is hereby repealed.

*Passed at Dover, January 29, 1875.*

## CHAPTER 168.

## OF CONVEYANCES.

AN ACT in relation to permanent leasehold estates.

Permanent leasehold estates to be considered estates in fee, and to be subject to all the incidents thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware,\** That permanent leasehold estates, renewable forever, now held, or which may hereafter be acquired, shall be taken and considered to be estates in fee simple, and shall be subject to the same modes of alienation, power of devise, and rules of descent and dis-

\* So enrolled.

## OF TITLES TO REAL PROPERTY.

tribution, and generally to all the incidents of an estate in fee, *provided*, that the grantor of the leasehold, or the person or persons entitled to the estate, out of which the said term issues, shall have first released to the grantee of the term, or the person in possession of the leasehold, all his, her or their right to the rent charged upon or growing out of the same.

Proviso.

Release of rent.

*Passed at Dover, February 26, 1875.*

## CHAPTER 169.

## OF CONVEYANCES.

A FURTHER ADDITIONAL SUPPLEMENT to the act entitled "An act to extend the time for recording deeds."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the deed of Frederick Hafner and Mary Hafner, the latter being the owner in fee, and now deceased, to James Harrington for a lot of land at Little Creek Landing in Kent county, bearing date November 16th, A. D. 1870, the acknowledgment thereof being made before, and certified to, by the hand of F. S. Holcombe, a commissioner of deeds for the State of New Jersey, in Middlesex county thereof, and attested by the seal of the Court of Common Pleas in said county of Middlesex, and the deed of Henry D. Morris to Elias S. Reed, bearing date October the second, A. D. 1873, for lands in South Murderkill hundred, Kent county, the acknowledgment thereof being made before and certified to by Abraham B. Tappan, Justice Supreme Court of State of New York, and attested by the seal of said court, be recorded in the office for recording deeds in Kent county, if lodged in said office on or before the first day of January, Anno Domini eighteen hundred and seventy-seven, and the record or a copy thereof shall be sufficient evidence.

Certain deeds may be recorded if lodged for record on or before January 1, 1877.

Record, evidence.

*Passed at Dover, March 24, 1875.*

## OF TITLES TO REAL PROPERTY.

## CHAPTER 170.

## OF DOWER.

AN ACT in relation to tenants under those having dower rights.

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

Buildings  
erected by  
tenants  
under those  
having  
dower rights,  
may be  
removed,  
when.

Proviso.

SECTION 1. That in case any person being in possession of any real estate, by virtue of a demise from a person having a life estate in said real estate through the right of dower, shall erect any building or structure upon the demised premises, it shall be lawful for such person, at the expiration of the demise, to remove any such building or structure from said premises, provided the same shall have been made separate and apart from any fixed improvement on said estate, and that no damage to any person having the reversionary right to the said real estate, shall result from such removal.

*Passed at Dover, March 18, 1875.*

## TITLE FOURTEENTH.

## Of Courts of Justice.

## CHAPTER 171.

## OF THE COURT OF CHANCERY AND ORPHANS' COURT.

AN ACT to change the time of holding the Court of Chancery and Orphans' Court in Sussex County.

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

SECTION 1. That hereafter, the Court of Chancery and the Orphans' Court for Sussex county, shall commence and be held in said county, on the second Tuesday in March, and on the third Tuesday in September, of every year, including the present year.

Court of  
Chancery  
and  
Orphans'  
court for  
Sussex Co.,  
when held.

SECTION 2. *And be it further enacted as aforesaid,* That chapter 82, of the 14th volume of the laws of Delaware, entitled an act to change the time of holding the Court of Chancery and Orphans' Court in Sussex county, "passed at Dover, March 23rd, 1871, be and the same is hereby repealed.

Vol. 14, 96.  
Chapter 82  
of vol. 14,  
repealed.

*Passed at Dover, January 25, 1875.*

## OF COURTS OF JUSTICE.

## CHAPTER 172.

## OF THE ORPHANS' COURT.

AN ACT to amend Chapter 96 of the Revised Statutes, in respect to investments by the Orphans' Court.

Amended  
Code, 1874,  
575.

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

Consolidation and investment of sums of money in name of Orphans' Court

SECTION 1. That the Orphans' Court in each of the counties of this State, may, at the discretion of the said court, consolidate any sums of money which they have authority to invest, under the provisions of section 19, chapter 96, of the revised statutes of this State, and to invest such consolidated sum of money in the name of the Orphans' Court, instead of in the name of the minor or minors entitled to the money, either personally or by designation, as children, legatees, heirs or representatives of another; said investment shall be made in the stocks of this State or funded debt of the United States, or by loan on judgment bond or mortgage, or both, and with surety as the court shall approve; and the court may change, renew, extend, call in or collect any such investment or any part thereof, sell, transfer, or assign stocks or funded debts, re-invest the money, or otherwise apply it, for the benefit of the persons entitled to the same, and may appoint an agent for any such purpose. All the provisions of said section 19, of said chapter 96, not inconsistent herewith, shall be applicable to and be in force, in respect to any investment herein authorized.

Agent.

Provisions of sec 19, chap. 96, of Revised Statutes applicable.

Clerk of Court to record.  
What.

SECTION 2. It shall be the duty of the clerk of said court, to enter in writing on the record, the several sums of money, which shall be consolidated for the purpose of investment, and what minor or minors, either personally or by designation, as children, legatees, heirs, or representatives of another, are entitled to the said sums of money, respectively.

*Passed at Dover, February 9, 1875.*

## OF COURTS OF JUSTICE.

## CHAPTER 173.

OF THE SUPERIOR COURT, AND COURT OF ERRORS AND APPEALS.

Amended  
Code, 1874,  
56a.

AN ACT to amend chapter 91, of the Revised Statutes.

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

SECTION 1. That section 2, of chapter 91, of the Revised Statutes, be and the same is hereby amended by striking out the words, "And the Superior Court shall commence and be held in New Castle county on the third Monday after the commencement of the April term in Kent, and on the fourth Monday in November," and substituting in lieu of said words in said section, the following words, viz: "And the Superior Court shall commence and be held in New Castle county on the fourth Monday after the commencement of the April term in Kent, and on the second Monday after the commencement of the November term of the Court of General Sessions of the Peace and Jail delivery in New Castle county."

Section 2, of  
chap. 91  
Revised  
Statutes  
amended.

SECTION 2. That the said section 2, of chapter 91, of the Revised Statutes, be and the same is hereby further amended by striking out the following words, viz: "The Court of Errors and Appeals shall commence and be held on the first Tuesday in June," and insert in lieu thereof, the following words, viz. "The Court of Errors and Appeals shall commence and be held on the second Tuesday of June."

Section 2,  
chap. 91,  
Revised  
Statutes  
further  
amended.

SECTION 3. All laws and parts of laws inconsistent with this act, are hereby repealed, made null and void. The Secretary of State be and he is hereby directed to cause chapter 91 of the Revised Statutes, as herein and hereby amended, to be republished with the acts of this present General Assembly.

Inconsistent  
acts repealed.The Secretary of State  
to publish as  
amended.

*Passed at Dover, March 19, 1875.*

## OF COURTS OF JUSTICE.

## CHAPTER 174.\*

## OF COURTS OF JUSTICE.

- SEC. 1. Courts; where held.  
 Change of place, from necessity.  
 2. Chancery and Orphans' Court; terms.  
 Superior Court.  
 Court of Errors and Appeals.

- SEC. 3. Adjournments.  
 4. Special terms of the Orphans' Court.  
 5. Adjournments of the Court of Chancery.  
 6. Power to appoint bailiffs; pay.

Courts;  
 where held.

SECTION 1. The Superior Court, Court of Chancery, Orphans' Court, Court of Oyer and Terminer, and Court of General Sessions of the Peace and Jail Delivery, shall be held in New Castle county, at New Castle; in Kent county, at Dover; and in Sussex county, at Georgetown; and the Court of Errors and Appeals shall be held at Dover.

Change of  
 place from  
 necessity.

But the judges of the said courts respectively, may, on account of the prevalence of malignant sickness, or for other cause, appoint a different place, in the same county, of holding a term of such court, and may make all necessary rules and orders to effect such temporary change, and for the return of process, and the continuance of proceedings.

And in case of invasion of the State, or other necessity, any two of the judges of the State shall have power to remove the public records and papers to a place of safety, to be returned as soon as the safety thereof will admit. The officer in whose custody such records are, shall accompany them; and may do the business of his office at the place to which the same are removed.

Terms.  
 Chancery  
 and Or-  
 phans' Court

SECTION 2. The Court of Chancery and Orphans' Court shall commence and be held in New Castle county on the third Monday in February, and first Monday in September; in Kent county on the first Tuesday after the fourth Monday in March, and on the fourth Monday in September; hereafter the Court of Chancery and the Orphans' Court for Sussex county, shall commence and be held in said county, on the second Tuesday in March, and on the third Tuesday in September of every year, including the present year.†

Superior  
 Court.

The Superior Court and Court of General Sessions of the Peace and Jail delivery shall commence and be held in Sussex county on the second Monday in April and second Monday

\*NOTE.—This chapter comprises chapter 91, of the Revised Statutes, as published in the Amended Code of 1874, and subsequently amended by chapters 171 and 173 of the current volume, and is published in accordance with section 3, of the last mentioned chapter.

†This has reference to the year 1875.

## OF COURTS OF JUSTICE.

in October ; in Kent county on the fourth Monday in April, and fourth Monday in October ; [the Court of General Sessions of the Peace and Jail delivery shall commence and be held] in New Castle county on the second Monday after the commencement of the April term in Kent, and on the third Monday in November, and the Superior Court shall commence and be held in New Castle county on the fourth Monday after the commencement of the April term in Kent, and on the second Monday after the commencement of the November term of the court of General Sessions of the peace and Jail delivery in New Castle county.

Amendment,  
chap. 84,  
vol. 14.

The Court of Errors and Appeals shall commence and be held on the second Tuesday of June.

Errors and  
Appeals.

SECTION 3. The chancellor and judges of the respective courts may, from time to time, adjourn over the terms aforesaid for the purpose of trying causes, or doing other business necessary for expediting and ending suits.

Adjourn-  
ments.

SECTION 4. The judges of the Orphans' Court, or either of them in the other's absence, may hold special Orphans' Courts as occasion may require. If both the judges be absent, the clerk of said court may open and adjourn the same, from day to day.

Special terms  
of Orphans'  
Court.

SECTION 5. In the absence of the chancellor, the register of the Court of Chancery may open and adjourn said court as the chancellor shall direct ; or, without such direction, from day to day.

Adjournment  
of Court of  
Chancery.

SECTION 6. The Superior Court, Court of General Sessions, and Court of Oyer and Terminer, may require the attendance of two constables, as bailiffs, during the term, to be paid by the county, one dollar each per day.

Bailiffs.

*Chapter 91, of Revised Statutes as amended, &c., 1874.*

*Amended, January 25, 1875.*

*Amended, March 19, 1875.*

Pay.



## TITLE FIFTEENTH.

## Of the Justices of the Peace.

## CHAPTER 175.

## ADDITIONAL JUSTICES OF THE PEACE.

AN ACT for the appointment of an additional justice of the Peace in New Castle 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 concurring.)*

New Castle county entitled to an additional justice of the peace, to reside in Wilmington.

Said justice to be appointed an additional notary public for Wilmington hundred.

SECTION 1. That the county of New Castle 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 city of Wilmington, and also that the said justice shall be appointed an additional Notary Public for Wilmington hundred with all the privileges and powers relating to such office.

*Passed at Dover, February 12, 1875.*

## CHAPTER 176.

## GENERAL POWERS, DUTIES AND JURISDICTION OF JUSTICES IN CRIMINAL CASES.

AN ACT defining the duties of Justices of the Peace in cases of assault and battery.

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

SECTION 1. That in any case where complaint has been

## OF THE JUSTICES OF THE PEACE.

made before a justice of the peace, as provided in section 16, <sup>Amended Code, 1874, 583.</sup> of chapter 97, of the Revised Code, that an assault and battery has been committed upon any person other than the person making such complaint, it shall be the duty of the justice of the peace to summon the person upon whom it is alleged that such assault and battery was committed, and such person shall be a witness in the case. *Provided* that the person upon whom the alleged assault and battery was committed, may, either in writing or by public declaration, declare his intention and desire to remove proceedings in the case before some other justice of the peace. If such declaration as aforesaid shall be made by the person upon whom it is alleged the said offence was committed, the justice of the peace before whom complaint was made shall dismiss all proceedings had before him, and the costs shall be paid by the party making such complaint.

Duty of justices of the peace in cases of assault and battery.  
Who to be summoned.  
Proviso.  
Proceedings may be removed before some other justice.  
How.  
Costs.

SECTION 2. That in all cases in which proceedings may be removed as aforesaid, the justice of the peace before whom the case may be carried, shall have full jurisdiction, as though proceedings were originally commenced before him.

Jurisdiction of justice before whom proceedings are removed.

*Passed at Dover, February 24, 1875.*

## CHAPTER 177.

## ADDITIONAL JUSTICE OF THE PEACE.

AN ACT authorizing the appointment of one 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 thereof concurring,)* That the county of Kent shall be entitled to one justice of the peace, in addition to the number now allowed by law, and he shall be appointed and continue to reside in Mispillion hundred and in the town of Harrington.

Kent county entitled to an additional justice of the peace.  
To reside where.

*Passed at Dover, March 5, 1875.*

## OF THE JUSTICES OF THE PEACE.

## CHAPTER 178.

## ADDITIONAL JUSTICE OF THE PEACE.

AN ACT creating an additional Justice of the Peace, Notary Public and Constable, in and for Kenton hundred, Kent county.

The Govern-  
or to appoint  
an additional  
justice of  
peace, &c.,  
in and for  
Kenton  
hundred,  
Kent  
county, to  
reside at  
Clayton.

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 Governor be and he is hereby authorized to appoint one additional justice of the peace, one additional notary public, and an additional constable in and for Kenton hundred, in Kent county, each to reside in the town of Clayton. Said justice of the peace, notary public, and constable, to be subject to the existing laws made and provided, and applying to said offices.

*Passed at Dover, March 18, 1875.*

## TITLE SIXTEENTH.

## Of Civil Actions in General.

## CHAPTER 179.

## OF THE COMMENCEMENT OF ACTIONS.

AN ACT in relation to the service of process on Foreign Insurance Companies.

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

SECTION 1. That in any case where any insurance company, not incorporated by this State, shall have an agency, transact any business, or issue policies of insurance upon any property or life, within any county in this State, it shall and may be lawful to institute and commence an action against such insurance company in such county, and the original writ may be served upon the president, agent, chief or other clerk, or upon any director or agent of such company, within such county, and such service shall be good and valid in law, to all intents and purposes. For the purpose of this act the receiving of a premium of insurance for transmission to such company, or otherwise, constitute\* the receiver thereof their agent.

Action against foreign insurance companies in any county of the State.

Process, how served.

Who to be deemed an agent.

*Passed at Dover, February 25, 1875.*

\*So enrolled.

## OF CIVIL ACTIONS IN GENERAL.

## CHAPTER 180.

## OF THE COMMENCEMENT OF ACTIONS.

## AN ACT relating to arrests in civil actions.

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

SECTION 1. That hereafter, no writ of *capias ad respondendum* shall be issued against any citizen of this State, in any civil action unless the plaintiff therein, or if there be more than one, some one or more of the plaintiffs, shall have made a written affidavit, and filed the same in the office of the prothonotary of the Superior Court of the county out of which the writ is to issue, stating, that to the best of his or their belief, the defendant has absconded, or is about to abscond from the place of his usual abode ; or that the defendant is justly indebted to the plaintiff, in a sum exceeding fifty dollars, and that he verily believes the said defendant has secreted, conveyed away, assigned, settled or disposed of, either money, goods, chattels, stock, securities for money, or other personal estate or real estate of the value of more than one hundred dollars, with intent to defraud his creditors, and shall, moreover, in such affidavit, specify and set forth the supposed fraudulent transactions. *Provided* that this act shall not apply where the action shall be for libel, slander or injury to the person or property, accompanied by violence, if any affidavit of the cause of action be filed with the *præcipe*.

No *capias ad resp.* to issue against citizens of the State unless affidavit be filed.

What to state.

Proviso.

Not applicable, when.

*Passed at Dover, March 3, 1875.*

## OF CIVIL ACTIONS IN GENERAL.

## CHAPTER 181.

## OF ATTACHMENTS.

AN ACT to amend an act entitled, a supplement to chapter 104, of the Revised Statutes of the State of Delaware. Amended  
Code, 1874,  
638.

*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 a supplement to chapter 104, of the Revised Statutes of the State of Delaware, passed at Dover, March 2, 1857, being chapter 424, of the eleventh volume of Delaware Laws, be and the same is hereby amended by striking out the whole of section 3, of said act, and inserting in lieu thereof, the following. Vol. 11, 480.  
Chap. 424,  
of vol. 11,  
amended.

SECTION 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, if the defendant in the attachment, or any sufficient person for him, shall, at any time before judgment, give security for the payment of any judgment that may be recovered in said proceedings, with costs, then the garnishees and all the property attached shall be discharged, and the attachment dissolved, and like proceedings be had as in other cases of foreign attachment under the act to which this is a supplement, in which the attachment has been dissolved by special bail. Such security shall be approved, and the form and amount thereof determined by the court in term time, or by any Judge thereof, in vacation. But the court may prescribe the form of such security by general rule in that behalf." Judgments,  
when ob-  
tained.  
  
Proviso.  
Attachment  
dissolved.  
How.  
  
Security.

SECTION 2. That in any future edition of the laws of this State, the said act shall be published as herein amended. Publication  
as amended.

*Passed at Dover, March 17, 1875.*

## OF CIVIL ACTIONS IN GENERAL.

## CHAPTER 182. \*

## OF ATTACHMENTS.

A SUPPLEMENT to Chapter 104 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, as follows, to wit :*

Foreign attachment may issue against a corporation where.

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.

Proceedings: what.

SECTION 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 herein-after provided.

Judgments. When obtained.

SECTION 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, if the defendant in the attachment, or any sufficient person for him, shall, at any time before judgment, give security for the payment of any judgment that may be recovered in said proceedings with costs, then the garnishees and all the property attached, shall be discharged, and the attachment dissolved, and like proceedings be had as in other cases of foreign attachment under the act to which this is a supplement, in which the attachment has been dissolved by special bail. Such security shall be approved, and the form and amount thereof

Proviso.

Attachment dissolved. How.

Security.

\* This chapter comprises chapter 424 of volume 11, as amended by chapter 181, current volume, and is published in accordance with section 2 of said chapter.

## OF CIVIL ACTIONS IN GENERAL.

determined by the court in term time, or by any judge thereof, in vacation : But the court may prescribe the form of such security by general rule in that behalf.

*Passed at Dover, March 2, 1857.*

*Amended, March 17, 1875.*

## CHAPTER 183.

## LIEN OF TAXES.

## AN ACT in relation to the Lien of Taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That taxes imposed by the Levy Court of a county, or by the State for its own purposes, shall have priority of lien upon real estate ; *provided*, the same have been duly levied before such estate has been converted into personalty by sale under legal process. This provision shall not extend to more than the taxes of the year when the conversion takes place, nor shall it avail, unless notice of the claim for taxes be given to the person making the sale, at least fifteen days before the return of the process on which the sale was made, if there be so many days before such return.

Taxes a prior  
lien upon real  
estate, when.

Restriction.

Notice.

*Passed at Dover, March 15, 1875.*



## OF CIVIL ACTIONS IN GENERAL.

## CHAPTER 184.

## MECHANICS' LIEN.

Vol. 12, 181. AN ACT to amend an act entitled "An Act securing to Mechanics and  
 Vol. 13, 448. others, payment for labor and materials in erecting or repairing any  
 Vol. 14, 204. building or structure within the State of Delaware.\*  
 Vol. 14, 106.

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

<p>Section 1 of the act stricken out and supplied.</p> <p>Mechanics &amp;c., to file bill of particulars, and affidavit.</p> <p>Within what time.</p> <p>What set forth.</p> <p>What affidavit shall contain.</p> <p>Judgment to be lien upon building, real estate, &amp;c.</p> <p>To what time shall relate back.</p> <p>Several contractors.</p>	<p>Section 1 of the act securing to Mechanics and others payments for labour and materials in erecting or repairing any Building or structure within the state of Delaware be and the same is hereby stricken out and the following inserted in lieu thereof Any Mechanics Builder Artisan Labourer, or other persons having performed or furnished work and labour or materials or both : to the amount exceeding twenty five Dollars in or for the erection alteration or repair of any house : Building or structure in pursuance of any contract express or implied with the owner or agent of such house Building or structure, land or appertenance of any Building on such Land lot or lots at any time within six months from the completion of said work and labour or the furnishing of such materials to file in the office of the prothonotary of the superior court in and for the county wherein such Building or structure is situated a bill of particulars of his claim accompanied with an affidavit setting forth that the defendant is justly indebted to the plaintiff in a sum exceeding twenty five Dollars and has refused or neglected to pay or secure to be paid to said plaintiff the amount due on his claim, Said affidavit shall contain a description of the property upon or for which the work and Labour or materials were furnished sufficiently accurate to identify the property, with the names of the party claimant and owner or reported owner of the House structure and Lands and any Judgment obtained thereon, as hereinafter provided shall become a lien upon said Building or structure and the real estate attached thereto upon which the same is situated erected or constructed and shall relate back to the day upon which said work and Labour was begun or the furnishing of said materials was commenced and shall take priority accordingly : When there are several contractors employed by the owner or agent of any buildings, land lot or lots in or for the erection alteration or repairs of any house building or structure in pursuance of any contract : For the labor performed</p>
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\* NOTE.—This act is published exactly as written and punctuated in the enrolled bill. The same obscurities exist in the original bill on file in the House of Representatives.

## OF CIVIL ACTIONS IN GENERAL.

or furnished, and materials furnished for the same building or buildings erection or construction, the said several, any person or persons who may obtain a lien under this act shall have no priority of lien for such labor or materials furnished : The Mechanics labor and material men shall be paid pro-ra-ta each any person or persons who, may obtain a lien under this act, stating the amount or sum claimed to be due the nature and kind of work and labor done or a bill of particulars of the kind and amount of materials furnished the time when the said work and labor or the furnishing of said materials was commenced and furnished ; Provided, That no suits instituted and now pending under the act to which this is an amendment, shall abate by reason of this act, but the said act of which this is amendatory shall be and the same is hereby maintained and continued in force so far as may be necessary to preserve and maintain the said suits and to complete and carry into effect and proceeding's commenced thereunder as fully and complete as though this amendment had not passed : And provided ; also that this amendment shall be treated and considered as applying to and embracing all contracts heretofore made for work and labor performed, or materials furnished in and about the erection, alteration or repair of any building house or structure where suits are not pending prior to the passage of this amendment :

No priority.  
When.  
Pro rata  
payment.

Proviso.  
Pending  
suits not to  
abate.

Further  
proviso.

*Passed at Dover, March 26, 1875.*

## CHAPTER 185.

## OF EXECUTION.

AN ACT to exempt wages from execution attachment process.

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

That on and after the passage of this act, the amount of the wages for labor or service of any person residing within New

Wages ex-  
empt from  
execution  
attachment  
process.

## OF CIVIL ACTIONS IN GENERAL.

Castle county, shall be exempt from execution attachment process, under the laws of this State.

Not to apply  
to debts  
contracted  
prior to  
passage of  
this act.  
Inconsistent  
laws re-  
pealed.

SECTION 2. *And be it further enacted*, That the exemption provided for by this act shall not apply to debts contracted prior to the passage of this act. All laws or parts of laws inconsistent with the provisions of this act, are hereby repealed, made null and void.

*Passed at Dover, February 2, 1875.*

## CHAPTER 186.

## OF EXECUTION.

AN ACT providing for the payment of funeral expenses, medical, nursing, and necessary bills of last sickness in certain cases.

Duty of  
sheriffs and  
constables  
respecting  
application  
of proceeds  
of sale of  
goods of  
deceased  
persons,  
under execu-  
tion process.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That whenever any sheriff or constable, by virtue of any execution process, shall supersede an executor or administrator, and sell the goods and chattels of any deceased person, on whose estate there have been letters testamentary or of administration granted, shall\* out of the proceeds of said sale, and before applying any part thereof towards satisfying any execution, pay, 1st, funeral expenses of said deceased : 2nd, the reasonable bills for medicine and medical attendance during last sickness of the deceased, and for nursing and necessities for the last sickness of the deceased.

When no ad-  
ministration  
&c., has been  
granted.

SECTION 2. *And be it further enacted as aforesaid*, That in case there has been no administration or letters testamentary granted on the estate of the deceased, any sheriff or constable selling said deceased person's goods by virtue of any execution process, shall, before applying any proceeds of the sale towards satisfying any execution, pay in the order in which they stand, the said bills mentioned in section 1 of this bill.

*Passed at Dover, March 2, 1875.*

\* So enrolled.

## TITLE SEVENTEENTH

## Of Proceedings in Special Cases.

## CHAPTER 187.

## OF INSOLVENCY.

AN ACT to require trustees in voluntary assignment for the benefit of creditors, to give bond with security for the faithful execution of the trust, and for other purposes.

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

SECTION 1. That in every case in which any person shall make a voluntary assignment of his or her estate, real or personal, or of any part thereof to any other person or persons in trust for his creditors or some of them, it shall be the duty of the assignee or assignees, within thirty days after the execution thereof, to file in the office of register in chancery of the county in which the real and personal estate of the assignor is situate, an inventory or schedule of the estate or effect[s] so assigned, accompanied with an affidavit by such assignees, that the same is a full and complete inventory of all such estate and effects, so far as the same has come to their knowledge.

Duties of assignees under voluntary assignments.  
Inventory and affidavit to be filed. When. Where.

SECTION 2. The Chancellor shall appoint two disinterested and competent persons to appraise the estate so assigned, who shall, after being duly sworn or affirmed by some person having authority to administer oaths, to perform their duties with fidelity, forthwith proceed to make an appraisement of the estates and effects assigned, according to the best of their judgment, and having completed the same, shall return the inventory and appraisement to the office of register in chancery of the county in which the inventory of the assignee and the affidavit accompanying the same were filed. The appraisers shall receive the same compensation as is now allowed by law to appraisers of the estate of a decedent.

Two appraisers to be appointed by the Chancellor.  
Oath. Their duties.  
Return.  
Compensation.

SECTION 3. The assignee or assignees aforesaid, shall, as soon as such inventory and appraisement shall have been filed,

Bond of assignees.

## OF PROCEEDINGS IN SPECIAL CASES.

Forma.

give a bond or bonds with at least two sufficient sureties, to be approved by the chancellor, in double the amount of the appraised value of the estate so assigned. The bond so to be given, shall be taken in the name of the State of Delaware, and the condition thereof shall be as follows, to wit: The condition of this obligation is such, that if the above bounden assignees of shall in all things com-

Warrant of attorney.

Filed, where.

ply with the provisions of this act, and shall faithfully execute the trust confided to them, then the above obligation to be void, otherwise to remain in full force and virtue. To the said bond there shall be subjoined a warrant of attorney to confess judgment thereon, and the said bond and warrant shall be joint and several, and such bond shall be filed in the office of the register in chancery of the county in which the inventory and appraisement aforesaid were filed, and shall inure to the use of all persons interested in the property assigned.

Proceedings on bond when.

SECTION 4. Upon the application of any person interested, the chancellor may, at chambers, and as well in vacation as in term, direct said bond to be proceeded on if he deems it necessary and proper for the protection of such interested party or parties.

Assignees to render annual account to register in chancery.

In case of failure, citation issued by register.

Exceptions to account.

When filed.

When heard.

SECTION 5. The assignee or assignees shall render an account of his or their trusteeship, every year from the date of his or their bond, required to be given as aforesaid, before the register in chancery of the proper county, until the trusteeship be closed and a final account rendered and approved. If he or they fail to perform this duty, the register in chancery may issue a citation to such assignee, requiring him to appear and exhibit under oath or affirmation, the accounts of the trusts, within a certain time to be named in such citation. Any person interested, may file exceptions to said accounts within one year from the date of the same, in the office of register in chancery in and for the proper county, to be heard, determined, and adjusted before the chancellor, either in term time, or vacation, as he may order or direct.

Removal of assignees.

SECTION 6. The chancellor, upon cause being shown, may remove such assignee or trustee, and compel an assignment of the trust estate to others appointed in their stead. Any order by the chancellor in the premises, may be enforced by attachment and imprisonment.

Duties of assignees under assignments before passage of this act. Subject to removal.

SECTION 7. That in voluntary assignment heretofore made, the assignee or trustee shall render accounts of his trusteeship, according to the provisions of this act, and shall be subject to removal by the chancellor upon cause being shown.

*Passed at Dover, March 18, 1875.*

## TITLE NINETEENTH.

## Of the Fees of Public Officers.

## CHAPTER 188.

## SECRETARY OF STATE.

AN ACT to amend chapter 125 of the Revised Code.

Amended  
code, 1874,  
732.

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

SECTION 1. That all of section 1, of chapter 125, of the Revised code, after the words and figures, "great seal \$2.00," in the third line thereof, be stricken out and the following substituted therefor, viz.:

Section 1, of  
chapter 125,  
of the Re-  
vised Code  
amended.

"Certificate in private case under the great seal,	\$2.00
Same under seal of office,	1.00
Copying, two cents a line,	
Every impression of the great seal when used in com-	
missioning public officers,	2.00
Sealing and countersigning licenses dispensed by the clerk of the peace of each county in this state, ten cents for each license ; which sum shall be collected by the officer dispensing the same, from the applicant therefor, and paid to the said secretary semi-annually on the second Tuesdays of April and October."	

*Passed at Dover, March 17, 1875.*

## TITLE TWENTIETH.

## Of Crimes and Punishments.

## CHAPTER 189.

## OFFENCES AGAINST PRIVATE PROPERTY.

Embezzle-  
ment, etc. of  
money, etc.

AN ACT entitled an act prescribing punishment for certain offences.

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

Felony.  
Penalty.

SECTION 1. If any carrier, porter, or other person to whom money or other property or thing which may be the subject of larceny, may be delivered to be carried for hire, or any other person who may be entrusted with such property, embezzle or fraudulently convert to his own use, or secrete with intent to do so, any such property either in mass or otherwise before delivery thereof, at the place or to the person to whom the same were to be delivered, he shall be deemed guilty of felony and shall forfeit and pay as restitution money, twice the value thereof, unless the same shall have been restored, and in that case the full value thereof; shall be whipped with not more than twenty lashes, shall be imprisoned not exceeding three years, and for six months next after his discharge from prison, shall wear a convict's jacket as an outer garment, as a badge of his crime.

*Passed at Dover, February 9, 1875.*

## OF CRIMES AND PUNISHMENTS.

## CHAPTER 190.

## OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT to amend chapter 128 of the Revised Code.

Amended  
Code, 1874.

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

SECTION 1. That chapter 128, of the Revised Code, be and the same is hereby amended by adding thereto the following, to wit:

"SECTION 21. If any person shall willfully enter into, upon, or trespass upon the ways, lands or premises of another in this State, he shall be guilty of a nuisance. Any constable or other conservator of the peace, the owner or occupier of such ways, lands or premises, his agent or employee, or any other person or persons whom he, or any of them may call to their or his assistance, shall have authority to arrest such offender, either with or without warrant, either upon the premises, or in immediate flight therefrom, and if with warrant, then at any place, and take him before a justice of the peace, or mayor of a city, in the county where the offence is committed; such justice of the peace or mayor, is hereby authorized to hear and determined\* every such case in a summary manner, and if he shall find such person guilty of the charge, shall, for each offence, impose a fine of not more than five dollars and costs. The person so found guilty may also be held in recognizance with good security to keep the peace, and not to trespass for one year, in the penal sum of one hundred dollars. If the fine and costs are not paid, or recognizance not given when recognizance is required, the justice or mayor shall commit such offender to the county prison, for a term not exceeding thirty days. All prosecutions, proceedings and costs, where not herein otherwise directed, shall be the same as in other criminal cases before such justices of the peace and mayor.

Nothing in this section shall be construed to limit or affect the jurisdiction of justices of the peace under chapter 100 of the Revised Code, or to affect the right of the party injured, to his civil action for damages, as in cases of trespass."

SECTION 2. Chapter 566, volume 14, Delaware Laws, passed at Dover, March 26, 1873, and published in the Revised Code, as collated with the amendments in 1874, as section 20, of chapter 128, is hereby repealed.

\*So enrolled.



## OF CRIMES AND PUNISHMENTS.

Question of  
ownership.  
How proven.

SECTION 3. In case of the ownership of any ways, lands or premises being called into question in proceedings under this act, or in case of it being claimed that any such ways, lands or premises are not private property, the oath or affirmation of the complainant shall be received in evidence of such ownership.

*Passed at Dover, March 8, 1875.*

## TITLE TWENTY-SECOND.

## CHAPTER 191.

## AN ACT for the Payment of Claims against the State.

*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 to pay the following claims : State Treasurer authorized to pay claims.

To Boughman, Thomas & Co., for stationery,	43 05	
To Boughman, Thomas & Co., " "	32 90	
	<hr/>	\$75 95
To R. G. Ellegood, for making official report for 1873 and 1874,	100 00	
To R. G. Ellegood, for stationery for official use for 1873 and 1874,	26 56	
To R. G. Ellegood, for postage stamps for official use for 1873,	6 00	R. G. Ellegood, \$132.56.
Paid Z. L. Butler, for moving books, &c.,	2 00	Z. L. Butler, \$2.00.
Paid Thomas Cashell, for hauling, and box for books,	2 25	
To visit and expenses in coming to Dover to take care of books and papers of office ; this expense was occasioned by building new State House,	25 00	Thomas Cashell, \$27.25.
To R. G. Ellegood, for postage and expressage, 1874,	6 35	
To R. G. Ellegood, for attendance on committee of accounts by their summons,	15 00	
To R. G. Ellegood, for auditing State House Commissioners,	25 00	R. G. Ellegood, \$46.35.
	<hr/>	208 16
To Robert H. Davis, to stationery and stamps used in the office of State Treasurer during the years 1873 and 1874,	83 75	
To traveling to Philadelphia and Wilmington at various times, to purchase \$388,000 Delaware State Bonds, and other necessary expenses incurred in canceling the same,	50 00	R. H. Davis, \$133.75.

## MISCELLANEOUS.

R. H. Davis, \$150.00.	To R. H. Davis, for issuing and executing \$200,000 State of Delaware internal im- provement bonds, on which 9,800 signatures were attached to the B. & F. R. R. Co., and traveling to Philadelphia and Wilmington to see artists concerning the same,	150 00
R. H. Davis, \$10.00.	To R. H. Davis, attendance before committee as per joint resolution,	10 00
		<hr/>
		293 75
W. D. Fowler, \$77.00.	To Wm. D. Fowler, for fees and stationery, as clerk of Court of Errors and Appeals,	77 00
		<hr/>
		654 86
J. H. Paynter, \$100.00.	To John H. Paynter, for making out Execu- tive appointments,	100 00
E. D. Porter, \$283.50.	To Edward D. Porter, for fees as Adjutant General,	283 50
W. P. Corsa, \$12.10.	To Wm. P. Corsa, publisher of <i>Peninsular News and Advertiser</i> , for printing,	12 10
Croasdale & Cameron, \$2.00.	To Croasdale & Cameron, for printing,	2 00
W. R. Thomas, \$0.30.	To W. R. Thomas, for hauling three boxes Books.	.30
H. J. Enright, \$2.00.	To H. J. Enright, for boxing and forwarding books,	2 00
P., W. & B. R. R. Co., \$0.18.	To Philadelphia, Wilmington & Baltimore R. R. Co., for freights,	6 18
Horstmann Bros. & Co., \$158.00.	To Horstmann Brothers & Co., for one State Flag,	125 00
	To Horstmann Brothers & Co., for one United States Flag,	33 00
		<hr/>
		158 00
James & Webb, \$58.00.	To James & Webb, for printing 500 copies of the fish commission, and arrangement of the same,	58 00
H. Rau, \$43.25.	To H. Rau, editor <i>Delaware Pioneer</i> , for print- ing,	43 25
J. W. Phillips, \$5.00.	To Jno. W. Phillips, for one map of the State of Delaware,	5 00
Z. Butler, \$35.50.	To Z. Butler, for work, &c., on State House,	35 50
J. F. Pen- nington, \$3.00.	To J. F. Pennington, editor <i>Scaford Citizen</i> , for printing auditor's notice,	3 00
S. C. Leth- erbury, \$40.00.	To Samuel C. Letherbury, for attendance on the Court of Errors and Appeals,	40 00

## MISCELLANEOUS:

To Adams' Express Co., for expressage,	56 50	Adam's Ex- press Co., \$56.50.
To John Slay, for recording two petitions and resolutions of General Assembly, &c.,	30 00	John Slay, \$30.00.
To Wilber B. Smith, for two regulators for State House,	50 00	W. B. Smith, \$50.00.
To Thos. O. Culbreth, for use of room by State Auditor, 4 days,	8 00	T. O. Culbreth, \$8.00.
To Henry Todd, register in chancery, for re- cording title papers and accompanying docu- ments of the State House property,	15 00	Henry Todd, \$15.00.
To Edward Reynolds, for printing,	41 00	E. Rey- nolds, \$41.00.
To Robert L. Armstrong, late sheriff, for serv- ing requisition on the Gov. of Ohio, for one Joseph H. Taylor, charged with the crime of murder, &c.,	200 00	R. L. Arm- strong, \$200.00.
<hr/>		
To H. W. Evans, for papers furnished Senate,	1804 19	H. W. Evans, \$147.24.
To D. F. Burton, for brushes, &c.,	147 24	
To Granville Worrell, for cord, hooks, &c.,	1 92	D. F. Burton, \$1.92.
To Lucy S. Babcock, administratrix of Levi Harris, dec'd, to two insertions of list of li- cense in <i>Mutual Friend</i> , as per order from J. S. Jester, clerk of the peace,	9 95	G. Worrell, \$9.95. Lucy S. Babcock, \$40.00.
	40 00	
To James Kirk, editor of the <i>Delawarean</i> , for printing for House of Representatives,	205 00	
To James Kirk, editor of the <i>Delawarean</i> , for printing for the Senate,	271 00	
To James Kirk, editor of the <i>Delawarean</i> , for printing for the State, 1873 and 1874,	400 00	James Kirk, \$876.00.
<hr/>		
To F. A. Smith, for stamps, &c.,	876 00	
To George W. Brown, for services rendered during session of the Legislature, attending to the offices of Governor and Secretary of State,	220 76	F. A. Smith, \$220.76.  Geo. W. Brown, \$15.00.
	15 00	
To Wm. A. Moore, for recording the papers conveying title in State House, &c.,	17 50	W. A. Moore, \$17.50.
To Wm. F. Townsend, for printing, 1873 and 1874,	293 70	W. F. Townsend, \$293.70.
To Commercial Printing Co.,	44 77	Commercial Printing Co., \$44.77.
To J. H. D. Knowles, for three copies <i>Break- Light</i> ,	3 00	J. H. D. Knowles, \$3.00.

## MISCELLANEOUS.

C. P. Johnson, \$500.00.	To C. P. Johnson, for printing, 1873, 1874,	500 00
Croasdale & Cameron, \$1.25.	To Croasdale & Cameron, for three copies <i>Delaware State Journal</i> ,	1 25
H. W. Evans, \$91.08.	To H. W. Evans, for papers furnished the House,	91 08
J. Cowgill, \$26.60.	To James Cowgill, for sundries, 2 bills,	26 60
M. V. Brown, \$14.50.	To Mary V. Brown, for towels, &c.,	14 50
J. W. Wise, \$10.00.	To James W. Wise, for work on State House,	10 00
A. Rash, \$10.00.	To Andrew Rash, for work,	10 00
Hazell & Pennewill, \$126.67.	To Hazell & Pennewill, for lumber,	126 67
E. M. Stevenson, \$336.03.	To E. M. Stevenson, for sundries furnished,	312 70
	To E. M. Stevenson, for sundries,	23 33
		<hr/> 336 03
Hollowbush & Carey, \$515.89.	To Hollowbush & Carey, for stationery,	515 89
H. J. Enright, \$312.50.	To Hugh J. Enright, for work done, packing and re-packing, hauling and re-hauling, fitting up and arranging State Library, office of Secretary of State, and books and papers of the Senate and House of Representatives, as per vouchers,	312 50
C. Williamson, \$42.00.	To C. Williamson, sheriff, for attendance upon the Court of Errors and Appeals, from January 12th, 1873, to December 8th, 1874, 28 days, at \$1 50 per day,	42 00
C. K. Jones & Bro., \$29.20.	To C. K. Jones & Bro., for sundries,	29 20
W. E. Smith, \$21.98.	To Wm. E. Smith, for sundries,	21 98
G. W. Tucker, \$5.00.	To George W. Tucker, for services rendered hanging pictures, repairing window and work of flag pole, two days' work, at \$2 50 per day,	5 00
B. F. Shakespeare, \$13.00.	To B. F. Shakespeare, for hauling, &c.,	13 00
Wm. Shakespeare, \$4.19.	To W. M. Shakespeare, expressage,	4 19
J. H. Hoffecker, \$5.00.	To Jos. H. Hoffecker, publisher of the <i>Smyrna Times</i> , to subscription to five copies of <i>Smyrna Times</i> , for session of 1873,	5 00
J. H. Hoffecker, \$6.00.	To Jos. H. Hoffecker, publisher of the <i>Smyrna Times</i> , to subscription to three copies of <i>Smyrna Times</i> , for session of 1875,	3 00
	To advertising State House proposals, for Wm. M. Shakespeare,	3 00
		<hr/> \$5554 92

Passed at Dover, March 26, 1875.

## MISCELLANEOUS.

## CHAPTER 192.

AN ACT making the first day of January, and the twenty-second day of February in each year, legal holidays.

*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 passage of this act, the first day of January in each year, commonly called "New Year's Day," and the twenty-second day of February in each year, known as "Washington's Birthday," are declared legal holidays, and all the provisions of chapter 195, vol. 11, Laws of Delaware, page 357, Revised Code of 1874, entitled "an act concerning the payment of promissory notes, checks and bills of exchange" are hereby extended, and are in all cases to be deemed and taken as applicable to the aforesaid first day of January and twenty-second day of February.

"New Year's Day," and "Washington's Birthday," declared legal holidays.

Vol. 11, 197. Provisions of chap. 195, of volume 11, applied.

*Passed at Dover, February 5, 1875.*

## CHAPTER 193.

AN ACT in relation to posting notices at the Court House door in Kent county.

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

SECTION 1. That in all cases in which notices are now required by law to be posted at the Court House door in Kent county,\* shall hereafter be posted on the bulletin board, in the county building in Kent county, and not at the Court House door aforesaid.

Place of posting notices changed.

*Passed at Dover, March 10, 1875.*

\* So enrolled.

## MISCELLANEOUS.

## CHAPTER 194.

AN ACT in relation to certain classes of persons exercising a public employment.

Keepers of inns, &c., not obliged to entertain certain persons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That no keeper of an inn, tavern, hotel, or restaurant, or other place of public entertainment or refreshment of travelers, guests, or customers, shall be obliged, by law, to furnish entertainment or refreshment to persons whose reception or entertainment by him, would be offensive to the major part of his customers, and would injure his business. The term customers, shall be taken to include all who have occasion for entertainment or refreshment.

Meaning of term "customers."

Proprietors of theatres, &c., not obliged to admit certain persons.

SECTION 2. *And be it further enacted,* That the proprietor of a theatre, or other public place of amusement, shall not be obliged to receive into his show, or admit into the place where he is pursuing his occupation, any person whose presence there would be offensive to the major part of his spectators or patrons, and thereby injure his business.

Carriers of passengers may assign a particular place in their cars, etc., to certain persons.

SECTION 3. *And be it further enacted,* That carriers of passengers may make such arrangements in their business, as will, if necessary, assign a particular place in their cars, carriages or boats, to such of their customers as they may choose to place there, and whose presence elsewhere would be offensive to the major part of the traveling public, where their business is conducted, *Provided,* however, that the quality of the accommodation shall be equal for all, if the same price for carriage is required from all.

Proviso.

*Passed at Dover, March 25, 1875.*

# RESOLUTIONS.

## CHAPTER 195.

Joint resolution appointing a joint committee to wait upon his Excellency and inform him of the organization of the two Houses.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of two, on the part of the Senate be appointed, to act jointly with a like committee on the part of the House, to wait on his Excellency the Governor, and inform him that a quorum of both Houses of the Legislature are convened, duly organized and ready to receive any communication he may see proper to make.

*Adopted at Dover, January 5, 1875.*

## CHAPTER 196.

Joint resolution appointing a joint committee to prepare rules for the government of intercourse between the two Houses.

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That there be appointed a joint committee of two on the part of the Senate, and two on the part of the House, to prepare joint rules for the government of intercourse between the two Houses.

*Adopted at Dover, January 5, 1875.*



## RESOLUTIONS.

## CHAPTER 197.

Joint resolution appointing a joint Committee to report rules for the regulation and preservation of the Capitol Building.

Joint committee to prepare rules for the care of the Capitol Building.

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That there be appointed a joint committee of three on behalf of the Senate, and four on behalf of the House, to prepare and report to the General Assembly such rules as they may deem necessary for the regulation and preservation of the Capitol Building.

*Adopted at Dover, January 5, 1875.*

## CHAPTER 198.

Joint resolution in relation to Public Buildings.

Report of the joint committee on public buildings referred to a joint committee.

*Resolved,* That the report and accompanying papers of the Joint Committee on Public Buildings, submitted and read, be referred to a joint committee of two on the part of the Senate, and three on the part of the House.

*Adopted at Dover, January 6, 1875.*

## CHAPTER 199.

Joint Resolution in relation to Adjournment of both Houses.

Adjournment of the Legislature.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That when the two Houses adjourn, they adjourn to meet on Monday next, at 3 o'clock P. M.

*Adopted at Dover, January 7, 1875.*

## RESOLUTIONS.

## CHAPTER 200.

- Joint Resolution Convening a Joint Session to be present at the opening and publishing the vote for Governor.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the members of the Senate and members of the House of Representatives assemble in the hall of the House of Representatives at 11 o'clock A. M., on Wednesday next, the 13th inst., to be present at the opening and publishing, according to the constitution of this State, of the returns of the election holden in the several counties of the State, on the Tuesday next after the first Monday in November last, for Governor, and that two tellers be appointed, to-wit: one on the part of the Senate, and one on the part of the House of Representatives, to make a list of the votes as the same shall be published from said returns.

Joint meeting of the two Houses to be present at the opening and publishing of the election returns of Governor.

*Resolved,* That upon opening and publishing the returns of the said elections by the Speaker of the Senate, in the presence of both Houses of the Legislature assembled as aforesaid, two certificates shall be made according to the following form, to-wit:

Two certificates of election to be made.

## DELAWARE, SS.

*Be it known that the General Assembly having met at Dover,* C. C. STOCKLEY, Esq., *Speaker of the Senate, on the 13th day of January, in the year of our Lord one thousand eight hundred and seventy-five, (1875) did open and publish, in the presence of the members of the Senate, and of the House of Representatives, according to the Constitution of the said State, the returns of the elections holden in the several counties of the said State, on the Tuesday next after the first Monday in November last, for Governor, and by said returns it appears that* \_\_\_\_\_ *was, on the Tuesday next after the first Monday in November last, duly chosen Governor of the State of Delaware, according to the constitution and laws of the State, to hold said office of Governor during four years from the third Tuesday of January inst., agreeably to the constitution.*

Form of certificates.

*Adopted at Dover, January 12, 1875.*

## RESOLUTIONS.

## CHAPTER 201.

Joint Resolution relating to the Centennial celebration of American Independence.

The part of the Governor's message relating to the centennial celebration of American independence referred to a joint committee.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That so much of the Governor's message as relates to the celebration of the centennial of American independence, be referred to a joint committee of two on behalf of the Senate, and three on behalf of the House of Representatives, with instructions to report by bill or otherwise, what action should be taken by the State of Delaware in relation to said centennial celebration.

*Adopted at Dover, January 12, 1875.*

## CHAPTER 202.

Joint Resolution in relation to the proposed Constitutional amendment.

Preamble.

WHEREAS, by the first sentence of the ninth article of the Constitution of this State, it is provided that "The General Assembly, whenever two-thirds of each House shall deem it necessary, may, with the approbation of the Governor, propose amendments to this Constitution, and at least three and not more than six months before the next general election of representatives, duly publish them in print for the consideration of the people; and if three-fourths of each branch of the Legislature shall, after such an election, and before another, ratify the said amendments, they shall be valid to all intents and purposes as parts of the constitution."

And whereas, at the last session of the Legislature of this State, an act was passed in the words following, to wit: "An act proposing an amendment to the Constitution for the purpose of empowering the legislature to enact a general incorporation law.

## RESOLUTIONS.

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 concurring herein, and by and with the approbation of the Governor),* That the following amendment be and the same is hereby proposed to the seventeenth section of the second article of the constitution of this state, to wit, by adding to the said section, the following words, subject to the provisions aforesaid: The Legislature shall have power to enact a general incorporation act, to provide incorporation for religious, charitable, literary, and manufacturing purposes, for the preservation of animal and vegetable food, building and loan associations, and for draining low lands; and no attempt shall be made, in such act or otherwise, to limit or qualify the power of revocation reserved to the legislature in this section.

SECTION 2. *And be it further enacted,* That the Secretary of State be and he is hereby directed, after the Governor shall have approved the above proposed amendment and this act, duly to publish the above proposed amendment and this act, in two or more newspapers 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 for senators and representatives in this State."

*And* whereas it appears by the message from His Excellency, Governor Ponder, received on the fifth instant, that the aforesaid amendment was approved by him and has been duly published in compliance with the requirement of the constitution and the aforesaid act of assembly; It, therefore, appearing that the constitutional provision above set forth, has been complied with, and nothing now remains to be due,\* but to ratify or reject the said amendment, now, therefore,

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a joint committee to be composed of two on the part of the Senate, and three on the part of the House be appointed, to prepare and report to the Legislature a bill to provide for ratifying the said amendment. Committee to prepare a bill for the ratification of the pending constitutional amendment.

*Adopted at Dover, January 12, 1875.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 203.

Joint resolution appointing a joint committee to purchase a flag for the use of the State.

Committee  
to purchase  
a U. S. flag  
for the  
Capitol.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That there be appointed a joint committee of two on behalf of the Senate, and three on behalf of the House of Representatives, which committee shall be empowered and hereby is empowered to purchase a United States flag for the use of the State, and arrange for having said flag displayed over the capitol, while the Legislature is in session.

*Adopted at Dover, January 12, 1875.*

## CHAPTER 204.

Joint resolution in relation to the disposition of the certificates of the election of Governor.

Certificates  
of the  
election of  
Governor:  
where  
deposited.

*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 John P. Cochran, 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, there to be recorded by the recorder of deeds for said county, and that the other of said certificates be transmitted by the speaker of the Senate to the Governor elect with the information that the members of the Senate and the members of the House of Representatives will attend him on Tuesday, the 19th day of January inst., at 12 o'clock, M., while he shall take the oaths of office required by the constitution of the United States and of this State.

*Adopted at Dover, January 13, 1875.*

## RESOLUTIONS.

## CHAPTER 205.

Joint resolution convening the two houses in joint meeting on Tuesday the 19th inst. to attend the inauguration of the Governor elect.

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the two Houses meet in joint meeting on Tuesday, the 19th inst., at 12 o'clock to attend His Excellency, the Governor elect, while the oaths of office are administered to him.

Joint meeting of the two Houses to attend the inauguration of the Governor.

*Adopted at Dover, January 13, 1875.*

## CHAPTER 206.

Joint Resolution appointing a Joint Committee to examine the accounts of the State Treasurer.

*RESOLVED By the Senate and House of Representatives of the State of Delaware in General Assembly met,* That there be appointed a joint committee of two on the part of the Senate, and three on the part of the House, to examine the accounts of the State Treasurer.

Joint committee to examine the accounts of the State Treasurer.

*Adopted at Dover, January 13, 1875.*

## CHAPTER 207.

Joint Resolution in relation to having each day's proceedings published.

*RESOLVED, By the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of three on the part of the House, and two on the part

Committee to ascertain the cost of printing daily, the proceedings of the Legislature.

## RESOLUTIONS.

of the Senate, be appointed to wait on the publisher of the "Delawarean," and ascertain the cost of printing each day's proceedings for the use of the two Houses.

*Adopted at Dover, January 13, 1875.*

## CHAPTER 208.

Joint resolution authorizing the Joint Committee to purchase a State Flag.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Committee appointed to purchase a United States Flag, be instructed to also purchase a State flag, and have it put in proper position.

State Flag to  
be purchased

*Adopted at Dover, January 13, 1875.*

## CHAPTER 209.

Joint resolutions condemning the recent interference with the organization of the Legislature of the State of Louisiana, by the Federal Executive.

The military  
interference  
with the or-  
ganization of  
the Legisla-  
ture of  
Louisiana,  
by the Fed-  
eral Execu-  
tive, a  
criminal  
usurpation.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Ulysses S. Grant, President of the United States, in causing the invasion of the Legislature of the State of Louisiana by Federal Soldiers, the arrest and dispersion of the members of the House of Representatives thereof, and the subsequent illegal and forcible organization of a body of men to act as the House of Representatives of said State, was guilty of an act of criminal usurpation which has no parallel in the history of the Republic; that such action was not only unauthorized by, but in

## RESOLUTIONS.

plain violation of, the Constitution of the United States, and tends directly to the subversion of constitutional government, and the destruction of the Federal Union.

*Resolved*, That we, the representatives of the people of the State of Delaware, which was the first to adopt the Federal Constitution, do, in their name, and in their behalf, record our most solemn protest against this dangerous act of usurpation by the Federal executive, and invoke the authoritative mandate of the people of the whole country, that the constitutional limitations upon the exercise of executive power shall be observed; that usurpation shall immediately cease; that constitutional government shall be preserved; that civil liberty shall be maintained, in every State of the union, and that the military shall, in fact as it is in law, be made subordinate to the civil power.

Protest.  
Demand for the observance of Constitutional limitations and the subordination of the military to civil authority.

*Resolved*, That we heartily sympathize with the people of Louisiana in their oppressed condition, and commend the patience and forbearance with which they have borne the unprovoked assaults upon their constitutional rights and liberties by the military power of the country.

Sympathy expressed for the people of Louisiana.

*Resolved*, That our Senators are hereby instructed, and our Representative in Congress requested, to use all legal means in their power to secure to the State of Louisiana her just rights, under the constitution of the United States, as a sovereign State of the Federal Union.

Senators and Representatives in Congress called upon to aid in securing to the State of Louisiana her Constitutional rights as a Sovereign State of the Union.

*Adopted at Dover, January 13, 1875.*

## CHAPTER 210.

Joint Resolutions directing the State Treasurer to pay to the Joint Commissioners on Public Buildings, the sum of eight thousand four hundred and forty-six dollars and sixty-three cents, amount of unpaid bills, and also to pay the Joint Committee certain sums; and in relation to [ the ] Old Bell.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the thanks of this Legislature, and of the public, are due to the com-

Thanks tendered to the commissioners appointed to repair and refurnish the State House.



## RESOLUTIONS.

Their compensation recommended.

missioners appointed by the fifth section of the act of last session, to repair and re-furnish the State House, for the fidelity displayed in the performance of the duties devolved upon them by said act, and that they are entitled to be fully compensated for their services, which your committee award as follows: to Wm. M. Shakespeare, \$500; Chas. C. Stockley, \$300; Dr. Hugh Martin, \$350; Leander F. Riddle, \$250; Lewis Thompson, \$250; and John Van Gasken, \$250; in the aggregate, \$1900, and recommend that provision be made by bill or otherwise for the payment thereof.

The State Treasurer authorized to pay commissioners the unpaid excess of expenditure in repairing and refurnishing the State House.

*Resolved*, That immediate provision should be made for the payment of the excess of expenditure in making the aforesaid repairs, and refurnishing the building, and that the State Treasurer be and he is hereby authorized and directed to pay the sum of eight thousand four hundred and forty-six dollars and sixty-three cents (\$8446.63) to the aforesaid commissioners, to be applied by them in discharge of the unpaid bills, which make up the deficiency.

The Secretary of State directed to have the Old Bell placed in the State Library, as a memorial of Colonial times.

*Resolved*, That the Old Bell be removed to the State Library, and there placed in a niche or other convenient lodgement, to be perpetually preserved as a memorial of Colonial days, and a relic of the old State House, and that the Secretary of State be requested to see that this resolution is carried into effect.

*Adopted at Dover, January 14, 1875.*

## CHAPTER 211.

Joint Resolution to pay [the] Joint Committee on Public Buildings compensation for their services.

State Treasurer directed to pay certain sums to the commissioners on public buildings for their services.

*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 each of the commissioners on public buildings, for their services on said commission, as awarded in the report of the committee to whom was referred the report and accompany-

## RESOLUTIONS.

ing papers of the said commissioners, as follows : to William M. Shakespeare the sum of five hundred dollars, to Dr. Hugh Martin the sum of three hundred and fifty dollars, to Charles C. Stockley the sum of three hundred dollars, to Leander F. Riddle the sum of two hundred and fifty dollars, to Lewis Thompson the sum of two hundred and fifty dollars, and to John Van Gaskin the sum of two hundred and fifty dollars.

*Adopted at Dover, January 16, 1875.*

## CHAPTER 212.

Joint resolution appointing a joint committee to make suitable arrangements for the Inauguration of the Governor elect.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That there be a committee of five appointed, three on the part of the House, and two on the part of the Senate, to make suitable arrangements for the inauguration of the Governor elect.

Committee  
of arrange-  
ments for  
the inaugu-  
ration of the  
Governor  
elect.

*Adopted at Dover, January 12, 1875.*

## CHAPTER 213.

Joint resolution convening the two Houses in joint meeting, on Tuesday the 19th inst., to attend His Excellency, while the oaths of office are being administered.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the two Houses meet in joint meeting on Tuesday the 19th inst., in

Joint meet-  
ing of the  
two Houses  
to attend the  
Governor  
while the  
oaths of  
office are  
being admin-  
istered.

## RESOLUTIONS.

the county court room, at 12 o'clock, M., to attend His Excellency, the Governor elect, while the oaths of office are administered to him.

*Adopted at Dover, January 18, 1875.*

## CHAPTER 214.

Joint resolution to His Excellency, the Governor of this State.

The Govern-  
or to send  
printed  
copies of the  
joint resolu-  
tions  
relating to  
Federal in-  
terference in  
Louisiana, to  
the several  
States.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That His Excellency, the Governor of this State, be and is hereby directed to have printed copies of the joint resolutions of this State, in relation to the Federal interference in State of Louisiana, and send one copy of the same to the Governors of the several States, to be presented to the Legislatures thereof.

*Adopted at Dover, January 26, 1875.*

## CHAPTER 215.

Joint resolution appointing a joint committee on so much of the Governor's Inaugural address, as relates to representation.

Joint Com-  
mittee on so  
much of the  
inaugural  
address as  
relates to  
Representa-  
tion

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That so much of the Governor's inaugural address as relates to representation, be referred to a joint committee of three on the part of the Senate, and five on the part of the House of Representatives, with power to report by bill or otherwise.

*Adopted at Dover, January 26, 1875.*

## RESOLUTIONS

## CHAPTER 216.

Joint resolution appointing a joint committee to confer with the peach growers and the presidents of the Philadelphia, Wilmington and Baltimore, and Delaware Railroad Companies.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of four on the part of the Senate, and seven on the part of the House, be appointed to confer with the peach growers of the State of Delaware, and the presidents of the Philadelphia, Wilmington, Baltimore, and Delaware Railroads, on the evening of February 3d, 1875, to be held in the hall of the House of Representatives, in Dover.

Committee to confer with the peach growers and the Presidents of the P., W. & B., and Delaware Railroads.

*Adopted at Dover, January 26, 1875.*

## CHAPTER 217.

Joint Resolution authorizing the State Treasurer to pay Robert Granlees three hundred dollars.

WHEREAS, Robert Granlees, of the city of Philadelphia, Pa., Preamble, has shown to the satisfaction of the General Assembly, that he, the said Robert Granlees, on or about the first day of July, 1873, mislaid or lost ten coupons of the ten bonds of the public debt of the State of Delaware, numbered from No. 661 to No. 670, inclusive, each coupon being for the amount of thirty dollars, and said coupons representing the interest for six months on said bonds, amounting in all to three hundred dollars; and *whereas*, it is meet and proper that the said Robert Granlees should receive the value of said coupons, he giving proper security that the state of Delaware shall not suffer loss thereby, 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 is hereby directed to pay to the said Robert Granlees, the sum of three hundred dollars, *provided*,

State Treasurer directed to pay \$300 to Robert Granlees, being the value of ten State bond coupons lost by him. Proviso.

## RESOLUTIONS.

Indemnify-  
ing bond  
with  
security,  
to be given.

that the said Robert Granlees shall give such bond as may be satisfactory to the State Treasurer, with sufficient security given by some citizen of this State, approved by said Treasurer : said bond shall be conditioned to the use of the State of Delaware in the penal sum of six hundred dollars, that he, the said Robert Granlees, will indemnify the State against all loss that may accrue to the said State of Delaware for or on account of any payments which the said State of Delaware may hereafter be enforced to make in redemption of said coupons. The bond to be given by the said Robert Granlees to the State of Delaware, secured and conditioned as aforesaid, shall be for such term of years as may be satisfactory to said State Treasurer, and shall be held or deemed to be valid and binding in all courts of law or equity, or elsewhere, for, and during such term of years, anything in the statute of limitations, or any other laws or law of this State to the contrary, notwithstanding.

*Adopted at Dover, January 26, 1875.*

## CHAPTER 218.

Joint Resolution appropriating seven hundred dollars to pay the contingent expenses of the office of Secretary of State.

Contingent  
expenses of  
the Secretary  
of State.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the sum of seven hundred dollars, be and the same is hereby appropriated and made payable to Ignatius C. Grubb, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he be required to present his accounts and vouchers to the General Assembly of this State, at its next session, for settlement.

*Adopted at Dover, January 27, 1875.*

## RESOLUTIONS.

## CHAPTER 219.

Joint Resolution inviting Rev. Cyrus Huntington to address the General Assembly.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a joint committee of two on the part of the Senate, and three on the part of the House of Representatives, be appointed to invite the Rev. Cyrus W. Huntington, Chaplain of the Senate, to preach before the General Assembly on such evening as may be convenient.

Rev. Cyrus W. Huntington invited to preach before the General Assembly.

*Adopted at Dover, January 28, 1875.*

## CHAPTER 220.

Joint Resolutions concerning volume 14, of the Laws of Delaware.

WHEREAS, the Secretary of State, has closed and caused to be bound with a general index, the fourteenth volume of the laws of this State, in pursuance of section 1, chapter 4, of the Revised Code, therefore,

Preamble.

*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 the following charges against the State, in relation to said volume 14, viz ;

State Treasurer to pay charges for binding 14th volume.

To James Kirk, for printing the index to volume 14, the sum of three hundred and twenty five dollars, (\$325.000 :) To John H. Paynter, Secretary of State, for his services in preparing the index and for superintending the printing, and the binding of said volume 14, the sum of three hundred, (\$300.00 :) To James and Webb, for binding three hundred copies of said volume 14, and for costs of transportation, the sum of two hundred dollars, (\$200.00.)

\$325 00 to James Kirk.

\$300 00 to John H. Paynter, Secretary of State.

\$200 00 to James & Webb.

*And be it further resolved,* That the Secretary of State, shall retain in his office ten copies of said volume 14, and to deliver

How copies distributed.

## RESOLUTIONS.

to the following officers in each county, one copy for the use of their respective courts, viz :—To the register of wills, 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 prothonotaries, who are duly authorized to sell the same, at two dollars per copy, and make return thereof as the laws directs.

*Adopted at Dover, January 28, 1875.*

## CHAPTER 221.

Joint Resolution adjourning both Houses, *sine die*, on the 26th of February 1875.

Adjournment  
of both  
Houses.

*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 Friday, the 26th day of February next, and no new business be received within three days of said adjournment.

No new  
business.

*Adopted at Dover, January 29, 1875.*

## CHAPTER 222.

Joint Resolution appointing State Treasurer.

Thomas B.  
Giles ap-  
pointed State  
Treasurer.

*Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate,* That Thomas B. Giles, be and he is hereby appointed State Treasurer.

*Adopted at Dover, January 29, 1875.*

## RESOLUTIONS.

## CHAPTER 223.

Joint resolution appointing Doctor Nathan Pratt, Auditor of Accounts.

Dr. Nathan  
Pratt ap-  
pointed  
auditor of  
accounts.

*Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That Doctor Nathan Pratt, be and he is hereby appointed Auditor of Accounts.*

*Adopted at Dover, January 29, 1875.*

## CHAPTER 224.

Joint resolution appointing Directors for Farmers Bank of the State of Delaware.

*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, John W. Hall, Samuel Hargadine and Thomas K. Taylor ; for the branch at Wilmington, William Bright, George H. Bates and Edward Moore ; for the branch at New Castle, John J. Black, John Johns and B. T. Holcomb ; for the branch at Georgetown, Loxley R. Jacobs, John R. McFec and Charles H. Richards.*

State direc-  
tors of the  
Farmers  
Bank ap-  
pointed.

*Adopted at Dover, February 2, 1875.*



## RESOLUTIONS.

## CHAPTER 225.

Joint resolution in relation to the publication of Equity cases.

Hon. D. M. Bates authorized to complete the collection and publication of equity cases. Provisions of resolution of 1871, extended.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Hon. Daniel M. Bates, be and he is hereby authorized and requested to complete the collection and publication of the Equity cases determined in this State prior to his retirement from the office of chancellor, and that all the provisions of the joint resolution adopted at Dover, March 29, 1871, in relation to reporting such cases, shall extend and apply to such collection and publication by him as well since as before the time of the determination of his office of chancellor.

*Adopted at Dover, February 2, 1875.*

## CHAPTER 226.

Joint resolution authorizing the State Librarian to deliver to the Law Library Association of New Castle county, certain law and equity reports.

State Librarian to deliver to the Law Library Association of New Castle county, certain copies of Delaware Judicial Reports and Laws.

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Librarian be and he is hereby authorized and directed to deliver to the Law Library Association of New Castle county, one copy of each volume of Harrington's reports and Houston's Delaware reports heretofore published, and one copy of each book of law or equity reports of this State that may hereafter be published; and also one copy of each volume of Delaware Laws of which there are surplus copies now on hand, and one copy of each volume of Delaware Laws as hereafter published.

*Adopted at Dover, February 3, 1875.*

## RESOLUTIONS.

## CHAPTER 227.

Joint resolution relating to the State House Bell.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Centennial commissioners on the part of the State of Delaware, be and they are hereby authorized to place the "Old State House Bell," now in the Library of this State, in some suitable place to be allotted to the State of Delaware by the Centennial commissioners, as one of the relics of antiquity intimately connected with the early history of our State, and to be returned again by the commissioners.

The Delaware commissioners authorized to place the "Old State House Bell" in the Centennial exhibition.

*Adopted at Dover, February 4, 1875.*

## CHAPTER 228.

A joint resolution requesting Rev. E. Stubbs to preach to this General Assembly, Feb. 10th, and Rev. G. D. Watson, at such time as may suit his convenience, and appointing a committee of one from each House to inform said ministers of this request.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Rev. Enoch Stubbs of Asbury M. E. Church, of Wilmington, Delaware, be requested to preach to this General Assembly in the M. E. church in Dover, on the evening February 10th inst., at 7 o'clock, P. M.; also that Rev. G. D. Watson, of Dover M. E. church, be invited to preach to this General Assembly, at such time as may suit his convenience, and that a committee of one from each House be appointed to inform said ministers of this request.

Committee to invite Rev. E. Stubbs, and Rev. G. D. Watson, to preach to the General Assembly.

*Adopted at Dover, February 4, 1875.*

## RESOLUTIONS.

## CHAPTER 229.

Joint resolution directing the State Treasurer to pay certain moneys.

Preamble.

WHEREAS, the Governor of the State of Delaware, offered a reward for the apprehension and arrest of one Joseph H. Taylor, a fugitive from justice, the amount of which said reward was three hundred dollars, and, whereas, this General Assembly are satisfied that the said reward of three hundred dollars should be paid as follows, viz : two hundred and fifty dollars to H. C. Greenfield, and fifty dollars to H. J. Row: Now, therefore,

State Treasurer directed to pay the reward offered for the arrest of Joseph H. Taylor

*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 H. C. Greenfield, the sum of two hundred and fifty dollars, and to H. J. Row, the sum of fifty dollars.

*Adopted at Dover, February 9, 1875.*

## CHAPTER 230.

Joint resolution appointing a joint committee to prepare a General Incorporation act.

Committee to report a General Incorporation act.

May employ counsel.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a joint committee of three on behalf of the Senate, and four on behalf of the House of Representatives, be appointed for the purpose of preparing and submitting to the General Assembly a general incorporation act ; and power is hereby given to said joint committee to employ counsel.

*Adopted at Dover, February 9, 1875.*

## RESOLUTIONS.

## CHAPTER 231.

Joint resolution in relation to the publication of Equity reports.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That in the publication of the equity cases, authorized by the joint resolution adopted at Dover, March 29, 1871, and by the joint resolution adopted at the present session of this General Assembly, instead of four hundred pages, as provided in the original resolution, authority is hereby given to Hon. Daniel M. Bates to publish the same, in volumes containing such number of pages as he shall judge suitable and convenient, but no volume shall contain more than five hundred pages, and the sum to be paid to him for the one hundred copies of each edition therein provided, to be deposited for the use of the State, instead of being eight hundred dollars, shall be at the rate of two dollars per page, for the number of pages contained in any volume thereof.

Hon. D. M. Bates authorized to fix size of volumes of equity cases to be published by him.

No volume to exceed 500 pages.

His compensation for copies deposited for use of State.

*Adopted at Dover, February 10, 1875.*

## CHAPTER 232.

Joint Resolution inviting the Hon. William G. Whiteley to lecture before the General Assembly.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a joint committee of one on the part of the Senate, and one on the part of the House of Representatives, be appointed to invite the Hon. William G. Whiteley, to deliver his lecture on the "Delaware Soldiers of the Revolution," before the General Assembly, on such evening as will be convenient.

Joint committee to invite Hon. Wm. G. Whiteley to deliver his lecture on the Revolutionary Soldiers of Delaware.

*Adopted at Dover, February 15, 1875.*

## RESOLUTIONS.

## CHAPTER 233.

Joint Resolution, appropriating Three Hundred Dollars to Kent county, to aid in the purchase of a clock for the Court House of said county.

Preamble.

WHEKEAS, the Levy Court of Kent county, has contracted for the purchase of a clock for the court house of Kent county, and whereas, the Court of Errors and Appeals is held in said court house, the place fixed by law for holding said Court; and whereas, said court house is used by the State for other useful purposes, through the courtesy of the Levy Court of said county, now therefore,

State Treasurer authorized to pay \$300 00, appropriated to Kent county to aid in the purchase of a clock for the Court House.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, First, that the sum of three hundred dollars be and the same is hereby appropriated to Kent county, to aid in the purchase of a clock for the court house of Kent county. Second, that the State Treasurer be and he is hereby authorized to pay to the county treasurer of Kent county, the sum of three hundred dollars, pursuant to the authority contained in these resolutions.

*Adopted at Dover, February 15, 1875.*

## CHAPTER 234.

Joint Resolution in relation to Robert H. Davis, late State Treasurer, and Robert Ellegood, late Auditor of Accounts.

Robert H. Davis, and Robert Ellegood, M. D., late State Treasurer and State Auditor directed to communicate to Legislative committee who are in arrears to the State.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Robert H. Davis, late State Treasurer, and Robert Ellegood, M. D., late auditor of accounts, be and they are hereby, each of them, requested and directed to be and appear, on or before the 23rd inst., before the "joint committee, appointed January 13th, 1875, to settle with the State Treasurer and Auditor of Accounts," and to communicate to said committee, any incorporated company, association of persons, person or persons, who, to their knowledge, may be

## RESOLUTIONS.

in arrears in any sum or sums, which should have been paid in to the State Treasurer, or who may have received any fines, forfeitures, or penalties, and have not accounted therefor, and have not paid the same or any part thereof to the said State Treasurer.

*Adopted at Dover, February 15, 1875.*

## CHAPTER 235.

Joint Resolution authorizing Messrs. James & Webb, to bind the Revised Code.

WHEREAS, There remains in the possession of Messrs. James & Webb, the balance of the edition of the Revised Code of 1852, as amended, 1874, unbound, and whereas, it is for the interests of the State, that the remaining unbound volumes be preserved by being bound, and thus placed in such condition that they may be offered for sale, and the State reimbursed for the amounts expended in printing said edition of the code : therefore,

*Be it 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 hereby is authorized to contract with Messrs. James & Webb, for the binding of the remaining unbound volumes of the edition of the Revised Code of 1852, as amended, 1874, now stored in the ware-room of James & Webb, in Wilmington, Del., *Provided*, that the price per volume shall be ninety cents.

Preamble.

The Secretary of State authorized to contract with James & Webb for binding the unbound volumes of the Amended Code, 1874.  
Proviso.

*Adopted at Dover, February 16, 1875.*

## RESOLUTIONS.

## CHAPTER 236.

Joint resolution rescinding the Joint Resolution adjourning both Houses, February 26th.

Resolution of adjournment, and for the exclusion of new business rescinded.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the joint resolution for the adjournment of the two Houses Feb. 26th, and to receive no new business for three days previous to that date, adopted January 30th,\* be and the same is hereby rescinded, made null and void.

*Adopted at Dover, February 23, 1875.*

## CHAPTER 237.

Joint Resolution in relation to the Public Arms.

Preamble.

WHEREAS, the public arms and accoutrements in the county of Kent, are stored in the cellar of the State House, in an unserviceable and ruinous condition, and have not, for years, been cared for as provided in sec. 12 of chapter 15. Revised Code,

Committee to view, and report concerning the public arms in Kent county.

*Resolved,* That a committee consisting of two members of the Senate, and three members of the House of Representatives be appointed to view said arms, and report at once what measures are necessary to insure the preservation and the keeping of said arms in a serviceable condition.

Committee to inquire concerning the condition of the public arms in New Castle and Sussex counties.

*Resolved,* That said committee are hereby directed to make inquiry of the sheriff of New Castle county, and the sheriff of Sussex county, as to the condition of the public arms in their respective counties.

*Adopted at Dover, February 24, 1875.*

\* So enrolled.

## RESOLUTIONS.

## CHAPTER 238.

Joint Resolution directing the State Treasurer to pay Jos. P. Comegys, Wm. G. Whiteley and E. L. Martin, each, five hundred dollars.

WHEREAS, by joint resolution adopted at Dover, Jan. 30th, Preamble. 1873, Jos. P. Comegys, Wm. G. Whiteley and Edward L. Martin were appointed commissioners on the part of the State of Delaware, to meet a like number of commissioners on the part of the State of New Jersey, with power to consider and decide the right of the citizens of New Jersey to fish in that part of the waters of the Delaware river within the limits of the "Twelve mile circle," and eastward of the channel of the said river: And whereas, it appears to this General Assembly, that the said Joseph P. Comegys, W. G. Whiteley and E. L. Martin have performed the duties enjoined upon them by the aforesaid joint resolution, as far as possible: 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 directed to pay to the said Jos. P. Comegys, Wm. G. Whiteley and Edward L. Martin, each, the sum of five hundred dollars, as provided in the aforesaid joint resolution. State Treasurer directed to pay the Fishery commissioners \$500 each.

*Adopted at Dover, February 24, 1875.*

## CHAPTER 239.

Joint Resolution concerning the Historical Papers of Hon. Wm. G. Whiteley, upon the Revolutionary Soldiers of Delaware.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the thanks of the General Assembly of the State of Delaware, be and they are hereby tendered to Hon. Wm. G. Whiteley for the valuable historical papers upon the Revolutionary soldiers of Delaware, read by him in the hall of the House of Representatives, on the 17th inst. Thanks of the General Assembly tendered Hon. Wm. G. Whiteley, for his Historical paper on the Revolutionary soldiers of Delaware.



## RESOLUTIONS.

Clerk of the  
House to  
have 1000  
copies  
printed.  
  
How  
distributed.

*And be it further resolved,* That the clerk of the House, be and he is hereby directed to have one thousand copies of the said historical papers printed and distributed as follows : one hundred copies to the Hon. Wm. G. Whiteley, fifty copies to the Historical Society of Delaware; one hundred copies to the Secretary of State, to be transmitted to the executive of each of the United States, for the use of the Historical Society of his State, and to each of the departments of the General Government; seventy-five copies to the Senate, and one hundred and seventy-five copies to the House of Representatives of the State of Delaware

*Adopted at Dover, February 25, 1875.*

## CHAPTER 240.

A joint resolution directing the State Treasurer to pay certain moneys as counsel fees.

Preamble.

WHEREAS, by a joint resolution adopted February 23rd, 1869, the State Treasurer was authorized and directed to collect certain taxes due from the P. W. and B. Railroad Company to the State of Delaware, under the provisions of an act entitled, "An act to raise revenue for this State, passed August 11, 1864, and also to employ counsel, and to pay such counsel a sum to be fixed by the Chancellor or Chief Justice of this State, and, whereas, the Chancellor and Chief Justice have declined to fix said compensation, and the late executive having recommended, in his last message to this General Assembly, that provision be made for the payment of compensation for the services of the counsel employed by the State Treasurer, as aforesaid, now therefore,

Further  
preamble.

State Treas-  
urer directed  
to pay  
Thomas F.  
Bayard and  
Eli Saulsbury  
each \$2000  
counsel fees  
for the col-  
lection of  
certain taxes  
from the P.,  
W. & B. R.  
Co.

*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 Thomas F. Bayard and Eli Saulsbury, each, the sum of two thousand dollars, they having been employed as counsel by the State Treasurer in pursuance of the aforesaid joint resolution, adopted February 23, 1869.

*Adopted at Dover, March 1, 1875.*

## RESOLUTIONS.

## CHAPTER 241.

Joint resolution refusing new business after March 12th.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That no new business will be received by either branch of this General Assembly after Friday next, the 12th inst

New  
business  
excluded.

*Adopted at Dover, March 8, 1875.*

## CHAPTER 242.

Joint resolution in relation to the distribution and sale of the remaining copies of the Amended Code.

WHEREAS, the General Assembly of this State, by joint resolution adopted at Dover, February 16, 1875, has authorized the Secretary of State to contract with Messrs. James & Webb for the binding of the remaining unbound volumes of the edition of the Revised Code of 1852, as amended 1874; and, whereas, the said Secretary hath contracted with the said James & Webb, pursuant to said joint resolution, therefore,

Preamble.

Further  
preamble.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Governor is hereby authorized, upon the certificate of the said Secretary of State that said binding is done to his acceptance, to draw an order on the State Treasurer, payable to the said James & Webb, for the payment of said binding according to said contract. And the Secretary of State, after reserving thereout ten copies for deposit in his office, and ten other copies for deposit in the State library, shall cause the copies bound according to said contract, to be equally divided between the respective counties, and placed in the hands of the prothonotaries, to sell the same at two dollars and fifty cents per copy, and the said prothonotaries shall pay over the proceeds of said sale to the State Treasurer once in every three months,

Governor to  
draw order  
for payment  
of binding  
Amended  
Code, upon  
certificate of  
the Secretary  
of State.

The bound  
copies to be  
equally  
divided  
among the  
Prothono-  
taries for sale.  
Reservation.  
Price, \$2 50  
Proceeds to  
be paid to  
State Treas-  
urer quarterly  
less 10 per cent  
commissions.

## RESOLUTIONS.

Prothonotaries may employ at their own risk and expense, persons to assist in the sale.

the said prothonotaries, respectively, first deducting therefrom ten per cent. of the said proceeds as compensation for the sale of said copies, and the collection and payment as aforesaid of said proceeds. And the said prothonotaries, respectively, may, at their own risk and expense, respectively, authorize and employ any proper and responsible person or persons to assist them in selling such bound copies as shall have been placed in their hands for sale by virtue of this resolution.

*Adopted at Dover, March 11, 1875.*

## CHAPTER 243.

Joint resolution authorizing the State Treasurer to borrow money.

State Treasurer authorized to borrow money.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer is hereby authorized and empowered to borrow, on the credit of the State, if necessary, such an amount of money as he may need to meet the interest on the State bonds falling due, prior to the meeting of the next biennial session of the General Assembly, and also for the redemption of such bonds of the public debt as may mature prior to such ensuing biennial session of the General Assembly of the State.

*Adopted at Dover, March 18, 1875.*

## RESOLUTIONS:

## CHAPTER 244.

Joint resolution appointing a committee to settle with the State Treasurer and auditor of accounts.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John W. Causey and Henry Davis, on the part of the Senate, and Houston,\* Baldwin\* and Voshell,\* 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. 1876, for the purpose of settling the account of the State Treasurer, and receiving the report of the auditor of accounts for the current year.

Joint committee to settle with the State Treasurer and Auditor.

*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 newspapers printed in the State, for the space of one month from the time of effecting the same.

Statement to be made and published.

*Resolved,* That the said committee have full power and authority to audit the accounts of the clerk of the Senate, and of the clerk of the House of Representatives, 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.

Power to audit certain accounts of the clerks of both Houses.

Also of the Secretary of State.

Make allowances.

*Resolved,* That the 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 the 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 of committee.

*Adopted at Dover, March 23, 1875.*

\* So enrolled.

## RESOLUTIONS.

## CHAPTER 245.

Joint resolutions, appointing a State Librarian and Custodian of the State Capitol Building.

C. C. Fulton appointed State Librarian and custodian of the Capitol building.

Term of office.

Duties.

Inventory of furniture, books, &c., to be made and filed.

Liability.

Keep register of books taken from Library, and require return within one month.

Library open When.

Charge of rooms of the Governor and Secretary of State.

Compensation. \$350 annually.

Removal by Governor. When.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That C. C. Fulton be and is hereby appointed State Librarian and custodian of the Capitol Building, and shall take charge of the State Library and State Capitol Building on the 9th of April, next ensuing, and continue to hold the office for two years, unless sooner removed. He shall, in company with a committee for that purpose, make an inventory of all furniture, books and other property in the building belonging to the State, which inventory shall be filed in the office of the Secretary of State, and he shall be held responsible for such property. He shall keep a correct register of all books taken from the Library, and require the return of the same within one month. He shall keep the Library open every day, except Sundays or legal holidays, not less than two hours, nor more than four hours, except during the session of the Legislature and sessions of the courts in Kent county. He shall, if requested by the Governor or Secretary of State, take charge of their respective rooms during their absence. He shall receive as compensation for his services as State Librarian and custodian of the Capitol Building, the sum of \$350 per annum, for which he is hereby authorized to draw upon the State Treasurer at the end of each quarter.

*Resolved,* That the Governor of the State shall have the power to remove the State Librarian and custodian of the State Capitol, and appoint a person to fill the vacancy whenever the said State Librarian and custodian of the Capitol shall fail to perform his duties as such officer.

Hon. Wm. M. Shakespeare authorized to make purchases for the use of Capitol, and to exercise supervision over Capitol buildings and contents.

*Resolved,* That the Honorable William M. Shakespeare, be and is hereby authorized to purchase such things as may be necessary for the use and protection of the Capitol, and he is hereby authorized to draw upon the State Treasurer for the cost of the same. He shall also have a personal supervision of the Capitol buildings and contents.

*Adopted at Dover, March 25, 1875.*

## RESOLUTIONS.

## CHAPTER 246.

Joint Resolution authorizing the State Treasurer to pay the members of this General Assembly, their per diem and mileage in gold coin, or its equivalent in currency.

WHEREAS, the fact set forth in the preamble of the Joint Resolution, adopted at Dover, March 21, 1867, still holds true in every respect, 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 the members of this General Assembly, their per diem and mileage in gold coin, or its equivalent in currency.

*Adopted at Dover, March 25, 1875.*

## CHAPTER 247.

Joint Resolutions in relation to the Centennial Celebration of the Declaration of Independence.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met;* First, that Dr. Allen V. Lesley, Charles Beaston, Esq., Hon. L. F. Riddle, Dr. Charles H. Richards, Hon. John W. Causey, Hon. Paynter Frame, John H. Bewley, Esq., Hon. Joseph P. Comegys, Hon. Henry B. Fiddeman, be and they are hereby appointed to attend the Centennial Celebration of the Declaration of Independence, to be held in the city of Philadelphia, as commissioners on the part of the State of Delaware, whose duty it shall be to take all measures necessary to secure the proper exhibition of all products of the citizens of this State, which shall be sent to the said Centennial Celebration.

SECOND, That whatever expenses may be incurred under the above resolution, shall be paid by the State Treasurer, upon the warrant of the commissioners: *provided*, said expenses shall not exceed the sum of two thousand dollars.

## RESOLUTIONS.

The Governor to subscribe \$10,000 for Centennial stock.

THIRD, That the Governor of this State, be and he is hereby directed to subscribe for stock of the said Centennial, to the amount of ten thousand dollars, and that the State Treasurer, shall pay the said amount upon the warrant of the Governor.

Joint resolution of March 29, 1871, rescinded.

FOURTH, That the joint resolution adopted March 29th, 1871, be and the same is hereby rescinded.

*Adopted at Dover, March 25, 1875.*

## CHAPTER 248.

Joint Resolution authorizing the State Treasurer to sue certain parties.

State Treasurer authorized to sue for certain moneys.

*Resolved by the Senate and House of Representatives,* That the report of the committee who settled with the late treasurer and auditor, and who subsequently examined each of them under a resolution touching the indebtedness or arrearages of any corporation, company, person or persons, shall be committed to the charge of the State Treasurer, who is hereby authorized and required to demand, sue for in his discretion, and recover any sum or sums of money which he may discover to be due, from the said report, and report the same in his first settlement.

*Adopted at Dover, March, 26, 1875.*

## CHAPTER 249.

Joint Resolution relieving Joseph P. Comegys, William G. Whiteley and Edward L. Martin, of further services.

Preamble.

WHEREAS, by joint resolution adopted by the General Assembly of this State at Dover, January 30th, 1873, appointing

## RESOLUTIONS.

the Hon. Joseph P. Comegys, of Kent county, William G. Whiteley, of New Castle county, and Edward L. Martin, of Sussex county, as commissioners with respect to the subject of differences between the State of New Jersey and this State, the said commissioners having fully performed their duty, and reported the result of their labors to the General Assembly,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the said Joseph P. Comegys, William G. Whiteley and Edward L. Martin, are hereby relieved of further duties as commissioners of this State.

Commissioners to settle the fishery differences between Delaware and New Jersey, relieved of further duty.

*Adopted at Dover, March 26, 1875.*

## CHAPTER 250.

Joint Resolution providing for the repair of the portrait of the late Commodore Jones.

WHEREAS, it is reported that the oil portrait of the late Commodore Jones, one of our naval heroes, has become so damaged by neglect and abuse that it was deemed inexpedient by the building commission to repair the same, as was done in the case of the other portraits belonging to the State, *and, whereas,* the relics and mementoes of the early and proud history of our State are so few, we feel that they should be cherished and preserved, therefore,

Preamble.  
Further preamble.

*Be it resolved by the Senate and House of Representatives in General Assembly met,* That a committee of two be appointed, one on the part of the Senate and one on the part of the House, with instructions to have the portrait of the late Commodore Jones repaired and placed in a proper position in the Capitol.

Committee to restore the portrait of Commodore Jones.

*Adopted at Dover, March 26, 1875.*



## RESOLUTIONS.

The Governor to subscribe \$10,000 for Centennial stock.

THIRD, That the Governor of this State, be and he is hereby directed to subscribe for stock of the said Centennial, to the amount of ten thousand dollars, and that the State Treasurer, shall pay the said amount upon the warrant of the Governor.

Joint resolution of March 29, 1871, rescinded.

FOURTH, That the joint resolution adopted March 29th, 1871, be and the same is hereby rescinded.

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## RESOLUTIONS.

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*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the said Joseph P. Comegys, William G. Whiteley and Edward L. Martin, are hereby relieved of further duties as commissioners of this State.

Commissioners to settle the fishery differences between Delaware and New Jersey, relieved of further duty.

*Adopted at Dover, March 26, 1875.*

## CHAPTER 250.

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Preamble.

Further preamble.

*Be it resolved by the Senate and House of Representatives in General Assembly met,* That a committee of two be appointed, one on the part of the Senate and one on the part of the House, with instructions to have the portrait of the late Commodore Jones repaired and placed in a proper position in the Capitol.

Committee to restore the portrait of Commodore Jones.

*Adopted at Dover, March 26, 1875.*

## RESOLUTIONS.

## CHAPTER 251.

Joint resolution compensating William S. McCaulley, Chancellor, *ad litem*.

Compensation of W. S. McCaulley as Chancellor *ad litem*.

\$500 00

When to be paid.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the sum of five hundred dollars be and the same is hereby appropriated out of any moneys in the treasury of the State, as a compensation of William S. McCaulley for his services as Chancellor, *ad litem*, in the case of Benjamin Burton vs. George W. Willin, and that the State Treasurer be and he is directed to pay to the said William S. McCaulley, the said sum of five hundred dollars, when and as soon as he shall have rendered his decision in said case and not before.

*Adopted at Dover, March 26, 1875.*

## CHAPTER 252.

Joint resolution authorizing the Secretary of State to have published the "Act in relation to free schools."

Secretary of State to have certain act published.

*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 directed, as soon after the adoption of this joint resolution as possible, to have the act entitled, "An act in relation to free schools of this State," published three times in one weekly newspaper, in each of the counties of this State.

*Adopted at Dover, March 26, 1875.*

## RESOLUTIONS.

## CHAPTER 253.

Joint resolution appointing James H. Todd, Esquire, to purchase coal, wood, and stationery, &c.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That James H. Todd, Esq., be and he is hereby appointed and authorized to purchase the necessary coal, wood, lights, and stationery for the next session of the Legislature, and the said James H. Todd, Esq., is hereby directed to present his accounts and vouchers to the Legislature at its next session, for allowance.

James H. Todd to purchase fuel, stationery, &c., for next Legislature, and present accounts and vouchers,

*Adopted at Dover, March 26, 1875.*

## CHAPTER 254.

Joint resolution in reference to [the] State Flag at the Centennial.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Centennial commissioners of the State of Delaware, hereafter to be named by the Legislature of this State, are tendered the use of the State flag of Delaware, to be placed in a proper position at the Centennial exhibition to be held in Philadelphia in 1876, and after said exhibition is over, to be returned to the custody of the State Librarian.

State commissioners to place State flag in the Centennial Exhibition.

*Adopted at Dover, March 26, 1875.*

## RESOLUTIONS.

## CHAPTER 255.

Joint resolution adjourning both Houses of the Legislature, *sine die*, on Saturday, the 27th inst.

Adjournment  
of both  
Houses  
*sine die*.

*Resolved by the House of Representatives, with the concurrence of the Senate*, That the two Houses adjourn *sine die* on Saturday, the 27th instant.

*Adopted at Dover, March 26, 1875.*

## CHAPTER 256.

Joint Resolution authorizing the State Treasurer to pay to the Clerk of School District No. 89, in Kent county, certain funds.

Preamble.

WHEREAS, The secretary of the school meeting, held in School District No. 89, in Kent county, in April 1874, failed to deliver to the clerk of the peace in and for said county, a certificate of said school meeting, as required by law, and

Further  
preamble.

WHEREAS, The said School District, was thereby deprived of the school dividend for the year 1874, to which said district was equitably entitled, now therefore,

State Treas-  
urer author-  
ized to pay a  
certain sum  
to the clerk  
of school  
district No.  
89, in Kent  
County.

*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 authorized to pay to clerk of said school district, the sum of eighty-one dollars and seventy-eight cents, being the dividend apportioned to said district for 1874, and shall be applied to the maintenance of the school in said district.

*Adopted at Dover, March 27, 1875.*

RESOLUTIONS.

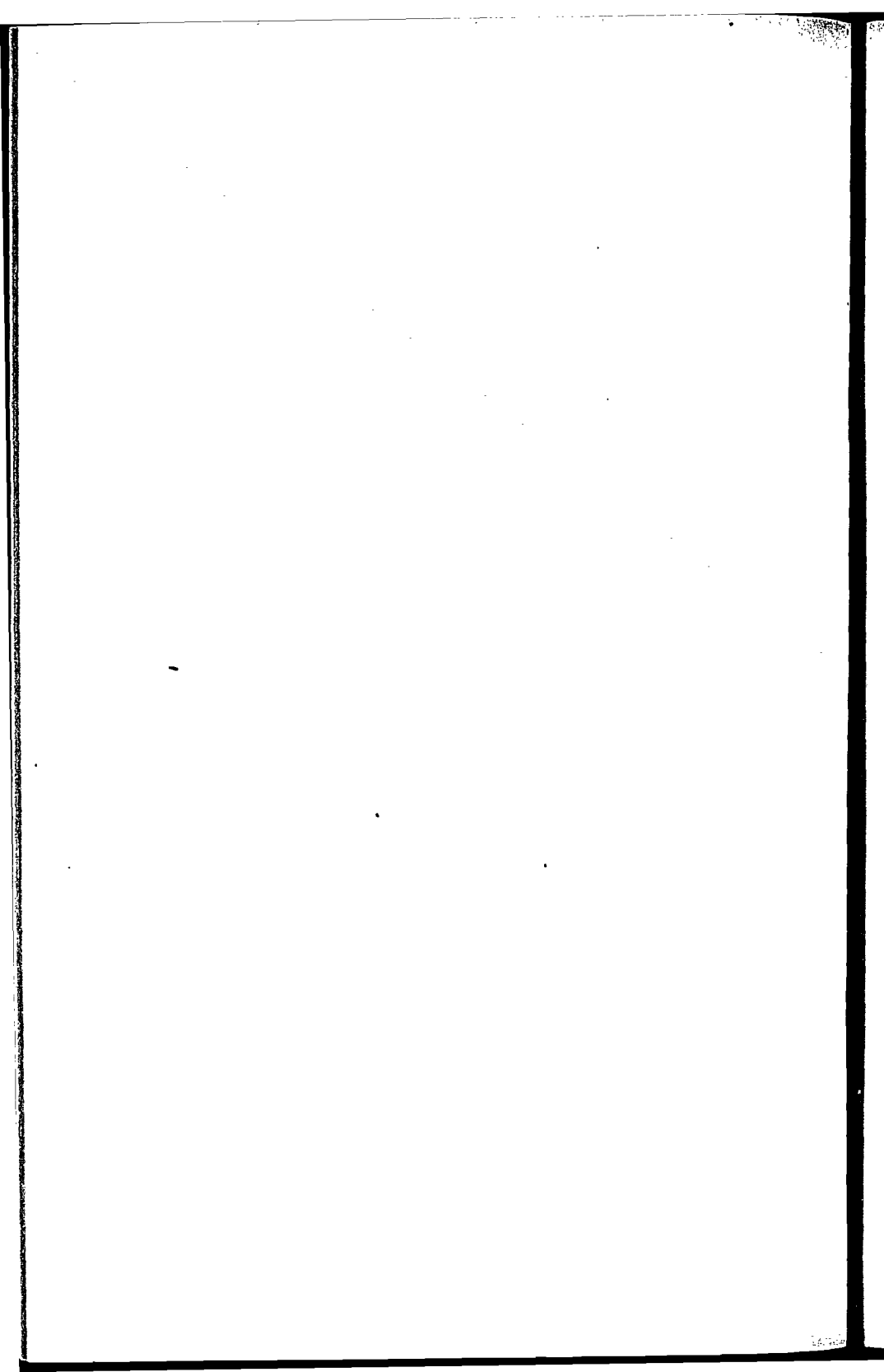
CHAPTER 257.

Joint Resolution, thanking the several Rail Road Companies.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That we hereby tender our thanks to all the rail roads of this State, for their kindness in furnishing the members of this General Assembly with free passes of their roads.

Thanks of  
the General  
Assembly to  
the railroads  
of the State  
for free  
passes.

*Adopted at Dover, March 27, 1875.*



# TITLES OF ACTS OF INCORPORATION

*Excluded from Publication by Act of Feb. 17, 1866.*

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## CHAPTER 258.

An Act to re-incorporate Keokuk Tribe, No. 3, Improved Order of Red Men of the State of Delaware, in the city of Wilmington.

Passed at Dover, January 26, 1875.

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## CHAPTER 259.

An Act to incorporate the Sussex Insurance Company.

Passed at Dover, January 28, 1875.

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## CHAPTER 260.

An Act to incorporate Wilmington Division, No. 1, Sons of Temperance of the City of Wilmington, Delaware.

Passed at Dover, February 1, 1875.



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 261.

An Act to incorporate the Grand Division, Sons of Temperance of Delaware.

Passed at Dover, February 1, 1875.

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## CHAPTER 262.

An Act to incorporate St. Peter's Female Beneficial Society of the City of Wilmington.

Passed at Dover, February 1, 1875.

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## CHAPTER 263.

An Act to incorporate the West End Club Stables.

Passed at Dover, February 1, 1875.

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## CHAPTER 264.

An Act to incorporate the Underwriter's Agency of Delaware.

Passed at Dover, February 1, 1875.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 265.

An Act to incorporate Evening Star Council, No. 1, S. and D. of A., located in Wilmington, Delaware.

Passed at Dover, February 2, 1875.

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CHAPTER 266.

An Act to incorporate the Rehoboth Hotel Company.

Passed at Dover, February 5, 1875.

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CHAPTER 267.

An Act to incorporate the Marbleton Quarry Company.

Passed at Dover, February 8, 1875.

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CHAPTER 268.

An Act to incorporate the Vulcanized Fibre Company.

Passed at Dover, February 8, 1875.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 269.

An Act to incorporate Hiram Lodge, No. 21, Ancient Free and Accepted Masons, of the town of Seaford, Delaware.

Passed at Dover, February 9, 1875.

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## CHAPTER 270.

An Act to incorporate the Union Fraternelle Francaise de Secours Mutuels, de Wilmington, Delaware.

Passed at Dover, February 11, 1875.

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## CHAPTER 271.

An Act to incorporate the Clayton Fire and Marine Insurance Company, of Wilmington, Delaware.

Passed at Dover, February 11, 1875.

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## CHAPTER 272.

A Supplement to an act entitled "An Act to incorporate the Western Car Company," passed at Dover, April 2, 1873.

Passed at Dover, February 11, 1875.

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## CHAPTER 273.

An Act to incorporate the Diamond State Spring Company.

Passed at Dover, February 11, 1875.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 274.

An Act to incorporate a beneficial society in the town of Smyrna, under the name of The Sons and Daughters of Smyrna.

Passed at Dover, February 11, 1875.

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CHAPTER 275.

An Act to incorporate the Wyoming Institute of Delaware, at Wyoming, Kent county, State of Delaware.

Passed at Dover, February 15, 1875.

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CHAPTER 276.

An Act to incorporate The Knights of St. Lawrence Beneficial Society of Wilmington, Delaware.

Passed at Dover, February 16, 1875.

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CHAPTER 277.

An Act to incorporate the Delaware Board of Directors of the Union Mutual Life Insurance Company of Maine, as the Delaware agency of said company.

Passed at Dover, February 17, 1875.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 278.

A supplement to the act, entitled an act to incorporate the Mechanics' Building and Loan Association of the town of Dover, passed at Dover, March 4, 1869.

Passed at Dover, February 18, 1875.

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## CHAPTER 279.

An Act to amend chapter 666, of the 14th volume, Laws of Delaware.

Passed at Dover, February 18, 1875.

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## CHAPTER 280.

An Act to incorporate The Every Evening Publishing Company.

Passed at Dover, February 23, 1875.

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## CHAPTER 281.

An Act to incorporate The Delaware State Fire and Marine Insurance Company.

Passed at Dover, February 23, 1875.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 282.

An Act to incorporate the Great Council of Delaware, of the improved order of Red Men.

Passed at Dover, February 23, 1875.

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CHAPTER 283.

An Act to incorporate Centreville Lodge No. 37, I. O. of O. F.

Passed at Dover, February 23, 1875.

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CHAPTER 284.

An Act to incorporate Eagle Lodge No. 36, I. O. of O. F. of Delaware.

Passed at Dover, February 23, 1875.

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CHAPTER 285.

A supplement to the act, entitled "an act to incorporate the Gravelly Run Marsh Company," passed at Dover February 5th, 1866, and amended and re-enacted by the act entitled "an act to amend and re-enact the act entitled "An act to incorporate the Gravelly Run Marsh Company, passed at Dover, February 5, 1866." Passed at Dover, January 24, 1867.

Passed at Dover, February 25, 1875.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 286.

An Act to incorporate the Dover Fruit and Vegetable Preserving Company.

Passed at Dover, February 26, 1875.

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## CHAPTER 287.

A further supplement to an act entitled an act to incorporate the Delaware Fire Insurance Company.

Passed at Dover, March 1, 1875.

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## CHAPTER 288.

An Act to incorporate the Delaware Iron Company.

Passed at Dover, March 1, 1875.

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## CHAPTER 289.

An Act to incorporate Pocahontas Tent, No. 9, Daughters of the Forest of the town of New Castle, State of Delaware.

Passed at Dover, March 1, 1875.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 290.

An Act to incorporate Union American Circle Friendship, located in Delaware.

Passed at Dover, March 1, 1875.

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CHAPTER 291.

An Act for the renewal of the charter of the Phoenix Fire Company, in the city of Wilmington, and for other purposes.

Passed at Dover, March 2, 1875.

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CHAPTER 292.

An Act to incorporate the Bellevue Quarry company.

Passed at Dover, March 2, 1875.

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CHAPTER 293.

An Act to incorporate the McDonnell encampment of Patriarchs, No. 2, I. O. of O. F., of the State of Delaware.

Passed at Dover, March 2, 1875.



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 294.

An Act to incorporate the Lebanon Hall Company.

Passed at Dover, March 2, 1875.

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## CHAPTER 295.

An Act to incorporate Good Samaritan Lodge, No. 9, of the Independent order of Odd Fellows of the State of Delaware, at Mooretown.

Passed at Dover, March 3, 1875.

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## CHAPTER 296.

An Act to incorporate the Kent Iron and Hardware Company of Wilmington, Del.

Passed at Dover, March 4, 1875.

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## CHAPTER 297.

An Act to Re-incorporate the Delta Phi Literary Society of Delaware college.

Passed at Dover, March 4, 1875.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 298.

An Act to incorporate the Delaware City Mutual Life Insurance company.

Passed at Dover, March 4, 1875.

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CHAPTER 299.

An Act to incorporate The Farmington Institute.

Passed at Dover, March 9, 1875.

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CHAPTER 300.

An Act to incorporate The Pioneer Club Stables, of Wilmington, Delaware.

Passed at Dover, March 9, 1875.

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CHAPTER 301.

An Act to incorporate the Benedictine Institute of the city of Wilmington.

Passed at Dover, March 10, 1875.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 302.

An Act to incorporate the Esplendor Mining Company.

Passed at Dover, March 10, 1875.

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## CHAPTER 303.

An Act to incorporate The American Tin and Iron Company of Delaware.

Passed at Dover, March 11, 1875.

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## CHAPTER 304.

A Supplement to the act entitled "An Act to incorporate the Diamond State Building and Loan Association of the town of Smyrna, passed at Dover, March 13, 1867.

Passed at Dover, March 11, 1875.

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## CHAPTER 305.

An Act to incorporate the Draw Bridge Packing Company.

Passed at Dover, March 16, 1875.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 306.

An Act to incorporate The Tasker Telegraph Company.

Passed at Dover, March 17, 1875.

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CHAPTER 307.

An act to amend the act entitled An act to amend an act to enable the owners and possessors of the meadows, marsh and cripple on Cedar Creek, in Red Lion hundred, in the county of New Castle, to erect a new bank in part, and to keep the residue of the old bank, sluices and flood gates in repairs, and to raise a fund to defray the expenses thereof. Private act passed March 13, 1873.

Passed at Dover, March 17, 1875.

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CHAPTER 308.

An Act to incorporate the Seminole Tribe No. 7, Improved Order of Red men, of the State of Delaware.

Passed at Dover, March 18, 1875.

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CHAPTER 309.

An Act for the improvement of Banckumbrig Creek, in Kent County.

Passed at Dover, March 22, 1875.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 310.

An Act to incorporate The Schoen Spring Company.

Passed at Dover, March 23, 1875.

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## CHAPTER 311.

An Act to revive and re-enact the act entitled an Act to incorporate The Little Creek Canning Company, passed at Dover, April 3, 1873.

Passed at Dover, March 23, 1875.

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## CHAPTER 312.

An Act to incorporate the Middletown Gas light Company at Middletown, Delaware.

Passed at Dover, March 23, 1875.

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## CHAPTER 313.

An Act to incorporate the Indian River and Rehoboth Bay Oyster Planting Company.

Passed at Dover, March 23, 1875.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 314.

An Act to incorporate the Delaware State Mutual Fire Insurance Company.

Passed at Dover, March 24, 1875.

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CHAPTER 315.

A Supplement to an act to incorporate the Philadelphia, Delaware and Charleston Steamship Company, passed at Dover, February 24, 1871.

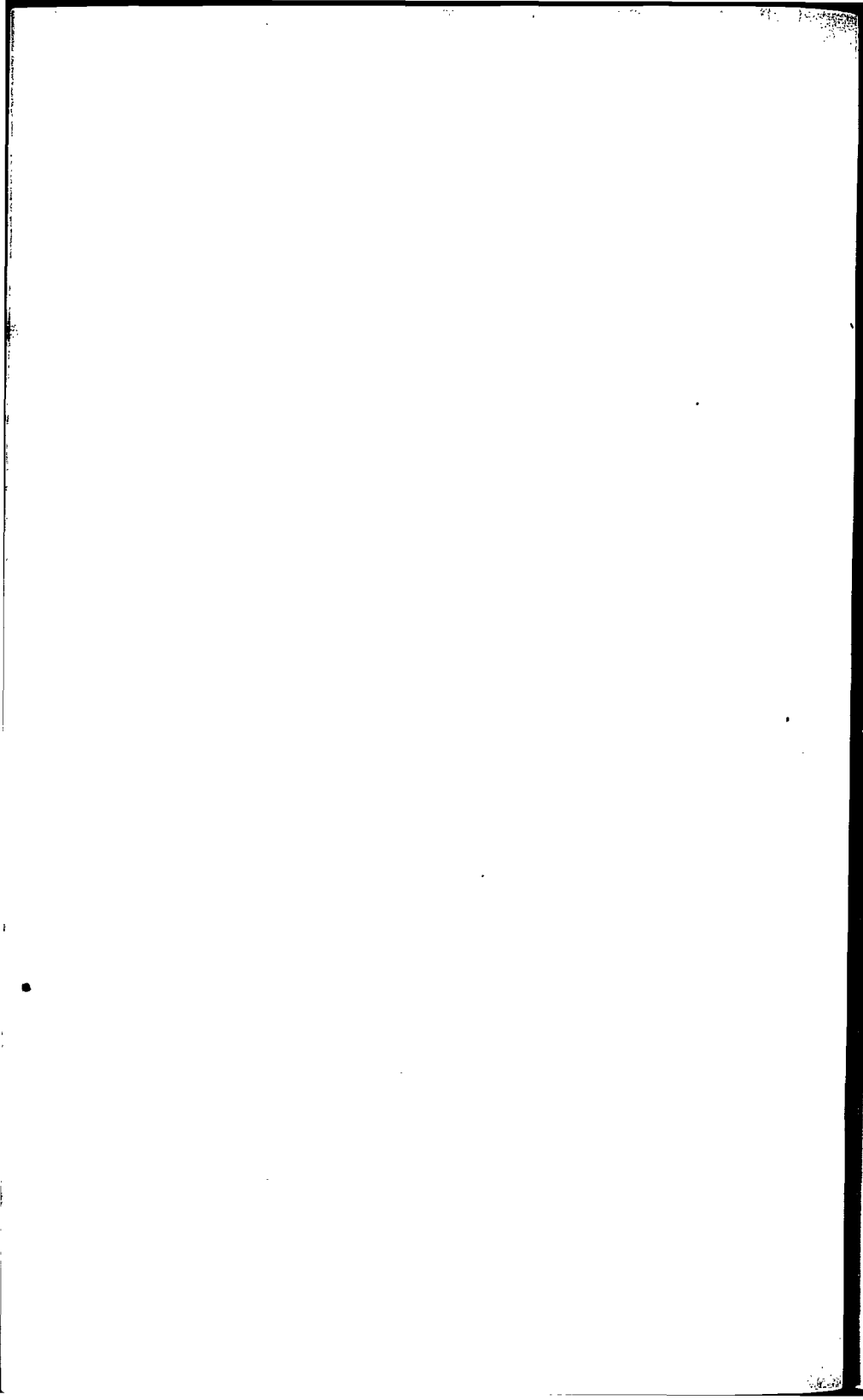
Passed at Dover, March 24, 1875.

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CHAPTER 316.

An Act to incorporate the Workingmen's Savings Bank.

Passed at Dover, March 24, 1875.



## TITLES OF PRIVATE ACTS.

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### CHAPTER 317.

An Act to perfect the title of James T. Massey and Annie E. Massey in certain lands conveyed to them by Joseph Savage and wife.

Passed at Dover, February 4, 1875.

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### CHAPTER 318.

An Act to change the name of Sarah Ann Barker to Lulu Annie Stevens.

Passed at Dover, February 4, 1875.

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### CHAPTER 319.

An Act to enable Jacob G. Cannon to locate certain vacant land and complete his title to the same.

Passed at Dover, February 9, 1875.



## TITLES OF PRIVATE ACTS.

## CHAPTER 320.

An Act to enable Robert Lamden to locate certain vacant land and complete his title to the same.

Passed at Dover, February 15, 1875.

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## CHAPTER 321.

An Act to enable the Beecher Basket Company to hold certain real estate.

Passed at Dover, February 15, 1875.

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## CHAPTER 322.

An Act to perfect the title of the Trustees of the First Presbyterian Church of the Town of Delaware City to certain real property.

Passed at Dover, February 19, 1875.

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## CHAPTER 323.

An Act to enable Joseph McDaniel, Jr. to survey and locate certain salt marsh therein named, and to complete his title to the same.

Passed at Dover, March 1, 1875.

TITLES OF PRIVATE ACTS.

CHAPTER 324.

An Act to change the name of Hettie E. Frame to Hettie E. McColley, and for other purposes.

Passed at Dover, March 9, 1875.

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CHAPTER 325.

An Act to enable Elizabeth Jane Wright, formerly Elizabeth Jane Fooks, to make a last Will and Testament.

Passed at Dover, March 18, 1875.

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CHAPTER 326.

An Act to enable the Benedictine Company of Pennsylvania, to hold real estate in Delaware.

Passed at Dover, March 24, 1875.

SECRETARY'S OFFICE,

DOVER, May 22, 1875.

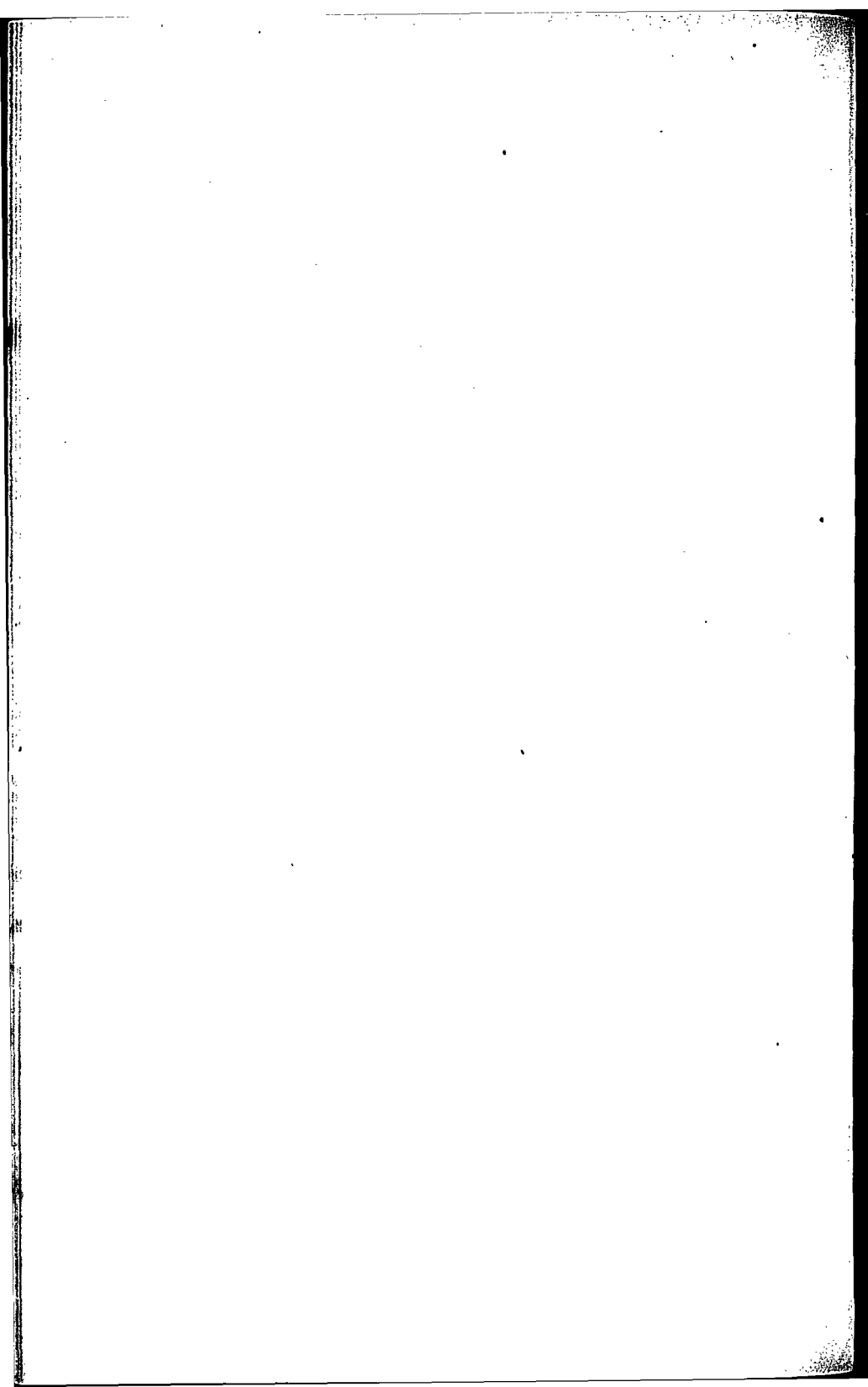
In obedience to directions of Chapter 4 of the Revised Code, entitled, "Of the passing and publication of Laws and of Journals," I have collated with and corrected by the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the regular biennial session, commenced on Tuesday, the fifth day of January, A. D. 1875

The words between brackets throughout the work are inserted to complete the sense or correct errors in the original rolls. Words and sentences noted with asterisks are printed as they appear on the rolls.

IGNATIUS C. GRUBB,

*Secretary of State.*





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,

A. D. 1877,

AND OF THE

INDEPENDENCE OF THE UNITED STATES,

THE ONE HUNDRED AND FIRST.

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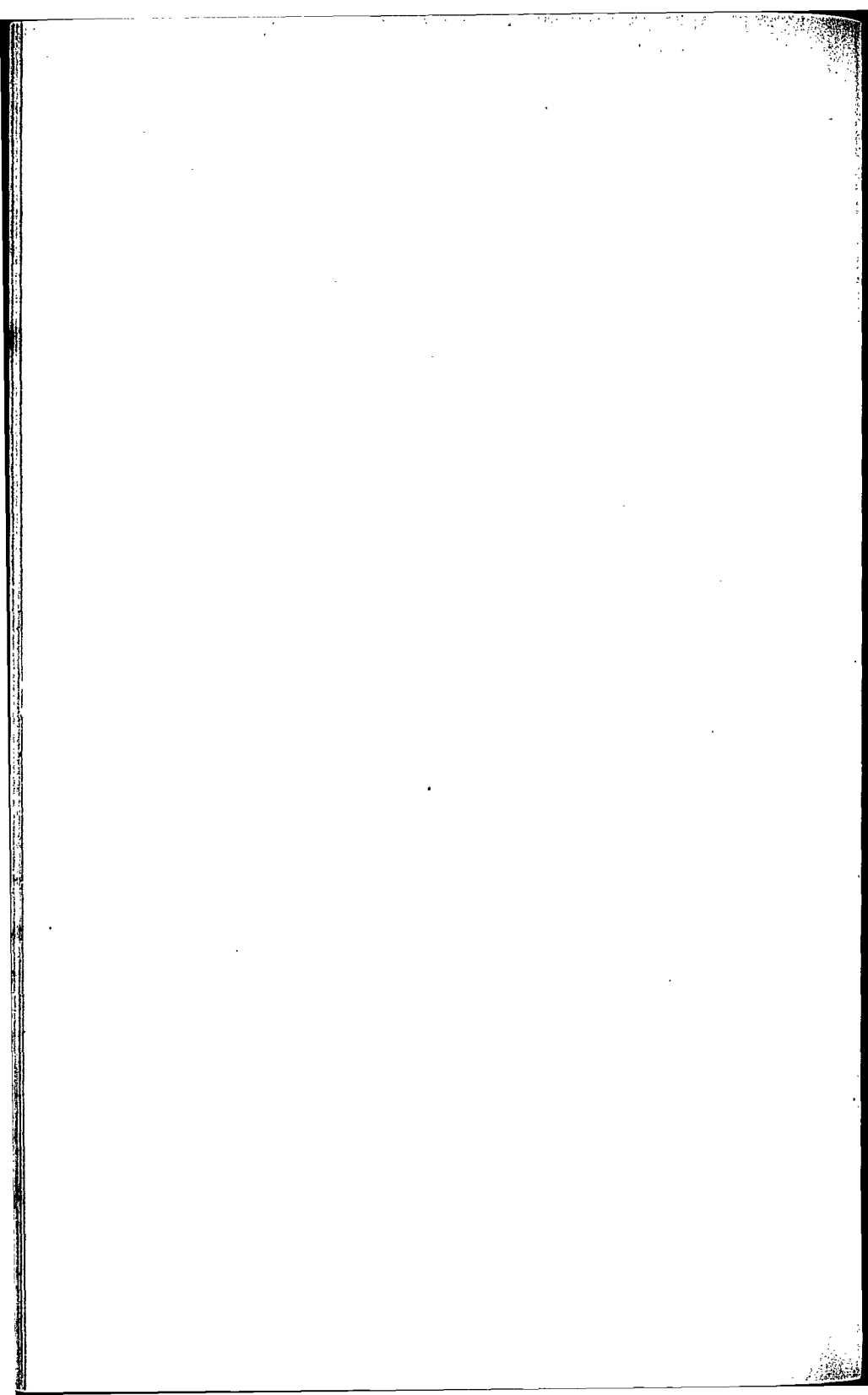
VOL. 15,—PART 2.

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WILMINGTON, DELAWARE :

C. P. JOHNSON, PRINTER,

1877.



# LAWS OF THE STATE OF DELAWARE.

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## TITLE FIRST.

Of the Jurisdiction and Property of the State ; its Legislation and Laws.

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### CHAPTER 327.

#### OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT to divide Dover hundred in Kent county into two hundreds, to be called, respectively, East Dover hundred and West Dover hundred.

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

SECTION 1. That Dover hundred, in Kent county, shall be and the same is hereby divided into two hundreds, for the purpose of holding the general and special elections, the election of assessors and inspectors, and for the appointment of constables and for such other purposes as may be necessary to constitute the respective hundreds separate and distinct hundreds with the rights that may properly appertain to them as such. All that part of said Dover hundred now embraced in Dover East Election District, shall constitute one hundred of Kent county, and shall be called and known by the name

Dover hundred divided into two hundreds.

For what purposes.

Their boundaries.



## CONCERNING LIMITS.

Names of said hundreds. of East Dover hundred, and all that part of Dover hundred now embraced in Dover West Election District shall constitute one hundred of Kent county, and shall be called and known by the name of West Dover hundred, and all laws of this State that apply to hundreds in Kent county as such shall apply and extend to the said hundreds respectively as separate and distinct hundreds.

East Dover hundred, West Dover hundred.  
Laws applicable to hundreds extended to each of said hundreds.

Of Levy Court Commissioners.

Their election.

Of constables and their appointment.

Proviso.

Trustees of the poor.

Their appointment.

SECTION 2. That East Dover hundred and West Dover hundred as formed by this act, shall each have one of the commissioners of the Levy Court and Court of Appeal and one constable each, which, under existing laws, Dover hundred, as it existed before the passage of this act, was entitled to, and at the next general election in this State, one Levy Court commissioner shall be elected for each of said hundreds, or at such time as the legal terms of the present commissioners shall expire, and the Levy Court of Kent county upon the expiration of the term of office of the constable at present residing in East Dover hundred may appoint a constable for said East Dover hundred, to serve for the full term now fixed by law, and the said Levy Court may appoint a constable for West Dover hundred to serve the full term now fixed by law. Provided that nothing herein contained shall be construed to apply to or in any way affect any constable, appointed under any special law, residing within the limits of either hundred. The Levy Court aforesaid, shall appoint at the time now fixed by law for the appointment of trustees of the Poor, one trustee of the Poor for each of said hundreds.

Elections.  
Where held.

SECTION 3. That all general and special elections, and all elections for assessors and inspectors, shall be held in the said hundreds of East Dover and West Dover, at the places now designated by law for holding elections in Dover East Election district, and in Dover West Election district.

Of the assessment and collection of taxes in said hundreds.

SECTION 4. That the assessment and collection of taxes in said hundreds hereby formed out of what has heretofore been Dover hundred shall, until the next general assessment of real and personal property, be made in the same manner as heretofore, and the payment of the taxes assessed under the present valuation, shall have the same effect and force in all respects as the payment of taxes has or can have in any hundred of the county, and the passage of this act shall in no way impair the right of any collector to complete the collection of duplicates or assessments in his hands for collection, or which may hereafter be placed in his hands for collection, in the same manner as if this act had not been passed, but such collector

## CONCERNING LIMITS.

or collectors, their executors or administrators and the sureties of any such collector shall have the same powers, rights and remedies, and be under the same liabilities to collect the taxes committed to such collector for collection as if this act had not been passed.

SECTION 5. That the constables and trustees of the Poor heretofore appointed for Dover hundred, shall continue in office and act as such until their respective terms of office shall expire or become vacant.

Constables and trustees of the poor to continue in office until terms expire.

*Passed at Dover, February 7, 1877.*

## CHAPTER 328.

## OF LIMITS.

AN ACT in relation to the assessor and road commissioners of St. George's hundred in New Castle county. Current vol. 5.

WHEREAS, by an act of the General Assembly passed at Preamble. Dover, March 1st, 1875, entitled, "An act for the extension of the boundaries of Red Lion hundred, New Castle county," a certain portion of the territory then included in St. George's hundred, and in said act particularly described, was added to Red Lion hundred, and made parcel thereof, and,

WHEREAS, by section 5 of said act, it was provided as follows: That any officer of St. George's hundred, who shall or may reside within the district above described, at the time of the passage of this act, shall continue to exercise the duties of his office until the next General Election, when his term shall expire, and a successor be elected, and,

WHEREAS, at the time of the passage of the said act, one John Robson was a road commissioner of St. George's hundred, residing within said district, elected for a term of four years from the first Tuesday of October A. D. 1874, but whose term

## CONCERNING LIMITS.

by the force of said act expired on the seventh of November, 1876, the day of the General Election aforesaid, and,

WHEREAS, at the time of the passage of said act, one Daniel B. Stewart was assessor of said St. George's hundred, residing within said district, elected for a term of two years from the first Tuesday of October, 1874, but whose term by the force of said act was extended until the seventh day of November, 1876, as aforesaid, and,

WHEREAS, the electors of said hundred of St. George's, on the first Tuesday of October A. D. 1876, did vote for and assume to elect two road commissioners for said hundred, to wit: Martin E. Walker and Thomas J. Craven, one of whom it was intended should be the successor of the said John Robson, whose term expired by the force of the act aforesaid, and the said electors did also vote for, and assume to elect, an assessor for the said hundred for the term of two years from the first Tuesday of October aforesaid, to wit: James Gray in place of the said Daniel B. Stewart; now, therefore,

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

Certain persons recognized as assessor and Road Commissioners of St. George's hundred.

Their respective terms of office.

Their official acts ratified and legalized.

A certain rotation to be observed in future elections of Road Commissioners.

Inconsistent acts repealed.

SECTION 1. That James Gray be and is hereby recognized as the assessor of St. George's hundred, for the term of two years from the first Tuesday of October, 1876, and that Martin E. Walker and Thomas J. Craven be and they are hereby recognized as road commissioners of St. George's hundred, for the terms following; that is to say, that Martin E. Walker shall serve for four years, from the first Tuesday of October, 1876, and that Thomas J. Craven shall serve for the remainder of the term to which the said John Robson was originally elected, that is, until the first Tuesday of October, 1878.

SECTION 2. That all the acts of the said James Gray, as assessor, and of the said Martin E. Walker and Thomas J. Craven, as road commissioners of said hundred, since the first Tuesday of October 1876, are hereby ratified and declared to be as legal and valid as if they had been regularly elected to the said offices under the provisions of the general laws of the State relating to the election of assessors and road commissioners; and, that the rotation established by section 12, of Chapter 60, of the Revised Statutes of this State shall be observed as to all future elections of road commissioners of St. George's hundred.

SECTION 3. That all acts or parts of acts inconsistent herewith, are hereby repealed.

*Passed at Dover, February 14, 1877.*

## CONCERNING LIMITS

## CHAPTER 329.

## OF LIMITS.

AN ACT to amend chapter 353, volume 14, Delaware Laws.

Volume 14,  
320.

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

SECTION 1. That section one (1) of chapter 353, volume 14, Delaware Laws, be and the same is hereby amended, by striking out in the fifteenth line, the words, "Public School House," and insert in lieu therefor, "Old Christiana Hotel or House."

*Passed at Dover, March 19, 1877.*

## CHAPTER 330.

## OF LIMITS.

AN ACT to amend section 7 of chapter 4 of the current volume of Delaware Laws, passed at Dover 1875.

Current vol-  
ume 9.

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

SECTION 1. That section 7 of chapter 4 of the current volume of Delaware Laws, be amended as follows, to wit: By striking out all of said section after the letters "A. D." and insert in lieu thereof, the following: "1877, at the proper time, and every three years thereafter, elect one trustee of the Poor for each of the hundreds formed by this act, and at the proper time, and annually thereafter, one collector and one constable for each hundred formed by this act."

Section 7,  
chapter 4,  
of current  
volume  
amended.Election of  
trustees of  
poor, collec-  
tor and con-  
stable.

*Passed at Dover, February 1, 1877.*

## OF PUBLIC OFFICES.

## CHAPTER 331.

## OF PUBLIC OFFICES.

Amended  
Code, 1874,  
21.

AN ACT to amend chapter 3 of the Revised Code as amended.

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

Section 4,  
chapter 3,  
of Revised  
Code amend.  
ed.

Public off-  
cers to oc-  
cupy such  
rooms as  
Levy Court  
may assign  
when.

SECTION 1. That section 4, chapter 3, Revised Code, as amended in 1874, be and the same is hereby amended by adding to said section 4 the following words, to wit: "*Provided* that in case of necessity or of changes made in said rooms by the Levy Court in each county, the said public officers shall occupy such rooms as may be assigned them by the said Levy Court."

*Passed at Dover, March 14, 1877.*

## CHAPTER 332.

## OF THE PASSING AND PUBLICATION OF LAWS AND OF JOURNALS.

Amended  
Code, 1874,  
22.

AN ACT to revive and extend the time for recording private acts.

Preamble.

WHEREAS, By chapter 4, section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature, or published as such) shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage, or they shall be void, and

WHEREAS, A number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment; therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises, therefore,

## CONCERNING THE PUBLICATION OF LAWS.

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

SECTION 1. That all unpublished acts heretofore passed, which have not, by special acts, been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively, shall have the same force and effect, and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, That this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the recorder's office of one of the counties of this State; and *Provided further*, That no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

Unrecorded private acts revived.  
Proviso.  
Further proviso.

SECTION 2. This act shall be deemed and taken to be a public act, public act, and published as such.

*Passed at Dover, January 26, 1877.*

## CHAPTER 333.

## OF JUDICIAL REPORTS.

AN ACT to amend section 2 of chapter VI. of the Revised Code as amended.

Amended Code, 1874, 26.

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

SECTION 1. That section 2 of chapter VI. of the Revised Code as amended, be and the same is hereby amended by inserting between the words "reports" and "shall," in the first line of said section, the following words, viz: "aforesaid and all reports of equity cases deposited for the use of the State."

Section 2, chapter 6, of Amended Code amended.

Distribution of equity reports by Secretary of State.

*Passed at Dover, March 9, 1877.*

## TITLE SECOND.

### Of the Public Revenue and the Assessment, Collection and Appropriation of Taxes.

#### CHAPTER 334.\*

##### OF THE REVENUES OF THE STATE.

Amended  
Code, 1874.  
37.

AN ACT to amend chapter 7, of the Revised Code of 1852 as published in the amended Code of 1874.

Marriage  
license fee  
reduced.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 15 of chapter 7 of the Revised Code as published in the amended Code of 1874, be stricken out and the following inserted in lieu thereof: "That the Clerk of the Peace in each of the counties of this State shall hereafter collect for the use of the State from each and every person applying to him for a marriage license, the fee of two dollars, in lieu of four dollars heretofore charged for the same."

*Passed at Dover, January 26, 1877.*

#### CHAPTER 335.

##### OF THE REVENUES OF THE STATE.

Current vol-  
ume, 394.

AN ACT to amend the act entitled "An act to amend chapter 7, of the Revised Code of 1852, as published in the Amended Code of 1874," passed at Dover, January 26, 1877.

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

The act  
passed at  
Dover, Jan-  
uary 26,  
1877.

SECTION 1. That the act entitled "An act to amend chapter 7 of the Revised Code of 1852, as published in the Amended

\*This chapter was designed to amend section 15 of chapter 117, volume 13. There is no section 15 of chapter 7, Amended Code of 1874. The next chapter (335) of current volume, corrects the error.

## CONCERNING THE PUBLIC REVENUE.

Code of 1874," passed at Dover, January 26, 1877, be and the same is hereby amended, by striking out all of section 1, of said act after the enacting clause, and inserting in lieu thereof the following: "That section 15 of chapter 117, of volume 13, Laws of Delaware, be stricken out, and the following substituted therefor: "Section 15: That the Clerk of the Peace in each of the counties of this State shall hereafter collect for the use of the State from each and every person applying to him for a marriage license, the fee of two dollars in lieu of four dollars heretofore charged for the same."

(Chap 334, current volume) amended.

Volume 13, 105, section 15 of chap. 117, volume 13 stricken out and supplied.

Marriage license fee reduced to \$2.00.

*Passed at Dover, March 6, 1877.*

## CHAPTER 336.

## OF THE REVENUES OF THE STATE.

## AN ACT for the redemption of State Bonds.

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

SECTION 1. That the State Treasurer be and he is hereby authorized and required to redeem and cancel the bonds of the State of Delaware, issued and dated January 1st, 1865, and numbered in consecutive numbers from *one to eight hundred and eighty*, unpaid, and now outstanding. Beginning with the lowest number whenever he shall or may have in the Treasury of the State a surplus of not less in amount than twenty thousand dollars in excess of that, or a less sum, in his discretion, to be kept in the treasury. And to carry the provisions of this section into effect, he shall give two months' notice next preceding the date or dates, when and where the bonds will be redeemed, to be published semi-weekly in two daily newspapers of largest circulation published in the city of Philadelphia, and a like publication in two daily newspapers of the largest circulation published in Wilmington, and a like notice for two months to be given in one weekly [newspaper] in each of the counties of Kent and Sussex. The notice to be given may be in the following form:

State treasurer required to redeem and cancel state bonds issued January 1, 1865.

Order of cancellation.

When he may redeem and cancel same.

Notice of time and place of redemption to be published in newspapers.

When & where.



## CONCERNING THE PUBLIC REVENUE.

## DELAWARE STATE BONDS.

Form of  
notice.

By virtue of an act of the General Assembly, passed at Dover, Feb.—, 1877, I hereby give notice to holders of Delaware State bonds, that I shall attend at the Philadelphia National Bank, in the city of Philadelphia during the business hours of that bank, on the three first secular days of ——— 18—, prepared to redeem and pay off bonds of the following numbers———, of the denomination of one thousand dollars each, of the issue of the bonds of the State of Delaware, under date of January 1, 1865. And that from and after the said first day of ———, 18—, the interest on said bonds will cease.

\_\_\_\_\_,  
*State Treasurer.*

*Office of State Treasurer, Dover, Del., \_\_\_\_\_, 18—.*

How bonds  
and coupons  
shall be can-  
celled.

Cancelled  
bonds to be  
presented to  
legislative  
committee;  
when.

SECTION 2. *And be it further enacted*, That the State Treasurer, upon the payment and redemption of the bonds of this State, at or through the Philadelphia National Bank, he\* shall, in the presence of the cashier or assistant cashier thereof, properly and sufficiently cancel the same and the coupons attached thereto. And shall present the said bonds so redeemed and cancelled at the first settlement he shall make thereafter with any committee of the Legislature which may be constituted therefor.

*Passed at Dover, February 22, 1877.*

## CHAPTER 337.

## OF THE REVENUES OF THE STATE.

Volume 13,  
357.

AN ACT to repeal section 14, chapter 390, volume 13, of the laws of this State, and for other purposes.

Section 14,  
chapter 390,  
volume 13,  
repealed and  
supplied.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That section 14 of chapter 390 of volume 13 of the laws of this State be and the same is hereby repealed, and the following enacted in lieu thereof: "Section 14. In all cases where real estate of any kind is subject to the said tax, the register of

\*So enrolled.

## CONCERNING THE PUBLIC REVENUE.

wills for the county where such lands and tenements are situated, shall obtain from the records of the Levy Court of such county, the assessment of said real estate at the time the same became liable to said tax, and said assessment thus obtained shall be deemed and taken to be the true value of the said real estate upon which the tax shall be paid, and in all cases where real estate of any kind has heretofore become subject to tax under the provisions of this chapter, and the value and appraisal thereof have not for any cause been obtained, the said register shall in like manner obtain the said assessed value, and such value shall be the amount upon which the tax shall be paid, or, if paid, retained. The amount of said tax ascertained as aforesaid shall be a lien on said real estate from the death of the decedent who shall have died seized and possessed thereof, until the same shall be paid.

Appraisal-  
ment of real  
estate sub-  
ject to inher-  
itance tax.

To be ob-  
tained by  
register of  
wills; how.

Lien of tax  
so ascer-  
tained.

*Passed at Dover, March 9, 1877.*

## CHAPTER 338.

## OF THE REVENUES OF THE STATE.

AN ACT to amend section 3 of the act entitled "An act to raise revenue and provide for the current expenses of the State government," passed at Dover, March 22, 1867. Vol. 13, 105.

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

SECTION 1. That Section 3 of the act entitled "An act to raise revenue and provide for the current expenses of the State government," passed at Dover, March 22, 1867, be and the same is hereby amended by striking out the words "to a citizen of this State," in the tenth line of said section 3, and also by striking out the words "to a non-resident of this State twenty dollars," in the eleventh and twelfth lines of said section.

Sec. 3, of  
chap. 117,  
vol. 13,  
amended.

Reduction of  
fee for  
license to  
non-resident  
stallion  
keeper.

*Passed at Dover, March 14, 1877.*

## CONCERNING THE PUBLIC REVENUE.

## CHAPTER 339.

## OF THE REVENUES OF THE STATE.

## AN ACT to reduce taxation.

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

Vol. 14, 32.

Ten cent  
State tax on  
county  
assessments  
abolished.

Proviso.

SECTION 1. That, hereafter, the State tax of ten cents on the hundred dollars on county assessments, as authorized by chapter 22, volume 14, Laws of Delaware, shall not be laid and apportioned, and if the said tax has already been laid and apportioned for the year 1877, it shall not be collected. *Provided*, That any tax which has been laid and apportioned prior to the present year shall be collected the same as though this act had not been passed.

Vol. 14, 37.

Sec. 3, of  
chap. 24,  
volume 14,  
stricken out.

SECTION 2. That chapter 24, volume 14, Laws of Delaware, be and the same is hereby amended by striking out section 3 of said chapter.

Sec. 1, chap.  
24, vol. 14,  
amended.

SECTION 3. That section 1, chapter 24, volume 14, Laws of Delaware, be and the same is hereby amended by striking out the words "five hundred" in the sixty-ninth line and inserting in lieu thereof, the words "one thousand."

\$1000 of  
manufac-  
tures  
exempted  
from  
taxation.

*Passed at Dover, March 23, 1877.*

## CHAPTER 340.

## OF THE LEVY COURT.

AN ACT authorizing the Levy Court commissioners of Sussex county, of this State, to place snub posts on the banks of the Broadkiln Creek above and below the drawbridge.

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

Levy Court  
of Sussex  
county shall  
have snub-  
posts placed  
at certain  
points on  
Broadkiln  
Creek.

SECTION 1. That the Levy Court commissioners of Sussex county of this State, shall place, or cause to be placed, three snub posts on the north side, and one on the south side of the

## CONCERNING THE PUBLIC REVENUE.

Broadkiln Creek above the said drawbridge which spans the said creek, and three on the north side and one on the south side below the said bridge, and that each post shall not be less than seven feet in the ground, nor more than four above, and not less than sixteen inches in diameter, and of solid white oak and to be placed where the captains and owners of vessels may direct.

Their description, and how placed.

*Passed at Dover, February 20, 1877.*

## CHAPTER 341.

## OF COLLECTORS.

AN ACT for the relief of the collectors in Appoquinimink and Blackbird hundreds, in New Castle county.

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

SECTION 1. For collecting and paying over State, county, road, or poor taxes, or any other tax levied according to law, a commission of eight per centum shall be allowed the collectors of Appoquinimink and Black Bird hundreds.

Per centage allowed to collectors of Appoquinimink, and Blackbird hundreds.

SECTION 2. The Levy Court of New Castle county and the road commissioners of Appoquinimink hundred, and the road commissioners of Blackbird hundred shall, at their next settlement, allow the said collectors of Appoquinimink and Blackbird hundreds, in New Castle county, eight per centum for the collection of the taxes on their duplicates not finally settled heretofore, any law or laws to the contrary notwithstanding.

Per centage to be allowed to collectors of said hundreds on taxes not heretofore finally settled.

SECTION 3. This act shall apply to the collectors of Appoquinimink and Blackbird hundreds, in New Castle county, for the years of 1876 and 1877, and each and every year thereafter.

Applicability of act

*Passed at Dover, March 21, 1877.*

## CONCERNING THE PUBLIC REVENUE.

## CHAPTER 342.

## OF COLLECTORS.

AN ACT in relation to the liability of principal and surety.

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

Remedy of  
sureties of  
collectors of  
taxes.

May petition  
Levy Court  
to remove  
collector, or  
to restrain  
him from  
further col-  
lection of  
taxes; when.

Petition.  
How veri-  
fied. When  
presented.

Proceedings,  
duties and  
powers of  
Levy Court  
thereunder.

May remove  
collector and  
appoint his  
successor.

May compel  
delivery of  
seal, &c., to  
successor;  
when.

May issue  
warrant for  
arrest, by  
sheriff, of  
collector re-  
fusing to  
deliver seal,  
&c., to his  
successor.

SECTION I. That whenever the sureties in the official bond of any collector of taxes, appointed by the Levy Court in either of the counties of this State, shall have reason to apprehend loss by reason of their suretyship for such collector of taxes, it shall be lawful for any two or more of such sureties to present a petition to the Levy Court by which such collector was appointed, stating in substance that they are sureties in the official bond of such collector of taxes, and that they have good grounds to believe, and do believe, that they have sustained, or will sustain, loss by reason of their suretyship for such collector of taxes, and praying for his removal from office, or in case his official term shall have expired, and he shall not have collected and accounted to the Levy Court for all the taxes committed to him for collection, praying that he may be restrained from the further collection of any taxes committed to him for collection. Such petition shall be verified by the oath or affirmation of at least one of the signers thereof and may be presented to the Levy Court by which such collector of taxes was appointed, at any regular, special, or adjourned term thereof. Upon the presentation of any such petition it shall be the duty of the Levy Court, as soon as conveniently can be thereafter, to inquire into the matter, and if the said Levy Court shall be of opinion that there is danger of loss to such sureties by reason of their said suretyship, the said Levy Court shall have the power, at once, to remove from office such collector of taxes, and to appoint some citizen of the hundred collector in his place for the residue of the term, and may compel the delivery of the official seal and of the duplicate and warrant to his successor in office, after he shall have given bond, as other collectors. If any person having been collector, after his removal from office under the provisions of this section, shall refuse or neglect to deliver to his successor in office, within two days after he shall have given bond, his official seal and duplicate and warrant, it shall be the duty of the said Levy Court to issue a warrant for the arrest of such removed collector, directed to the sheriff of the county, who shall, thereupon, arrest him and confine him in the

## CONCERNING THE PUBLIC REVENUE.

common jail of the county until he shall deliver to his successor in office his official seal and duplicate and warrant. In case such removed collector shall refuse to deliver to his successor in office his official seal and duplicate and warrant, the said Levy Court may cause new ones to be issued to him after he shall have given bond, as other collectors. In case the prayer of any such petition presented to the Levy Court shall be to restrain a collector of taxes whose term shall have expired, and who shall not then have collected all the taxes committed to him for collection, from the further collection of any taxes committed to him for collection, and if the said Levy Court, after inquiring into the matter, shall be of opinion that there is danger of loss to such sureties by reason of their said suretyship, the said Levy Court shall have power to issue an order restraining such late collector from the further collection of any taxes committed to him, and may appoint the collector resident in said hundred, or any other citizen of the hundred, to collect the residue of the taxes uncollected by such late collector, and may compel the delivery of the duplicate and warrant to the person appointed to collect the residue of the taxes uncollected by such late collector, after he shall have given bond, as other collectors. If any such late collector, after an order made by said Levy Court to restrain him from the further collection of taxes committed to him for collection, shall refuse or neglect to deliver to the person appointed to collect the residue of the taxes uncollected by him within two days after he shall have given bond, the duplicate and warrant, it shall be the duty of the said Levy Court to issue a warrant for the arrest of such late collector, directed to the sheriff of the county, who shall thereupon arrest him and confine him in the common jail of the county until he shall deliver to the person appointed to collect the residue of the taxes uncollected by him, his duplicate and warrant. In case such late collector shall refuse to deliver his duplicate and warrant to the person appointed to collect the residue of the taxes uncollected by such late collector, the said Levy Court may cause a new duplicate and warrant to be issued to him after he shall have given bond, as other collectors. It shall be unlawful for any person who may have been removed from the office of collector of taxes under the provisions of this section, or who may have been restrained by an order of the Levy Court from the further collection of any taxes committed to him under the provisions of this section, to collect or to receive any taxes whatsoever. And if any such person, after his removal from office as aforesaid, or after the making of such restraining order by the Levy Court as aforesaid, shall receive or col-

May cause new seal, &c. to be issued; when.

When collector may be restrained from collecting the unpaid taxes on his duplicate.

Who may be appointed to collect restrained collector's uncollected taxes, and when.

Restrained collector may be imprisoned for refusal to deliver his duplicate, &c., and new ones may be issued; when.

Unlawful for removed or restrained collector to receive any taxes.

## CONCERNING THE PUBLIC REVENUE.

lect any tax or taxes from any person or persons whomsoever, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, be fined not less than one hundred dollars nor more than five hundred dollars, and may, in addition thereto, in the discretion of the court, be imprisoned for any term not exceeding one year. In case of the appointment of a collector for the residue of a term as provided for in this section, or in case of the appointment of a person to collect the residue of the taxes uncollected by a collector whose term of office shall have expired as herein provided, he and his sureties shall be chargeable with all taxes uncollected by his predecessor, subject to allowances by the Levy Court, as in the cases of other collectors. Such appointment shall not discharge the sureties of the first collector from any part of their responsibility, or otherwise affect it, but all sums collected by the last collector shall be credited to the first. He shall have the same powers and be subject to the same duties and liabilities as the collector first appointed. On his death they shall devolve upon his executor or administrator. If a new warrant be issued to him, it and the duplicate shall bear date with the original. The provisions of this section shall apply to any collector of taxes who may have been at any time heretofore appointed, as well as to any who shall be hereafter appointed.

Misdemeanor.

Fine and imprisonment.

Liability of collector and his sureties appointed in lieu of removed or restrained collector.

Such appointment not to discharge sureties of his predecessor.

His powers, liabilities, &c.

Date of new warrant.

To whom law applies.

*Passed at Dover March 23, 1877.*

## TITLE FOURTH.

### Of Elections.

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#### CHAPTER 343.

##### OF THE ELECTIONS OF ASSESSORS AND INSPECTORS.

AN ACT to amend section six of chapter 17, of the Revised Statutes, of the Laws of Delaware. Amended  
Code, 1874,  
111.

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

SECTION 1. That section six of chapter seventeen, of the Revised Statutes of the Laws of Delaware be and the same is hereby amended by striking out the word "eleven" in line two, and inserting in lieu thereof, the word "nine," and by striking out in the same line, the word "twelve" and inserting in lieu thereof the word "ten." Section 6,  
chapter 17,  
Revised  
Code, amend  
ed.

*Passed at Dover, March 22, 1877.*



## TITLE FIFTH.

### Of Certain Public Officers.

#### CHAPTER 344.

##### OF THE GOVERNOR.

Amended  
Code, 1874,  
151.

AN ACT to amend chapter twenty-seven 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 chapter twenty-seven, of the Revised Statutes of this State be and the same is hereby amended, by repealing so much of the second section of it as follows after the word "journals" in the fifth line of said second section, as printed in the Revised Codes of 1852 and 1874, to the close or end of said section, and inserting in lieu thereof, the following words and provision, viz.: "and on the certificate of the Secretary of State, that the reports of judicial decisions by the Associate Judge of the Superior Court of the State of Delaware, residing in Kent county, have been deposited in the State library, as required by law, to pay for the same, at the price of ten dollars per copy." And in any future edition of the laws of this State, the said chapter and section shall be published as herein and hereby amended.

Section 2 of  
chapter 27 of  
Rev. Code  
amended.

\$10 per copy  
to be paid  
for certain  
judicial re-  
ports deposi-  
ted in State  
library.

*Passed at Dover, February 5, 1877.*

## IN RELATION TO PUBLIC OFFICERS.

## CHAPTER 345.

## OF THE GOVERNOR.

AN ACT to provide for the arrest of persons violating the laws of this State, and to appropriate money to pay for such arrests.

SECTION 1. *Be it enacted 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 authorized, whenever he is satisfied that the laws of this State have been violated, and it is necessary for the purpose of securing the arrest of the persons offending that a reward should be offered for the arrest and delivery in a jail of this State of such persons, to issue his proclamation, offering such reward as in the opinion of himself and the Attorney General is proper for such arrests and delivery, and upon the arrest and delivery, the amount so offered shall be paid upon a warrant drawn by the Governor on the State Treasurer in favor of the persons certified by the Attorney General to be entitled thereto, out of any money in the treasury not otherwise appropriated. Provided such reward shall not exceed the sum of two hundred and fifty dollars in cases of felonies and not capital, and not exceed the sum of five hundred dollars in capital felonies, and provided further, that no reward shall be paid to any officer who shall arrest such person in the regular discharge of his duty by virtue of process in his hands to be executed, nor to any person who has arrested the offender previous to the publication of the reward.

Governor may offer rewards for arrest and delivery of persons charged with violations of the laws.

How amount of reward is to be determined.

How paid.

Proviso.

Amount limited.

Further proviso.

*Passed at Dover, March 19, 1877.*

## CHAPTER 346.

## OF CONSTABLES.

AN ACT to amend chapter 34 of the Revised Statutes, concerning constables.

Amended Code, 1874, 171.

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 and required

Governor to appoint two additional constables for city of Wilmington.

## IN RELATION TO PUBLIC OFFICERS.

to appoint two additional constables in New Castle county, who shall be appointed for, and reside in, the city of Wilmington, and the terms of office of constables hereby created shall continue for four years, and the appointments thereto shall be made and vacancies filled by the Governor for and during the said term of four years.

Term, four years.

To give bond for \$4000 within 30 days, to be approved by Governor.

To be recorded.

Appointment void if bond not so given.

SECTION 2. *And be it further enacted*, That any constable to be appointed by virtue hereof shall, within thirty days after his appointment, enter into bond to the State of Delaware, with one or more sufficient sureties, to be approved by the Governor, in the penal sum of four thousand dollars, conditional for the faithful performance of the duties of his office. The said bond shall be recorded in the recorder's office for New Castle county, and shall have the same force and effect as a constable's bond taken by the Levy Court of said county. If the constable so to be appointed neglects to give the bond as required by this section, the appointment shall be deemed void, and the Governor shall fill the vacancy thereby created.

*Passed at Dover, March 1, 1877.*

## CHAPTER 347.

## OF RECORDERS OF DEEDS.

AN ACT to authorize the recorder of deeds, in and for New Castle county, to make a certain index.

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

Recorder of New Castle county to make an index, pursuant to Campbell's system, of certain mortgages.

SECTION 1. That the recorder of deeds, in and for New Castle county, is hereby authorized and directed to make, or cause to be made, an index (pursuant to Campbell's system of indexing) of all mortgages entered and recorded in the recorder's office, in and for New Castle county, from the year A. D. one thousand eight hundred and thirty-two, to the time at which Campbell's system of indexing was commenced in the said office.

## IN RELATION TO PUBLIC OFFICERS.

SECTION 2. *And be it further enacted*, That Walter Cummins and Alexander B. Cooper be, and they are hereby, appointed commissioners, whose duty it shall be to examine such index as aforesaid after the recorder of deeds shall have completed the same, and if they approve of the execution and correctness of the same, they shall certify the same to be a true and correct index, and that then and after such certificate, the said index shall become and be the index of mortgages in the said recorder's office for the term aforesaid, in lieu of the indexes now used therein.

Commissioners to examine said index and certify its correctness if approved.

SECTION 3. *And be it further enacted*, That the Levy Court of New Castle county shall pay to the said recorder of deeds, and the commissioners, a just and reasonable compensation for their services. The award or allowance so made by the Levy Court for the services as mentioned in section one and two of this act, shall be conclusive and final.

Compensation.

*Passed at Dover, March 5, 1877.*

## CHAPTER 348.

## OF NOTARIES PUBLIC.

AN ACT authorizing the appointment of an additional Notary Public.

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 notary public for Georgetown hundred, in Sussex county.

Additional notary public for Georgetown hundred.

*Passed at Dover, February 6, 1877.*

## IN RELATION TO PUBLIC OFFICERS.

## CHAPTER 349.

## OF NOTARIES PUBLIC.

AN ACT authorizing the Governor to appoint an additional Notary Public in Baltimore hundred, Sussex county.

Additional  
notary public  
in Baltimore  
Hundred.

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 notary public in Baltimore hundred, Sussex county.

*Passed at Dover, February 20, 1877.*

## CHAPTER 350.

## OF NOTARIES PUBLIC.

AN ACT for the appointment of an additional Notary Public in Sussex 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 concurring),*

Additional  
notary public  
to reside  
near Gum-  
borough.

SECTION 1. That the county of Sussex will be entitled to one notary public in addition to the number now allowed by law, and that he shall be appointed and continue to reside at or near the town of Gumborough, in Gumborough hundred.

*Passed at Dover, March 8, 1877.*

IN RELATION TO PUBLIC OFFICERS.

CHAPTER 351.

OF NOTARIES PUBLIC.

AN ACT to authorize the Governor to appoint an additional Notary Public for White Clay Creek hundred, New Castle county.

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

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional notary public for White Clay Creek hundred, New Castle county, who shall reside in the village of Christiana. Additional notary public for White Clay Creek hundred.

*Passed at Dover, March 21, 1877.*

CHAPTER 352.

OF NOTARIES PUBLIC.

AN ACT authorizing the appointment of an additional Notary Public.

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

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional notary public for Duck Creek hundred, to reside in Smyrna, in Kent County. Additional notary public for Duck Creek hundred.

*Passed at Dover, March 22, 1877.*

CHAPTER 353.

OF PROTHONOTARIES.

AN ACT to amend chapter 384, volume 14, Laws of Delaware.

Volume 14  
355.

WHEREAS, It is represented to this general assembly, that Preamble.

## IN RELATION TO PUBLIC OFFICERS.

the commission appointed in chapter 384, volume 14, Laws of Delaware, entitled "An act to authorize the Prothonotary of New Castle county, to make a certain index," to examine and certify their approval of the execution and correctness of a new index of judgments entered or signed in the Superior Court in and for New Castle county, which was authorized to be made by said act, have declined to make such examination and certificate ; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in general assembly met,*

Section 2, of  
chapter 384,  
volume 14,  
amended.

SECTION 1. That section 2 of chapter 384, volume 14, of the Laws of Delaware, be and the same is hereby amended by striking, out all between the words "that" in the first line of said section, and the word "be" in the second line, and insert in lieu thereof, the following words, to wit : " John H. Rodney and G. Troupe Maxwell," and further amend the aforesaid chapter and section by adding to said section the following, to wit: " The said certificate, so certified to, shall be approved by the Superior Court, in and for New Castle county, and the Levy Court shall ascertain from the persons thus appointed, before entering on their duty, the charges for such service, and if they cannot agree, to make another or other appointments."

*Passed at Dover, February 19, 1877.*

## TITLE SIXTH.

## Of Religion, Public Education, and Health.

## CHAPTER 354.

## OF RELIGIOUS SOCIETIES.

AN ACT to incorporate the Summit Methodist Episcopal Church, of Pencader hundred.

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

SECTION 1. That William Conlyn, James Gray, John F. Kane, Thomas W. McCracken, Ebenezer Eliason, L. Frank Eliason, Washington Barrons, John Burris, Lambert V. Nicholson, Peter B. Alrichs, Levin Catts and Nathaniel Newman and others and their successors, members of the Summit Methodist Episcopal Church, of Pencader hundred, New Castle county, Delaware, be and they are hereby erected into a body politic and corporate, in deed and in law, by the name of the Summit Methodist Episcopal Church of Pencader hundred, whose object it shall be to provide its members with the preaching of the Gospel, the administration of the sacraments and the other means of grace, in accordance with the faith of the Methodist Episcopal church.

SECTION 2. That the property, personal, real and mixed, of said corporation, shall be managed by a Board of trustees, who shall be elected by the qualified members of said congregation, and they shall hold during life or until their successors shall have been duly elected.

SECTION 3. That this corporation, by the name and style aforesaid, shall have perpetual succession, and shall have power to exercise all the rights and functions of a body politic, shall be able and capable in law and equity to sue or be sued, to plead or be impleaded in any of the courts of this

Corporators.

Incorporation.

Name.

Object.

Board of trustees.

How elected.

Term.

Perpetual succession.

Corporate powers.



## CONCERNING RELIGIOUS SOCIETIES.

Proviso. State, and to take, purchase, hold and receive to them and their successors for the use of said church, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real or personal or mixed, which now is, or hereafter shall become, the property of said corporation, provided the whole rents or profits of the real estate, so held or enjoyed by or for them, shall not exceed five hundred dollars, and the yearly interest and income from all its personal property shall not exceed six hundred dollars, and they shall have the right to improve, sell, aliene and dispose of the same for the use and benefit of said church.

Present trustees. SECTION 4. That William Conlyn, James Gray, John F. Kane, Thomas W. McCracken, Ebenezer Eliason, Dr. L. Frank Eliason, Washington Barrons, John Burris, Lambert V. Nicholson, Peter B. Alrichs, Levin Catts and Nathaniel Newman, named in the first section of this act of incorporation, be and they are hereby constituted trustees of said corporation until their successors shall have been elected, and this corporation shall have power from time to time to adopt, alter and amend such by-laws as it may see fit, provided they do not conflict with any provisions of this act, the constitution of the United States, or of this State.

Term. Further corporate powers. Proviso.

Public act. SECTION 5. That this act shall be deemed and taken to be a public act and published as such.

*Passed at Dover, March 15, 1877.*

## CHAPTER 355.

## OF RELIGIOUS SOCIETIES.

A supplement to an act to incorporate the Rehoboth Beach Camp Meeting Association, of the Methodist Episcopal Church, passed at Dover, January 27, 1873.

Vol. 14, 360.

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, upon the failure

## CONCERNING RELIGIOUS SOCIETIES.

or neglect of the owner or owners of any lot or lots within the limits of "The Rehoboth Beach Camp Meeting Association, of the Methodist Episcopal Church," to pay the taxes assessed under the provisions of section 8 of the act to which this is a supplement, for a period of ninety days after such taxes shall become due and payable in the manner prescribed by the by-laws of the said corporation, it shall and may be lawful for the Board of directors to have the same powers for the collection of said taxes as are conferred by law on the collectors of county taxes.

Board of directors clothed with county collectors' powers for collection of lot owners' taxes in arrear for 90 days.

SECTION 2. *And be it further enacted*, That the Board of directors shall consist, as heretofore, of thirty persons, who shall be elected annually in the manner prescribed in section 5 of the act to which this is a supplement; two-thirds of said directors and their successors shall be and remain members of the Methodist Episcopal Church, in good and regular standing. Persons not members of said church not exceeding ten in number, may be elected as members of said Board of directors.

Board of directors.  
Number.  
When, and how elected.  
Qualifications.

SECTION 3. *And be it further enacted*, That the Board of directors be and they are hereby authorized to direct, in writing, the owner or owners of any lot within the corporation limits, before or in front of which they may deem proper that a pavement should be made, to curb and lay a pavement of such material and of such length and width as the said Board of directors may specify, and if such owner or owners shall neglect or refuse, for the space of ninety days after being directed as aforesaid, to lay such pavement with good and sufficient curbs, it shall and may be lawful for the said Board of directors, and they are hereby authorized, to cause such pavements and curbs to be made, and to recover the costs of making the same by the distress and sale of any goods and chattels, lands and tenements belonging to such owner or owners, within the corporation limits. In case the owner or owners shall not, at the time of giving such notice, reside or be within the limits of the corporation, notice to the occupant shall be sufficient notice.

The Board may require lot owners to curb and pave in front of their lots.  
When, how.  
In case of owner's neglect or refusal, Board may curb and pave, and recover costs thereof by distress and sale of goods &c., within corporation limits.  
Notice to non-resident owners.

SECTION 4. *And be it further enacted*, That the said corporation shall have power and authority for the purposes of improving the real estate and other property of the said corporation, within the corporation limits, of issuing bonds (if two-thirds of the Board of directors shall so determine) to an amount not exceeding thirty thousand dollars, and bearing interest at the rate of six per centum per annum, and to

Corporation may issue bonds for certain purposes.

Restriction.

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May secure  
payment  
thereof by  
mortgage.

secure the payment of the same by a mortgage or mortgages of the real estate of the said corporation.

When act  
shall take  
effect.

SECTION 5. This act shall not take effect until the parties holding receipts for lots shall have good and sufficient deeds delivered or tendered to them for said lots.

*Passed at Dover, March 22, 1877.*

## CHAPTER 356.

## OF FREE SCHOOLS.

Current vol.  
81.

AN ACT to repeal chapter forty-seven, volume 15, Delaware Laws.

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

Chapter 47  
volume 15,  
repealed.

SECTION 1. That chapter 47, volume 15, Delaware Laws, passed at Dover, March 23, 1875, be and the same is hereby repealed. *Provided, nevertheless,* that all taxes heretofore assessed but not yet collected, shall be collected and applied in all respects as if the said act had not been repealed.

Proviso.

*Passed at Dover, January 16, 1877.*

## CHAPTER 357.

## OF FREE SCHOOLS.

Preamble.

AN ACT relating to School Districts Nos. 60 and 94 in New Castle county.

WHEREAS, School District No. 94 aforesaid, is not provided

## PUBLIC EDUCATION.

with a school house, and the school house in District No. 60 is in a dilapidated condition, and not worthy of repair ; and

WHEREAS, The said schools are now occupying the commodious building of the Middletown academy, at a nominal rent, under an agreement with the Trustees of said academy ; and

WHEREAS, It is deemed that it will be to the interest and advantage of the said schools to unite the said districts, and in consideration of the occupancy of the said academy, to give to the trustees thereof a share in the government of the said schools ; therefore,

*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 Saturday of April, A. D., 1877, School District No. 60, and School District No. 94, in New Castle county as now bounded, or as they may hereafter be bounded, shall form one United School District, by the name of the Middletown Schools ; and shall have the same corporate powers and franchises as other United Districts have by the laws of this state, and shall be governed by a Board of nine commissioners, to be elected and chosen as follows, to wit : Two of the present commissioners of each of the said districts, whose terms do not expire on the first Saturday of April next, shall be members of the said Board until the time for which they were elected shall expire, two other commissioners in place of those whose terms expire on the said first Saturday of April shall be chosen, to serve for the term of three years, by the school voters of the said United District, at an election to be held on the said day, at the Middletown Academy, in the town of Middletown, under the regulations of the general law of the state, in regard to the election of school commissioners, as far as applicable to this case ; every year thereafter, an election shall be held on the first Saturday of April, at the same place, and under the same regulations, to choose two commissioners for the term of three years to fill the places of those whose terms have expired, and also to fill any vacancy that may have occurred among the said six commissioners ; the three other commissioners shall be chosen, annually, on the first Saturday of April, by the Trustees of the Middletown Academy, from their own number, or otherwise, *Provided*, That the appointment of the last mentioned three commissioners, as members of the said school Board, shall be good and effectual only so long as the said

School Districts nos. 60 and 94, in New Castle county consolidated.

Corporate name, powers and government.

Nine commissioners.

How, when and where elected.

Two commissioners of each district to hold over.

Annual elections : when, where.

Three commissioners chosen by trustees of Middletown academy.

Proviso.

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United Districts shall occupy the said Academy, and when such occupancy ceases, the school Board shall consist of six commissioners only, who shall be elected as hereinbefore prescribed.

Annual meeting.

Organization.

Other meetings.

Visitschools.

Children under seven years excluded.

Quorum.

Vacancies; how filled.

Powers.

Appoint treasurer, officers, agents, and teachers

Fix compensation.

Make by-laws.

Draw state school fund dividends.

Raise by taxation certain sum for school purposes.

When board may raise additional moneys for support of schools, and how.

SECTION 2. The commissioners shall meet, annually, in the said Academy, on the Monday following the election aforesaid, at 10 o'clock A. M., and organize the board by the election of a president and clerk; the said board shall hold stated meetings once a month, and special meetings at the call of the president, or of a majority of the commissioners, and by committee shall visit all the schools in the district once a week. They shall not admit to the schools any children under seven years of age.

SECTION 3. A majority of the board shall form a quorum, and any vacancy occurring among the aforesaid six elected commissioners, by reason of non-election, death, resignation or otherwise, shall be filled by the board until the next annual election.

SECTION 4. The Board shall have power to appoint a treasurer, who may also be the clerk, and take his bond with sufficient security for the faithful performance of his duties, and to appoint all other officers, agents and teachers that may be necessary, and fix their compensation; and to make by-laws for their own government, and for the government of the school.

SECTION 5. The board shall have the right to draw the dividends from time to time, which the said school districts Nos. 60 and 94 are entitled to as part of the state school fund; and shall have power, and are hereby required to raise, annually, by taxation, in the manner now provided by law, for the support of the said schools, a sum not less than one thousand dollars, nor more than twelve hundred dollars, and if during any year, the sum to be raised by tax or subscription, together with the sum to be received from the school fund, and from other sources, shall, in the opinion of the school board, or a majority of them, be not sufficient for the support of the said schools, then and in that case it shall and may be lawful for the said board and they or a majority of them are hereby authorized and empowered, in addition to the sums of money to be raised and received as aforesaid, to raise and levy such further sums as they may deem necessary and proper for the purposes aforesaid, by ordering and directing that such sum per quarter, or term, for each and every child or pupil that attends the said schools, and which the said school board or

## PUBLIC EDUCATION.

a majority of them; may see fit to charge therewith, shall be paid by the parent, guardian or person sending such child or pupil, into the hands of the school Board, at the beginning of every quarter or term, and in case of default of payment the same may be collected as school taxes are now authorized to be collected by law, and the collector shall be answerable on his bond, as now provided by law, for the collection and payment over of the said quarter or term charges, and shall have the same compensation as is now provided by law for collecting and paying over school taxes.

Specific sum to be paid for each scholar, by parent, &c.

How collected in case of default.

SECTION 6. The board shall have power and authority to admit to the said schools, pupils non-resident in the said united district, upon such terms as the board shall deem right and proper. All moneys derived from the tuition of such pupils shall be paid to the board or their treasurer, and shall be applied toward the general support of the schools.

Non-resident pupils. Terms of their admission.

Moneys derived therefrom. How applied.

SECTION 7. All real estate owned by the said School District No. 60, shall become and be the property of the said united district created by this act, and the said school Board shall have as full and ample power to grant and convey such real estate as the commissioners of the said district could have had before the passage of this act. At the meeting of voters appointed by section 1, a committee shall be appointed to audit the accounts of the two districts, respectively, hereby consolidated; and all taxes unpaid at the time of the organization of the new board shall be collected in the same manner as if this act had not been passed, and paid over to the said board or their treasurer, and the said board shall have full power to enforce such collection and payment.

Real estate of District No. 60; how vested.

Power of Board over same.

Auditing committee to be appointed for each district; when.

Certain unpaid taxes; how collected and to whom paid.

SECTION 8. The board shall have all the powers granted to school committees and commissioners, be subject to all the restrictions imposed upon them, and perform all the duties required of them by the laws of this State not inconsistent with the provisions of this act, and all the provisions of the general laws regulating free schools in this State, including "An act in relation to free schools in this State," passed at Dover, March 25th, 1875, shall be applicable to the united district created by this act, as far as they are not inconsistent with the special provisions thereof.

General powers, restrictions and duties of school commissioners applicable to the board.

General school laws applicable where not inconsistent.

*Passed at Dover, January 29, 1877.*

## PUBLIC EDUCATION.

## CHAPTER 358.

## OF FREE SCHOOLS.

AN ACT to amend the act entitled "An act relating to school districts Nos. 60 and 94, in New Castle county," passed at Dover, January 29, 1877.

Current vol.  
412.

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

Chapter  
of current  
volume  
amended.

SECTION 1. That the act entitled "An act relating to school districts Nos. 60 and 94, in New Castle county," passed at Dover, January 29, 1877, be and the same hereby is amended by adding as an additional section to said act, the following, viz :

Certain  
pending  
suits not to  
abate.

SECTION 9. No suit or suits instituted either by the school committee or school commissioners of School District No. 60, in New Castle county, or by said School District No. 60, in New Castle county, and now pending for the recovery of moneys due or belonging to said school district, or of moneys or damages to which said school district is or may be entitled, shall abate by reason of this act, but in case of such suit or suits by said school committee or school commissioners, for the recovery of such moneys or damages, it shall be lawful for the school committee of said School District No. 60, in office at the time of the passage of this act, and their survivors or survivor to maintain, prosecute and carry into full effect said suit or suits, and to recover and receive all moneys or damages adjudged to be paid therein, and as soon as practicable after the receipt of any such moneys or damages, it shall be the duty of said school committee, their survivors or survivor, to pay over the same to the school Board of the said united school districts, created by this act. And in case of such pending suit or suits, by School District No. 60, in New Castle county, for any such moneys or damages, it shall be lawful for said school district to maintain, prosecute and carry into full effect said suit or suits, and to recover and receive all moneys or damages adjudged to be paid therein, and for this purpose said school district shall continue to possess all corporate powers and franchises possessed by it at the time of the passage of this act, and all moneys or damages recovered and received by said school district in or by reason of said suit or suits, shall be subject to the order and control of the school Board of the said united school district.

By whom  
may be  
maintained.

Moneys re-  
covered in  
said suits to  
be paid to  
board of  
united school  
districts.

For pur-  
pose of  
pending  
suits.  
School Dis-  
trict No. 60  
shall contin-  
ue to have  
all powers  
possessed  
prior to this  
act.

## PUBLIC EDUCATION.

SECTION 2. That in any edition of the laws hereafter to be published, the said act, to which this act is an amendment, shall be printed as hereby amended. Publication as amended.

*Passed at Dover, February 14, 1877.*

## CHAPTER 359.

## OF FREE SCHOOLS.

AN ACT to raise revenue in School District No. 40, in New Castle county.

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

SECTION 1. That the school committee or commissioners of School District No. 40, in New Castle county, Delaware, are hereby empowered and directed to raise by way of general taxation, during the year A. D. eighteen hundred and seventy seven, the sum of four hundred dollars, for the purpose of paying the indebtedness incurred in repairing of the school house in said district, occasioned by the storm of 1876. School committee of district No. 40, in New Castle County, to raise by taxation \$400, to pay a certain indebtedness.

SECTION 2. That the amount authorized to be levied and collected in section one of this act, shall not be so construed to include the amount annually collected by way of taxation, for the maintenance of public schools, under the general school law. Interpretation of act.

*Passed at Dover, February 1, 1877.*



## PUBLIC EDUCATION.

## CHAPTER 358.

## OF FREE SCHOOLS.

AN ACT to amend the act entitled "An act relating to school districts  
 Current vol. Nos. 60 and 94, in New Castle county," passed at Dover, January 29,  
 412. 1877.

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

Chapter  
 of current  
 volume  
 amended.

SECTION 1. That the act entitled "An act relating to  
 school districts Nos. 60 and 94, in New Castle county," passed  
 at Dover, January 29, 1877, be and the same hereby is amen-  
 ded by adding as an additional section to said act, the follow-  
 ing, viz :

Certain  
 pending  
 suits not to  
 abate.

SECTION 9. No suit or suits instituted either by the school  
 committee or school commissioners of School District No. 60,  
 in New Castle county, or by said School District No. 60, in  
 New Castle county, and now pending for the recovery of  
 moneys due or belonging to said school district, or of moneys  
 or damages to which said school district is or may be entitled,  
 shall abate by reason of this act, but in case of such suit or  
 suits by said school committee or school commissioners, for  
 the recovery of such moneys or damages, it shall be lawful for  
 the school committee of said School District No. 60, in office  
 at the time of the passage of this act, and their survivors or  
 survivor to maintain, prosecute and carry into full effect said suit  
 or suits, and to recover and receive all moneys or damages  
 adjudged to be paid therein, and as soon as practicable after  
 the receipt of any such moneys or damages, it shall be the  
 duty of said school committee, their survivors or survivor, to  
 pay over the same to the school Board of the said united  
 school districts, created by this act. And in case of such  
 pending suit or suits, by School District No. 60, in New Castle  
 county, for any such moneys or damages, it shall be lawful for  
 said school district to maintain, prosecute and carry into full  
 effect said suit or suits, and to recover and receive all moneys  
 or damages adjudged to be paid therein, and for this purpose  
 said school district shall continue to possess all corporate  
 powers and franchises possessed by it at the time of the pass-  
 age of this act, and all moneys or damages recovered and  
 received by said school district in or by reason of said suit or  
 suits, shall be subject to the order and control of the school  
 Board of the said united school district.

By whom  
 may be  
 maintained.

Moneys re-  
 covered in  
 said suits to  
 be paid to  
 board of  
 united school  
 districts.

For pur-  
 poses of  
 pending  
 suits.  
 School Dis-  
 trict No. 60  
 shall contin-  
 ue to have  
 all powers  
 possessed  
 prior to this  
 act.

## PUBLIC EDUCATION.

SECTION 2. That in any edition of the laws hereafter to be published, the said act, to which this act is an amendment, shall be printed as hereby amended. Publication as amended.

*Passed at Dover, February 14, 1877.*

## CHAPTER 359.

## OF FREE SCHOOLS.

AN ACT to raise revenue in School District No. 40, in New Castle county.

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

SECTION 1. That the school committee or commissioners of School District No. 40, in New Castle county, Delaware, are hereby empowered and directed to raise by way of general taxation, during the year A. D. eighteen hundred and seventy seven, the sum of four hundred dollars, for the purpose of paying the indebtedness incurred in repairing of the school house in said district, occasioned by the storm of 1876. School committee of district No. 40, in New Castle County, to raise by taxation \$400, to pay a certain indebtedness.

SECTION 2. That the amount authorized to be levied and collected in section one of this act, shall not be so construed to include the amount annually collected by way of taxation, for the maintenance of public schools, under the general school law. Interpretation of act.

*Passed at Dover, February 1, 1877.*

## PUBLIC EDUCATION.

## CHAPTER 360.

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

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

SECTION 1. That William W. Dulaney, Jacob Bounds and John E. Martin, be and they are hereby appointed commissioners under this act, and they or a majority of them are authorized and required, as soon as convenient after the passage of this act, with the assistance of a skillful surveyor, to go upon the lands embraced within the limits of School Districts Nos. 109, 68 and 158, in Sussex County, and lay off an additional school district from and out of said school districts Nos. 109, 68 and 158, and the said commissioners or a majority of them, after the said additional school district shall have been so located and laid off, shall make out a correct plot and return of the 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 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 shall represent the form of said Districts Nos. 109, 68, and 158, and shall also show the lines of said additional district so to be created out of the said districts as aforesaid.

Commissioners to lay out an additional school district out of Nos. 109, 68 and 158, in Sussex county.

To report plot and return to Levy Court for confirmation.

To be a separate school district.

How numbered.

SECTION 2. That 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 numbered in continuation of school districts already established by law in said county. The said plot and return shall be filed among the papers belonging to the Levy Court aforesaid, and if the same be confirmed, the trustee of the school fund shall be notified thereof immediately.

Commissioners and surveyor to be sworn.

Compensation.

SECTION 3. That the said commissioners and surveyor, before they enter upon the discharge of the duties assigned to them by and under this act, shall be severally sworn or affirmed to do and perform all the duties herein imposed upon them faithfully and impartially, according to the best of their skill and judgment. The commissioners and surveyor shall, for their services for each and every day employed in the discharge of their respective duties under the provisions of this act, each have and receive the sum of one dollar to be allowed by the Levy Court of Sussex county.

*Passed at Dover, February 1, 1877.*

## PUBLIC EDUCATION.

## CHAPTER 361.

## OF FREE SCHOOLS.

AN ACT to consolidate School Districts numbers 6 and 95, 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 therein) as follows :

SECTION 1. That School Districts numbers 6 and 95, in Kent county be and they are hereby consolidated into one district and shall hereafter constitute and form one school district in said county of Kent, which shall be called, designated, and known as District No. 6, of said county.

School Dis-  
tricts Nos.  
and 95 in  
Kent county  
consolidated.  
Name.

SECTION 2. That the annual stated meeting of school voters to be held on the first Saturday of April, as now provided by law, shall be held in the school house in what was School District No. 6, as heretofore constituted, and notice of such meeting to be held on the first Saturday of April next after the passage of this act shall be given by the clerks or commissioners of each of the said respective districts numbers 6 and 95, as heretofore constituted. *Provided*, that the failure to give such notice on the part of the clerk or commissioners in one of said districts shall not affect or impair the validity of the acts of the said meeting if such notice shall have been given in the other of said districts. *And provided, further*, that in case no such notice shall be given and no such stated meeting shall be held on the first Saturday of April next, that then and in that case any taxable in said District No. 6, as now constituted, may apply to the clerk of the peace in and for Kent county, who shall thereupon issue five notices for a stated meeting to be held at the school house in said School District No. 6, as now constituted, at some time to be specified in said notices, not less than five nor more than ten days after the issuing of the same, and said notices shall be posted in five of the most public places in said consolidated district, and a meeting shall be held in pursuance thereof.

Annual  
meeting.  
When and  
where held.  
Notice of  
first meeting  
under this  
act.  
How given.  
Proviso.  
Further pro-  
viso.

SECTION 3. At the stated meeting to be held in April next or at some other time thereafter, as provided by the next preceding section of this act, a clerk of said district shall be elected to serve for three years, and two commissioners, one to serve for two years, and one for one year, shall be elected, and in computing the term of office of the said clerk and com-

Election of  
clerk and  
two commis-  
sioners.  
Terms of  
office.

## PUBLIC EDUCATION.

missioners, respectively, such term shall be treated and considered as having commenced on the first Saturday in April, A. D., 1877, so as that their terms shall, respectively, expire at the time fixed by law for holding the stated annual meeting; and at said meeting so to be held, as provided by section 2, all persons residing within said district and having a right to vote for Representatives in the General Assembly, who have paid a tax for the preceding year for the support of the free schools in either of said Districts Nos. 6 and 95, shall be entitled to vote, and any and all business may be transacted and done at said meeting which may now by law be done or transacted at such meeting. Annual and other meetings shall be held in said district, as now provided by law, after the meeting expressly authorized by this act.

Who may  
vote.

What business  
may be  
transacted.

Annual and  
other meet-  
ings.

Consolidated  
districts shall  
be subject to  
general  
school laws.

Shall receive  
school fund  
dividends.

School prop-  
erty of re-  
spective dis-  
tricts.

How vested.

Power of  
committee of  
consolidated  
district over  
same.

SECTION 4. That the said consolidated district, to be called and known hereafter as School District No. 6, in Kent county, shall be subject to and governed by the laws of this State relating to free schools, and shall receive the same dividend from the school fund as other school districts in Kent county.

SECTION 5. That all the property, real and personal, belonging to and now owned by the said two Districts, numbers 6 and 95, shall, at and upon the passage of this act, become and be vested in School District No. 6, by this act constituted and created, and the committee of said school district No. 6, as constituted by this act, when elected, shall be and they are hereby authorized and empowered to sell and dispose of any property belonging to either of said Districts Nos. 6 and 95, which may not be necessary for school purposes in the said district No. 6, as constituted by this act, and any deed executed by them as such committee, signed by a majority of said committee, and acknowledged in the mode now provided by law for the acknowledgment of deeds, shall convey to, and vest in, the purchaser, a title to the premises so sold.

Public act.

SECTION 6. This act shall be deemed and taken to be a public act.

*Passed at Dover, February 9, 1877.*

## PUBLIC EDUCATION.

## CHAPTER 362.

## OF FREE SCHOOLS.

A supplement to the act entitled an act to consolidate School Districts Nos. 70, 102, 70½, and 102½, in Sussex county, and for other purposes. Current Volume 77.

*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),*

SECTION 1. That the voters of the "Seaford public schools, United Districts Nos. 70, 102, 70½ and 102½," in Sussex county, shall meet on the first Saturday of April, next, at 2 o'clock P. M., at the public school building on Cannon street in the town of Seaford, and then and there hold an election for school commissioners, and the seven having the highest number of votes shall be declared elected. The two of the seven having the highest number of votes shall be elected for the term of three years, the two having the next highest number of votes shall be elected for the term of two years, and the three remaining ones shall be elected for the term of one year. In case two or more of the commissioners elected shall have an equal number of votes, the term for which they are elected shall then be decided by lot. In every annual election of school voters in said "Seaford public schools, United Districts Nos. 70, 102, 70½ and 102½," to be thereafter held under the provisions of the act to which this is a supplement, each school voter shall vote for three or two commissioners as the case may be, to supply the place of those whose term of office has expired, and the persons having the highest number of votes shall be elected for the term of three years, and the said school commissioners shall make and publish, annually, at least one month before the election for school commissioners, a full and accurate statement of all moneys received and expended by them during the year.

Election of school commissioners for the Seaford public schools, united districts Nos. 70, 102, 70½ and 102½, in Sussex county.

Time and place.

Allotment of terms.

How commissioners shall be chosen at subsequent elections.

Shall publish annual statements of their receipts and expenditures.

SECTION 2. That so much of the act to which this is a supplement as is supplied by or inconsistent with the provisions of this act, is hereby repealed.

Certain provisions of original act repealed.

*Passed at Dover, February 16, 1877.*

## PUBLIC EDUCATION.

## CHAPTER 363.

## OF FREE SCHOOLS.

AN ACT transferring the home and mansion farm of George W. Horsey, from School District No. 46, in Sussex county, to School district No. 51, in Sussex county.

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

House &c.,  
of George  
W. Horsey,  
transferred to  
School Dis-  
trict No. 51,  
in Sussex  
county.

SECTION 1. That the house and mansion farm of George W. Horsey, lying in School District No. 46, in Sussex county, shall hereafter be and form a part of School District No. 51, in Sussex county aforesaid, and the said George W. Horsey and all and every the persons residing on said farm mentioned herein, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges and be subject to all the duties and liabilities of taxes of said School District No. 51, in Sussex county, and are hereby relieved and discharged from the same in school district No. 46, in Sussex county.

Public act.

SECTION 2. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

*Passed at Dover, February 26, 1877.*

## CHAPTER 364.

## OF FREE SCHOOLS.

AN ACT transferring certain real estate belonging to Richbell Allaband, from School District No. 21, to United School District Nos. 113 and 113½, in Kent county.

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

SECTION 1. That the house and premises of Richbell Allaband, now occupied by William R. Allaband, lying in School

## PUBLIC EDUCATION.

District No. 21, in Kent county, shall hereafter be and form a part of United School District Nos. 113 and 113 $\frac{1}{2}$ , in said county, and the said William R. Allaband and all and every the persons residing on the premises mentioned herein, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and be subject to all the duties and liabilities of taxables of said united school district Nos. 113 and 113 $\frac{1}{2}$ , in Kent county, and are hereby relieved and discharged from the same in said School District No. 21, in Kent county.

House &c.,  
of Richbell  
Allaband  
transferred to  
united  
school dis-  
trict No. 113  
and 113 $\frac{1}{2}$ ,  
in Kent  
county.

*Passed at Dover, February 27, 1877.*

## CHAPTER 365.

## OF FREE SCHOOLS.

AN ACT consolidating United School Districts Nos. 65 and 66, and United School Districts Nos. 42, 43, 68 and 70, in Kent county.

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

SECTION 1. That on after the first Saturday in April, A. D. 1877, the United School Districts Nos. 65 and 66, and United School Districts Nos. 42, 43, 68 and 70, in Kent county, shall form one consolidated school district, by the name of "The Public Schools of Milford, Kent county," and shall have the same powers and franchises as United Districts have by the laws of this State, and be governed by a Board of five commissioners, who shall be elected annually by the school voters of said consolidated districts, at a meeting held in the public school building of that part of the town of Milford lying in Kent county, on the first Saturday in April, between the hours of two o'clock and four o'clock in the afternoon.

United  
School Dis-  
tricts Nos.  
65 and 66,  
and United  
School Dis-  
tricts Nos.  
42, 43, 68  
and 70, in  
Kent coun-  
ty consoli-  
dated.

Corporate  
name, pow-  
ers and gov-  
ernment.  
Commis-  
sioners.

How, where  
and when  
elected.

SECTION 2. The commissioners shall meet at said school building on the Monday next after their election, at such hour as they may agree upon, and organize the board by electing a president, a secretary and a treasurer. The treasurer

First meet-  
ing.

Organiza-  
tion

Election of  
officers.



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Bond of  
treasurer.

Quorum.

Vacancy ;  
how filled :

Make by-  
laws.

General pow-  
ers, restric-  
tions and  
duties of  
school com-  
missioners  
applicable to  
the board.

No compen-  
sation

Draw state  
school fund  
dividends

Fix and raise  
by taxation,  
amount re-  
quired for  
school pur-  
poses.

Restriction  
of taxation.

May levy  
and collect  
supplement-  
ary school  
tax : when  
and how.

School prop-  
erty of re-  
spective dis-  
tricts : how  
vested.

Board may  
dispose of  
same.

How au-  
thorized.

May select  
or change  
school house  
sites and  
exercise oth-  
er powers.

shall give bond of two thousand dollars, with sufficient surety, for the faithful performance of the duties of his office. A majority of the Board shall form a quorum, and vacancies shall be filled, when occasion shall require, by the Board, for the remainder of the term.

SECTION 3. The Board of commissioners shall have power to make by-laws for their own government, the government of their officers and teachers, and for the school. In addition to the powers conferred by this act, they shall have all the powers and be subject to all restrictions that are granted to, and imposed upon, school commissioners generally, and shall perform all the duties required of them by the laws of this State not inconsistent with the provisions of this act. They shall receive no compensation.

SECTION 4. Said Board of commissioners shall have the right to draw the dividends of the school fund to which the several districts consolidated by this act would have been entitled had they remained several, and shall have authority to fix, levy and collect such amount of tax for school purposes as they may consider necessary for the proper education of the children in said consolidated districts now provided by law. But they shall not raise by taxation, in any one year, less than eight hundred dollars, nor more than twelve hundred dollars, and should the sum so raised, with the dividends from the school fund belonging and appropriated to the said consolidated districts be insufficient to conduct the schools during the scholastic year, as the commissioners or a majority of them may determine, it shall and may be lawful for the commissioners to levy, assess and collect a supplementary tax from the parents or guardians of the children, pupils of the school, *pro rata*, a sufficient amount for that purpose only.

SECTION 5 All the property, real and personal, owned by either of the united districts in the first section of this act named, shall become the property of the consolidated district by this act created, and the board of commissioners shall have power to sell, exchange, or otherwise dispose of said real estate, in whole or in part, whenever authorized thereunto by the vote of a majority of the duly qualified voters of said consolidated district present and voting at any stated or special meeting advertised for such purpose by notices posted in\* ten days in ten of the most public places in the said consolidated districts. In the same manner they may select or change the site for a school building, may determine the cost of the same and do all other matters and things affecting the interests of

\*So enrolled.

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said consolidated district which are not otherwise provided for by the laws of this State and not inconsistent with the provisions of this act.

SECTION 6. Each member of the Board of commissioners, before entering upon the duties of his office, shall take an oath or affirmation, diligently and faithfully to perform the same according to the best of his judgment and ability, said oath may be administered by any officer authorized to administer oaths, or any one of said commissioners may administer it to the others. Oath of commissioners.  
By whom administered.

SECTION 7. No person shall vote at any school election held under this act unless he shall previously have paid the school tax assessed against him for the year next preceding such election. Who may vote at school elections.

SECTION 8. The Board of commissioners may admit scholars from the other districts upon such terms as they deem proper. May admit non-resident scholars.

SECTION 9. The commissioners of the respective districts intended to be consolidated by this act, shall settle with, and pay over to, the treasurer of the Board of commissioners created by this act, all moneys or effects in hand, and all taxes unpaid at the time of the organization of the new Board shall be collected in the same manner as if this act had not been passed, and paid over to the treasurer of such schools, and said Board shall have full power to enforce such collection and payment to the treasurer of the said Board. Money, taxes, &c. in hand of respective districts to be paid to treasurer of board.  
Unpaid taxes. How collected. To whom paid.  
Power of board to enforce collection of same.

*Passed at Dover, March 8, 1877.*

## CHAPTER 366.

## OF FREE SCHOOLS.

AN ACT in relation to the duty of hundred collectors receiving school tax duplicates.

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

SECTION 1. That no hundred collector shall be required to

## PUBLIC EDUCATION.

Hundred collector not required to receive warrant, &c. from school committee; when.

receive and execute any warrant with duplicate of assessment list from the school committee of any school district, if any part of the taxes appearing thereon has been collected before such duplicate is tendered, or offered to such collector for collection.

Warrant and duplicate must be delivered by certain date.

SECTION 2. That the warrant with duplicate of assessment list shall be delivered by the school committee of any school district, to the collector of the hundred, on or before the tenth day of May, in any year, or he shall not be required to receive it.

*Passed at Dover, March 9, 1877.*

## CHAPTER 367.

## OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 50 and 108, in Kent county, under the title of "The Magnolia Public Schools."

The Magnolia Public Schools.

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

School Districts, Nos. 50 and 108 in Kent Co Consolidated

SECTION 2. That School Districts Nos. 50 and 108, in Kent county, as now formed or may hereafter be formed under the Laws of this State, be and they are hereby consolidated, and shall be known as "The Magnolia Public Schools," and shall have the same rights, privileges, and powers, as any other United School Districts under any general law of this State.

Corporate name and powers.

State school fund.

How distributed.

SECTION 2. That in the distribution of the School Fund to which the several counties of this State are entitled, or may hereafter be entitled, under any law of this State, the trustee of the School Fund shall distribute to the said "The Magnolia Public Schools," the full proportion of two districts in Kent county.

SECTION 3. That the School commissioners now acting as

## PUBLIC EDUCATION.

commissioners of said "United School Districts, numbers 50 and 108, in Kent county" shall continue in office as such commissioners for the term for which they were elected, the terms to expire as follows, to wit: one of said commissioner's term to expire on the first Saturday of April, A. D. 1877, one other of said commissioner's term to expire on the first Saturday in April, A. D., 1878, and the term of the other of said commissioner to expire on the first Saturday in April, A. D., 1879, and that the terms of the school commissioners of the said "The Magnolia Public Schools," shall continue to expire in the same order from year to year.

When terms of present school commissioners of said district shall expire.

SECTION 4. It shall be the duty of the school voters, and they are hereby empowered to vote for and elect one commissioner on the first Saturday in April next, to fill the vacancy occasioned by the expiration of the term of one of said commissioners, and in each and every year thereafter, as the terms of the commissioners shall respectively expire.

Commissioners; how elected annually.

SECTION 5. That if at any time any vacancy shall happen in the Board of commissioners, either by death, resignation or removal, or from refusal to serve, the remaining member or members of said Board of commissioners shall, within ten days thereafter, fill said Board of commissioners, who shall hold their offices until the next annual meeting, at which time the school voters shall elect a commissioner or commissioners to serve for the same time, and whose terms shall expire in the same order of those whose places they have been elected to fill.

Vacancy; how filled.

SECTION 6. That all taxes levied under and by virtue of any assessment or valuation made by the commissioners now acting as commissioners of said "United School Districts Nos. 50 and 108, in Kent county," shall be binding upon the tax payers and property owners of said United School Districts now consolidated under the title of "The Magnolia Public Schools," and may be collected in the same manner as now provided by law, and the commissioners or the collector appointed by them shall have all the power in law to collect said taxes as any commissioners or collector of any other school District can or may have for the purpose of collecting or enforcing the collection of any taxes in any district within this State.

Taxes assessed by present commissioners to be binding upon tax payers and property owners in consolidated districts.

How collected.

SECTION 7. That all taxes heretofore assessed and levied upon either of School Districts Nos. 50 or 108, in Kent county, and not yet collected, shall belong to and shall be

## PUBLIC EDUCATION.

Uncollected taxes heretofore assessed upon either of the said districts shall belong to the consolidated district.

due and owing to the said districts consolidated by virtue of this act as "The Magnolia Public Schools," and the said commissioners of the said "The Magnolia Public Schools," or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school District in this State, and when any such taxes shall have been collected, they shall, after deducting all proper charges and expenses for the collection of the same shall\* go into and form a part of the fund of the said "The Magnolia Public Schools," to be applied for general school purposes, as other moneys belonging to said United School District are applied.

How collected.

How applied.

Acts of present commissioners legalized and confirmed.

SECTION 8. That all acts done by the commissioners now acting and being the commissioners of said United School Districts, shall be binding and legal, having the same force and effect as if done after the passage of this act.

Debts due and owing to either of said districts shall belong to consolidated district.

How collected.

SECTION 9. That all debts due and owing to either of said School Districts Nos. 50 or 108, in Kent county, shall belong to and be due and owing to the said "The Magnolia Public Schools" and the said commissioners of the said "The Magnolia Public Schools" shall have the same power and authority to collect any such debts due and owing, as was vested in either of said School Districts Nos. 50 or 108, in Kent county, before said districts were united.

Rights and property of respective districts.

How vested.

Powers of commissioners respecting same.

Suits.

Purchase and conveyance of school property.

SECTION 10. That all the rights, credits, property, real or personal, belonging to either of said School Districts Nos. 50 and 108, in Kent county, or that is now vested in said United School Districts Nos. 50 and 108, in Kent county, shall be the property of and shall be vested in the said "The Magnolia Public Schools," and the commissioners of said "The Magnolia Public Schools," shall have the control and management of the same, and may maintain suits either in the name of the commissioners or the name of "The Magnolia Public Schools," for the recovery of any such property, or for any damage done to any real or personal property, formerly belonging to either of said Districts Nos. 50 and 108, or to any property belonging to said United School Districts Nos. 50 and 108, in Kent county, " or to any property belonging to "The Magnolia Public Schools," and shall have the same power to purchase, receive, sell or convey any property, real or personal, now belonging to either of said School Districts numbers 50 and 108, in Kent county, or the said "United School Districts Nos. 50 and 108, in Kent county," as is now provided by law.

## PUBLIC EDUCATION.

SECTION 11. All persons having a right to vote at a school election in said Districts, under any law now enforced in this State, his\* right to vote shall not in any way be changed or altered by this act. Act not to affect right to vote at school elections.

SECTION 12. All laws in this State applicable to Free Schools, not inconsistent with or in conflict with this act shall be applicable to said United School Districts entitled "The Magnolia Public Schools." General school laws applicable where not inconsistent.

*Passed at Dover, March 12, 1877.*

## CHAPTER 368.

## OF FREE SCHOOLS.

AN ACT to divide School District No. 27, in Kent county.

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

SECTION 1. That Edward Bancroft, Charles D. Roush and William P. Lindale be and they are hereby appointed commissioners, and they or a majority of them are hereby authorized, as soon as convenient after the passage of this act, to go upon the lands embraced within the limits of School District, No. 27, in Kent county, aforesaid, and, if necessary, take with them a skillful surveyor, and divide the said district into two parts, in such a manner as they, or a majority of them, may think proper, making two separate school districts; and it shall be the duty of the commissioners, or a majority of them, after the said district shall have been by them laid out and divided, to make a correct plot and return of their proceedings under this act, and 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, or other proceedings, shall have been 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 other proceedings

Commissioners to divide School district No. 27, in Kent Co. into two separate districts.

Commissioners to present plot and return to Levy Court for confirmation.

\* So enrolled.

## PUBLIC EDUCATION.

Division line. shall designate the division line of the said districts, and the  
 Number of respective districts. additional district created by this act shall be numbered in continuation of school districts in said county, and the part in which the school house is located shall be the original School District, No. 27.

Commissioners to be sworn. SECTION 2. The commissioners appointed by this act shall, before entering upon the duties hereby imposed upon them, shall\* be sworn or affirmed to perform said duties with fidelity, and shall receive one dollar for each day's service under this act.  
 Compensation. The surveyor, if any be employed, shall also receive a proper compensation for his service, to be allowed by the Levy Court, aforesaid.  
 Surveyor : his compensation.

General powers, privileges, &c., of School district applicable. SECTION 3. The additional school district to be formed under this act, shall have all the rights, authority and privileges of school districts of this State. The Clerk of the Peace, as soon as the return of the commissioners shall have been confirmed by the Levy Court, aforesaid, shall inform the trustee of the school fund thereof.  
 Trustee of school fund to be notified of confirmation of return

*Passed at Dover, March 19, 1877.*

## CHAPTER 369.

## OF FREE SCHOOLS.

Current Volume, 82.

AN ACT to amend chapter 48, volume 15, Laws of Delaware.

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

Section 1, chapter 48, current volume amended.

SECTION 1. That section 1, chapter 48, volume 15, Laws of Delaware be and the same hereby is amended, by inserting after the word "authorized" in the second line, and before the word "annually" the words following, to wit : "and required."

SECTION 2. That section 2 of the same chapter and vol-

\*So enrolled.

## PUBLIC EDUCATION.

ume, be, and the same hereby is amended, by inserting after the word "act" in the last line of said section, the words following, to wit: "but it is ordered and directed that none of the funds arising under this act shall be, in any wise, devoted to the salaries of any officers of said Delaware Association, or to any expenses of the same." Sec. 2, chap. 48, current volume amended.

*Passed at Dover, March 23, 1877.*

## CHAPTER 370.

## MILTON ACADEMY.

AN ACT to amend an act entitled "An act to incorporate Milton Academy, Volume 13, and for other purposes." Volume 13, 525,

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 Section 1 of the act entitled "An act to incorporate Milton Academy, and for other purposes," passed at Dover, April 7, 1869, in volume 13, and chapter 484, be amended by striking out figure "8" occurring between the word "numbers" and figures "12" in the third line after the enacting clause of said section 1. And be it further amended, by striking out all of said section 1 occurring between the word "by" in the sixth\* line, and the word "they" at the end of the eighth\* line therein, and inserting, in lieu thereof, the following, to wit: "Nine trustees, to be divided into classes of three each, and at the next annual election for trustees, to be held on the first Saturday in April, 1877, the school voters of the consolidated districts, Nos. 12, 93 and 160, shall elect nine trustees, three thereof to serve for the term of one year, and three for the term of two years, and three for the term of three years, and that annually thereafter they shall elect three trustees to serve for the term of three years and until their successors, respectively, shall be chosen. And be it further amended by Section 1, chapter 484, volume 13, amended.

Said section 1, further amended.

Nine trustees. Classified; when and how elected.

Terms.

Annual elections.

\* So enrolled.



## PUBLIC EDUCATION.

Said section 1, further amended. inserting between the word "course" and the word "and," in the twenty-first\* line of said section 1, the following, to wit: And shall have power to make and establish rules and regulations for the government of the school, to be taught in said Milton Academy." And be it further amended by striking out the word "fifteen," occurring between the word "than," in the twenty-fifth\* line, and the word "hundred," in the twenty-sixth\* line of said section 1, and inserting the word "nine" in lieu thereof.

Section 2, of chapter 484, volume 13, amended. SECTION 2. That section 2, of said act, be amended by striking out the word "five," occurring between the word "the," in the second line, and the word "united," in the third line of said section 2, and inserting in lieu thereof the word "three." And be it further amended by striking out the word "five," occurring between the word "as" and "districts," in the eighth line therein, and inserting in lieu thereof, the word "three." And be it further amended, by inserting between the word "act" and "may," occurring in the sixteenth line of said section 2, the following, to wit: "as amended."

Section 3, of chapter 484, volume 13, amended. SECTION 3. That section 3, of said act, be amended by striking out the word "be," occurring between the words "may" and "agreed," in the tenth line of said section 3, and inserting the words "have been."

Section 5, chapter 484, volume 13, amended. SECTION 4. That section 5, of said act, be amended by inserting between the words "shall" and "appoint," occurring in the seventh line of said section 5, the following, to wit: "organize by appointing a chairman and secretary, and shall."

Section 6, chapter 484, volume 13, amended. SECTION 5. That section 6 of said act be amended by striking out all of said section 6 after the word "that," in the first line after the enacting clause, down to the word "the," occurring in the ninth line of said section 6.

Section 7, chapter 484, volume 13, amended. Said section 7, further amended. Who disqualified to vote. SECTION 6. That section 7 of said act be amended by striking out all of said section 7, after the word "that," at the beginning of the first line after the enacting clause, down to word "the," occurring in the seventh line of the said section 7. And be it further amended by inserting between the words "committees" and "the" occurring in the ninth line of said section 7, the following, to wit: "That no person or persons shall have a right to vote at any school election under

\* So enrolled.

## PUBLIC EDUCATION.

this act, for trustees, nor upon the amount of money to be raised by taxation, who has not paid his or their school tax for one year next before said election, and who is not, at the time of said election, a resident of said district." And be it further amended, by striking out the words "to be," occurring in the ninth line of said section 7, between the words "trustees" and "elected."

Said section 7, further amended.

SECTION 7. That it shall and may be lawful for and shall be the duty of, the Board of trustees of Milton Academy to levy, and raise by taxation annually, from the citizens of the consolidated school districts, Nos. 12, 93 and 160, composing the academy district, a sum of money, not less than one hundred and seventy-five dollars, nor more than three hundred dollars in addition to the sum agreed upon by the school voters at the regular annual election, to be raised for the support and maintenance of the school for the succeeding year; said additional tax, so raised by virtue of this act, to be used solely to liquidate the bonds given by the present Board of trustees, for money borrowed by them for the erection of buildings and other uses of said academy, under the provisions of the act to which this is a supplement.

Board of trustees to raise by additional taxation, annually a certain sum to liquidate certain bonds.

SECTION 8. *And be it further enacted*, That the additional tax authorized to be levied and collected under the provisions of section 7, be and the same are\* hereby authorized to be added to and collected at the same time with the taxes annually to be collected for the maintenance of a school in said academy, until the cancellation of said bonds is completed.

Said additional tax to be collected with regular school tax.

SECTION 9. *And be it further enacted*, That in all editions of the laws of this State, hereafter to be published, that chapter 484, of volume 13, be printed as by this act amended.

Publication as amended.

*Passed at Dover, February 7, 1877.*

\* So enrolled.

## PUBLIC EDUCATION.

## CHAPTER 371.

## OF FREE SCHOOLS.

AN ACT to incorporate the Board of Education of the Dover Public Schools.

*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,)*

Board of Education created for the government of the United School Districts of Dover.

SECTION 1. That on and after the first Monday succeeding the first Saturday of April next, 1877, the united school district composed of School Districts 18, 60, 90, 91, 92, and 101, in the county of Kent, as now bounded, or as may hereafter be bounded, shall be governed by a "Board of Education" to be composed of nine members to be elected or appointed as hereinafter provided.

Who shall constitute the Board.

Term of office.

Members of the Board to be elected annually; where, when, and how.

Term

Tie vote; how decided.

Notice of election.

SECTION 2. That the members of the "Board of Commissioners of the Dover Public Schools" that may be in office under the present law on the first Monday after the first Saturday of April next (1877,) and those that may be elected on the Saturday previous shall form the "Board of Education" herein provided, and serve the terms for which they were, respectively, elected, and until others are elected or appointed in their place; and that, hereafter, the school voters in the aforesaid united district shall meet at the school house on Governor's Avenue, or such other place as the Board may direct, on the first Saturday in April in each year, at 2 o'clock, P. M., and hold an election for three members of the Board, each voter voting for two members, and the three persons voted for having the highest number of votes, to be declared elected to serve for three years, and in cases when two or more have an equal number of votes, the choice shall be decided by lot; notice of the election and manner of conducting it to be as provided by the laws of the State for the election of School commissioners.

Board to meet annually; where, when.

Members to be sworn.

Organization.

SECTION 3. That the Board shall meet annually in the place where the election was held, or in the place where the meetings of the Board are usually held, as the Board may direct, and before transacting any other business, the president or any member acting as president, shall swear or affirm the members elected on the Saturday previous, to perform their duties as members, faithfully, and then proceed to organize the Board for the year, by the election of a president, who shall be a

## PUBLIC EDUCATION.

member of the Board, and a secretary, who may or may not be a member.

SECTION 4. That the members of the Board shall be a "corporation" by the name of "The Board of Education of the Dover Public Schools," and by that name they and their successors shall have perpetual succession, and shall have and possess all the powers, rights, privileges and franchises of a corporation necessary and proper to establish and maintain "good schools" for the education of all the children within the district aforesaid that are by law entitled to be educated in the public schools, and shall have full control of all the real and personal property which now or that may hereafter belong to said united district, and may, in the name aforesaid, maintain, prosecute and defend all suits in law or equity which may be necessary to protect the property of the district, or to carry into effect the purposes of this act.

Incorporation.

Corporate name.

Perpetual succession.

Powers of Board.

SECTION 5. That a majority of the Board shall form a quorum, and any vacancy occasioned by non-election, death, resignation or otherwise, shall be filled by the Board at any stated meeting, for the whole or residue of the term, as the case may be, and if any member of the Board or person elected as a member, shall absent himself from its stated meetings for three successive sessions without sufficient excuse, the Board may, at its option, declare his place vacant, and may fill such vacancy as herein provided.

Quorum.

Vacancy, how filled.

When Board may declare and fill vacancies by reason of absence.

SECTION 6. That the Board shall appoint a treasurer, who shall give a bond with security when required, for the faithful performance of his duties, and shall appoint all other officers, agents and teachers that may be necessary, and fix their compensation; (such appointees to be subject to removal at any time,) and to\* make by-laws, rules and regulations for their own government and the government of their officers, agents and teachers, and for the schools.

Board to appoint Treasurer and other officers, agents and teachers, and remove them.

Fix compensation.

Make by-laws.

SECTION 7. That the Board shall have the right to draw the dividends from time to time which the several districts named in Section 1 shall be entitled to as their part of the State School Fund by an order signed by the president and attested by the secretary, and shall have authority to fix such sum in addition as they may deem necessary to educate all the children in the district that are entitled to be educated in the public schools, and to assess, levy and collect the same as school taxes now are or hereafter may be by law, provided that the sum raised by taxation shall not exceed in any year

May draw state school fund dividends.

Fix amount of school taxes to be raised, and collect same.

Provide.

\* So enrolled.

## PUBLIC EDUCATION.

If school moneys prove inadequate, Board may levy further sum upon persons sending scholars. three thousand dollars, and if, during any year, the sum raised by tax, together with the sum received from the State, shall, in the opinion of the Board, be inadequate to sustain the schools, the Board may, in addition thereto, levy such further sum as may be required by apportionment, in the discretion of the Board, on the persons sending scholars to the schools, the sums so apportioned may be collected in the same manner as the other school taxes are collected, and the collector and his sureties shall be liable on his bond for the same as for the other school taxes.

How collected. Liability of collectors.

Stated and special meetings. SECTION 8. That the Board shall hold stated meetings once every month and special meetings when required by the president or a majority of the members, and, by committees, visit all the schools in the district, once every week while the schools are in session, and it shall, at the end of each year, publish in one or more newspapers published in Dover, a statement of the receipts and expenditures during the year, showing the sources from which the receipts have been obtained and the object for which they were expended.

Visits schools. Publication of annual receipts and expenditures.

When act shall take effect. SECTION 9. That this act shall go into operation on the first Monday succeeding the first Saturday of April next, 1877, and shall be a public act.

Public act.

*Passed at Dover, February 26, 1877.*

## CHAPTER 372.

## PUBLIC SCHOOLS IN LEWES.

Current volume, 94. AN ACT to amend section seven, of chapter 53, volume 15, of the Laws of Delaware.

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

Section 7, chapter 53, current volume amended. SECTION 1. That section seven of chapter 53, volume 15, of the Laws of Delaware be and the same is hereby amended by inserting between the words "estate" and "improvements," in second line thereof, the words "personal property."

*Passed at Dover, March 23, 1877.*

## PUBLIC EDUCATION.

## CHAPTER 373.

## DELAWARE COLLEGE.

A further supplement to the act entitled "An act establishing a college for agricultural and mechanic arts, in this State." Volume 13,  
127.

WHEREAS, The proceeds of the sale of the public land granted to and accepted by this State, under the act of Congress, donating public lands to the several States and Territories, which should provide colleges for the benefit of agriculture and mechanic arts, pursuant to the requirements of it, amounting to the sum of eighty-three thousand dollars, was invested by virtue of the act of the Legislature, entitled "An act establishing a college for agricultural and mechanic arts, in this State," passed at Dover, March 14, 1867, in certain bonds of the State of Delaware, consisting of eighty-three in number, for the sum of one thousand dollars each, payable by their own terms, within the period of comparatively a few years from the present time, and with interest payable thereon, semi-annually, at the rate of six per centum per annum, on the first day of January and the first day of July, in the meantime, until paid, and which investment, by the express terms of the said act of the Legislature, is to be forever held sacred for the purposes contemplated by the said act of Congress, and not to be transferable except by a special act of the Legislature; and Preamble.  
  
Amended  
Code, 1874,  
218.  
Chapter 137,  
volume 13,  
127.

WHEREAS, By the said act of the Legislature, the State accepted, on the proposition of the Board of trustees of Delaware College, and is now seized and possessed of a joint and equal interest with them in the grounds, buildings, libraries, apparatus and vested fund of said Delaware College, on the condition of its vesting the income to be derived from the said investment in a Board of trustees of said college, not more than one half of whom were and are to be appointed on behalf of the State, by the Governor, and the other half by the then existing Board of trustees and their successors, for the purpose of establishing, and thereby did establish at Newark, in connection with the said Delaware College, such an institution and department as would meet the requirements of the said act of Congress, and

WHEREAS, Also by the terms of the said act of the Legislature, the State Treasurer is to receive and pay over the interest of the said bonds to the treasurer of the Board of trustees

## PUBLIC EDUCATION.

of Delaware College, for the purposes and on the conditions thereafter mentioned, and it is now deemed expedient and desirable by the said Board of trustees, that the said bonds of the State should be cancelled, and that in lieu thereof a certificate of permanent and perpetual indebtedness for the sum of eighty-three thousand dollars should be issued by the State to the trustees of Delaware College with interest thereon, at the rate of six per centum per annum, payable semi-annually, on the first day of July and the first day of January in each and every year, from the last payment of interest on the said bonds, by the State Treasurer to the treasurer of the Board of trustees of Delaware College, for the purposes and on the conditions mentioned in the said act of the Legislature aforesaid; the sole purpose and object of this act being simply to convert the character of the securities and the evidence of indebtedness, so far at least as it depends on the said bonds, and which already exists by virtue of the said act of the Legislature, as a permanent and perpetual indebtedness on the part of the State to the trustees of said college in the manner herein indicated, for the better safety and protection of both the State and the college against the possible loss of said bonds by any means whatever; therefore,

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

Certificate of indebtedness of state to trustees of Delaware College for \$80,000 to be issued.

SECTION 1. That \*as soon after the passage of this act as practicable, a written certificate of indebtedness of this State to the trustees of Delaware College, for the sum of eighty-three thousand dollars with interest thereon, at the rate of six per centum per annum, payable on the first day of July next, and on the first day of January, and on the first day of July in every year thereafter, by the State Treasurer to the treasurer of the trustees of said college, for the purposes and on the conditions mentioned and prescribed in the said act of the Legislature, to which this act is a further supplement according to the following form.

CERTIFICATE OF INDEBTEDNESS  
OF  
THE STATE OF DELAWARE TO THE TRUSTEES OF DELAWARE  
COLLEGE,  
FOR  
EIGHTY-THREE THOUSAND DOLLARS.

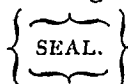
These presents certify and make known to all whom it may

\* So enrolled.

## PUBLIC EDUCATION.

concern, that the State of Delaware is justly indebted to, and hereby acknowledges to owe, the trustees of Delaware College the full sum of eighty-three thousand dollars lawful money of the United States of America, with interest thereon at the rate of six per centum per annum, and which she hereby faithfully promises to pay semi-annually, on the first day of July next, and on the first day of January, and the first day of July in every year thereafter, to the Treasurer of the trustees of Delaware College, for the purposes and on the conditions mentioned and prescribed in the act of the Legislature, entitled "An act establishing a college for agricultural and mechanical arts, in this State," passed at Dover, March 14, 1867, and this certificate shall not be transferable.

In testimony whereof, the great seal of the State is hereunto affixed, and the hands of the Governor, Secretary of State, and State Treasurer, are subscribed at Dover, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and seventy-seven.



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Governor.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Secretary of State.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ State Treasurer.

It shall be executed and signed by the Governor of the State, the Secretary of State, and the State Treasurer, and shall have the great seal of the State affixed thereto. It shall not be transferable, and this shall be so written and stated on the face of it. And the faith of the State is hereby pledged for the validity and safety of the debt and for the payment of the interest upon it as herein provided.

SECTION 2. It shall be the duty of the Governor to deliver the said certificate of indebtedness, when so executed, to the president of the Board of trustees of Delaware College; and it shall be the duty of the State Treasurer, thereafter to pay the interest thereon, semi-annually, to the treasurer of said Board of trustees, pursuant to the tenor of it, and the provisions of this act.

SECTION 3. It shall also be the duty of the State Treasurer as soon after the said certificate of indebtedness has been delivered to the president of the Board of trustees of Delaware College as practicable, to cancel and effectually destroy the whole number of the said eighty-three bonds of the State of Delaware for one thousand dollars each, and all the coupons thereunto annexed for the payment of the interest thereon, and which are now in his custody and possession, in the presence of a committee to consist of three members of the Senate to be appointed by the speaker thereof for that purpose.

*Passed at Dover, February 22, 1877.*

By whom signed.

Not transferable.

Governor to deliver same to president of board of trustees of said college.

State treasurer to pay interest to treasurer of said Board.

Upon delivery of said certificate, State Treasurer shall destroy the bonds and coupons for which same is substituted in presence of senate committee.



## TITLE SEVENTH.

Of the Poor, the Insane, Deaf and Dumb, and the Blind.

## CHAPTER 374.

## CONCERNING ALMSHOUSES AND THE POOR.

AN ACT in relation to trustees of the poor for South Murderkill, North Murderkill and Kenton hundreds, in Kent county.

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

Terms of  
office of  
trustees of  
Poor hereaf-  
ter appointed  
for S. Mur-  
derkill, N.  
Murderkill  
and Kenton  
hundreds.  
Vacancies ;  
how filled.

Proviso.

Term of first  
appoint-  
ments for re-  
spective  
hundreds.

SECTION 1. That the trustees of the Poor hereafter to be appointed by the Levy Court for South Murderkill, North Murderkill and Kenton hundreds, respectively, shall hold their office for the term of three years from the date of their appointment, but vacancies shall be filled only for the residue of a term, by the commissioners of the Levy Court of the hundred where the vacancy happens. Any thing contained in any law heretofore passed to the contrary notwithstanding ; *Provided, however,* that the first appointment under this act, for South Murderkill hundred shall be for but two years, the first appointment for North Murderkill hundred shall be for but one year, and the first appointment for Kenton hundred shall be for but two years.

*Passed at Dover, February 2, 1877.*

OF THE POOR, THE INSANE, DEAF AND DUMB AND THE BLIND.

CHAPTER 375.

CONCERNING THE IDIOTIC.

AN ACT for the relief of the idiotic children 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 the act entitled "An act to provide for the idiotic children of the State of Delaware," passed at Dover, February 22, 1861, be and the same is hereby amended by adding thereto the following section, to wit :

Volume 12,  
78.

Chapter 53,  
of volume 12,  
amended.

SECTION 2.\* That whenever the superintendent of the said school shall report that any pupil who has been admitted thereto under the foregoing provisions, has received all the benefit and advantage that can be derived from the training and discipline of said school, the associate judge of the county to which said pupil is accredited shall notify the said superintendent to discharge said pupil.

Associate  
Judge shall  
notify super-  
intendent of  
school to dis-  
charge any  
idiotic pupil;  
when.

*Passed at Dover, March 20, 1877.*

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\*So enrolled.

## TITLE EIGHTH.

## Of the General Police.

## CHAPTER 376.

## FOR THE PROTECTION OF MUSKRATS.

Current vol.  
ume 106.

AN ACT to amend an act for the protection of muskrats.

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

Section 1,  
chapter 59,  
current vol.  
ume amended

That section 1, of chapter 59, of volume 15, of the Laws of the State of Delaware, be and the same is hereby amended by striking out the words, "Twenty-fifth day of March and the fifteenth day of December," in fifth and sixth lines, and by inserting in lieu thereof, the words, "Tenth day of April and the fifteenth day of November."

*Passed at Dover, January 25, 1877.*

## CHAPTER 377.

## FOR THE PROTECTION OF SHEEP.

Current vol.  
ume 108.

AN ACT to repeal chapter 61, of the current volume of Delaware Laws.

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

SECTION 1. That chapter 61, of the current volume of

## OF THE GENERAL POLICE.

Delaware Laws, entitled "For the protection of sheep," be and the same is hereby repealed, *Provided, however*, that the taxes levied upon dogs for the year 1876, under the provisions of said chapter 61, and the power to collect the same shall be saved and reserved from the operation and effect of this act.

Chapter 61,  
of current  
volume re-  
pealed.

Proviso.

Taxes levied  
for 1876  
upon dogs,  
excepted.

SECTION 2. That so much of the taxes now levied upon dogs, as aforesaid, which have already been collected, or which may hereafter be collected, shall be appropriated to the payment of the claims of persons who have suffered injury from the loss of sheep, represented by the certificates, now filed with the county treasurer, and the remainder of said "Dog tax fund," if there be any, shall go into the general county fund, and be applied in the same manner.

How taxes  
already lev-  
shall be ap-  
propriated.

*Passed at Dover, January 30, 1877.*

## CHAPTER 378

## OF THE PROTECTION OF GAME.

AN ACT to repeal chapter 60, volume 15, Delaware Laws.

Current vol-  
ume 107.

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

SECTION 1. That chapter 60, volume 15, Delaware Laws, be and the same is hereby repealed.

Chapter 60,  
of current vol-  
ume re-  
pealed.

*Passed at Dover, January 31, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 379.

## FOR THE PROTECTION OF LIVE STOCK.

AN ACT for the protection of live stock, in the State of Delaware.

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

Penalty for  
bringing un-  
slaughtered  
Texas or  
Cherokee  
cattle into  
this State.

SECTION 1. That from and after the passage of this act, it shall not be lawful for any person or persons, to bring or have brought into the State of Delaware, any Texas or Cherokee cattle, except said cattle be slaughtered.

Fine.

SECTION 2. Any person or persons violating the provisions of this act, shall be liable to a penalty of twenty (20) dollars and costs, for each and every head of said cattle brought into the State.

How fines  
applied.

SECTION 3. One half of all penalties, incurred under this act, shall belong to the informer, and be for the use of any one who may sue for the same, in his own name; the other half to be paid to the State Treasurer, for State purposes, to be recovered the same as any other debt, before a justice of the peace. The justice of the peace, constable or sheriff shall be entitled to the same fees as the law now sets forth.

Fees of offi-  
cers.

*Passed at Dover, March 20, 1877.*

## CHAPTER 380.

## FOR THE PROTECTION OF SHEEP.

Volume 13,  
135.

AN ACT to amend chapter 145, volume 13, Laws 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 145, volume 13, Laws of Dela-

## OF THE GENERAL POLICE.

ware, entitled "An act for the protection of Sheep in New Castle county, be and the same is hereby amended by striking out section 4, and inserting in lieu thereof, the following, to wit: "Section 4, Each of said collectors shall pay to the county Treasurer of New Castle county, on or before the first day of July next, after the receipt of said list of dogs as aforesaid, one half part of the tax which by this act he is required to collect, and on the first Tuesday in March next, after his receipt of said list of dogs as aforesaid, he shall render to the Levy Court aforesaid, a true account of all taxes it was his duty to collect by virtue of this act, and of all payments and disbursements thereof, and of all delinquents, and he shall, within ten days thereafter, pay over to the county treasurer, any balance that may remain in his hands, *provided* nothing in this act shall entitle any person to receive any compensation for any sheep or lambs which may be killed, injured or destroyed, by his or her own dogs."

Section 4,  
chapter 145,  
volume 13  
stricken out  
and supplied.

Duties of col-  
lectors in  
New Castle  
County re-  
specting dog  
taxes.

Proviso.

No person  
to receive  
compensa-  
tion for sheep  
killed by his  
own dogs.

SECTION 2. The said chapter 145, volume 13, Laws of Delaware, be and the same is hereby further amended by striking out all of section 5 of said chapter, and inserting in lieu thereof, the following, to wit: "Section 5. The owner or owners of any sheep or lambs, which shall have been killed, injured or destroyed, by any dog or dogs, shall, immediately, upon the loss or injury of such sheep or lambs, notify three disinterested farmers, residing in the hundred where such loss or injury may have occurred, to view such sheep or lambs, and appraise the damage done to the same, *provided* that before the said farmers shall appraise said damage, they shall administer to each other an oath or affirmation, to view such sheep or lambs, and appraise the actual amount of loss sustained. The farmers so making the appraisal shall give to the owner or owners aforesaid, a certificate signed by two or more of said farmers, certifying the amount of loss sustained. On presentation of the aforesaid certificate to the county treasurer, he shall pay the amount of the same out of any funds in his hands that may have been collected under the provisions of this chapter."

Section 5, of  
chapter 145,  
volume 13,  
stricken out  
and supplied.

Duty of  
owners  
claiming  
damages for  
injuries to  
sheep by  
dogs.

Appraise-  
ment of dam-  
ages.

Proviso.

Duty of  
county treas-  
urer to pay  
damages;  
when.

SECTION 3. That the said chapter 145, volume 13, of the Laws of Delaware, be and the same is hereby further amended by striking out all of section 7, and inserting in lieu thereof, the following, to wit: "Section 7. The assessors shall be entitled to receive for each dog, whether male or female assessed by them, respectively, the sum of ten cents, and the collectors shall be entitled to receive ten per cent. on all moneys collected by them, respectively, as aforesaid. All ex-

Section 7,  
chapter 145,  
volume 13,  
stricken out  
and supplied.

Compensa-  
tion of assess-  
ors and col-  
lectors

How paid.

## OF THE GENERAL POLICE.

penses of levying, assessing, and collecting the aforesaid tax, shall be paid by said Levy Court out of any money payable to the county treasurer as aforesaid."

*Passed at Dover, March 22, 1877.*

## CHAPTER 381.

## OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

Volume 14,  
392.

AN ACT regulating the sale of spiritous, vinous or malt liquors.

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

Section 6,  
chapter 418,  
volume 14  
amended.

SECTION 1. That the figure 5 in line one, of section 6, of chapter 418, volume 14, Laws of Delaware, be stricken out, and the figure 4 be inserted in lieu thereof.

Section 10 of  
said chapter  
amended.

The word  
"freehold  
ers" stricken  
out of entire  
chapter 418,  
volume 14,  
and supplied.

SECTION 2. That paragraph three, of section ten, of chapter 418, volume 14, Laws of Delaware, be and the same is hereby amended by striking out of line two, the words "substantial freeholders," and insert in lieu thereof the words "respectable citizens," and by striking out the word "freeholders" wherever it occurs in said chapter 418, in volume 14, Laws of Delaware, and insert in lieu thereof the word "citizen."

Section 19 of  
said chapter  
amended.

What may  
be *prima facie*  
proof of  
selling with-  
out a license.

SECTION 3. That section 19, of chapter 418, of the 14th volume of Delaware Laws, be and the same is hereby amended, by adding after the word "dollars" in the last line of said section, the following: "The fact that the party accused pays taxes to the United States as a liquor dealer or vender, may, in the discretion of the court, be given in evidence as *prima facie* proof to convict."

Said chapter  
further  
amended

SECTION 4. That chapter 418 of the 14th volume of Delaware Laws be amended by adding the following: "Section 25.\* All licenses granted under the provisions of this act, may be

\*So enrolled.

OF THE GENERAL POLICE.

assigned to an incoming tenant with the approval of the Associate Judge residing in the county in which the license is granted, and the assignee shall be, from such approval, held and taken to be licensed for the same purpose for which the assignor was licensed, and subject to all the liabilities and penalties imposed by the act to which this is a supplement." When license may be assigned.

*Passed at Dover, March 22, 1877.*

CHAPTER 382.

OF TAVERNS, ALE HOUSES, AND VICTUALLING HOUSES.

A supplement to the act entitled "An act regulating the sale of spirituous, vinous, or malt liquors, passed March 22, 1877." Current volume, 446.

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 regulating the sale of spirituous, vinous or malt liquors," passed at Dover, March 22, 1877, shall not affect in any manner the application for licenses to sell intoxicating liquors, now filed in the offices of the clerks of the peace in either of the counties in this State, nor the publication of intention to make such application. Chapter 381 of current volume not to affect applications or publications for licenses already made.

*Passed at Dover, March 23, 1877.*

CHAPTER 383.

OF FISH, OYSTERS, AND GAME.

AN ACT to repeal an act, a supplement to the act entitled "An act for the protection of fishermen." Volume 14 86.

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

SECTION 1. That chapter seventy-three (73) volume 14,



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Chapter 73, Laws of Delaware, passed at Dover, March 29, 1871, be and volume 14, the same is hereby repealed, made null and void.  
repealed.

*Passed at Dover, January 24, 1877.*

## CHAPTER 384.

## OF FISH, OYSTERS AND GAME.

Amended  
Code 1874,  
c67.

## AN ACT to amend chapter 55, of the Revised Code.

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

Sections 4  
and 5 of  
chapter 55,  
Revised  
Code, stricken  
out and  
supplied.

Unlawful  
acts.

Taking more  
than 20  
bushels at  
one load.  
Delaware  
and Indian  
rivers except-  
ed.

Loading  
from an  
other  
vessel,  
loading an-  
other ves-  
sel.

Taking oys-  
ters between  
April 30, and  
September 1.  
Taking oys-  
ters for  
planting  
elsewhere.

Using  
dredge.  
Exporting  
oysters from  
State.  
Possession  
*prima facie*  
proof of guilt.

SECTION 1. That sections 4 and 5, chapter 55, of the Revised Code, be stricken out, and the following substituted instead thereof: "Section 4. It shall not be lawful for any person to carry, at any one time, in any vessel, wagon, cart, dearborn, carriage or any other vehicle, from any of the rivers, creeks or ponds of this State, except the rivers Delaware and Indian, any quantity of oysters or clams, exceeding twenty bushels. And it shall not be lawful for any vessel, in any of the waters of this State, to load or be loaded in whole, or in part, from any vessels, authorized by this section, to carry twenty bushels or less. And it shall not be lawful for any vessel, so authorized, to engage or be employed in loading any other vessel, in any manner whatever. Section 5. It shall not be lawful for any person to catch or take any oysters, in any of the waters of this State, between the last day of April and the first day of September. It shall not be lawful, at any time, for any person to take oysters from any rivers, creeks or ponds to plant, or be planted anywhere else. It shall not be lawful for any person to use a dredge in taking oysters, in any river, creek or pond. It shall not be lawful for any person to export, or carry away from this State, any oysters caught or taken in any river, creek or pond herein. The possession of oysters, under any of the circumstances prohibited in this and the section immediately preceding, shall be *prima facie* evidence that they were unlawfully taken.

## OF THE GENERAL POLICE.

Any and every violation of the provisions of this and the section immediately preceding, shall be a misdemeanor, and, upon conviction thereof, either in a summary manner, before a justice of the peace, or upon indictment in the Court of General Sessions of the peace and jail delivery, every person so offending shall be fined not less than ten dollars, with costs of prosecution, and in default of paying the same, shall be committed to the common jail of the county in which the trial is had, until such fine and costs shall be paid. And in addition to the foregoing penalty, any vessel, wagon, cart, dearborn, carriage, or other vehicle, engaged or used in violating any of the provisions of these sections, 4 and 5, together with the oysters thereon, as well as everything appertaining thereto, shall be forfeited, and may be proceeded against in the same manner, and with the same effect, as is provided in the first section of this act, in the case of forfeited boats or vessels. All acts, or parts of acts, contrary to or inconsistent herewith, are hereby repealed.

Misdemeanor.

How and when prosecuted.

Fine, \$10.

How enforced.

Forfeiture of vessel, &amp;c, &amp;c.

Inconsistent acts repealed.

*Passed at Dover, March 12, 1877.*

## CHAPTER 385.

## OF FISH, OYSTERS AND GAME.

AN ACT to prohibit the destruction of wild game in this State.

*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 passage of this act, it shall be unlawful for any person or persons, to use artificial light in the night time, to entrap, shoot or destroy, in any manner, any wild geese, ducks, partridges or quail, in this State, for any purpose whatever.

Penalty for using artificial lights in taking game at night.

SECTION 2. *And be it further enacted,* That if any person or persons, do willfully violate the provisions of this act, he or they shall be deemed guilty of a misdemeanor, and, upon con-

Misdemeanor.

## OF THE GENERAL POLICE.

Fine, \$50,  
one half to  
informer.

viction before any justice of the peace of this State, shall forfeit and pay fifty dollars; one-half to the use of the State, the other half to the person or persons informing on the violators of this law.

Suspicious  
possession of  
boat and  
light.

Same penal-  
ty.

SECTION 3. *And be it further enacted*, That in case any person or persons are found in the night time with boat and artificial light on any of the waters of this State, with the apparent intention of lighting wild geese and ducks, for the purpose of destroying them, he or they shall be subject to the same fine and penalty as is provided for in section 2, of this act.

*Passed at Dover, March 14, 1877.*

## CHAPTER 386.

## OF FISH, OYSTERS AND GAME.

Volume 14,  
84.

AN ACT to amend chapter 72, volume 14, Laws of Delaware.

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

Section 3, of  
chapter 72,  
volume 14,  
stricken out  
and supplied.

Penalty for  
using any  
seine, &c.,  
for catching  
shad or her-  
ring, where.

Fine \$50.  
one half to  
informer.  
Forfeiture  
of fishing  
apparatus,  
boats, &c.

Proceedings  
same as pre-  
scribed in  
section 1,  
of said chap-  
ter 72.

SECTION 1. Amend chapter 72, volume 14, Laws of Delaware, by striking out all of section 3 of said chapter and inserting in lieu thereof, the following, as section 3: "Section 3. It shall be unlawful for any person to lay out, float or set any gill-seine or net, or use any contrivance to catch shad or herring nearer than one mile from the mouth of any river or creek within the limits of this State. Any person so offending shall forfeit and pay a fine of fifty dollars, one half for the use of the informer, the other half for the use of the State. And in addition thereto, shall forfeit any float, seine, gill-seine or net or any other contrivance, and all boats, vessels, tackle and furniture, and all implements belonging to any boat or vessel used in connection with any such fishing. The seizure, trial, condemnation and sale under this section, shall be the same as the seizure, trial, condemnation and sale under section 1 of chapter 72, volume 14, Laws of Delaware, to which act this

## OF THE GENERAL POLICE.

act is an amendment. Any person destroying any such float, seines, gill-seines or nets, or contrivance used in violation of this act, shall not be liable to the owner or owners or possessor, in any damage for the destruction thereof."

Lawful for any person to destroy fishing nets, &c., used in violation of this act.

SECTION 2. Amend said chapter 72, volume 14, Laws of Delaware, by making the following as section 10: "Section 10. That it shall be unlawful for any person to fish for shad or herring in any of the rivers or creeks in Kent and Sussex counties after the first day of June, and in any of the rivers or creeks of New Castle county after the fifteenth day of June, in any year, under the same penalties and forfeitures of section 3, chapter 72, volume 14, Laws of Delaware, as amended by this act."

Said chapter 72, further amended. Unlawful to fish for shad or herring after June 1, in Kent and Sussex, and after June 15, in New Castle county. Penalties.

SECTION 3. That nothing in section 1 of this act shall apply to any of the rivers, creeks or waters of the Delaware river or bay, north of what is known as Smyrna creek or Duck creek, nor shall any of its provisions apply to the waters tributary to the Chesapeake bay.

Law not applicable to certain waters.

SECTION 4. That in all editions of the laws of this State hereafter published, chapter 72, volume 14, Laws of Delaware shall be published as amended by this act, and that section 3 of this act shall be published as section 11, and section 10 of the act to which this is an amendment, shall be published as section 12.

Publication as amended. Numbering of sections.

*Passed at Dover, March 16, 1877.*

## CHAPTER 387.

## OF FISH, OYSTERS AND GAME.

AN ACT in relation to fishing, and to prohibit the catching of fish for exportation.

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

SECTION 1. From and after the first day of May next it

## OF THE GENERAL POLICE.

Penalty for setting gill-seine or net, cross-wise in waters of Indian River or Rehoboth Bay.

Length of seine or net. Length of hauling-seine or net. Unlawful to unite seines length-wise.

Fine \$50. How recovered.

One half to the prosecutor.

shall not be lawful for any person or persons to set or place any gill-seine or net across Indian river or Rehoboth bay or any of the streams of water emptying into either of them, but only up and down the current of the same. No gill-seine or net used in any of the waters above mentioned shall be longer than forty fathoms, and no hauling-seine or net used in any of the waters aforesaid shall be longer than seventy-five fathoms, nor shall two or more such seines or nets be joined or used together so, as in effect, to make one of greater length than as aforesaid. Any offence against this section shall subject the offender to a fine of fifty dollars, to be recovered by an action of debt in the name of the State, before any justice of the peace of the county where the offence is committed, one half thereof to be for the use of the State, the other half to the party proceeding therefor.

Penalty for using eel-seines or nets in said waters.

SECTION 2. After the first day of May next no eel-seines or nets shall be used in Indian river or Rehoboth bay, or any of the waters emptying into either of them. Any person or persons violating any of the provisions of this section shall be liable to the same penalties as is provided in section 1 of this act.

*Passed at Dover, March 22, 1877.*

## CHAPTER 388.

## OF STRAYS.

AN ACT prohibiting live stock from running at large in the southern portion of School District No. 44 lying and being on the south side of the Christiana creek, in New Castle hundred, in New Castle county.

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

Unlawful for live stock to run at large within certain limits of school district No. 44, in New Castle county,

SECTION 1. That it shall not be lawful from and after the passage of this act, for any live stock to run on the highways on the south side of the Christiana creek, in said portion of district No. 44, in New Castle hundred, in New Castle county.

## OF THE GENERAL POLICE.

SECTION 2. It shall be lawful for any person in that portion of district No. 44, lying and being on the south side of the Christiana creek, in New Castle hundred, to take up any live stock running at large on the highways in that portion of district No. 44 on the south side of the said Christiana creek, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Such stock may be taken up and impounded by any person within said limits.

Compensation.

SECTION 3. In case any damage may have been sustained by reason of such stock running at large in aforesaid portion of district No. 44, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming them, before said stock is delivered; he or they shall also pay a fee of one dollar to the justice, and a fee of one dollar to each of the freeholders appointed by the justice.

Damages to be estimated by freeholders appointed by justice of peace.

Fees.

*Passed at Dover, February 1. 1877.*

## CHAPTER 389.

## OF STRAYS.

AN ACT to prohibit live stock from running at large in School District No. 75 and a portion of School District No. 118.

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

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large in School District No. 75, and that portion of School District No. 118 adjoining said School district No. 75, and lying on the east side of Marshy Hope Branch, in Sussex county.

Unlawful for live stock to run at large in school district No. 75 and in certain limits of school district No. 118 in Sussex county.

SECTION 2. It shall be lawful for any person in said districts and living in Sussex county, to take up any live stock running

Such stock may be impounded by any person.

## OF THE GENERAL POLICE.

Compensation.

on the highway in said locality, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Damages may be estimated by freeholders appointed by justice of peace.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable persons to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same, before the said animals shall be delivered.

Stock to be advertised for sale, if not claimed within 30 days.  
Notices.

SECTION 4. In case the said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than three written notices, posted for at least ten days previous to said sale in three conspicuous places in the locality in which said stock was taken up, at the expiration of which they may proceed to sell the same, the proceeds of which sale, after deducting all legal charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice of the peace that they are the real owner of said stock: if not so claimed, it shall be subject to and paid over on the order of the clerk of the School District or locality in which said stock was taken up, to be devoted to school purposes therein.

Proceeds to be deposited for one year with justice of peace.

If not claimed, to be paid to clerk of the school district.

Act not to prevent proceedings under the general law.

SECTION 5. Nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock, as provided in the general law concerning.\*

*Passed at Dover, February 15, 1877.*

\*So enrolled.

## OF THE GENERAL POLICE.

## CHAPTER 390.

## OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 86, 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 not be lawful from and after the passage of this act for any live stock to run on the public highways in School district No. 86, New Castle county.

Unlawful for live stock to run at large in school district No. 86 in New Castle County.

SECTION 2. It shall be lawful for any person in said district to take up any stock running on the highway in said district, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Such stock may be impounded by any person.

Compensation.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same, before the said animals shall be delivered.

Damages may be estimated by freeholders appointed by justice of peace.

SECTION 4. In case said stock is not claimed, and all charges are not paid in accordance with this act satisfied\* within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale, in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited in the New Castle county National Bank, at Odessa, to the credit of the said school district, and be held by said bank for one year if not sooner claimed by some person who shall make satisfactory proof before some justice of the peace, in New Castle county, that they are the real owners of said stock. Upon a certificate of said justice of the peace, said owner shall be entitled to draw the money from said bank. If not so claimed, it shall be subject to and paid over on the order of the clerk of said school district in which said stock was taken up to be devoted to the school purposes of said district.

Stock to be advertised for sale, if not claimed within 30 days.

Notices

Proceeds to be deposited for one year in National Bank at Odessa.

If not claimed to be paid to clerk of the school district.

*Passed at Dover, February 16, 1877.*

\*So enrolled.



## OF THE GENERAL POLICE.

## CHAPTER 391,

## OF STRAYS.

Volume 14,  
439.

AN ACT to repeal chapter 445, volume 14, Delaware Laws.

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

Chapter 445  
of volume 14,  
repealed.

SECTION 1. That chapter 445, volume 14, Delaware Laws, be and the same is hereby repealed.

*Passed at Dover, February 21, 1877.*

## CHAPTER 392.

## OF STRAYS.

AN ACT prohibiting live stock from running at large in School District, No. 62, in New Castle county.

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

Unlawful for  
live stock to  
run at large  
in School  
District No.  
62, in New  
Castle coun-  
ty.

SECTION 1. That it shall not be lawful from and after the passage of this act, for any live stock to run at large on the highways in School District No. 62, in New Castle county.

Such stock  
may be im-  
pounded by  
any person.  
Compensa-  
tion.

SECTION 2. It shall be lawful for any person in said school district, to take up any live stock willfully running on the highway in said district, and impound the same; and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Damages  
may be esti-  
mated by  
freeholders  
appointed by  
Justice of  
Peace.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to

## OF THE GENERAL POLICE.

estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge, shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale, in three conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if no sooner claimed by some person or persons who shall prove to his satisfaction that they are the real owner or owners of said stock; if not so claimed it shall be subject to, and paid over on the order of, the clerk of the school district in which said stock was taken up, to be devoted to the purposes of said school district.

Stock to be advertised for sale, if not claimed within 30 days.

Notices.

Proceeds to be deposited with Justice of Peace for one year.

If not claimed, to be paid to clerk of the school District.

*Passed at Dover, February 21, 1877.*

## CHAPTER 393.

## OF STRAYS.

AN ACT to amend section 2, of chapter 83, volume 15, Delaware Laws. Current volume, 140.

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

SECTION 1. That section 2, of chapter 83, volume 15, Delaware Laws, be and the same is hereby amended by inserting in the sixteenth line of said section, between the words "stock" and "one," the following: "fifty cents for each swine."

Section 2, of chapter 83, current volume amended.

SECTION 2. In all publications of the laws hereafter made, this section shall be published as hereby amended.

Publication as amended.

*Passed at Dover, February 27, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 394.

## OF STRAYS.

AN ACT to prohibit live stock from running at large in School District No. 67, in New Castle county.

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

Unlawful for live stock to run at large in school district No. 67 in New Castle county.

SECTION 1. That it shall not be lawful from and after the passage of this act, for any live stock to run at large in School District No. 67, in Blackbird hundred, in New Castle county.

Such stock may be impounded by any person.

SECTION 2. It shall be lawful for any person, in said school district, to take up any live stock running at large in said school district, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Compensation.

Damages may be estimated by freeholders appointed by justice of peace.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace, of the county, may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping the said stock, shall be paid by the person claiming the same, before the same is delivered.

Stock to be advertised for sale if not claimed within 30 days.

Notices.

Proceeds to be deposited for one year with justice of peace.

If not claimed to be paid to clerk of the school district.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge, shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale, in three conspicuous places in the district in which the said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace, in said county, who shall hold the same for one year, if no sooner claimed by some person who shall prove to his satisfaction that he or she is the real owner of said stock; if not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to school purposes of said district.

*Passed at Dover, March 7, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 395.

## OF STRAYS.

AN ACT to prevent live stock from running at large in School Districts No. 73, 73½ and 139, in Sussex county.

*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 passage of this act, it shall not be lawful for any live stock to run at large within the limits of School Districts, Nos. 73, 73½ and 139, in Sussex county.

Unlawful for live stock to run at large in school districts Nos. 73, 73½ and 139 in Sussex county.

SECTION 2. That it shall be lawful for any person in the said school districts, to take up any live stock running on the highways, in said school districts, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Such stock may be impounded by any person.

Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace, of the county aforesaid, may, upon application of the person damaged, appoint three suitable persons to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

Damages may be estimated by freeholders appointed by justice of peace.

SECTION 4. That in case the said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge, shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale, in three conspicuous places in the three districts in which said stock was taken up, at the expiration of which time, they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace, in said county, who shall hold the same for one year, if not sooner claimed by some person, who shall prove to the satisfaction of the justice, that he or she is the real owner of said stock; if not so claimed, it shall be subject to, and paid over on, the order of the clerk of the school district in which said stock was taken up, to be appropriated for school purposes in said district.

Stock to be advertised for sale if not claimed within 30 days.

Notices.

Proceeds to be deposited for one year with justice of peace.

If not claimed, to be paid to clerk of the school district.

*Passed at Dover, March 13, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 396.

## OF STRAYS.

Volume 14, 436. AN ACT to repeal so much of the stock law as applies to that part of School District No. 72, lying in Nanticoke hundred, Sussex county.

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

So much of any law as prohibits stock running at large in the Nanticoke hundred portion of school district No. 72, Sussex county, repealed.

SECTION 1. That all acts, and parts of acts, which prohibit live stock from running at large in that part of School District No. 72, lying in Nanticoke hundred, Sussex county, be and the same are hereby repealed.

*Passed at Dover, March 15, 1877.*

## CHAPTER 397.

## OF STRAYS.

AN ACT to prohibit live stock from running at large on the public highways, in School District No. 59, in New Castle county.

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

Unlawful for live stock to run at large in school district No. 59, in New Castle county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways, in said School District No. 59, in New Castle county.

Such stock may be impounded by any person.

Compensation.

SECTION 2. That it shall be lawful, from and after the passage of this act, for any person, in said school district, to take up any live stock running on the public highways, in said district, and impound the same; and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are

## OF THE GENERAL POLICE.

paid, due notice of which (in writing) shall first be given, if the owners of such strays are known.

Written notice to owners; when.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large in said district, any justice of the peace of the county may appoint three freeholders to estimate the damages, which, together with the legal charges for keeping the said stock, and a fee of one dollar to the justice, and a fee of one dollar to each of the freeholders appointed by the said justice, shall be paid by the person claiming the same before said stock is delivered.

Damages may be estimated by freeholders appointed by justice of peace. Fees.

SECTION. 4. In case said stock is not claimed, and all just charges are not satisfied within thirty days from the taking up of said stock, the person having said stock in charge shall advertise the same at public sale at five of the most public places in said district for ten days previous to said sale, at the expiration of which time he shall proceed to sell the same to the highest cash bidder. The proceeds of such sale, after deducting all just charges, shall be deposited with some justice of the peace in said hundred, who shall hold the same for one year, if not sooner claimed by some person who shall prove to his satisfaction that they are the real owners of said stock, if not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

Stock to be advertised for sale if not claimed within 30 days. Notice of sale.

Proceeds to be deposited for one year with justice of peace.

If not claimed, to be paid to clerk of the school district.

*Passed at Dover, March 15, 1877.*

## CHAPTER 398.

## OF STRAYS.

AN ACT to prohibit live stock from running at large in School Districts No. 11 and 81, in Kent county.

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

SECTION 1. That it shall not be lawful, from and after the passage of this Act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School Districts No. 11 and 81, in Kent county.

Unlawful for live stock to run at large in School Districts Nos. 11 and 81, in Kent county.

## OF THE GENERAL POLICE.

Such stock  
may be im-  
pounded by  
any person.

Compensa-  
tion.

Damages  
may be esti-  
mated by  
freeholder,  
appointed by  
justice of  
peace.

Fees

Stock to be  
advertised  
for sale, if  
not claimed  
within 30  
days

Notices

Proceeds of  
sale to be de-  
posited for  
one year  
with constable.  
Liability of  
constable  
and sureties  
If not claim-  
ed, to be paid  
to clerk of  
the school  
district.

SECTION 2. It shall be lawful for any person within the said School Districts, to take up any live stock found running at large upon the public highways or uninclosed lands within the aforesaid limits, and impound the same, and they shall have the right to demand and receive the sum of one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all the legal charges are paid.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large upon the public highways or uninclosed lands within the aforesaid limits, any justice of the peace, in said county, may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for taking up and keeping said stock, shall be paid by the person claiming the same, together with one dollar to the justice of the peace, and one dollar to each of the freeholders, before the same is delivered.

SECTION 4. That in case said stock is not claimed and all just charges not satisfied in accordance with this act, within thirty days, the persons having said stock in charge shall advertise the same at public sale by not less than three written or printed notices, posted for, at least, ten days previous to said sale, in three conspicuous places in said districts in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some constable in said county, who, together with his securities, shall be liable on his official bond, and who shall hold the same for one year if not sooner claimed by some person who shall prove to the satisfaction of said constable that they are the real owners of said stock; if not so claimed it shall be subject to and paid over on the order of the clerk of the School Districts, in which said stock was taken up, to be devoted to school purposes in said districts.

*Passed at Dover, March 19th, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 399.

## OF STRAYS.

AN ACT to prevent stock from running at large in School District No. 96, in New Castle county.

*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 passage of this act, it shall not be lawful for any live stock to run on the highways within the limits of school district No. 96, in New Castle county.

Unlawful for live stock to run at large in School District No. 96, in New Castle county.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running on the highways in said district, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Such stock may be impounded by any person. Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county, may upon the application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

Damages may be estimated by freeholders appointed by justice of peace.

SECTION 4. That in case the said stock is not claimed, and all just charges are,\* in accordance with this act satisfied, within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than three written or printed notices, posted for, at least, ten days previous to said sale in three conspicuous places in said district, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that they are the real owner of the said stock; if not so claimed, it shall be subject to and paid over on

Stock to be advertised for sale, if not claimed within 30 days.

Notices.

Proceeds to be deposited for one year with justice of peace.

If not claimed, to be paid to clerk of the school district.

\*So enrolled.



## OF THE GENERAL POLICE.

**SECTION 2.** It shall be lawful for any person within the said School Districts, to take up any live stock found running at large upon the public highways or uninclosed lands within the aforesaid limits, and impound the same, and they shall have the right to demand and receive the sum of one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all the legal charges are paid.

**SECTION 3.** That in case any damages may have been sustained by reason of such stock running at large upon the public highways or uninclosed lands within the aforesaid limits, any justice of the peace, in said county, may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for taking up and keeping said stock, shall be paid by the person claiming the same, together with one dollar to the justice of the peace, and one dollar to each of the freeholders, before the same is delivered.

**SECTION 4.** That in case said stock is not claimed and all just charges not satisfied in accordance with this act, within thirty days, the persons having said stock in charge shall advertise the same at public sale by not less than three written or printed notices, posted for, at least, ten days previous to said sale, in three conspicuous places in said districts in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some constable in said county, who, together with his securities, shall be liable on his official bond, and who shall hold the same for one year if not sooner claimed by some person who shall prove to the satisfaction of said constable that they are the real owners of said stock; if not so claimed it shall be subject to and paid over on the order of the clerk of the School Districts, in which said stock was taken up, to be devoted to school purposes in said districts.

*Passed at Dover, March 19th, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 399.

## OF STRAYS.

AN ACT to prevent stock from running at large in School District No. 96, in New Castle county.

*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 passage of this act, it shall not be lawful for any live stock to run on the highways within the limits of school district No. 96, in New Castle county.

Unlawful for live stock to run at large in School District No. 96, in New Castle county.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running on the highways in said district, and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Such stock may be impounded by any person. Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county, may upon the application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same, before the same is delivered.

Damages may be estimated by freeholders appointed by justice of peace.

SECTION 4. That in case the said stock is not claimed, and all just charges are,\* in accordance with this act satisfied, within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than three written or printed notices, posted for, at least, ten days previous to said sale in three conspicuous places in said district, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that they are the real owner of the said stock; if not so claimed, it shall be subject to and paid over on

Stock to be advertised for sale, if not claimed within 30 days.

Notices.

Proceeds to be deposited for one year with justice of peace.

If not claimed, to be paid to clerk of the school district.

\*So enrolled.

## OF THE GENERAL POLICE.

the order of the clerk of the said school district, to be devoted to the purposes of the said school district.

Act not to prevent proceedings under the general law.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with cattle or other stock as provided in the general law concerning estrays.

*Passed at Dover, March 20, 1877.*

## CHAPTER 400.

## OF STRAYS.

Volume 14. AN ACT to repeal and supply chapter 437 of volume 14 of Delaware Law 430.

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

Chapter 437, of volume 14, repealed and supplied.

SECTION 1. That chapter 437 of volume 14, of the Delaware Laws, entitled "An act to prohibit horses, cattle, sheep and swine, from running at large in School District No. 10, in Sussex county," be and the same is hereby repealed, and that the following be enacted in lieu thereof.

Unlawful for certain animals to run at large in school district No. 10, in Sussex county.

SECTION 2. That no horse, mare, colt, mule, cattle, sheep or swine shall be allowed to run at large within the limits of School District No. 10, in Sussex county, in this State.

Penalty.

SECTION 3. That if any person or persons shall willfully suffer their live stock to run at large within the limits of said school district, he or she shall be liable to a penalty of fifty cents for each and every day, for each and every horse, mare, colt, mule, cattle, sheep or swine or other live stock so suffered to run at large, to be recovered by suit before any justice of the peace in Sussex county, upon complaint made by any person interested, the one half of said penalty to be paid to the person suing for the same, and the other half to the school committee of the school district in which the offence was committed, for the use of the free school in said district ; and the owner or owners of such live stock so running at large

How recovered.

To whom paid.

## OF THE GENERAL POLICE.

shall be liable to any and all damages committed by such stock, to be recovered in like manner by the person or persons so damaged. All suits under this section shall be brought within thirty days from the violation thereof.

Damages;  
how recovered.

Limitation  
of actions.

SECTION 4. It shall be lawful for any person or persons to take up and impound any live stock so running at large in said School District No. 10, and it shall be the duty of such person or persons to give notice, immediately, to the owner or owners thereof, if known, and if unknown, to post five notices of the impounding of such stock, describing the same, at the most public places in said School District No. 10. If the owner or owners receiving such notice shall not, within five days after such notice appear, and pay the fine, and fifteen cents per day for the keeping of each animal impounded, then the person who has impounded the same shall advertise and sell said stock at public sale to the highest bidder therefor, on five days notice, and after paying said fine and the expense of keeping, shall pay over the balance of the money arising from said sale, to the owner or owners of such impounded stock.

Such stock  
may be im-  
pounded.

Notice of  
impounding.

Stock to be  
advertised  
for sale if not  
claimed by  
owner with-  
in 5 days  
after notice.

Notice of  
sale.

If the owner or owners of such stock be unknown, and said notices be posted as aforesaid, and no one appears to claim the same, the justice of the peace residing in Broadkilm hundred shall make an order for any constable of said county to advertise and sell said stock at public sale as aforesaid, and after paying the said fine and expenses of keeping, and legal fees for advertising and selling, and fifty cents to the justice for making said order, shall deposit the balance with the clerk of the peace, for Sussex county, who shall hold the same for the benefit of the owner or owners for one year if such owner or owners appear before him and prove their right to the same, and if no owner or owners appear in that time, he shall then pay over the same to the school committee of said District No. 10, for the benefit of the free school in said district; *provided* that the damages awarded against the owner or owners of such impounded stock shall be paid out of the fund in the hands of said constable before he shall deposit the same with the clerk of the peace. In any suit for damages under this act, the justice shall appoint three referees, residents of said school district, who shall assess the same and report in writing, to said justice who shall render judgment thereon.

How stock  
shall be sold  
if owner be  
unknown.

Fine &c.,  
deducted.

Net proceeds  
to be depos-  
ited with  
clerk of  
peace of Sus-  
sex county  
for one year.

If not  
claimed, to be  
paid school  
committee of  
the district.

Proviso.  
Damages  
first de-  
ducted.

Damages to  
be assessed  
by referees  
appointed by  
justice of  
peace.

If the owner of any stock impounded as aforesaid appear and file an affidavit that he did not allow such stock to run at large, and that said stock had escaped from his enclosure without his knowledge, then such stock shall be delivered to

When own-  
ers of strays  
may have  
same restored  
without  
fine, &c.

## OF THE GENERAL POLICE.

such owner without any fine or charge for said impounding, except for the keeping, and the constable's and justice's fees.

Penalty for  
pound-  
breach.

Trial.

Fine, \$5

SECTION 5. That any person or persons who shall, by force or otherwise, willfully and unlawfully take or procure to be taken from the place of impounding, any animal impounded as hereinbefore provided, shall, upon complaint made and filed with any justice of the peace in said county, (the person making such complaint having first been duly sworn or affirmed,) be tried by said justice of the peace, and if, after a hearing, he shall be found guilty of said offence, he shall be fined by the said justice in the sum of five dollars, one half for the use of the person making such complaint, and the balance for the use of said school district. The said fine shall be collected in the same manner, and the costs shall be the same as is provided by law for the collection of other fines imposed by justices of the peace.

Act not to  
prevent pro-  
ceedings un-  
der the gen-  
eral law.

SECTION 6. That nothing in this act shall be construed to interfere with or prevent parties from proceeding with such stock as is provided in the laws concerning strays.

*Passed at Dover, March 21, 1877.*

## CHAPTER 401.

## OF DITCHES.

Volume 13, 423. AN ACT to amend chapter 444, volume 13, of the Laws of Delaware, entitled, "of Ditches."

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

Section 2, of  
chapter 444,  
volume 13,  
stricken out  
and supplied.

Duties of  
Ditch com-  
missioners.  
Employ sur-  
veyor.

SECTION 1. That section two, of chapter 444, volume 13, of the Laws of Delaware, be and the same is hereby stricken out and the following inserted instead thereof: "Section 2. The commissioners shall take with them a competent surveyor, shall specify the courses, distances, and size of every ditch they shall lay out, the estimated cost of making the same,

## OF THE GENERAL POLICE.

the damages, if any, and to whom payable, and the proportion each person, benefited, shall pay. They shall make return in writing, with a plot showing by general delineation, without survey, the boundary lines of the low grounds, and of each taxable's proportion thereof, or of any land benefited and the estimated number of acres. The commissioners and surveyor shall be sworn to the faithful and impartial discharge of their duty. All must act, but a majority may decide any matter. And whenever any new ditch is made to substitute or supply an old one in whole or in part, or whenever an old ditch is widened, deepened or otherwise improved, it shall be lawful for the said commissioners to make the owner of any land bordering on the same or through which the same may run, a fair and proper abatement of his taxes for work done by him on the old ditch, whereby the cost of the new or improved one may be diminished."

Make  
return.  
Plot.

Oath.

All to act;  
majority  
may decide.

When land  
owner may  
be allowed  
an abate-  
ment of  
taxes.

*Passed at Dover, March 12, 1877.*

## CHAPTER 402.

## OF ROADS AND BRIDGES.

AN ACT authorizing the vestry of Saint John's Protestant Episcopal Church at Greenville, in Sussex county, to change and straighten a certain public road in Gumboro hundred.

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

SECTION 1. That the vestry of Saint John's Protestant Episcopal Church at Greenville, in Sussex county, be and is hereby authorized to change and straighten the public road in Gumboro hundred leading from the town of Laurel to the village of Gumboro where the same passes through the lands of the said church, and when they shall have made the change in said road as contemplated in this act as good for public use as the other parts of the aforesaid road, they may close up and vacate that part of the old road supplied by the new one, vacated.

Vestry of St.  
John's P. E.  
Church at  
Greenville,  
Sussex  
county, to  
straighten a  
certain pub-  
lic road;  
where.

When old  
road may be  
vacated.

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Vacated  
road to  
revert

and the old road so vacated shall revert to the proper owners of the adjacent lands.

Expense ;  
how borne.

To be public  
road, when.

SECTION 2. That the aforesaid new road shall be made at the expense of the said vestry of the aforesaid Saint John's church, and when completed as aforesaid for public travel, shall be deemed and taken to be a part of the public road leading from Laurel to Gumboro.

*Passed at Dover, February 15, 1877.*

## CHAPTER 403.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new road and vacate an old road in North Murderkill hundred, Kent county.

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

Commis-  
sioners.

Location of  
road to be  
vacated.

Location of  
new road

SECTION 1. That William H. Ridgway, Samuel Townsend, Henry K. Hargadine, William Graham and Charles H. Lowber, of Kent county, be and they are hereby appointed commissioners to go upon and view a certain road in North Murderkill hundred, Kent county, to wit : A road commencing in the road leading from Lebanon via Five Points to James W. Greene's farm at the dividing line of lands of William Brown and George H. Gildersleeve, and running thence along or upon lands of said Brown and Gildersleeve, lands of James Anderson, lands of Thomas Pickering, lands of Joshua Rawley, lands of Thomas P. Lindale and lands of James L. Dyer, terminating in the road leading from Lebanon via Five Points to Woodside, on the Delaware railroad, and determine what change or changes ought to be made therein, or if they or a majority of them deem proper to vacate the same in whole or in part, and if by them so vacated, to lay out as a substitute for such vacated road a new road in said North Murderkill hundred commencing in said road leading from Lebanon to James W.

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Greene's farm at or near where the same is joined by the road leading from William Brown's farm to Locustville, and running thence through, along or upon lands of William Brown, lands of Thomas Pickering, lands of James Anderson, lands of Jehu Davis, lands of Thomas P. Lindale, lands of William T. Maloney and lands of James L. Dyer, terminating at a point in the road leading from Lebanon via Five Points to Wood side, on the Delaware railroad at or near lands of James L. Dyer; and if the said commissioners, or a majority of them shall determine that there is need for such change or changes, or any change or changes in whole or in part, or for the laying out of such new road or any part thereof, then they shall, with the assistance of a surveyor by them employed, lay out such public road or part thereof, vacating the said old road or such part or parts thereof as they may deem needful for public convenience, having respect to the nature of the ground, the shortening of distances and all circumstances of public or private convenience or detriment, causing a survey and plot of said new road, if any so laid out, to be made, showing the courses and distances thereof, the clear lands and woodlands through or along which the same passes, and shall assess the damages which may accrue to the owner or owners of lands through or along which the same may pass, and shall make a computation of the costs of opening and making said road, and of the bridges and causeways thereof, if any, setting down the several items of said costs, and shall make return thereof with a description of said new public road, and their determination that there is need for the same so laid out, and that such change or changes in such old road ought to be made and are needed for public convenience, and shall annex to their return the aforementioned plot showing the new road laid out, and so much of the old road as they may change or vacate.

SECTION 2. That the said plot and return so made or caused to be made by the said commissioners or a majority of them, shall be returned to the clerk of the peace in and for Kent county, to be by him laid before the Levy Court of said county at the next or any ensuing session after such return, and the said court may adopt and establish the said road so laid out and returned to them.

SECTION 3. That the said commissioners and the surveyor employed by them shall, before entering upon the duties herein imposed, be severally sworn or affirmed to perform their respective duties with fidelity and impartiality and according to their best skill and judgment, and for their services shall



## OF THE GENERAL POLICE.

Fees. receive such fees as are by law allowed for like services under orders of the Superior Court for laying out new roads.

Shall be a  
public road  
when adopt-  
ed by Levy  
Court.

General laws  
applicable.

SECTION 4. That the new road hereby authorized shall, from the time of its adoption by the Levy Court, be deemed and taken to be a public road, and the laws of the State of Delaware applicable to public roads in Kent county are hereby extended to and shall apply to said road.

*Passed at Dover, March 6, 1877.*

## CHAPTER 404.

## OF ROADS AND BRIDGES.

AN ACT to enable Peter Hastings to change the course of a public road running through his own lands.

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

Peter Hastings to  
change a  
public road

Location.

SECTION 1. That Peter Hastings is hereby authorized to change the course of a public road leading from the "old State road" running from the Sycamore to Broad creek bridge, to the road leading from the Georgetown to the Millsboro road at that point on the easterly side of said Peter Hastings' dwelling house, to commence at or near a pair of bars, and run from thence about an easterly direction, across lands of said Hastings, a distance of about ninety-five rods or more, or until it intersects the aforesaid road leading from the Georgetown to the Millsboro road, at a point where said Hastings' land is joined on the southerly side by Branson D. James' land, so as to throw the whole bed of the road upon land of the said Peter Hastings.

When old  
road may be  
enclosed.

SECTION 2. That when the said Peter Hastings shall, at his own expense, have made said change and opened the road hereby authorized, of the width of thirty feet, and put the same in such order for travel as the Levy Court of Sussex

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county may deem sufficient, it shall be lawful for him to enclose his land at that point and place where the said road originally passes,\* and the part of the road opened in conformity with this act shall be deemed a part of the public roads of Sussex county. When new road shall be public.

*Passed at Dover, March 6, 1877.*

## CHAPTER 405.

## OF ROADS AND BRIDGES.

AN ACT in relation to roads and bridges passing over mill dams.

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

SECTION 1. Whenever any mill dam or the dam of any other works using water power shall be used as a public highway, in connection with, or a part of, a road which is maintained at public charge, the road over such dam shall be deemed to be a public road, and shall be kept up and maintained in like manner as other public roads in the county in which the same may be situated, so far only as may be necessary to keep the roadway in repair as a highway, but not in any manner to protect, preserve or repair the dam, as to which the owner or tenant shall be charged with the duty of protecting, preserving and repairing the same. Any bridge crossing a race or opening in such dam over which any such public highway runs, shall be deemed a part of such public road, so far as the upper planking of said bridge, used to afford a passage, is concerned, but no further. The owner, and also the tenant of any mill or other works, having a race through a public road, or a dam on which a public road, as aforesaid, lies, or a pond so raised as to make a bridge necessary, shall keep such dam in good repair, in such manner and to such extent as may be necessary to furnish a safe and commodious roadway, at least, twelve feet wide, and protected by a fence on each side, at least, three feet and a-half high, and shall make and keep any

When roadways over mill-dams shall be maintained as public roads.

Restriction.

Owner or tenant to maintain such dams.

Bridges over races or dam openings; how maintained.

Duties of owner or tenant respecting such highways.

Repair fence.

\*So enrolled.

## OF THE GENERAL POLICE.

Keep water  
wheels cov-  
ered.

Bridge  
ditches.

Penalty.

Double dam-  
ages.

Misdemean-  
or; fine, \$20.

Duty of road  
overseers.

May recover  
double costs.

Tenant may  
deduct re-  
pairs from  
rent.

bridge in good repair, except only as to the upper planking thereof as aforesaid, and shall keep any water wheel, exposed to view from the road, covered. The owner, and also the tenant of any lands for the improvement whereof a ditch is cut through a public road previously laid out, shall keep a good bridge over the same. If any owner, as aforesaid, being also the occupant, or any tenant, as aforesaid, shall neglect any duty hereby enjoined, he shall pay to any person injured thereby, double damages and costs of suit; and he shall also be deemed guilty of a misdemeanor, and shall pay a fine of twenty dollars. It shall be the duty of the overseer of said road, on information of such neglect, to repair such bridge or road, or cover such wheel, and he shall be entitled to recover from the owners or tenant so neglecting, double the cost of such repairs in his own name and for his own use. And it shall be no objection to his suit that there are other owners or tenants not joined. A tenant may deduct from his rent the cost of such repairs done by him.

Amended  
Code 1874.  
331. Section  
34, chapter  
60 of Revised  
Code re-  
pealed.

SECTION 2. That section 34, of chapter 60, of the Revised Code, is hereby repealed.

*Passed at Dover, March 7, 1877.*

## CHAPTER 406.

## OF ROADS AND BRIDGES.

AN ACT appointing commissioners to lay out a public road in Kent county.

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

Commis-  
sioners.

Location.

SECTION 1. That Peter R. Meredith, Thomas Moore, Matthew Kemp, James Cohee and John Hurd, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road, to begin at a public road leading from Hollandville to Petersburg, at a point in line with the line of Mrs. S. A. Warren's land and George

## OF THE GENERAL POLICE.

Kemp's, thence west, through the lands of Mrs. S. A. Warren to the boundary between Geo. Kemp and Mrs. S. A. Warren, thence with the line between Mrs. S. A. Warren and George Kemp, thence with the line of John R. Meredith and George Kemp, thence across the land of James Conner and across a ditch in front of said Conner's house or with the line of the said Conner and John R. Meredith, as the commissioners may decide, thence with the ditch to the woodland of William Sapp, thence direct across the woodland of William Sapp so as to intersect the public road leading from Whiteleysburg to Cohee's shops; and if they or a majority of them shall determine that there is need of such a road, they shall, with the assistance of a skillful surveyor to be by them chosen, lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance and all circumstances of public convenience, and shall cause the plot thereof to be made representing the courses and distances thereof with notes of the most remarkable places of the woodland, cleared land and improvements by and through which the same shall pass, and they shall assess the damages of every owner of said land 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, setting down the several items of said costs, and if a road shall be laid out, they shall, in their return to be made to the clerk of the peace in and for Kent county, 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 return, a plot as aforesaid.

Surveyor.

Plot.

Damages.

Computation of costs.

Return.

SECTION 2. The plot and return to be made as aforesaid by the said commissioners or a majority of them, shall be returned to the clerk of the peace in and for Kent county, to be by him laid before the Levy Court of said Kent county, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulations and laws as other public roads in said county.

Return and plot to be laid before Levy Court.

Levy Court may adopt road as a public road, and settle damages

SECTION 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 may be

Commissioners and surveyor to be sworn.

## OF THE GENERAL POLICE.

Who may  
administer  
oath.  
Acts of ma-  
jority valid.  
Vacancies;  
how filled.

Fees.

administered by either of said commissioners. 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 by any justice of the peace residing within said county. The fee of the commissioners, surveyor, and chain carriers shall be the same as now provided by law for such services in cases of laying out public roads, and be paid in like manner.

*Passed at Dover, March 7, 1877.*

## CHAPTER 407.

## OF ROADS AND BRIDGES.

AN ACT limiting the power of the road commissioners of New Castle hundred to lay and collect a tax.

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

Annual road  
tax not to ex-  
ceed \$4000,  
in New Cas-  
tle hundred.

SECTION 1. That, hereafter, the road commissioners of New Castle hundred, shall not lay or collect, for road purposes, in said hundred, a tax, for any one year, exceeding in amount the sum of four thousand dollars.

*Passed at Dover, March 8, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 408.

## OF ROADS AND BRIDGES.

AN ACT to lay out a public road in North Murderkill hundred, in Kent county.

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

SECTION 1. That Absalom Cary, Thomas Pickering and A. C. Mensch, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in North Murderkill hundred, in Kent county, beginning at a point about one half mile south of Five Points, on the road leading from Five Points to Woodside station, to run on or near the line between the lands of Captain John Durborough and Jacob G. Brown, and through the lands of James Green to Green's mill, 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 a surveyor to be by them selected, lay out such new public road as they shall deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of the woodlands, cleared lands 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, bridges and causeways included, setting down the several items of said costs, and if a road be laid out, shall, in their return, 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 return aforesaid the afore-mentioned plot.

SECTION 2. The plot and return so to be made as aforesaid by the said commissioners, shall be returned immediately upon the completion thereof to the clerk of the peace in and for Kent county, to be by him laid before the Levy Court of said county, and the said Levy Court may establish said road as a public road or highway. Before the adoption of the return of the commissioners aforesaid by the said Levy Court, and the establishment of the road described in said return, the parties

Commissioners.

Location.

Surveyor.

Plot.

Damages.

Computation of costs.

Return.

Plot and return to be laid before Levy Court.

Levy Court may adopt road as a public road.

## OF THE GENERAL POLICE.

Damages  
&c., to be  
paid by parties  
interested  
in road,  
before such  
adoption.

interested therein shall pay all the damages assessed by the said commissioners, and the expenses attending the location of said road. The said parties interested as aforesaid shall open said road at their own expense.

Commissioners and  
surveyor to  
be sworn.

SECTION 3. The said commissioners and surveyor, before entering upon the performance of their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their skill and judgment, respectively.

*Passed at Dover, March 8, 1877.*

## CHAPTER 409.

## OF ROADS AND BRIDGES.

AN ACT authorizing Isaac Cirwithin and Riley W. Bennett to lay out a public road on their own lands.

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

Isaac  
Cirwithin  
and Riley  
W. Bennett  
to change  
part of a  
public road  
in Cedar  
Creek hundred,  
Sussex  
county.

Location of  
new road.

May enclose  
vacated part;  
when.  
To be a public  
road.

SECTION 1. That Isaac Cirwithin and Riley W. Bennett be and they are hereby authorized to change the course of a certain public road in Cedar Creek hundred, Sussex county, where the said road passes through the lands of the aforesaid parties, and lands of John Hickman, so as to straighten the said road as follows, to wit: The said road shall run between lands of Isaac Cirwithin and John Hickman, thence between lands of the said Cirwithin and Riley W. Bennett, thence between lands of the said Bennett and Henry C. Draper, thence across land of the said Bennett until it intersects the public road leading to Slaughter Beach.

SECTION 2. That when the parties aforesaid, at their own expense, shall have laid out the said road with the same width as public roads in Sussex county, and put the same in good order for travel, it shall be lawful for the parties aforesaid to enclose the old road hereby vacated, and the road opened by authority of this act shall be deemed and taken to be a public road.

*Passed at Dover, March 12, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 410.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a public road in Milford hundred, Kent county, 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 John S. Harrington, William Townsend and William R. Phillips, three judicious and impartial citizens of Milford hundred, county of Kent and State aforesaid, be and they are hereby appointed to go upon and view the lands and determine whether there is need of a public road in said hundred, to begin at a corner on the road leading from Wilson's Mill to Milford, on lands of William Sapp, thence in a southerly direction on a line dividing lands of the said Sapp and R. V. Roat and along the lands of Mary Wallace, Nathaniel Taylor and Eli Dehority and thence in a southerly or in such direction or directions as the commissioners deem best, until it intersects the public road leading from Milford to Harrington at or near William Vinyard's house, a distance of one and a half miles, more or less. If they or a majority of them shall determine that there is need of a new road, they shall lay out the same, assess the costs of the expenses thereof of making the said road, and cause a plot to be made with a return to the Levy Court of said county, that an appropriation for opening the same as a public road may be made, provided that no damages or allowance shall be made, allowed or considered for any land that may be taken or required in laying out and opening the said road.

Commissioners.

Location.

Computation of costs. Plot and return to Levy Court.

Proviso.

No land damages.

SECTION 2. *Be it enacted* that the commissioners be sworn or affirmed, before entering upon their duties hereby assigned them, to perform them faithfully and impartially.

Commissioners to be sworn.

SECTION 3. *Be it enacted* that the pay of the commissioners shall be one dollar each, and the surveyor a sum not to exceed ten dollars for making survey, plot and a return, and that the Levy Court shall cause the same to be paid and may make appropriation for opening and making of the same as a public road.

Fees of Commissioners and Surveyor.

*Passed at Dover, March 12, 1877.*



## OF THE GENERAL POLICE.

## CHAPTER 411.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a public road in North Murderkill and South Murderkill hundreds, Kent county.

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

Commissioners.

SECTION 1. That Edmond Bailey, William Graham and John Pattison, three judicious and impartial citizens 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 between the village of Canterbury and Canterbury station, on the Delaware Railroad, to begin at a point in the centre of a road leading from Canterbury to Canterbury station, near the southeastern boundary of land belonging to Moses Tilman, from thence, running as now opened, between lands of James B. Conner and Moses Tilman and the Munson heirs, till it intersects the road running up to the depot at Canterbury station, and if they or a majority of them shall determine that there is need of a new road, they shall lay out the same, and assess the damages and costs of and the expense thereof of making the said road, and cause a plot to be made, with a return of the same to the Levy Court of said county; the Levy Court may make appropriation for the opening of the same as a public road. And when the draught and return shall have been so approved, the said new road shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent county are hereby extended to and shall apply to said road.

Location.

Damages.  
Plot.

Return.

Levy Court  
may make  
appropriation  
for opening  
new road.

General law  
applicable.

Commissioners to be sworn.

SECTION 2. That the commissioners be sworn or affirmed, before entering upon their duties hereby assigned them, to perform them faithfully and impartially.

Fees.

SECTION 3. That the pay of the commissioners, surveyor and chain carriers shall be such as the Levy Court may deem proper.

*Passed at Dover, March 12, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 412.

## OF ROADS AND BRIDGES.

AN ACT to enable Betsy Burton to change a certain public road in Indian River hundred, Sussex county, Delaware.

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

SECTION 1. That Betsy Burton, from and after the passage of this act, shall have power and authority to open a new road in Indian River hundred, Sussex county, commencing at a school house on the road leading from Long Neck, running in nearly a straight line until it intersects the public road leading from Angola to the Pot-netts.

SECTION 2. That the road so opened, when put in good order for public travel, at the expense of said Betsy Burton, shall be a public road and be kept in repair at the expense of Sussex county, and the old road running from the commencement of said new road to where it intersects the road from Angola to the Pot-netts, shall be vacated whenever the said new road shall be accepted by the Levy Court of Sussex county, and may be enclosed by the said Betsy Burton, her heirs and assigns.

*Passed at Dover, March 14, 1877.*

## CHAPTER 413.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road partly in Dagsborough hundred and partly in Indian River hundred, in the county of Sussex 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 Ebe Walter, Daniel Lingo, Theophilus T. Downing,

## OF THE GENERAL POLICE.

Commissioners	William P. Jones and John M. Houston, five judicious and impartial freeholders, be and are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road, partly in Dagsborough hundred
Location.	and partly in Indian River hundred, in the county of Sussex and State of Delaware, to commence at some suitable point on the depot grounds of the Breakwater and Frankford Railroad company, at Millsborough, Dagsborough hundred aforesaid, thence running in a northerly direction through lands of Eugenia Morris and John H. Burton, and on the line dividing land of Edward W. Houston and Mrs. Mary Ann Layton to the public road leading from Georgetown through Millsborough to Dagsborough, thence crossing the said road and dividing lots of Edward W. Houston and the heirs of Robert W. Tilney, deceased, thence through lands of Mrs. Lavinia E. Burton, Tilghman S. Johnson and John P. Burton to Indian River, thence crossing the same into Indian River hundred and through lands of Daniel Burton to the public road leading from Millsborough to Warwick; also commencing at or near the new school house in District No. 161. and running in a northwesterly course until the same intersects the main street running from the mill dam, and if the said commissioners or a majority of them judge such road necessary, they shall lay it out in the best way, having respect to the nature of the ground, the distance and other circumstances of public or private convenience or detriment, and shall make a map of said road, showing its courses and distances, the woodland and cleared land through which it passes, and other proper notes, and shall assess the damages of every the owners or holders of such land on occasion of the road, considering all circumstances of benefit or injury which may accrue to him therefrom, and shall compute the cost of opening and making such road, and of making the bridges and causeways therein, separately, and shall make a return to the clerk of the peace in and for Sussex county, in which they shall set forth said map, assessment of damages, and computation of cost, and also their determination that such road is needed for public convenience, provided that if the commissioners deem such road necessary, they shall lay it out of the width of, at least, forty feet.
Map.	
Damages.	
Computation of costs.	
Return.	
Proviso.	
Width.	
Return and map to be laid before Levy Court.	SECTION 2. That the map and return so to be made by the said commissioners, and returned by them to the clerk of the peace in and for Sussex county, shall be by him laid before the Levy Court of said county at their next meeting after the same shall be returned to him, and if the owners of the land

## OF THE GENERAL POLICE.

through which the said proposed new public road passes, shall have, before that time, laid out and opened the same for public travel thereon, then the said Levy Court may adopt the same as a public road, and it shall thereafter be supported and maintained according to the laws and regulations which are now, or hereafter may, pertain and relate to public roads in said county.

Levy Court.  
may adopt  
road as a  
public road :  
when.

SECTION 3. *And be it further enacted,* That the said commissioners and surveyor shall, before viewing the premises, be severally sworn or affirmed, faithfully and impartially to perform the duties incumbent upon them under this act. 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, to fill said vacancy or vacancies, by the Associate Judge of the Superior Court, resident in said county of Sussex. The fee of the commissioners, surveyor and chain carriers, shall be the same as provided by law for such services in cases of laying out public roads. The Levy Court, aforesaid, shall tax the surveyor's fee for the map and return. The per diem of the commissioners and the fees of the surveyor and chain carriers may be paid by the Levy Court of Sussex county.

Com-  
mis-  
sioners and  
surveyor to  
be sworn.

Acts of ma-  
jority valid.

Vacancies :  
how filled.

Fees.

*Passed at Dover, March 15, 1877.*

## CHAPTER 414.

## OF ROADS AND BRIDGES.

AN ACT to authorize William H. Donovan to place two gates across a certain public road running across his farm.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William H. Donovan be and he is hereby authorized to erect two gates across a certain public road running through his farm leading from the Riley road towards Ellendale, and keep the same in repair at his own cost and expense. The gates to remain across the said road so long as it is in an unfinished condition.

Wm. H.  
Donovan to  
erect two  
gates across  
a certain  
public road.

To remain :  
how long.

*Passed at Dover, March 15, 1877.*

## OF THE GENERAL POLICE.

## CHAPTER 415.

## OF ROADS AND BRIDGES.

AN ACT granting to the United States the title to a certain public road in Cedar Creek hundred, Sussex county.

## Preamble

WHEREAS, the General Assembly of this State, by an act passed at Dover, March 11, 1875, did authorize the laying out of a public road in Cedar Creek hundred, Sussex county, "to begin at a point in the public road leading from Milford to Thorn Point" to the light house at the mouth of Mispillion river, and for that purpose did appoint commissioners, and

WHEREAS, said commissioners, in pursuance of said authority and appointment, did lay out said road and cause a plot thereof to be made, and did return their doings in that behalf to the Levy Court of said county, that said Levy Court might make an appropriation for the opening of the same as a public road, and

WHEREAS, the said Levy Court has not yet made said appropriation, and it is represented that the government of the United States is willing to construct said public road, provided the title therein be vested in the said United States; now, therefore,

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

United States authorized to open a public road in Cedar Creek hundred, Sussex county. Title to said road vested in United States; when; how long.

## Proviso.

Certain jurisdiction reserved by State.

Free use of road reserved to citizens of the State.

SECTION 1. That full power and authority is hereby granted to the said United States, to open and construct said public road, leading from the Milford and Thorn Point road to the light house at the mouth of Mispillion river, and that upon the completion of the work of opening and constructing said public road, all the right, title and claim of this State, of, in and to the same, be and the same is hereby ceded to and vested in the said United States, so long as said public road shall be kept in good order and repair by the said United States. *Provided*, that all civil and criminal process, issued by virtue of any law in this State, may be executed in any portion of the land whereon said public road is located and constructed. The citizens of this State shall enjoy the right and privilege of the free use of said road, after the same is made, without molestation or hindrance on the part of the United States.

SECTION 2. If, in the opinion of the engineer in charge of the fourth light house district, for the time being, it shall be deemed

## OF THE GENERAL POLICE.

advisable, in constructing said road, to deviate from the course thereof, as laid down by the commissioners aforesaid, it shall be lawful to make any necessary deviation from said course, *Provided*, the assent of the owners of the land and marsh over which the said deviation may pass, shall first have been obtained thereto.

Course laid down by the commissioners may be deviated from; when. *Provido.* Assent of owners.

SECTION 3. The road, as built under the provisions of this act, shall be deemed and taken as a common highway, and this act shall be deemed and taken as a public act and shall be published as such.

Road to be a common highway. Public act.

*Passed at Dover, March 19, 1877.*

## CHAPTER 416.

## OF ROADS AND BRIDGES.

AN ACT to authorize the vacation of a portion of a certain public road in Mispillion hundred, in Kent county, and to substitute a new road to be constructed in lieu of the part of said public road so vacated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Thomas H. Denney, Henry K. Hargadine, Caleb S. Fennewill, Charles M. Adams and William Thorp be and they are hereby appointed commissioners, whose duty it shall be to view the premises, and, if they deem it necessary, locate a new public road of such width as they or a majority of them shall consider necessary to accommodate the public travel, at the town of Harrington, in Mispillion hundred, in Kent county, commencing at the point where the public road leading from Harrington to Milford crosses the lands of the Delaware Railroad Company, on the east side of the railroad track of said company, and running thence on the east side of said railroad track to the road leading from said town of Harrington to the town of Frederica, so as, by such new road, to connect the said two public roads last mentioned; *Provided*, however, that in laying out such new road, the said commissioners shall not, throughout its entire length, locate more than eighteen feet

Commissioners.

Location.

Provido.

## OF THE GENERAL POLICE.

Width on  
lands of  
"The Del-  
aware Rail-  
road Com-  
pany." thereof in width on the lands of the said "The Delaware Rail-  
road Company," and shall so locate it as to take the said  
eighteen feet in width from the extreme eastern side of said  
company's lands.

SECTION 2. That when the said commissioners shall have so  
located the said road, they shall cause a plot of the same to  
be made, and also a certificate to be made of the damage  
which each owner of lands, taken for the purpose of said road,  
shall have sustained by the taking of the same, which plot  
and certificate shall be signed by the said commissioners or a  
majority of them, and shall be, forthwith, delivered to any one  
of the town commissioners of the town of Harrington, and the  
said town commissioners of the said town of Harrington shall,  
forthwith, cause such damages as the said commissioners or a  
majority of them shall have assessed, to be paid or tendered,  
and immediately thereafter cause the said new road so to be laid  
out by said commissioners, to be opened and put in good order  
and condition for the accommodation of the public travel, and  
the said new road shall thereafter continue as one of the pub-  
lic streets of said town of Harrington, and shall be main-  
tained as such at the public expense. In estimating the dam-  
ages, the commissioners shall consider the advantages and  
disadvantages to result to the property-owners whose property  
shall be taken therefor, and shall make their estimate accord-  
ingly.

SECTION 3. If the said "The Delaware Railroad Company"  
shall abandon all claim for any damage, the commissioners may  
award to it for the eighteen feet in width of its lands, author-  
ized to be taken for the purpose of such road, and shall, at  
its expense, cause such road, for the space of eighteen feet in  
width, to be opened and put in good order for public travel,  
and shall also cause a street to be opened on the west side of  
its railroad track and over its own lands, eighteen feet in width,  
commencing at the north end of William Powell's land and  
running to the south end of William Hill's lands in the said  
town of Harrington, it shall and may be lawful for the said  
"The Delaware Railroad Company" to vacate so much of the  
public road as aforesaid, leading from Harrington to Frederica  
as crosses the lands of the said railroad company, and to en-  
close the same, and when the conditions imposed by this sec-  
tion shall have been complied with, the said portion of the  
said Harrington and Frederica road crossing the lands of said  
company, shall be absolutely vacated, and the said company  
may repossess itself of the same, absolutely *Provided*, that  
nothing in this section contained shall be so construed as to

When "The  
Delaware  
Rail Road  
Company,"  
may vacate  
and enclose  
a certain  
part of public  
road.

Plot.  
Certificate of  
damages.  
Plot and cer-  
tificate to be  
delivered to  
Town Com-  
missioners of  
Town of  
Harrington.  
Duty of  
Town Com-  
missioners.  
New road to  
be a public  
street of said  
Town.  
Damages;  
how esti-  
mated.

Proviso

## OF THE GENERAL POLICE.

impose any liability on the said company to keep up and maintain at its cost, the said portion of the said new public road to be originally constructed by it, but after such portion shall have been so constructed by said company, it shall thereafter be considered as a public street of said town of Harrington, and shall be kept up and maintained at the public expense.

Said company not to be liable for maintenance of road.

SECTION 4. That the commissioners, appointed by section 1 of this act, shall each receive for their services, the sum of two dollars per day, which shall be paid by the town commissioners of the town of Harrington. In case of the death of any of the said commissioners appointed by section 1, before the performance of the duties by said section imposed upon them, or in the event of the incapacity or inability of any of them to perform such duties, the remaining commissioners shall appoint another or others in his or their place, and the said commissioners shall meet, view the premises and complete the duties as prescribed by section 1, within thirty days from and after the passage of this act.

Fees: how paid.

Vacancies: how filled.

*Passed at Dover, March 21, 1877.*

## CHAPTER 417.

## OF ROADS AND BRIDGES.

AN ACT to authorize the Levy Court and Court of Appeal of Kent county to change the drawbridge over Little Duck creek, called Martin's bridge, into a permanent bridge.

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 and Court of Appeal of Kent county, to change the drawbridge now being over the waters of Little Duck creek, known as Martin's bridge, and to convert the same into a permanent bridge, and that the costs and expense of changing and altering the same and of maintaining the said permanent bridge, when the same shall have been so altered and changed, shall be raised and borne in the same manner as other public bridges within Kent county are, by the laws of this State.

The drawbridge known as Martin's Bridge to be a permanent bridge.

Expenses: how borne.

*Passed at Dover, March, 21, 1877.*



## TITLE NINTH.

## Regulations concerning Trade.

## CHAPTER 418.

## OF RETAILERS OF GOODS, AND PEDDLERS.

Amended  
Code, 1874,  
368.

AN ACT to amend section 3, chapter 68, of the Revised Code.

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

Section 3,  
of chapter  
68, Revised  
Code amend-  
ed.

SECTION 1. That section 3, of chapter 68, of the Revised Code, be and the same is hereby amended by striking out all of said section after the word "State," in twenty-sixth line thereof, and inserting in lieu thereof, the following : "or to any person selling or peddling books, or to any person selling or peddling grain, provision, provender, or fruit, grown, prepared or raised in this State or upon the land of the person offering the same for sale."

*Passed at Dover, March 20, 1877.*

## TITLE TENTH.

## Of Corporations.

## CHAPTER 419.

A further supplement to the act entitled "An Act to incorporate the Poko- Volume 13,  
moke River Improvement Company," passed at Dover, March 22, 1867, 222.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, (two thirds of each branch of the Legislature concurring therein,)*

SECTION 1. That all persons acting or pretending to act under and by virtue of the provisions of the act entitled "An Act to incorporate the Pokomoke River Improvement Company," passed at Dover, March 22, 1867, as officers of the "Pokomoke River Improvement Company," aforesaid, who shall violate, disregard or fail to observe in any way, any of the provisions of said act or the supplement thereto, passed at Dover, March 11, 1875, shall forfeit and pay to every person who shall be aggrieved thereby, a fine of fifty dollars, to be recovered before any justice of the peace within Sussex county, as in cases of civil debts.

Officers liable to a penalty for violating or failing to observe, any provision of the company's charter.

Current volume, 225.

Fine \$50. How recovered by aggrieved person.

SECTION 2. If the fine or forfeiture, aforesaid, cannot be recovered from any person against whom judgment may be recovered for the same, the aggrieved party, aforesaid, shall have the power to recover said fine or forfeiture from the said "Pokomoke River Improvement Company," aforesaid, before any justice of the peace within Sussex county, as aforesaid.

When fine may be recovered from Pokomoke River Improvement Company.

*Passed at Dover, February 13, 1877.*

## OF CORPORATIONS.

## CHAPTER 420.

## CORPORATIONS.

Current vol. A supplement to "An Act to incorporate the Peninsula Agricultural and Pomological Association," passed at Dover, January 22, 1875.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds ( $\frac{2}{3}$ ) of each branch thereof concurring.*

Sec. 4, chap. 120, current volume amended.

Section 6, of said chapter 120, also amended.

SECTION 1. That section four (4) of the act to which this is a supplement, be and the same is hereby amended by striking out the words "a President, Secretary and nine, (9)," where they occur in the third line of said section, and by inserting before the word "Directors" in the said line, the word "Eleven" (11) and that section six (6) of said act be and is hereby amended by striking out the words "That the Board of Managers may appoint and employ such," beginning said section and inserting in their place and stead, the words "That the Board of Managers shall elect one of their number President and appoint and employ a Secretary, Treasurer and such other "

*Passed at Dover, February 14, 1877.*

## CHAPTER 421.

## CORPORATIONS.

AN ACT to incorporate the "Enterprise Building and Loan Association," of the city of New Castle.

Corporators.

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 W. F. Wolfkiel, Cyrus B. Thompson, Geo W. Ellicott, Chas. R. Norman, Wm. H. Terry, Wm. Worthington, Wm. Jolly, Geo. Howgate, Wm. Sipps, John Flemming, Jesse Reeves, Wm.

## OF CORPORATIONS.

W. Hoopes and such other persons as now are or may hereafter be associated with them, shall be and they are hereby created a body politic and corporate, by the name, style, and title of "The Enterprise Building and Loan Association," for the purpose of accumulating a fund from monthly contributions and fines, premiums on loans, and interest on investments for the mutual 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 title aforesaid shall be able and capable in law to sue and be sued, plead and be impleaded in any courts of law or equity in the State and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands whatsoever, with all the legal incidents of a corporation, and the said corporation may have and use a common seal, and at their pleasure, alter and renew the same, and, by the title aforesaid, shall have continuance and succession for a term not exceeding twenty years from and after the passage of this act.

Incorporation.  
Name.  
Objects.

Corporate powers.

SECTION 2. *And be it further enacted*, That the affairs of said corporation shall be conducted by a President, Vice President, Secretary, Treasurer, and nine directors, (seven of whom shall be a quorum,) one Solicitor and three Auditors. At the first meeting after the passage of this act, there shall be elected a president, vice president, secretary, treasurer, solicitor, and three auditors, (who shall be elected annually,) and nine directors, (who shall meet and divide themselves into three classes for one, two and three years,) and at every annual meeting thereafter, three directors shall be elected to serve three years. The Board shall have power to fill all vacancies in their own body during the year.

Management.

First meeting.  
Election of president and other officers.  
Directors to divide into three classes.  
Election of directors at annual meeting.  
Vacancies; how filled.

SECTION 3. *And be it further enacted*, That the said corporation shall, by [the] name 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, moneys, securities, goods and chattels of what nature or kind soever, real, personal and mixed; *Provided*, that the same shall not exceed the sum or value of four hundred 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 proper and expedient for the good government and management of 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 corpora-

Further powers.

Proviso.

Restriction upon value of property held.

## OF CORPORATIONS.

Further provision ; *Provided*, that the same shall not be inconsistent with 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 association or corporation any banking powers or privileges whatsoever.

Funds may be loaned by board of directors. SECTION 4. *And be it further enacted*, That the funds of the association, as they accumulate in the treasury, shall be offered and loaned by the Board of directors to the highest bidder among the stockholders. In case no stockholder offers to borrow said funds, then the directors shall have power to invest such funds in such manner as they may consider to the best interest of the association or corporation.

May be invested; when, Private act. SECTION 5. *And be it further enacted*, That this act shall be deemed and taken to be a private act, and on payment of the sum of ten dollars to the Secretary of State, shall be published by him among the laws of this State passed at the present session, and the power to revoke the same is hereby reserved to the Legislature.

To be published by Secretary of State, when.  
Revocation.

*Passed at Dover, March 6, 1877.*

## CHAPTER 422.

## CORPORATIONS.

Current volume, 374. AN ACT to amend the act entitled "An Act to incorporate the Indian River and Rehoboth Bay Oyster Planting Company," passed at Dover, March 23, 1875.

*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),*

Section 3, of chapter 313, current volume amended. SECTION 1. That section 3 of said act be and the same is hereby amended by striking out the word "Thirty" in the fourth line of said section, and inserting in lieu thereof the word "Fifty," also, by inserting, after the word "Bay," and before the word "for," in the fifth line of said section, the words, "or Indian River."

## OF CORPORATIONS.

SECTION 2. That section 4, of said act be and the same is hereby amended by striking out the word "Private," in the second line of said section, and inserting in lieu thereof, the word "Public."

Section 4,  
of chapter  
323, current  
volume  
amended.

SECTION 3. That in any edition or compilation of the laws of the State, hereafter published, the said act shall be printed and published as hereby amended, in all respects.

Publication  
as amended.

*Passed at Dover, March 7, 1877.*

## CHAPTER 423.\*

## CORPORATIONS.

AN ACT to incorporate the Indian River and Rehoboth Bay Oyster Planting 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,)*

SECTION 1. That Edward W. Houston, Charles C. Stockley, Alfred C. Burton, John Burton, Ebe W. Tunnell, Thomas R. Barker, John M. Houston, and their successors, shall be and are hereby created and made a corporation and body politic by the name and style of "The Indian River and Rehoboth Bay Oyster Planting Company," and by that name shall have succession for and during the term or period of twenty years from the passage of this act, and be capable by law to hold property, both real and personal, sue and be sued, plead and be impleaded, answer and defend, and be answered and defended in courts of law or equity, in this State or elsewhere, and to receive and make all checks, contracts, conveyances, whatsoever necessary to carry on the business of the said corporation, make and have and use a common seal, and the same to change and renew at pleasure, make by-laws for the govern-

Corporators.

Incorporation.  
Name.

Corporate  
powers.

\*This chapter comprises chapter 313, of current volume as amended by chapter 422, of current volume, and is published in accordance with section 3, of the last named chapter.

## OF CORPORATIONS.

ment of the said corporation, 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.

Annual election of officers; where held.

Capital stock.

50 acres may be appropriated for planting oysters: where.

How designated.

To be corporation property.

Public act.

SECTION 2. That the said corporation shall, annually, on the first Saturday in July, at Millsborough, or at such other times or place, as by the by-laws may be appointed, elect from the members of said corporation, a president and vice-president, and shall also appoint a treasurer and such other officers as may be necessary for the conducting the business of the corporation. The capital stock of said corporation shall not exceed fifty thousand dollars, divided into two thousand shares at twenty-five dollars each.

SECTION 3. That the said corporation, in order to carry into effect the provisions of this act, shall have the right to appropriate to their own use, a part, not exceeding fifty acres, of the bottom of Rehoboth Bay or Indian River, for planting oysters, which part shall be designated by stakes not more than one hundred yards apart, to show, at least, one foot above the ordinary high water, and not be obstructive of navigation. It shall be the possession of the corporation, and the oysters to be deposited therein, and their increase, shall be their private property.

SECTION 4. 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, March 23, 1875.*

*Amended March 7, 1877.*

## CHAPTER 424.

## CORPORATIONS.

Volume 12, 120.  
Volume 12, 538.  
Volume 12, 629.

A further supplement to an act entitled "AN ACT" to Incorporate the Trustees of the Home for Friendless and Destitute children in the city of Wilmington.

Preamble.

WHEREAS, the Institution, incorporated by the act to which this is a further supplement, has, since the year 1863, been

## OF CORPORATIONS.

conducted for the benevolent purposes of its incorporation, and has greatly improved the condition of the destitute classes, and lessened the burden of taxation, and in this work, wholly of a public and charitable nature, has derived its support almost exclusively from private contributions and bequests of charitable persons.

*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,*

SECTION 1. That any and all property now held or that may hereafter be acquired in any manner by the trustees of the Home for Friendless and Destitute children in the city of Wilmington, together with any and all gifts, devises, bequests, or legacies to it in any manner heretofore or hereafter given, are, and shall be, exempt from all taxes, assessment and abatement whatsoever, for State, county, municipal or other purposes, so long as the same is held or used for the present charitable purposes. All property of the corporation exempt from taxation. &c. How long.

SECTION 2. That the act to which this is a further supplement be and the same is hereby amended by striking out the word "ten" in the twenty-eighth line of Section 1, and inserting in lieu thereof, the word "twenty." Section 1, of chapter 297, volume 12, amended.

*Passed at Dover March 12, 1877.*

## CHAPTER 425.

## CORPORATIONS.

A further supplement to an act entitled "AN ACT" to incorporate the New Castle County Mutual Insurance Company, passed Feb. 6, 1849. Vol. 10, 276. Vol. 13, 662. Current vol., 198.

*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, to wit :*

SECTION 1. That section 6, of the act entitled " An Act to incorporate the New Castle County Mutual Insurance Company," passed at Dover, February 6, 1849, be and the same is amended. Section 6, of chapter 299, volume 10, amended.



## OF CORPORATIONS.

hereby amended by adding thereto the following paragraph, to wit : " There shall be no division of any part of the surplus profits of the said company among its members, until such surplus shall exceed two per centum of the total amount insured by said company, and such division, when made, shall be only of such excess of the surplus above the two per centum aforesaid, to the end that such surplus shall at no time after having reached two per centum of the amount insured, be reduced by a division of the same below that proportion. If any member of the company, having withdrawn his or her insurance as hereinbefore provided, shall fail, within two years after such withdrawal, to apply for the payment to him or her of such sum or sums of money as by the terms of his insurance, or under the provisions of said act he or she may be entitled to upon such withdrawal, the same shall be forfeited for the benefit of the company.

SECTION 2. And whereas, it is represented that the present system of taking from persons applying for insurance, deposit notes for the principal sum upon which annual interest is to be paid, as the premium for insurance, is found to be inconvenient and cumbrous, therefore, full power and authority is hereby given to the said company, to prescribe by its by-laws as a substitute for such deposit note, any other form or mode of agreement or evidence of indebtedness on the part of persons applying for insurance, which shall, by said company, be deemed most suitable and convenient for securing to it the payment of such principal sum, with the annual interest and assessments thereon, and for securing the performance by the person insured, of his obligations and duties as a member of said company : And the said company shall have power, from time to time, as may be found necessary, to amend any by-law which shall be adopted, touching the premises, and such amended by-law shall have full force and legal effect so far as it shall apply to insurance thereafter made.

SECTION 3. This act shall take effect as soon as there shall be filed in the office of the Secretary of State, a formal certificate under the hand of the president, and the seal of the corporation, that this supplement has been submitted to and accepted by a meeting of the said company, to be called by the president for that purpose, of which meeting, notice shall be published for, at least, one week in two newspapers of the city of Wilmington.

SECTION 4. This act shall be deemed and taken to be a public act, and the power to alter or revoke the same is hereby reserved to the Legislature.

*Passed at Dover, March 13, 1877.*

## OF CORPORATIONS.

## CHAPTER 426.

## CORPORATIONS.

AN ACT to incorporate "The Agricultural Society, of Kent county, at Dover."

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 Daniel P. Barnard, Jr., Samuel B. Cooper, John J. Rosa, Wilson L. Cannon, William R. Cahoon, Jehu M. Reed, Jabez Jenkins, Thomas E. Bailey, John Goldsborough, Alfred L. Hudson, James K. Burnite, Thomas J. Marvell, Elias S. Reed, Zebulon Hopkins, Charles C. Babbitt, Robert W. Reynolds and William G. Postles, be and they are hereby appointed commissioners to do and perform the several things herein-after 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 stock of "The Agricultural Society of Kent county," and they shall permit all persons of lawful age to subscribe in such books in their own name or in the name of any other person or company who may authorize the same, for any number of shares in the stock of said company; *provided*, no one person or company shall be allowed to take more than fifty shares. The capital stock of the company aforesaid, shall not exceed five thousand shares at ten dollars each.

Commission-  
ers.

To open  
books for  
stock sub-  
scriptions.

Who may  
subscribe,  
and how.

Proviso.

Capital  
stock.  
Shares.

SECTION 2. *And be it further enacted as aforesaid,* That when and as soon as five hundred shares of the said capital stock in said company shall be subscribed on the books of the company 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 Agricultural Society, of Kent county," and by that name the subscribers shall have perpetual succession, and be able in law to sue and be sued, plead and be impleaded in all the courts of this State, and be able to purchase, receive, have, hold and enjoy to them and their successors, real estate, not exceeding one hundred and fifty acres of land, and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, aliene and dispose of, and to declare dividends on the said stock, 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 or renew

Incorporation.  
Name.

Corporate  
powers.

Hold real es-  
tate not ex-  
ceeding 150  
acres.

## OF CORPORATIONS.

at pleasure, and also to make and ordain by-laws for the government of the said corporation, conformable to the constitution of this State and the constitution of the United States, and generally to do all and singular the matters and things which to them it may appear proper 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 liberties, franchises or privileges than such as are properly incident to the growth and development of a corporation having as the object of its creation the promotion of agriculture, good husbandry, and the mechanic arts, essential thereto.

Proviso.

Restriction.

Meeting for  
organization.

Notice.

SECTION 3. *And be it further enacted as aforesaid*, That as soon as five hundred shares shall have been subscribed, as aforesaid, the said commissioners or a majority of them, after giving at least ten days' notice thereof in two newspapers published in Kent county, shall call a meeting of the subscribers to the said stock, to be held at Dover, in a place designated in said notices, to organize the said company by the election of nine directors, all of whom shall be stockholders in said company.

Nine di-  
rectors.When and  
how elected.Must be  
stockholders.President  
and other  
officers; how  
elected.  
Term.Refusal to  
give bond.Quorum  
President  
pro tem.

SECTION 4. *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 as aforesaid, and at every annual meeting of the stockholders, to be held thereafter on the first Tuesday in the month of January, in every year, at Dover, as aforesaid, they shall elect nine directors, who shall be stockholders in said company. The first election of directors shall be conducted by two of said commissioners as judges thereof, and all subsequent elections of directors shall be conducted by two stockholders as judges, appointed by the chairman of the stockholders' meeting, who are not in the Board of directors. The directors, immediately after their election, shall proceed to choose one of their number to be president of the company and of the said Board, and another of the said Board to be treasurer of the company, and also a secretary of the company, and the term of such officers shall be until the the next annual meeting of the stockholders, or until their successors shall have been duly chosen. If the treasurer or secretary, so chosen, refuse to give a sufficient bond for the performance of the duties of their respective offices, or refuse to act, the said directors may elect another to fill such place. A majority of the said directors may constitute a quorum for the transaction of business, and in the absence of the president may appoint a president *pro tempore*. At

## OF CORPORATIONS.

all elections for directors of said company by the stockholders, the vote shall be by ballot, and each share of stock shall count one vote. The vote may be cast by the owner or by written proxy of the owner. Occasional meetings of the stockholders may be held at the call of the directors at the place to be designated in the notices thereof, signed by the president and secretary, and published as aforesaid.

Elections:  
how con-  
ducted,  
Each share  
to have one  
vote.  
Other meet-  
ings.

SECTION 5. *And be it further enacted as aforesaid,* That all meetings of the directors of said company shall be held in Dover, and the said directors shall have the general direction, conduct and management of the lands and property, affairs and operations of the said company, and for that purpose shall have power to appoint and employ all such officers and agents, workmen and laborers as they shall deem necessary, and to fix the compensation thereof, subject to the order of the stockholders at any annual meeting, the effect of which order shall be prospective only, to take bonds with security from the agents or any of them for the faithful performance of their duties, and to procure such materials as shall be necessary to construct all needful buildings for fairs or otherwise, and to grant premiums, medals or other gifts as rewards of merit for industry, discovery, or improvement in the matters pertaining to the objects of this company as from time to time may be deemed proper. They shall also have power to make and prescribe the by-laws for the government of the company, but the stockholders may, at their annual meetings, alter or amend the same. The directors of the company shall provide certificates of stock which they shall issue under the seal of the corporation and signature of the president, countersigned by the secretary and treasurer, for all the shares subscribed, upon payment of the subscription. The stock may be transferred, and the name of the holder be registered, on the books of the company.

Meetings of  
directors:  
where held.  
Powers.

Award prem-  
iums.

By-Laws.

Certificates  
of stock.

SECTION 6. *And be it further enacted as aforesaid,* That if any person or persons shall willfully and intentionally injure or damage any part of the property owned by this corporation, they shall be liable to it for double the amount of damages sustained, and shall be, moreover, guilty of a misdemeanor, and may, on indictment and conviction, be fined at the discretion of the court.

Penalty for  
injuring  
property of  
corporation.

Double dam-  
ages.  
Misde-  
meanor.  
Fine.

SECTION 7. *And be it further enacted as aforesaid,* That the directors shall procure a book or books in which the secretary of the company shall record the minutes of proceedings of all meetings of the Board, the same having been first signed by the president and then attested by the secretary,

Minutes of  
board: how  
kept.

## OF CORPORATIONS.

at pleasure, and also to make and ordain by-laws for the government of the said corporation, conformable to the constitution of this State and the constitution of the United States, and generally to do all and singular the matters and things which to them it may appear proper 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 liberties, franchises or privileges than such as are properly incident to the growth and development of a corporation having as the object of its creation the promotion of agriculture, good husbandry, and the mechanic arts, essential thereto.

Proviso.  
Restrictions.

Meeting for  
organization.

Notice.

SECTION 3. *And be it further enacted as aforesaid*, That as soon as five hundred shares shall have been subscribed, as aforesaid, the said commissioners or a majority of them, after giving at least ten days' notice thereof in two newspapers published in Kent county, shall call a meeting of the subscribers to the said stock, to be held at Dover, in a place designated in said notices, to organize the said company by the election of nine directors, all of whom shall be stockholders in said company.

Nine di-  
rectors.

When and  
how elected

Must be  
stockholders.

SECTION 4. *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 as aforesaid, and at every annual meeting of the stockholders, to be held thereafter on the first Tuesday in the month of January, in every year, at Dover, as aforesaid, they shall elect nine directors, who shall be stockholders in said company. The first election of directors shall be conducted by two of said commissioners as judges thereof, and all subsequent elections of directors shall be conducted by two stockholders as judges, appointed by the chairman of the stockholders' meeting, who are not in the Board of directors. The directors, immediately after their election, shall proceed to choose one of their number to be president of the company and of the said Board, and another of the said Board to be treasurer of the company, and also a secretary of the company, and the term of such officers shall be until the the next annual meeting of the stockholders, or until their successors shall have been duly chosen. If the treasurer or secretary, so chosen, refuse to give a sufficient bond for the performance of the duties of their respective offices, or refuse to act, the said directors may elect another to fill such place. A majority of the said directors may constitute a quorum for the transaction of business, and in the absence of the president may appoint a president *pro tempore*. At

President  
and other  
officers; how  
elected,  
Term,

Refusal to  
give bond.

Quorum.  
President  
pro tem.

## OF CORPORATIONS.

all elections for directors of said company by the stockholders, the vote shall be by ballot, and each share of stock shall count one vote. The vote may be cast by the owner or by written proxy of the owner. Occasional meetings of the stockholders may be held at the call of the directors at the place to be designated in the notices thereof, signed by the president and secretary, and published as aforesaid.

Elections:  
how con-  
ducted.  
Each share  
to have one  
vote.  
Other meet-  
ings.

SECTION 5. *And be further enacted as aforesaid,* That all meetings of the directors of said company shall be held in Dover, and the said directors shall have the general direction, conduct and management of the lands and property, affairs and operations of the said company, and for that purpose shall have power to appoint and employ all such officers and agents, workmen and laborers as they shall deem necessary, and to fix the compensation thereof, subject to the order of the stockholders at any annual meeting, the effect of which order shall be prospective only, to take bonds with security from the agents or any of them for the faithful performance of their duties, and to procure such materials as shall be necessary to construct all needful buildings for fairs or otherwise, and to grant premiums, medals or other gifts as rewards of merit for industry, discovery, or improvement in the matters pertaining to the objects of this company as from time to time may be deemed proper. They shall also have power to make and prescribe the by-laws for the government of the company, but the stockholders may, at their annual meetings, alter or amend the same. The directors of the company shall provide certificates of stock which they shall issue under the seal of the corporation and signature of the president, countersigned by the secretary and treasurer, for all the shares subscribed, upon payment of the subscription. The stock may be transferred, and the name of the holder be registered, on the books of the company.

Meetings of  
directors;  
where held.  
Powers.

Award prem-  
iums.

By-Laws.

Certificates  
of stock.

SECTION 6. *And be it further enacted as aforesaid,* That if any person or persons shall willfully and intentionally injure or damage any part of the property owned by this corporation, they shall be liable to it for double the amount of damages sustained, and shall be, moreover, guilty of a misdemeanor, and may, on indictment and conviction, be fined at the discretion of the court.

Penalty for  
injuring  
property of  
corporation.

Double dam-  
ages.  
Misde-  
meanor.  
Fine.

SECTION 7. *And be it further enacted as aforesaid,* That the directors shall procure a book or books in which the secretary of the company shall record the minutes of proceedings of all meetings of the Board, the same having been first signed by the president and then attested by the secretary,

Minutes of  
board; how  
kept.

## OF CORPORATIONS.

Annual state-  
ment of as-  
sets and lia-  
bilities.

Annual  
report of e-  
ceipts and  
expendi-  
tures.  
Minutes of  
stockhold-  
ers' meet-  
ings.  
Inspection of  
corporation  
books.

aforesaid. The president of the company shall be required to make a written statement of the assets and liabilities of the company at each annual meeting of the stockholders. The treasurer of the company shall also be required, at such meeting, to submit, in writing, a full report of the receipts and expenditures of the company for the previous year. There shall be kept a full minute of the proceedings at all meetings of the stockholders, signed by the chairman, attested by the secretary of the meeting to be duly recorded in the books of the company. The books of the company shall, at all times, be open to the inspection of the stockholders.

Public act.

Charter to be  
perpetual.

Revocation.

SECTION 8. *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 in all the courts of this State as such, and that this charter shall be deemed and held to be perpetual, subject, nevertheless, to the power of revocation for misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature.

*Passed at Dover, March 14, 1877.*

## CHAPTER 427.

## CORPORATIONS.

Volume 13.  
238.

A Supplement to an act entitled "an Act to Incorporate the Brandywine Water Power Company," passed at Dover, February 12, 1867.

*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 herein,*

Commis-  
sioners sub-  
stituted for  
deceased  
ones.

SECTION 1. That the names of Preston Lea, Christian Febiger and Henry S. McComb, be substituted as commissioners in lieu of William Lea, Jesse Sharp, and William S. Hilles, deceased, wherever the names of the latter occur in an act entitled an act to incorporate the "Brandywine Water Power Company," passed at Dover, February 12, 1867, and that the names of

## OF CORPORATIONS.

Philip Quigley and William H. Swift be added to the commissioners appointed in this act, and in the act to which it is a supplement. The five commissioners appointed by this act, and the survivors of the commissioners appointed by the act to which it is a supplement, shall constitute the commissioners to do and perform the acts and duties specified in said original act. Any five commissioners shall form a quorum for the transaction of business, and a majority of those present at a meeting may determine any question.

Additional  
commis-  
sioners.

Quorum.

*Passed at Dover, March 15, 1877.*

## CHAPTER 428.

## CORPORATIONS.

AN ACT to amend an Act entitled "An Act to amend and renew the Charter of the Farmers Mutual Fire Insurance Company of St. George's and Appoquinimink hundreds, in New Castle county, for the period of twenty years, passed at Dover, January 22d, 1869."

Volume 13.

*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. Amend the said charter in section one by inserting the words "Black Bird" between the words "of" and "Red Lion."

Section 1,  
chapter 571,  
volume 13,  
amended.

SECTION 2. This act shall be taken to be a public act, and shall be published as such.

Public act.

*Passed at Dover, March 16, 1877.*



## OF CORPORATIONS.

## CHAPTER 429.

## CORPORATIONS.

Volume 1

672.

Volume 12

74.

Volume 13

229, 607.

A further Supplement to the act entitled "An Act to Incorporate the Duck Creek Improvement Company."

When owners may be allowed as a credit on tax, for any repairs to sluices, &c., of company

Provide

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 it shall and may be lawful for any owner of marsh or low ground within the limits of "The Duck Creek Improvement Company," in any year when the managers do not levy, raise and collect a tax, to make any such repairs as may be necessary for the proper maintenance of the sluices or embankments of the said company, and any expenditure so made by any such owner, upon the presentation of his account, with the vouchers therefor, to the treasurer of said company, shall be allowed as a credit to any tax that may be assessed against such owner, under the charter of said company. Provided, that whenever the taxes against such owner shall exceed the amount of such expenditure, such excess shall be collected by such treasurer.

*Passed at Dover, March 20, 1877.*

## CHAPTER 430.

## CORPORATIONS.

AN ACT to Incorporate Jamison's Branch Ditch 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,*

Owners of marsh &c., upon Jamison's Branch incorporated.

SECTION 1. That the owners of the marsh, cripple and low grounds, situated upon, and contiguous to, Jamison's Branch, and the prongs which may have been established heretofore thereunto, in Kenton hundred, in Kent county, and the State

## OF CORPORATIONS.

of Delaware, shall compose a company to be called "Jamison's Name.  
Branch Ditch Company," for the purpose of effectually drain- Object.  
ing, ditching and reclaiming the said marsh, cripple and low  
grounds.

SECTION 2. That the said company shall meet at the school Meeting to  
house in School District No. 8, in Kent county, at Downs elect man-  
chapel, on the first Saturday in May, A. D. 1877, at one agers and  
o'clock in the afternoon, for the purpose of choosing from the other  
said owners of said low grounds, one or more suitable person officers.  
or persons to be manager or managers, and also a secretary When and  
and treasurer, who shall hold their offices, respectively, for one where held.  
year, and until their successors are duly chosen. The said Term.  
company, at the same time, shall also appoint three commis- Commis-  
sioners to go upon and view the marsh, cripple and low grounds, sioners to lay  
aforesaid, and ascertain the quantity of marsh, cripple and out and open  
low grounds which will be benefited by the ditch or ditches a main ditch.  
to be opened under this act, and to lay out, locate and direct Location.  
to be cut and opened, a main ditch, commencing in lands of Cut and  
James Guesford, and ending in lands of James M. Shorts, and open other  
to lay out, locate and direct to be cut and opened, the old necessary  
prongs of the said Jamison's Branch Ditch, and such other drains.  
ditches as the commissioners may deem necessary to effectually Determine  
drain the marsh, cripple and low grounds, aforesaid. They their width  
shall also determine the width and depth of the ditches by and depth.  
them directed to be cut and opened, and make a valuation Assess bene-  
and assessment of all the low grounds, marsh and cripple fits.  
which will be benefited by the opening of said ditches, and  
according to the amount of benefit to be derived therefrom.  
If the said commissioners shall be of the opinion that any  
person will be injured by the making of any such ditches, they  
shall assess and award to such person damages to the amount Award  
of such injury, after taking into consideration all the advan- damages.  
tage to be derived therefrom, and the same shall be paid or same shall  
tendered before the cutting of said ditch or ditches, or de- be paid, ten-  
posited in the Farmers' Bank of the State of Delaware, at dered or de-  
Dover, to the credit of such person or persons. The said posited be-  
commissioners shall make a plot of the ditches located by fore cutting  
them, as aforesaid, and a return of all their proceedings under of ditch.  
this act to the recorder of deeds in and for Kent county, to Plot and re-  
be by him recorded as soon as practicable after they shall turn to re-  
have performed the duties herein imposed. corder of  
Kent coun-  
ty, to be re-  
corded

Before entering upon the discharge of the duties imposed Commis-  
by this act, the said commissioners shall be sworn or affirmed sioners to be  
to faithfully and impartially perform the same. The acts of a sworn  
majority of said commissioners shall be deemed and taken to

## OF CORPORATIONS.

be the acts of the whole, touching the duties herein required of the said commissioners.

When com-  
pany may  
have new as-  
sessment by  
other com-  
missioners.

SECTION 3. That whenever the said company shall become dissatisfied with the assessment made by the commissioners, as aforesaid, other commissioners may be appointed to make a new assessment and valuation of the said cripple, marsh and low grounds, at any regular, annual meeting.

Annual  
meeting:  
when and  
where held

Other meet-  
ings.  
Notice of  
meetings:  
how given.  
Each mem-  
ber entitled  
to one vote.  
Proxy: how  
constituted.

SECTION 4. That the time for holding the annual meeting shall be on the first Saturday of May in every year, hereafter, at one o'clock in the afternoon, at the school house in School District No. 8, in Kent county, at Down's chapel, aforesaid. The said company may hold adjourned meetings, and also occasional meetings. Public notice shall be given by the managers, of annual and occasional meetings, at least ten days before the holding of such meetings. Each member of said company shall be entitled to one vote, either in person or by proxy duly executed under hand and seal, and attested by two witnesses.

Duties of  
managers.  
Open ditch-  
es: when.

Annual ac-  
counts.

Payments:  
how made.

SECTION 5. That the manager or managers chosen, as aforesaid, shall proceed to make and open the ditches laid out and returned by the commissioners, aforesaid, when directed by the said company, or to cleanse and repair the same as may be necessary, and shall have all needful powers for that purpose. They shall keep regular accounts of all expenditures, and shall render the same to the annual meeting of said company. All payments shall be made by orders drawn by them on the treasurer.

Taxes may  
be paid by  
work.

Any person assessed for a tax may discharge the same by work done by direction of the managers, and their certificate shall be received by the treasurer in payment of the tax.

Treasurer to  
collect all  
taxes.

Give bond

Shall settle:  
when.

Compensa-  
tion

SECTION 6. That the treasurer shall collect all sums assessed under and by virtue of the provisions of this act, and shall have the same power herein, as a collector of county rates. He shall give bond to the company, before entering upon the duties of his office, with surety to be approved by said company for a sum double the amount of the taxes assessed, conditioned for the faithful performance of his duties in respect to the collection of said taxes and for the payment to his successor of any money due from him. He shall settle with the company at its annual meeting next following his appointment, and shall be entitled to retain five per cent. on the amount received, as compensation.

## OF CORPORATIONS.

SECTION 7. The said company, at the meeting to be held on the first Saturday in May, A. D. 1877, shall determine how much money shall be raised for the purpose of opening and making the ditches which may be laid out by the commissioners, aforesaid, and at the annual meeting to be held thereafter, shall also determine how much money shall be raised for the purpose of repairing and cleansing the same, and may do and determine all such matters and things as the said company may deem necessary for effectually draining and reclaiming the said marsh, cripple and low grounds situated upon, and contiguous to, Jamison's branch and its prongs. The said manager or managers shall levy and apportion the sum of money determined by the said company to be raised for the purposes aforesaid upon the assessment and valuation of the said marsh, cripple and low grounds, made by the commissioners aforesaid, and returned by them to the recorder of deeds, as aforesaid. The said managers shall also ascertain the amount of costs incurred in procuring this act, which shall be levied and apportioned in like manner upon the assessments aforesaid, which costs they are hereby authorized to pay by warrant drawn upon the treasurer.

At first meeting company to determine sum necessary for making ditches.

At next annual meeting the sum necessary for repairing same, &c.

How such sums are to be levied and apportioned.

Other costs: how levied and paid.

SECTION 8. That the ditches so opened shall be kept open and in good condition for the benefit of those liable to contribute therefor. If any person shall stop or obstruct any ditch cut under this act, he shall forfeit and pay to the managers, for the use of the said company, ten dollars, to be collected by the treasurer of said company.

Ditches to be kept open.

Penalty for obstructing any ditch.

SECTION 9. That the stream, run or prong, which runs through the lands of William Jacobs, shall be extended into the lands of M. Hazel and J. Bowman.

Extension of a certain prong.

SECTION 10. That the said company is hereby created and declared to be a body politic and corporate, by the name and style of Jamison's Branch Ditch Company, and by that name shall be able to sue and be sued, and plead and be impleaded in any court of law or equity in this State, and have, possess and enjoy all the rights, incidents, privileges, liabilities, franchises and immunities common to such corporations.

Incorporation.

Name. Corporate powers.

SECTION 11. The said company shall have power, at any of the meetings authorized to be held under this act, to elect by a *viva voce* vote, a chairman and secretary of such meeting or meetings, whose duty it shall be to keep minutes of the proceedings thereof, for the time being, which shall be preserved among the records of said company.

Powers at meetings.

Officers of meetings.

Minutes of proceedings.

## OF CORPORATIONS.

Inconsistent  
acts re-  
pealed.

SECTION 12. That all previous acts and parts of acts in relation to Jamison's Branch Ditch Company, are hereby repealed.

When re-  
pairs to  
ditches &c.,  
may be al-  
lowed to any  
owner as a  
credit to any  
tax assessed  
against him.

SECTION 13. That it shall and may be lawful for any owner of low ground within the limits of The Jamison's Branch Ditch Company, to make any such repairs as may be necessary for the proper maintenance of the ditches or drains of the said company, and any expenditure so made by any such owner, upon the presentation of his account, with the vouchers therefor, to the treasurer of said company, shall be allowed as a credit to any tax that may be assessed against such owner under the charter of said company. *Provided*, that whenever the taxes against such owner shall exceed the amount of such expenditure, such excess shall be collected by such treasurer.

Proviso.

*Passed at Dover, March 21, 1877.*

## CHAPTER 431.

## OF CANALS.

Volume 3,  
170.  
Volume 9,  
26.  
Volume 13,  
55, 219.

AN ACT entitled a further additional 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.

Company to  
have trans-  
portation  
powers.  
Own and  
use steam  
and sail ves-  
sels, &c.  
Rent or own  
wharves,  
docks,  
stores, &c.,  
for transpor-  
tation pur-  
poses.

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 from and after the passage of this act, The Chesapeake and Delaware Canal Company shall have full power and authority to exercise and enjoy transportation powers, and for that purpose to hold, use, possess and own steam and sail vessels, barges and other craft, and, in addition thereto, to hold, occupy, rent or own all such wharves, docks, stores, storehouses and offices as may be necessary for the transaction of a transportation business by the said company.

*Passed at Dover, February 1, 1877.*

## OF CORPORATIONS.

## CHAPTER 432.

## RAILROADS.

AN ACT to incorporate the Front and Union Street Railway 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 James Morrow, William G. Gibbons, George W. Bush, Henry B. Seidel, James Bradford, Philip Plunkett, William Ferris, Richard M. Griffith and John R. Tatum, be and they are hereby appointed commissioners to procure subscriptions to the capital stock of the corporation hereinafter created, and for that purpose they shall open books of subscription at such times and places, and under such regulations as they may determine, first giving ten days' public notice by advertisement in two newspapers of the city of Wilmington, of the time and place of receiving subscriptions. The subscriptions to said capital stock may be made either in person or by attorney. Any commissioner may subscribe for and hold such stock. Two per centum upon the amount of stock subscribed shall be paid to the commissioners at the time of subscription. Whenever subscriptions shall have been made to the amount of twenty-five thousand dollars, and the two per centum thereon paid as aforesaid, the subscription shall be closed, and the commissioners shall call a meeting of the subscribers, to be held in the city of Wilmington, upon ten days' notice thereof, published in two newspapers of said city, for the purpose of organizing the company by the election of officers. Four of said commissioners shall form a quorum for the transaction of any business, and the majority of those present at a meeting, may determine any question. If any commissioner before named shall decline to perform the duties herein prescribed, the remaining commissioners may, if they deem it expedient, appoint another person to act in his place. Upon the organization of the company, the commissioners shall pay to the treasurer of the corporation, the two per centum received by them, first deducting expenses actually incurred.

Commissioners to open subscription books.

Notice of time and place.

Subscriptions to stock; how made.

Two per cent. to be paid: when.

When subscription shall be closed, and meeting for organization held. Notice. Quorum.

When a commissioner's place may be filled.

SECTION 2. As soon as twenty-five thousand dollars of capital stock shall have been subscribed and the two per centum thereon paid as aforesaid, the subscribers and their successors shall become, and they are hereby declared to be, a body corporate, under the name of the The Front and Union

Incorporation. Name.

## OF CORPORATIONS.

Corporate powers.

Street Railway Company, and by that name shall have succession, with power to sue and be sued, to plead and be impleaded in all courts of law and equity; to purchase, take and hold, grant, sell and dispose of lands, tenements, hereditaments, goods, chattels and effects; to have and use a common seal, and the same to alter and renew at pleasure; to ordain by-laws for the corporation, consistent with the constitution and laws of the United States and of this State, and generally to exercise and enjoy all the powers, rights and franchises incident to a corporation, except banking powers. The said corporation shall have power to borrow money to such an amount that its indebtedness, secured by bond and mortgage, shall not, at any time, exceed one-half of the amount of its capital stock for the time being, and to secure the payment of the same by issuing its bonds, and by mortgage of the said railway, and of all the estate real or personal of the said corporation, together with all corporate rights and franchises held by it under this act or any supplement thereto.

Corporation may borrow money to amount not exceeding one half of its capital stock. May secure same by its bonds and mortgage.

Capital stock.

Shares. Proviso.

Capital stock may be increased; how. Restriction. Bonded indebtedness convertible into said stock. Certificates of stock.

How assigned.

SECTION 3. The capital stock of said company shall be twenty-five thousand dollars, to be divided into twenty-five hundred 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 to any amount, so that it shall not, at any time, exceed seventy-five thousand dollars, and, *Provided* also, that any indebtedness of the company, secured by bond and mortgage, may be made convertible into capital stock, under such regulations as the board of directors shall, for that purpose, prescribe. Shares of stock shall be personal estate. Certificates of stock, signed by the president and secretary and sealed with the corporate seal, shall be delivered to each person for such share or shares of stock as by him or her are owned, which certificates of stock shall be assignable, in person or by attorney duly authorized, in the presence of the treasurer or secretary, in a book to be kept by the corporation for that purpose.

Seven directors.

When and how elected.

Term. Failure to elect, no dissolution. Vacancies; how filled.

SECTION 4. The stockholders, at their first meeting to be called by the commissioners as before provided, and at each annual meeting thereafter to be held upon such day in each year as the by-laws may appoint, shall elect by ballot, and by a majority of votes, seven directors, who shall be stockholders, to continue in office until the next annual meeting after their election, and until successors, duly chosen, enter. 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'

## OF CORPORATIONS.

meetings. each stockholder shall be entitled to cast as many votes as he or she shall hold shares of stock. *Provided*, that after the organization of the company, a stockholder shall be entitled to vote only with respect to stock which shall have been held by him or her for at least thirty days before the day of the voting, and, *Provided* also, that no one stockholder shall cast votes for more than three-eighths of the whole number of shares of the capital stock, for the time being. Votes may be cast either in person or by proxy, and a majority of the votes cast shall determine any question. Special meetings of the stockholders may be called, as the by-laws shall direct.

(One vote for each share of stock.  
Proviso.

Restrictions.

Proxy.  
Special meetings;  
how called.

SECTION 5. The affairs and business of the corporation shall be managed by the directors, four of whom shall constitute a quorum, and a majority of those present at any meeting shall determine any question. 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 the compensation of such officers, agents and servants, and take security by bond or otherwise for the faithful performance of their duties. They shall have power to make by-laws, rules and regulations for the government of the corporation, subject, however, to repeal or amendment by the stockholders at an annual meeting. They may call for the payment of the stock subscribed, at such times and in such installments as they shall deem expedient, giving suitable notice of such call, by advertisement or otherwise, for, at least, two weeks. The directors shall declare dividends of so much of the net profits of the company as they shall deem expedient; *Provided*, that no dividends shall be made, except out of the net profits of the company.

Powers of directors.

Quorum.

Officers.

Compensation.  
Bond.

Make by-laws subject to repeal of annual meeting of stockholders. When may call for payment of stock subscriptions. Notice. Dividends out of net profits only.

SECTION 6. If any subscriber to, or holder of, the stock, shall refuse or neglect to pay any installment on the stock subscribed for or held by him or her, for thirty days after the time appointed for the payment thereof, (public notice of such call having been given as before provided,) 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 from such delinquent subscriber or holder, the sum remaining unpaid, with costs and interest thereon, and no holder of such stock shall, during the time any installment shall be due and unpaid, be entitled to vote at any meeting of the stockholders, or to receive any dividends on the stock.

When stock of delinquent subscribers may be forfeited, or unpaid installments sued for.

Disabilities of such delinquents.

SECTION 7. It shall be the business of the said corporation to locate, construct, operate and maintain a city

Business and design of corporation.



## OF CORPORATIONS.

Location May use tracks of the Wilmington city Railway company; when.

How Railway shall be laid.

The company may use street, avenue, &c., within city. *Proviso.* Must conform to city grades. &c.

Steam power not to be used without consent of city council.

When Railway may cross any Railroad track.

Willful injury to railway.

Civil action for double damages. Misdemeanor or Fine.

When company shall pay taxes to State Treasurer.

railway, for the carriage of passengers and freight for compensation, within the city of Wilmington. The said railway shall commence at or near the intersection of Market and Front streets, with the privilege of running over the tracks of the Wilmington City Railway Company to the side of Walnut street, upon receiving the permission of the said Railway Company, and paying the said City Railway Company an equitable compensation for such use of said tracks, and shall extend westerly along Front, Reed, Chestnut and connecting streets to Union street, and along Union street, Pennsylvania avenue and DuPont street to the depot of the City Railway Company. The railway, or any part of the same, to be constructed under this section, may be laid with either a single or double track, or at any time altered from the one to the other, as the directors shall deem expedient, and with all sidings, turnouts, switches and connections necessary for the proper working of said railway, and for locating constructing, operating and maintaining the said railway, the company shall have power to use and occupy so much of any street, avenue, highway or turnpike within said city as may be necessary. *Provided*, that said railway shall be conformed as near as may be to the grades which now are, or hereafter may be, established for any streets over which the same shall be located, and shall not interfere with the proper and free access to the culverts, water and gas pipes in said city, and, *provided* also, that steam power shall not be used to propel the cars of the said company, unless with the consent of the city Council of Wilmington. The said railway may cross any track of any railroad company now incorporated or hereafter to be incorporated. *Provided*, that it conform to the grade of the track to be crossed.

SECTION 8. If any person or persons shall willfully damage or obstruct the said railway or any part thereof, or hinder or delay the building of the same, or hinder or delay the passage of cars over the same, or damage any of the works or property of the said company, such person or persons shall be liable to the company in a civil suit or action for double the amount of the damages sustained, and shall, moreover, be guilty of a misdemeanor, and, on indictment and conviction thereof, shall be fined, not exceeding three hundred dollars, at the discretion of the court.

SECTION 9. When the receipts of said company shall amount to such sum as shall warrant the declaration of dividends amounting to six per cent. in any one year, the said company shall pay to the State Treasurer, for the use of the State, a tax of one-

## OF CORPORATIONS.

quarter of one per cent. on the capital stock, and shall pay a tax of one-half of one per cent. when such dividends shall amount to a sum equal to ten per cent. in any one year, and said company shall be exempt from all taxation other than that imposed by this section, except the taxes levied by the city of Wilmington.

From what taxes company shall be exempt.

SECTION 10. This charter shall be perpetual, subject, nevertheless, to be revoked by the Legislature at any time for the misuse or abuse, by the company, of the privileges herein granted.

Perpetual charter. Revocable.

SECTION 11. This act shall be deemed and taken to be a public act.

Public act.

*Passed at Dover, February 20, 1877.*

## CHAPTER 433.

## RAILROADS.

AN ACT to incorporate the purchasers of the Wilmington and Western Rail Road.

WHEREAS, certain proceedings are now pending in the Circuit Court of the United States, for the District of Delaware, for the foreclosure of a mortgage executed by the Wilmington and Western Rail Road Company, (a corporation existing under concurrent laws of this State and the State of Pennsylvania,) under which proceedings it is contemplated that the property and estate, real and personal, of the said corporation, will be sold in execution of a decree of the said Court, and

Preamble.

WHEREAS, in the event of such sale and the purchase thereof of the property and estate of the said corporation, some legislation, such as is hereinafter provided, is necessary, in order to enable the purchasers to operate the said railroad beneficially, and thereby protect their own interests therein, and also to preserve and promote the general interests which are involved in the said rail road as a public improvement; therefore,

## OF CORPORATIONS.

When purchasers of Wilmington and Western railroad shall be incorporated.

What shall vest in same.

what.

Paramount liens.

Meeting for organization when.

Notice of time and place.

Election of officers.

Term.

Annual election of officers.

Term.

Adoption of corporate name and seal.

Capital stock Certificates of shares.

May issue preferred stock.

Borrow money and issue bonds secured by mortgage.

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 of the General Assembly concurring herein,)* That whenever the rail road of the Wilmington and Western Rail Road Company shall be sold and conveyed under and by virtue of any decree or order of the Circuit Court of the United States, for the District of Delaware, (whether such decree or order be made in the pending or in any future proceeding for foreclosing the said mortgage of the said corporation,) the persons for whom, or on whose account, the said railroad may be purchased, shall be and they are hereby constituted a body politic and corporate, and shall be vested with all the right, title, interest, property, possession, claim and demand, at law or in equity, of, in, and to, such railroad, with its appurtenances, and with all the rights, powers, immunities, privileges and franchises of the corporation as whose property or estate the said railroad shall have been sold, and which may have been granted thereto or conferred thereupon, by any act or acts of Assembly, whatsoever, in force at the time of such conveyance, and subject to all the provisions in such act or acts contained, except so far as the same may be modified hereby, and subject, also, to such lien or liens as are paramount to, and not divested by, such sale. The persons for whom, or on whose account, the said railroad shall have been purchased, shall meet within ninety days after the conveyance thereof shall have been delivered as aforesaid, public notice of the time and place of such meeting having been given, at least, once a week, for two weeks in, at least, one newspaper published in the county of New Castle, and shall, thereupon, organize said corporation by electing a president and a Board of, at least, six directors, (to continue in office until the first Monday of May next succeeding such meeting, when and annually thereafter, on the said day, a like election for president and directors shall be held to serve for one year,) and shall also adopt the same or any other corporate name, and a common seal, shall determine the amount of the capital stock thereof, and make and issue certificates therefor to the persons who may be entitled to the same, to the amount of their respective interest therein, in shares of fifty dollars each, and said corporation may then or at any time thereafter, create and issue preferred stock to such an amount as they may deem necessary or proper, and, from time to time, may borrow money and may issue bonds, and may secure the same by one or more mortgages of the real and personal property, and of the corporate rights, powers, privileges and franchises of such corporation or of either or any part or parts thereof.

## OF CORPORATIONS.

SECTION 2. *And be it further enacted*, That it shall be the duty of the corporation to be organized under the foregoing section, to make, within two calendar months after its organization, a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, the amount of its capital stock, and the names of its president and directors, and shall transmit the said certificate to the Secretary of State, to be filed in his office, and a copy of the same, duly certified by him under his seal of office, shall be recorded in the office of the recorder of deeds, in and for New Castle county. The said certificate, so filed in the office of the Secretary of State, or the said record in the office of such recorder of deeds, or a copy of such certificate or record, duly certified under the hand of said secretary or recorder and his seal of office, shall be evidence of the due and legal organization and corporate existence of said corporation in all courts of law and equity within this State.

Certificate of organization; when and how made.

To be filed in office of the Secretary of State.

Certified copy of same to be recorded; where.

What shall be evidence of organization and corporate existence.

SECTION 3. *And be it further enacted*, That it shall be lawful for the corporation which shall be organized under the foregoing sections of this act, at any time after it shall have been so organized, to merge and consolidate its capital stock, franchises and property into and with the capital stock, franchises and property of such rail road corporation to be organized under the laws of the State of Pennsylvania as shall then have authority to operate that portion of the railroad of the Wilmington and Western Rail Road Company which is situated within the said State of Pennsylvania, and which, together with the portion situated in the State of Delaware, forms the entire line of said railroad to be sold under the decree of the Circuit Court aforesaid.

Authority to merge and consolidate with the corporation authorized to operate the Pennsylvania portion of said railroad.

SECTION 4. *And be it further enacted*, That such consolidation as is provided for in the next foregoing section, shall be made under the conditions, provisions, restrictions, and with the powers hereinafter mentioned and contained; that is to say,

How such consolidation shall be made.

1. The directors of the two corporations proposing to consolidate, may enter into a joint agreement under the corporate seal of each company, for the consolidation of said companies and rail roads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the consolidated corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the num-

Joint agreement of directors of the two corporations.

What it shall prescribe. Name of consolidated corporation.

## OF CORPORATIONS.

Conversion of shares of each company into consolidated stock

ber of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said companies into that of the consolidated corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization, and the consolidation of said companies or railroads.

Separate meetings of stockholders of respective companies for adoption of agreement.

Notice of time and place; how given

Manner of voting on said agreement.

Vote necessary to adopt.

Adoption how certified.

Agreement to be filed in office of Secretary of State.

His certified copy to be recorded; where.

What shall be evidence of corporate existence of consolidated corporation

Effect of such consolidation

11. Said agreement shall be submitted to the stockholders of each of the said companies or corporations at a meeting thereof, called, separately, for the purpose of taking the same into consideration, due notice of the time and place of holding such meeting, and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names the capital stock of said companies stands on the books thereof, and delivered to such persons, respectively, or sent to them by mail when their post office address is known to the company, and, also, by a general notice published for, at least, two weeks in some newspaper in the city, town or county where such company or corporation shall have its principal office or place of business, and at the said meeting of stockholders the agreement of the said directors shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies, under the seal thereof, and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the Secretary of State, and a copy of the same duly certified by him under his seal of office shall be recorded in the office of the recorder of deeds, in and for New Castle county, and the said agreement or a certified copy thereof, having been so filed in the office of the Secretary of State and recorded in the office of the said recorder of deeds, shall from thenceforth be deemed and taken to be the agreement and act of consolidation of the said companies, and shall be conclusive evidence of the due performance of all acts necessary to such consolidation, and a copy of said agreement and act of consolidation duly certified by the Secretary of State, or recorder under his seal of office, shall be evidence of the corporate existence of said consolidated corporation.

SECTION 5. *And be it further enacted*, That upon the making and perfecting of the agreement and acts of consolidation as provided in the next foregoing section, and the filing and recording of the same, as aforesaid, the two corporations, parties

## OF CORPORATIONS.

thereto, shall be deemed and taken to be one corporation by the name provided in said agreement and act, possessing within this State, all the rights, powers, immunities, privileges and franchises, (including the power to borrow money and secure the same by bond and mortgage of all its property and franchises,) and subject to all the restrictions, disabilities and duties of each of the corporations so consolidated.

SECTION 6. *And be it further enacted*, That upon the consummation of said act of consolidation as aforesaid, all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all the property, real personal and mixed, and all debts due on whatever account, as well as of stock subscriptions and other things in action belonging to each of such corporations, shall be deemed and taken to be transferred to and vested in such consolidated corporation without further act or deed, and all property, all rights of way, and all and every other interest shall be as effectually the property of the consolidated corporation as they were of the respective corporations so consolidated, and the title to real estate, either by deed or otherwise, under the laws of this State, vested in either of such corporations, shall not be deemed to revert or be in any way impaired, provided that all debts incurred, or liens suffered by either of said corporations so consolidated, and in force at the time of such consolidation, shall be preserved unimpaired, and the respective corporations may be deemed to continue in existence to preserve the same, and all debts, liabilities and duties, public or private, of either of said corporations, shall thenceforth attach to said consolidated corporation and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Further effect.

All franchises, property, rights, &c., of respective corporations to vest in consolidated corporation without further act of transfer.

Their real estate not to revert. Proviso.

Debts and liens to be preserved against them; how. What liabilities of theirs to attach to consolidated corporation.

SECTION 7. *And be it further enacted*, That such consolidated company shall, as soon as convenient after such consolidation, establish such offices as may be desirable, one of which shall be at some point within this State on the line of its road, and may change the same at pleasure, giving public notice thereof in some newspaper published on the line of said road.

Consolidated company to establish offices.

One to be in Delaware.

SECTION 8. *And be it further enacted*, That suits may be brought and maintained against such consolidated company in any of the Courts of this State, for all causes of action, in the same manner as against other rail road corporations herein. If, at the time of such consolidation, there shall be pending against either of the corporations so entering into such con-

Suits against consolidated company.

Suits against the respective corporations consolidated.

## OF CORPORATIONS.

How consolidated company may be made a party thereto.  
Effect.

solidation, any action, suit, or proceeding at law, or in equity, the consolidated corporation may be made a party to such action, suit or proceeding ; that is to say, as a plaintiff or complainant, by motion to the court, and as a defendant or respondent, by a *scire facias*, to be issued at the suit of the adverse party or parties, and upon said consolidated corporation being so made a party, the action, suit or proceeding shall proceed as if such consolidated corporation were an original party, and the court shall have full power to make such order or decree, or to render such judgment, as to right and justice shall appertain.

Railroad and all property of said company in this State to be subject to taxation.

SECTION 9, *And be it further enacted*, That so much of the railroad of such consolidated company, together with all other its real estate and property as may be situated within this State, shall be subject to like taxation, and assessed in the same manner and with like effect as property of other railroad corporations within this State, and nothing contained in this act or to be done under it shall, in any wise, affect or impair the exercise by this State of its power of taxation.

Revocation

SECTION 10. *And be it further enacted*, That the Legislature reserves to itself the power to revoke the corporate franchise of any company which may at any time be organized under the provisions of this act.

Public act

SECTION 11. *And be it further enacted*, That this act shall be deemed and taken to be a public act.

*Passed at Dover, February 22, 1877.*

## CHAPTER 434.

## RAILROADS.

AN ACT providing for the merger of "The New Castle and Wilmington Railroad Company," into "The Philadelphia, Wilmington and Baltimore Railroad Company," and also for the merger of the "New Castle and Frenchtown Turnpike and Railroad Company," into "The Philadelphia, Wilmington and Baltimore Railroad Company."

Private

WHEREAS, "The Philadelphia, Wilmington and Baltimore Railroad Company" is now the owner of all the shares of the

## OF CORPORATIONS.

capital stock of "The New Castle and Wilmington Railroad Company," (a corporation existing under the laws of this State,) and has so owned the same for some time past; and

WHEREAS, By the provisions of section 3 of an act of the General Assembly of this State, entitled "A further supplement to the act entitled "An act to authorize the construction of a railroad from the town of New Castle to the city of Wilmington," passed at Dover, January 16, 1852, the said "The Philadelphia, Wilmington and Baltimore Railroad Company" is expressly (*inter alia*) authorized and empowered to buy the railroad with its appurtenances of the said "The New Castle and Wilmington Railroad Company" upon such terms and conditions as may be mutually agreed upon between the said last mentioned railroad company and the said "The Philadelphia, Wilmington and Baltimore Railroad Company;" and

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WHEREAS, The said "The Philadelphia, Wilmington and Baltimore Railroad Company" is likewise the owner of all the shares of the capital stock of the "New Castle and Frenchtown Turnpike and Railroad Company," except only twenty shares thereof; and

WHEREAS, The railroad of the two several companies, to wit: "The New Castle and Wilmington Railroad Company," and the "New Castle and Frenchtown Turnpike and Railroad Company," are now operated by the said "The Philadelphia, Wilmington and Baltimore Railroad Company," and form parts of a continuous line of railroad, connecting the railroad of "The Delaware Railroad Company" (now leased by the said "The Philadelphia, Wilmington and Baltimore Railroad Company.") with the line of railroad of the said last mentioned company, at the point now called and known by the name of "The Delaware Junction;" and

WHEREAS, By reason of the maintenance of separate and distinct organizations of both the said "The New Castle and Wilmington Railroad Company," and the said the "New Castle and Frenchtown Turnpike and Railroad Company," and the necessity of keeping separate and distinct records for each of said companies, and the annual election of distinct officers thereof, the operating expenses of the said continuous line of railway are greater, annually, than they would be if the said two companies should be merged and consolidated into and with the said "The Philadelphia, Wilmington and Baltimore Railroad Company," so as that separate organizations with the expense incident thereto may be avoided; and



## OF CORPORATIONS.

WHEREAS, The public interest demands that the said operating expenses should be diminished as far as possible ; now, 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 therein,) as follows, viz :*

New Castle and Wilmington Rail Road company may transfer all its corporate rights, property, &c., to "The Philadelphia, Wilmington and Baltimore Rail Road company."

When the former shall be merged in latter.

SECTION 1. That it shall be lawful for "The New Castle and Wilmington Railroad Company" to transfer its corporate rights, franchises, powers, and privileges, and all its estate, real, personal and mixed, to "The Philadelphia, Wilmington and Baltimore Railroad Company," and for the said "The Philadelphia, Wilmington and Baltimore Railroad Company" to accept and become invested with the said corporate rights and franchises and estate, real, personal and mixed, so that thereby the corporate existence of the said "The New Castle and Wilmington Railroad Company" shall be merged into that of "The Philadelphia, Wilmington and Baltimore Railroad Company," and the capital stock of the former company shall be converted into that of the latter.

How merger shall be effected.

SECTION 2. That such transfer, acceptance, merger and conversion shall be effected as follows, viz :

Joint agreement.

To contain ; what.

Issue of additional shares. Object.

FIRST. The directors of each corporation shall enter into a joint agreement in writing, prescribing the terms and conditions thereof, providing for the issue of such additional shares of the capital stock of the said "The Philadelphia, Wilmington and Baltimore Railroad Company," as for the purpose of effecting the conversion as aforesaid of the capital stock of "The New Castle and Wilmington Railroad Company" may be required to be issued to the holders of shares thereof, and containing such other provisions as to matters connected with, or incident to, the said merger as may be deemed advisable, and the said directors shall cause the corporate seals of their respective companies to be thereto affixed.

Meeting of stockholders of respective corporations to adopt agreement.

SECOND. When the said agreement shall have been perfected, the directors of each corporation shall call a meeting of the stockholders thereof at such time and place as they may designate, and shall, by publication, once a week, for three successive weeks, in one newspaper published in the city of Wilmington and in one other newspaper published in the county of New Castle outside said city, (provided there be such a

## OF CORPORATIONS.

newspaper published,) cause notice to be given of the time and place of the said meeting, and that the object thereof will be the adoption or rejection of an agreement entered into by the directors of the two companies for the merger of "The New Castle and Wilmington Railroad Company" into "The Philadelphia, Wilmington and Baltimore Railroad Company," and at said meeting the said agreement shall be considered, and a vote, by ballot, in person or by proxy, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the equitable owner or owners of any share held in trust to be entitled to vote thereon in the absence of the person or persons by whom the same are held in trust, and if three-fourths of all the votes cast at each of such meetings shall be in favor of the adoption of the said agreement, then a copy of the said agreement, certified by the secretary of each company as having been adopted by the stockholders of the company represented by him, shall be filed in the office of the Secretary of State of this State, and thereupon the said agreement shall be deemed and taken to have effected the transfer, acceptance, merger, and conversion therein and hereinbefore provided for, and any certified copy of the document thus to be filed in the office of said Secretary of State shall be evidence of the said transfer, acceptance, merger and conversion having been duly effected. Any certified copy of the said document under the seal of office of the said Secretary of State, may also be recorded in the office of the recorder of deeds in and for the said county of New Castle, and such record or a certified copy thereof, shall be evidence as fully as any certified copy made by the Secretary of State, as hereinbefore provided.

Notice of  
time, place  
and object:  
how given.

Manner of  
voting on  
said agree-  
ment.

Vote neces-  
sary to  
adopt.

Adoption:  
how certi-  
fied.

Copy of  
agreement  
to be filed in  
office of Sec-  
retary of  
State.

Effect.  
Evidence.

Secretary's  
certified  
copy to be  
recorded;  
where.

Record to be  
evidence.

SECTION 3. That neither the corporate existence and identity, nor any franchise, right, privilege, obligation or liability of "The Philadelphia, Wilmington and Baltimore Railroad Company" shall be impaired or affected by anything herein contained or anything done or omitted in pursuance hereof, but all debts, liabilities and engagements of "The New Castle and Wilmington Railroad Company" shall attach to, and be enforceable against, the said "The Philadelphia, Wilmington and Baltimore Railroad Company," to the same extent and in the same manner as they attached to and were enforceable against the former company, at the date of its merger into the latter.

Corporate  
identity,  
&c., of P.  
W. & B. R. R.  
company  
not to be af-  
fected by  
merger.

How debts,  
&c., of the  
N. C. & W.  
R. R. Co.  
may be en-  
forced  
against The  
P. W. & B.  
R. R. Co.

SECTION 4. That if any stockholder of "The New Castle and Wilmington Railroad Company" who shall not have voted for the adoption of the agreement aforesaid, shall be dissat-

## OF CORPORATIONS.

Proceeding  
by dissatis-  
fied stock-  
holder of  
N. C. & W.  
R. R. Co.  
Petition to  
Court or  
Judge for  
appraise-  
ment of his  
stock.  
When;  
Where.  
Appraisers;  
how appoint-  
ed.

Report con-  
clusive;  
when.  
P. & B.  
R. R. Co.,  
to pay ap-  
praisement  
and costs;  
when.

isified with the same, it shall be lawful for him or her, within thirty days from the filing as aforesaid of the said agreement, to present a petition to the Superior Court of this State, in and for the said county of New Castle, if such court be in session within that period, or if not, then to the Associate Judge of this State, residing in said county of New Castle, for the appointment of three disinterested persons whose duty it shall be to appraise the actual value of his or her stock, immediately before the adoption of the said agreement, whereupon the said court or judge shall appoint the said appraisers who shall make the said appraisement, and their report or the report of a majority of them shall, when confirmed by the said court or approved by the said judge making such appointment, be final and conclusive, and thereupon the said "The Philadelphia, Wilmington and Baltimore Railroad Company" shall pay to the holder of such stock so appraised, the amount of the said appraisement, and all costs of the proceeding upon the said holder, transferring to the said company the shares thus appraised.

Any execu-  
tor, guardian  
or trustee  
holding New  
Castle and  
Wilmington  
R. R. stock;  
may agree to  
said merger,  
&c.

SECTION 5. That it shall be lawful for any person holding shares of stock in the said "The New Castle and Wilmington Railroad company," as executor or guardian, or in trust for any other person or corporation, to agree for and in respect to the said shares to the aforesaid transfer, acceptance, merger and conversion, and to accept in lieu thereof, shares of "The Philadelphia, Wilmington and Baltimore Railroad Company."

All the fore-  
going pro-  
visions of  
this act ap-  
plicable to  
in merger of  
the New  
Castle and  
Frenchtown  
Turnpike  
and Railroad  
company,  
into said P.  
W. & B. R.  
R. Co.

SECTION 6. That each and all of the foregoing provisions shall apply, whether before or after the merger of "The New Castle and Wilmington Railroad Company" into "The Philadelphia, Wilmington and Baltimore Railroad Company," to the transfer by the "New Castle and Frenchtown Turnpike and Railroad Company," of its corporate rights, franchises, powers and privileges, estate, real and personal, to the said "The Philadelphia, Wilmington and Baltimore Railroad Company," and the acceptance thereof by the said last named company, and to the merger of the corporate existence of the said "New Castle and Frenchtown Turnpike and Railroad Company" into that of "The Philadelphia, Wilmington and Baltimore Railroad Company," and the conversion of the capital stock of the former company into that of the latter, with the same effect in all respects as if the name of the said "New Castle and Frenchtown Turnpike and Railroad Company" had been used instead of that of "The New Castle and Wilmington Railroad Company," wherever the

## OF CORPORATIONS.

name of the latter corporation occurs in the foregoing sections of this act.

SECTION 7. That this act shall be deemed and taken to be Public act. a public act.

*Passed at Dover, February 22, 1877.*

## CHAPTER 435.

## RAILROADS.

AN ACT to incorporate the purchasers of the Wilmington and Reading Railroad.

WHEREAS, under and by force of a decree of the Circuit Court of the United States, for the Eastern District of Pennsylvania, the Railroad of the Wilmington and Reading Railroad company, with its appurtenances, was sold in pursuance of a mortgage executed by the said company, under authority of the Laws of this State, and it being necessary to the proper enjoyment of the rights acquired by the said sale, that the purchasers should be incorporated with authority to consolidate with any company, organized, or to be organized, under the Laws of the State of Pennsylvania, operating such portion of the road so sold as is situated within the State of Pennsylvania; Therefore,

Preamble.

*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 General Assembly concurring.)*

SECTION 1. That LaMotte Dupont, Matthew Baird, Edward S. Buckley, Lewis Waln Smith, Charles Baber, and such other persons, for whom, or on whose account, the railroad of the Wilmington and Reading Railroad Company, with its appurtenances, was purchased at the sale thereof, under the decree of the circuit court of the United States aforesaid, shall be, and they are, hereby constituted a body politic and corporate by the name of "The Wilmington and Northern

Purchasers of the railroad &c., of the Wilmington and Reading R. Co. incorporated.

## OF CORPORATIONS.

Corporate name "The Wilmington and Northern Railroad Company."  
What vested in said company.

Subject to what.

Paramount liens.  
Powers and duties.  
Meeting for organization.  
Notice of time and place.  
How given.

Annual election of officers.

Corporate seal.  
Capital stock.  
Certificates.

Shares.

Preferred stock.

Borrow money and issue bonds, to be secured by mortgage.

Certificate of organization; when and how made.

To be filed in office of Secretary of State.  
His certified copy to be recorded where.

Railroad Company," and shall be, and hereby are, vested with all the right, title, interest, property, possession, claim and demand at law or in equity, of, in and to, such railroad, with its appurtenances, and with all the rights, powers, immunities, privileges and franchises of the corporation, as whose property the same was sold, and which may have been granted thereto, or conferred thereupon, by any act or acts of assembly whatsoever in force at the time of such sale, and subject to all the provisions in such act or acts contained, except so far as the same may be modified hereby, and subject, also, to such lien or liens as are paramount to, and not divested by, such sale. The said corporators shall meet within ninety days after the passage of this act, public notice of the time and place of such meeting having been given, at least, once a week for two weeks, in, at least, one newspaper published in the city of Wilmington, and shall thereupon organize said corporation by electing a president and board of, at least, six directors, (to continue in office until the first Monday of May next succeeding such meeting, when, and annually thereafter, on the said day, a like election for a president and directors shall be held to serve for one year,) and shall also adopt a common seal, determine the amount of the capital stock thereof, and shall have power and authority to make and issue certificates therefor to the persons entitled to the same, to the amount of their respective interests therein, in shares of fifty dollars each, and said corporation may then, or at any time thereafter, create and issue preferred stock to such an amount as may be deemed necessary, and from time to time, may borrow money and may issue bonds and may secure the same by one or more mortgages of the real and personal property, and the corporate rights, powers, privileges and franchises of said corporation, or of either or any part or parts thereof.

SECTION 2. It shall be the duty of the said corporation to make, within two calendar months after its organization, a certificate thereof, under its common seal, attested by the signature of its president, specifying the date of such organization, the amount of its capital stock, and the names of its president and directors, and shall transmit the said certificate to the Secretary of State, to be filed in his office, and a copy of the same duly certified by him under his seal of office, shall be recorded in the office of the recorder of deeds, in and for New Castle county. The said certificate so filed in the office of the Secretary of State, or the said record in the office of such recorder of deeds, or a copy of said certificate, or record duly certified under the hand of said Secretary or recorder and his seal of

## OF CORPORATIONS.

office shall be evidence of the due and legal organization of said corporation, in all courts of law and equity within this State.

What shall be evidence of organization of said corporation

SECTION 3. It shall and may be lawful for the said "The Wilmington and Northern Railroad Company" aforesaid, at any time after the organization thereof, to merge and consolidate its capital stock, franchises and property into and with the capital stock, franchises, and property of any corporation then organized under the laws of the State of Pennsylvania, and having authority to operate that portion of the railroad, formerly the property of the Wilmington and Reading Railroad Company, which is situated in the said State of Pennsylvania, and which, together with the portion situated in the State of Delaware, formed the entire line of said railroad sold under the decree of the Circuit Court aforesaid.

Authority to merge and consolidate with the corporation authorized to operate the Pennsylvania portion of the said Wilmington and Reading railroad.

SECTION 4. Such consolidation as is provided for in the next foregoing section, shall be made under the conditions, provisions, restrictions, and with the powers hereinafter mentioned and contained; that is to say,

How such consolidation shall be effected.

I. The directors of the said several corporations proposing to consolidate, may enter into a joint agreement under the corporate seal of each company for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the consolidated corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said companies into that of the consolidated corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization, and the consolidation of said companies or railroads.

Joint agreement of directors of respective corporations, its provisions.

II. Said agreement shall be submitted to the stockholders of each of the said companies or corporations at a meeting thereof, called, separately, for the purpose of taking the same into consideration, due notice of the time and place of holding such meeting and the object thereof, shall be given by written or printed notices addressed to each of the persons in whose names the capital stock of said companies stands on the books thereof, and delivered to such persons, respectively, or sent to them by mail when their postoffice address is known to the

Separate meetings of stockholders of respective corporations for adoption of agreement. Notice of time and place; how given.

## OF CORPORATIONS.

Manner of  
voting on  
said agree-  
ment.

Vote neces-  
sary to  
adopt.  
How certi-  
fied.

Agreement  
to be filed in  
office of  
Secretary of  
State.  
His certified  
copy to be  
recorded :  
where.

What shall  
be evidence  
of corporate  
existence of  
consolidated  
corporation

company, and also by a general notice published for, at least, two weeks in some newspaper in the city, town or county where such company has its principal office or place of business, and at the said meeting of stockholders, the agreement of the said directors shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies under the seal thereof, and the agreement so adopted or a certified copy thereof, shall be filed in the office of the Secretary of State, and a copy of the same duly certified by him under his seal of office, shall be recorded in the office of the recorder of deeds in and for New Castle county, and the said agreement or a certified copy thereof having been so filed in the office of the Secretary of State and recorded in the office of the said recorder of deeds, shall, from thenceforth, be deemed and taken to be the agreement and act of consolidation of the said companies, and shall be conclusive evidence of the due performance of all acts necessary to such consolidation, and a copy of said agreement and act of consolidation duly certified by the Secretary of the State or recorder of deeds, under his seal of office, shall be evidence of the corporate existence of such consolidated corporation.

Effect of  
such con-  
solidation.

SECTION 5. Upon the making and perfecting of the agreement and act of consolidation as provided in the next foregoing section, and the filing and recording of the same as aforesaid, the two corporations, parties thereto, shall be deemed and taken to be one corporation, by the name provided in said agreement and act, possessing within this State all the rights, powers, immunities, privileges and franchises, (including the power to borrow money and secure the same by bond and mortgage of all its property and franchises,) and subject to all the restrictions, disabilities and duties of each of the corporations so consolidated.

Further  
effect.  
All rights,  
franchises,  
property,  
&c., of re-  
spective cor-  
porations to  
vest in con-  
solidated  
corporation  
without fur-  
ther transfer.

SECTION 6. Upon the consummation of said act of consolidation, as aforesaid, all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all the property, real, personal and mixed, and all debts due on whatever account, as well as of stock subscriptions and other things in action belonging to each of such corporations, shall be deemed and taken to be transferred to, and vested in, such consolidated corporation without further act

## OF CORPORATIONS.

or deed, and all property, all rights of way, and all and every other interest shall be as effectually the property of the consolidated corporation, as they were of the respective corporations so consolidated and the title to real estate, either by deed or otherwise, under the laws of this State, vested in either of such corporations, shall not be deemed to revert or be in any way impaired, provided that all debts incurred or liens suffered by either of said corporations so consolidated and in force at the time of such consolidation, shall be preserved unimpaired. and the respective corporations may be deemed to continue in existence to preserve the same, and all debts, liabilities and duties, public or private, of either of said corporations, shall thenceforth attach to said consolidated corporation and be enforced against it to the same extent as if such debts, liabilities and duties had been incurred or contracted by it.

Their real estate not to revert.

Debts and liens to be preserved against them; how. What liabilities, &c., of theirs to attach to consolidated corporation.

SECTION 7. Such consolidated company shall, as soon as convenient after such consolidation, establish such offices as may be desirable, one of which shall be at some point within this State on the line of its road, and may change the same at its pleasure, giving public notice thereof in some newspaper published on the line of said road.

Consolidated company to establish offices.

One to be in Delaware.

SECTION 8. Suits may be brought and maintained against such consolidated company in any of the courts of this State, for all causes of action, in the same manner as against other railroad corporations herein. If, at the time of such consolidation, there shall be pending against either of the corporations so entering into such consolidation, any action, suit or proceeding at law or in equity, the consolidated corporation may be made a party to such action, suit or proceeding, that is to say, as plaintiff or complainant, by motion to the court, and as a defendant or respondent, by a *scire facias*, to be issued at the suit of the adverse party or parties, and upon said consolidated corporation being so made a party, the action, suit or proceeding shall proceed as if such consolidated corporation were an original party, and the court shall have full power to make such order or decree, or to render such judgment as to right and justice shall appertain.

Suits against consolidated company.

Suits against the respective corporations consolidated.

How consolidated company may be made a party thereto.

Effect.

SECTION 9. So much of the railroad of such consolidated company, together with all other, its real estate and property as may be situated within this State, shall be subject to like taxation, and assessed in the same manner and with like effect as property of other railroad corporations within this State, and nothing contained in this act or to be done under it shall,

Right of State to tax consolidated company not to be impaired.



## OF CORPORATIONS.

in any wise, affect or impair the exercise by this State of its power of taxation.

Revocation. SECTION 10. The Legislature reserves to itself the power to revoke the corporate franchise of any company which may at any time be organized under the provisions of this act.

Public act. SECTION 11. This act shall be deemed and taken to be a public act.

*Passed at Dover, February 22, 1877.*

## CHAPTER 436.

## RAILROADS.

AN ACT to incorporate the Delmar 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 Joseph Ellis, of W., John Ward, George H. Hearn, Levi C. Calaway, Benton H. Gordy, Cyrus Ward, Joseph G. White, Elijah H. Warrington, Cyrus W. Cannon, Lamberson Collins, Isaac B. Short, Shadrach Short, Elijah Hudson, John B. Gunby, Isaac Wooten, Samuel J. Gray, William E. Cannon, Elijah W. Collins, Elijah C. Short, William S. Phillips, William H. Betts, Tilman S. Johnson, Joshua Phillips, Joseph S. Jones, Samuel B. West, Isaac S. Jones and James R. Legates, 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 times and places and on such notice as they may deem proper, suitable books for subscriptions to the stock of The Delmar and Millsborough 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 said stock. The capital stock of said company shall not exceed five hundred thousand

Commissioners to open books for stock subscriptions

Notice.

Who may subscribe.  
Capital stock.

## OF CORPORATIONS.

dollars, divided into twenty thousand shares of twenty-five <sup>Shares.</sup> dollars each.

SECTION 2. *And be it further enacted, as aforesaid,* That when and as soon as four 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 incorporated by the name and title of The Delmar and Millsborough 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, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, aliene 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 same. <sup>Incorporation, Name. Perpetual succession. Powers.</sup> *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. <sup>Dividends.</sup>

SECTION 3. *And be it further enacted as aforesaid,* 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 at Lowe's Cross Roads, to organize the said company by the choice and appointment of officers as hereinafter mentioned. <sup>Meeting for organization; when, where. Notice.</sup>

SECTION 4. *And be it further enacted as aforesaid,* That there shall be an annual meeting of stockholders on the second Monday in January, in every year, at Lowe's Cross Roads, for the purpose of electing directors and for the transacting 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 <sup>Annual meeting of stockholders: when, where. Quorum. Manner of voting. Other meetings.</sup>

## OF CORPORATIONS.

the stockholders may be called, and at such places as the president and directors may deem expedient.

Election of  
seven directors;  
when.

Their qualifi-  
cations.

Manner of  
conducting  
elections

Directors to  
choose a  
president.  
Term.

Secretary  
and treasurer.  
Term.

Bond of  
treasurer.

Quorum.

Chairman  
pro tem

Vacancies;  
how filled.

Meetings of  
Board;  
where held.

Their  
powers.

SECTION 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 every annual meeting of the stockholders to be held thereafter, as aforesaid, they shall elect seven 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 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 as aforesaid, and until their successors shall be duly appointed, unless sooner removed for a 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 transacting 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.

SECTION 6, *And be it further enacted as aforesaid,* That the said president and directors shall hold their meetings at Lowe's Cross Roads, 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, business 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 salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and take bond from them or any of them, with security for the faithful performance of their duties, or contracts, to procure such ma-

## OF CORPORATIONS.

terials, 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, raise the capital stock and funds of the said company, and to bind by their contracts under the seal of their 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, 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 shall be authorized to do.

Raise the capital stock.  
Bind all property of the company.

Certificates of stock.

SECTION 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 installments, forfeitures and penalties due or to become due thereon, as the original subscriber would have been.

Certificates of stock to be issued to each subscriber.

Assignable : how.

Rights and liabilities of assignees.

SECTION 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 installments on each share by them subscribed, as the same shall be, respectively, called in, pursuant to the public notice and call of the directors ; and if any subscriber shall omit, for thirty days after any such call, to pay any such installment at the time and place appointed in said notice, he shall pay, in addition to the installment, 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 installments 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 re-

Penalty for delay in paying installments due on shares.

Forfeiture : when.  
Suits for penalty.

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Proviso.

Stockholders  
disqualified  
to vote :  
when.

covered 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 shares any installments shall have been due and payable more than thirty days previous to such election or meeting, and are still unpaid at that time.

Board to de-  
clare divi-  
dends ;  
when.

SECTION 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, to report, and to exhibit to them, a full and correct statement of the proceedings and affairs of the company for that year.

Annual Re-  
port.

Railroad au-  
thorized.

Termini.

May con-  
nect with  
certain other  
Railroads ;  
when.

SECTION 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 from any point on the Maryland and Delaware line, near the village of Delmar, to any point on the Breakwater and Frankford railroad, at or near the town of Millsborough, and to connect or unite the same with the Delaware Railroad, at Delmar, with the assent of the Delaware Railroad Company, and also with the Eastern Shore Railroad at the Maryland and Delaware line, with the assent of the Eastern Shore Railroad Company, and with the Breakwater and Frankford Railroad at Millsborough, with the assent of the Breakwater and Frankford Railroad Company, upon such terms and conditions, as shall be agreed upon between the companies aforesaid, to be reduced to writing and authenticated under the seals of the said companies, and also to unite this said railroad with any other railroads which may hereafter be constructed in this State, or in the State of Maryland, upon such terms and conditions as may be agreed upon between the companies uniting or connecting, to be authenticated in like manner.

Condemna-  
tion proceed-  
ings.

Application  
to Superior  
Court.  
Notice.

SECTION 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 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

## OF CORPORATIONS.

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 freeholders shall be sworn or affirmed before some judge or justice of the peace 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 Sussex 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; 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.

Freeholders to assess the damages.

Sworn.

Notice.

Report.

Ad quod damnum.

Damages; how paid.

Title.

Fees.

SECTION 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 railroad shall intersect any farm, to provide and keep in repair a suitable passage across the said railroad for the use of the said farm.

Duty as to public road crossings.

Private crossings for farms.

SECTION 13. *And be it further enacted as aforesaid,* 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 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.

Willful injury to Railroad.

Civil action for double damages. Misdemean. or Fine.

## OF CORPORATIONS.

Failure to  
elect officers,  
not to dis-  
solve the  
corporation.

Another  
election.  
Notice.

Vacancies  
filled by the  
Governor.

State tax to  
be paid :  
when, how.

Public act.

Charter per-  
petual.  
Revocable.

SECTION 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 afterward, 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.

SECTION 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 six per centum per annum.

SECTION 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.

*Passed at Dover, March 7, 1877.*

## CHAPTER 437.

## RAILROADS.

AN ACT to organize the Maryland and Delaware Railroad after foreclosure and sale, by that or some other name that may, hereafter, be adopted, and to incorporate the same into a body politic.

Preamble,

WHEREAS, a decree for the foreclosure and sale of the Maryland and Delaware Railroad, a corporation created by the laws

## OF CORPORATIONS.

of the States of Maryland and Delaware, has been obtained from the Circuit Court of Talbot County, in equity, of the State of Maryland, for that part of the road in Maryland, and whereas, suit has been instituted in the United States Circuit Court for the District of Delaware for the foreclosure and sale of said railroad in the State of Delaware ; 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 thereof concurring.)* That the purchaser or purchasers of the Maryland and Delaware railroad, and his or their associates, when the same shall have been sold, shall, upon the confirmation of such sale, or the execution of the deed or deeds purporting to convey the property so sold, become a body politic and corporate, in fact and in law, by the name of the aforesaid corporation, or such other name as they may thereafter adopt, and shall be deemed and considered the stockholders of the capital stock of such new body politic and corporate, and shall become entitled to and vested with all the corporate rights, liberties, privileges, immunities, powers and franchises of and concerning the said railroad so sold, as fully as the same were held, exercised and enjoyed by said corporation before such sale, and it shall and may be lawful for the said body politic and corporate at any time within one year after such sale and conveyance, to organize themselves as a corporation under such name as they may vote to adopt, by electing a Board of directors of not less than five nor more than thirteen, to serve until their successors shall have been duly chosen and elected, and by the appointment of a president who shall be a director, and such other officers as they may deem necessary, and such Board of directors are authorized to fix the capital stock of such new corporation at an amount not exceeding the estimated cost of said railroad and equipments when completed, together with such lands as said corporation may acquire, and to issue certificates of the capital stock of such corporation and to distribute the same ; also, whenever deemed expedient, to issue bonds and to secure the payment thereof, by mortgage or deed of trust of the property, lands and income and franchises of said company.

SECTION 2, *And be it enacted,* That it shall be the duty of such new corporation, within six months after its said organization, to make a certificate thereof under its common seal, at tested by the signature of its president, specifying its corporate name, the date of such organization, and the name of its president and directors, and cause said certificate to be recorded in the office of the recorder of deeds, in and for Kent county,

Purchasers  
of the Mary-  
land and  
Delaware  
Railroad to  
be incorpora-  
ted.

Name.

What to be  
vested in  
same.

Organiza-  
tion ; when.

Officers.

President.

Board of  
Directors.  
Their  
powers.

Certificates  
of stock.

Issue bonds  
secured by  
mortgage,  
&c.

Certificate  
of organiza-  
tion.

When and  
how made.

Where re-  
corded.



## OF CORPORATIONS.

Evidence of, what. and such record shall be evidence of the corporate existence of said corporation in all the courts of law and equity within this State, and evidence of the due performance of everything required by this act to be done to constitute and complete the organization of said corporation.

Time of holding meetings and elections to be fixed.  
Notice; how given.  
State reserves right of taxation.

SECTION 3, *And be it enacted*, That the body politic and corporation is hereby authorized to fix, by its by-laws, the time for holding its annual and special meetings of stockholders, and for the election of directors at such annual meetings, *provided*, however, that at least twenty days' notice of the time and place for holding said meetings shall first be given by publication in one newspaper printed in the county through which said railroad passes, and provided further, that nothing in this act shall release said corporation, when organized, from taxation as other railroad corporations are taxed in this State.

Act to take effect, when.

SECTION 4. *And be it enacted*, That this act shall take effect from the date of its passage.

*Passed at Dover, March 7, 1877.*

## CHAPTER 438.

## RAILROADS.

AN ACT in relation to the Wilmington City Railway Company.

Volume 12, 478.  
Chapter 458, of volume 12, not to apply.  
Company exempted from passenger tax.

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 to raise revenue for this State," passed at Dover, August 11, 1864, shall be deemed and taken not to apply to the Wilmington City Railway Company, but the said company shall be exempt from the said act, notwithstanding they may use steam power for propelling their cars.

*Passed at Dover, March 12, 1877.*

## OF CORPORATIONS.

## CHAPTER 439.

## RAILROADS.

A further additional supplement to the act entitled "An act to incorporate Vol. 9, 17.  
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 of the Legislature concurring,)*

SECTION 1. That the corporation created by the act to which this is a supplement, shall have full power to purchase and hold such real estate within this State, either on the line of its roads or any of its branches, or any other roads connecting therewith, as may be, by its directors, deemed necessary for the business purposes of the said corporation or any of its works.

*Passed at Dover, March 20, 1877.*

## CHAPTER 440.

## RAILROADS.

AN ACT providing for the consolidation of the Junction and Breakwater Railroad Company, and the Breakwater and Frankford Railroad Company with each other, and with other railroad companies in Maryland and Virginia.

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 General Assembly concurring therein,)* That it shall and may be lawful for the directors of the Junction and Breakwater Railroad Company, and the directors of the Breakwater and Frankford Railroad Company, corporations created by this State, to enter into a joint agreement under the corporate seal of each company, for the consolidation of said companies and railroads, and prescribing

Joint agree-  
ment for con-  
solidation of  
companies  
authorized.

## OF CORPORATIONS.

Its provisions.

Separate meetings of stockholders of respective companies to consider said agreement.

Notice of time and place; how given.

Manner of voting on agreement  
Vote necessary to adopt.

How certified.

Agreement; where recorded.

Conclusive evidence of what.  
What shall be evidence of corporate existence of consolidated corporation.

Effect of such consolidation.

the terms and conditions thereof, the mode of carrying the same into effect, the name of the consolidated corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said companies into that of the consolidated corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization, and the consolidation of said companies or railroads. Said agreement shall be submitted to the stockholders of each of the said companies or corporations at a meeting thereof, called, separately, for the purpose of taking the same into consideration, due notice of the time and place of holding such meeting and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names the capital stock of said companies stands on the books thereof, and delivered to such persons, respectively, or sent to them by mail when their postoffice address is known to the company, and also by a general notice published for, at least, two weeks in one newspaper in each of the counties of Sussex and Kent, and at the said meeting of stockholders the agreement of the said directors shall be considered, and a vote, by ballot, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies under the seal thereof, and the agreement so adopted, or a certified copy thereof, shall be recorded in the office of the recorder of deeds in each of the counties aforesaid, and shall from thence be deemed and taken to be the agreement and act of consolidation of the said companies, and shall also be conclusive evidence of the due performance of all acts necessary to such consolidation, and a copy of the record of said agreement and act of consolidation duly certified by the recorder of deeds in either of said counties under his seal of office, shall be evidence of the corporate existence of said consolidated corporation.

SECTION 2. Upon the making and perfecting the agreement and act of consolidation as provided in the preceding section, and recording the same as aforesaid, the aforesaid corporations, parties thereto, shall be deemed and taken to be one corporation by the name provided in said agreement and act,

## OF CORPORATIONS.

possessing within this State all the rights, powers, immunities, privileges and franchises, including the power to borrow money and secure the same by bond and mortgage of all its property and franchises, and subject to all the restrictions, disabilities, liabilities and duties of each of such corporations so consolidated.

SECTION 3. Upon the consummation of said act of consolidation as aforesaid, all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all the property, real, personal and mixed, and all debts due on whatsoever account, as well as of stock subscriptions and other things in action, belonging to each of such corporations, shall be taken and deemed to be transferred to and vested in such consolidated corporation without further act or deed, and all property, all rights of way, and all and every other interest shall be as effectually the property of the consolidated corporation as they were of the respective corporations so consolidated, and the title to real estate, either by deed or otherwise, under the laws of this State, vested in either of such corporations, shall not be deemed to revert or be in any way impaired by reason of this act, provided that all rights of creditors and all liens upon the property of either of said corporations, shall be preserved unimpaired, and the respective corporations may be deemed to continue in existence to preserve the same, and all debts, liabilities and duties, public or private, of either of said companies, shall thenceforth attach to said consolidated corporation and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Further effect.  
All rights, franchises, property &c., of respective corporations to vest in consolidated corporation without further transfer.

Their real estate not to revert.

Debts and liens to be preserved against them; how.

What liabilities &c., of theirs to attach to consolidated corporation.

SECTION 4. Such consolidated company shall, as soon as convenient after such consolidation, establish such offices as may be desirable, one of which shall be at some point in this State, on the line of its road, and may change the same at pleasure, giving public notice thereof in some newspaper published on the line of said road.

Consolidated company to establish offices.

(One to be in Delaware.

SECTION 5. Suits may be brought and maintained against such consolidated company in any of the courts of this State, for all causes of action, in the same manner as against other railroad companies herein. If, at the time of the consolidation of said two corporations under the provisions of this act, there shall be pending against either of them, any action, suit or proceeding at law, or in equity, the consolidated corporation may be made a party to such action, suit or proceeding, that is to say, as a plaintiff or complainant, by motion to the

Suits against consolidated company.

Suits against the respective corporations consolidated.

How consolidated company may be made party thereto.

## OF CORPORATIONS.

Effect

court, and as a defendant or respondents by a *scire facias*, to be issued at the suit of the adverse party or parties, and upon said consolidated corporation being so made a party, the action, suit, or proceeding shall proceed as if such consolidated corporation were an original party, and the court shall have full power to make such order or decree, or to render such judgment, as to right and justice shall appertain.

Consolidated company to be subject to tax laws of State.

SECTION 6. The road of said consolidated company, and all its real estate and other property, shall be subject to like taxation, and assessed in the same manner and with like effect as property of other railroad companies within this State.

When stockholders of either company consolidated may petition to court to have damages estimated by appraisers.

SECTION 7. Any stockholder of either of the two companies hereby authorized to consolidate, who shall refuse to convert his stock into the stock of the consolidated company, may, at any time within thirty after the adoption of the said agreement of consolidation by the stockholders, as in this act provided, apply by petition to the Superior Court of the county in which the chief office of said company may be kept, or to a judge of said court in vacation, if no such court sits within said period, on reasonable notice to said company, to appoint three disinterested persons to estimate the damage, if any, done to such stockholder by said proposed consolidation, and whose award or that of a majority of them when confirmed by the said court, shall be final and conclusive, and the persons so appointed shall also appraise said stock of such stockholder at the full market value thereof, without regard to any depreciation or appreciation in consequence of the said consolidation, and the said company may, at its election, either pay to the said stockholder the amount of damages so found and awarded, if any, or the value of the stock so ascertained and determined, and upon the payment of the value of the stock as aforesaid, the said stockholder shall transfer the stock so held by him to said company to be disposed of by the directors of said company, or to be retained for the benefit of the remaining stockholders, and in case the value of said stock as aforesaid is not so paid within thirty days from the filing of the said award and confirmation by said court, and notice to said company, the damages so found and confirmed shall be a judgment against said company, and collected as other judgments in said court are by law recoverable.

Notice of application.

Award final.

Value of stock shall also be appraised; how.

Consolidated company may pay damages, or appraised value of stock.

When said stock shall be transferred to said company.

When and how said damages shall be secured and recovered against company.

SECTION 8. That it shall and may be lawful for "The Junction and Breakwater Railroad Company," and "The Breakwater and Frankford Railroad Company," corporations created by this State, to consolidate their capital stock, franchises

## OF CORPORATIONS.

and property with each other, as hereinbefore provided, so as to form one company, and it shall and may be lawful for the said companies at the same time, or for the corporation formed by the said consolidation of the said two companies at any subsequent time, to consolidate the capital stock, franchises and property of the said two companies, or of the corporation formed by their consolidation as aforesaid, with the capital stock, franchises and property of the Worcester Railroad Company, "a corporation created by the State of Maryland, and it shall and may be lawful for the said three companies at the same time, or for the corporation formed by the said consolidation of the said three companies at any subsequent time, to consolidate the capital stock, franchises and property of the said three companies, or the corporation formed by their consolidation, as aforesaid, with the capital stock, franchises and property of any railroad company created by the State of Virginia having now or at that time, authority to effect a like consolidation, and whose road shall form a connected or continuous line of railroad with the road of the said "The Worcester Railroad Company," any such consolidation may be made and effected in the mode hereinbefore prescribed for the consolidation of "The Junction and Breakwater Railroad Company" and "The Breakwater and Frankford Railroad Company" mentioned in the preceding sections of this act, and shall have the same effect, and shall be subject to all the restrictions, conditions and provisions hereinbefore contained, whether in regard to the preservation of the rights of creditors and liens, the power of taxation, the remedy for objecting stockholders, or otherwise howsoever; and all and every the provisions of this act regulating the mode, operation, effect and consequence of the consolidation of companies or corporations in the preceding sections of this act shall apply to and be in force in regard to any consolidation provided for by this section, and to any corporation that may be formed thereby.

The said two consolidated companies may consolidate their stock, franchises and property with that of the Worcester Railroad company of Maryland.

And the said three consolidated companies may also consolidate similarly with any Railroad company of Virginia; when.

Mode of effecting such consolidations.

Effect.

Provisions of preceding sections applicable to such consolidations.

SECTION 9. That nothing in this act contained shall, in anywise, affect the validity or impair the lien of the mortgages which this State holds against "The Junction and Breakwater Railroad Company," and "The Breakwater and Frankford Railroad Company."

This act shall not impair the lien of certain mortgages held by State.

*Passed at Dover, March 20, 1877.*

## OF CORPORATIONS.

## CHAPTER 44I.

## RAILROADS.

Volume 11, 365. A further additional supplement to the act entitled "An Act to Incorporate the Junction and Breakwater Railroad Company."

When company may occupy and use certain portions of Rehoboth Bay and lands thereon belonging to State

Certain structures may be constructed thereon. Proviso.

Navigation not to be obstructed unnecessarily.

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 whenever the Junction and Breakwater Railroad Company shall survey, locate and construct a branch road from any point on the present railroad of the said company at or near Lewes, to any point on the Rehoboth bay at or near Rehoboth city, in Sussex county, it shall be lawful for said company to enter upon and occupy any portion of said Rehoboth bay, or any shore, cape or marsh thereof, the property whereof is in this State, 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 said Rehoboth bay.

When company may occupy and use certain land between Rehoboth Bay and the Atlantic Ocean.

Proviso  
Not to exceed 50 acres  
Nor interfere with any existing landing.

Company to have survey and plot made of lands occupied under this act. To be returned where.

SECTION 2. *And be it further enacted,* That as soon as the Junction and Breakwater Railroad Company shall have surveyed, located and constructed a branch road, as authorized in the foregoing section, it shall be lawful for said company to enter upon and occupy any portion of the land lying between Rehoboth bay and the Atlantic ocean, the property whereof is in this State, and to hold, use, occupy and enjoy the same. *Provided,* that the land so entered upon, occupied, held, used and enjoyed, shall not exceed fifty acres, and that this act shall not interfere with or affect, in any manner, the rights of the people to any landing now in existence on said bay.

SECTION 3. *And be it further enacted,* That the said railroad company, as soon as may be, shall cause a survey and a plot of the land authorized to be entered upon, held and enjoyed by this act, to be made and returned in the office of recorder of deeds in and for Sussex county.

*Passed at Dover, March 22, 1877.*

## OF CORPORATIONS.

## CHAPTER 442.

## TURNPIKES.

AN ACT to repeal chapter 64, volume 4, Delaware Statutes, incorporating  
 "The Wilmington Turnpike Company." Volume 4,  
196.

WHEREAS, the Wilmington Turnpike, from the number of  
 adjacent public roads, railroads, and other causes beyond the  
 control of the corporation, has become a burden to the stock-  
 holders, and is of little public utility. Preamble.

And whereas, it is considered that the public good and private interests alike will be best promoted by converting said turnpike into a free public highway; And whereas, Such is the desire of said, The Wilmington Turnpike Company; now, 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 thereof concurring therein,)*

SECTION 1. That the act entitled "An Act to incorporate a company for making a Turnpike road from the borough of Wilmington to the line between this State and Pennsylvania, or to communicate with the artificial road contemplated from the Gap to Newport," together with all amendments, additions and supplements thereto, be and the same are hereby repealed, made null and void. Chapter 64,  
of volume 4,  
and all  
amend-  
ments and  
supplements  
thereto, re-  
pealed.

SECTION 2. That the road now used and controlled by the said company, lying partly in the limits of the city of Wilmington, and partly in the hundreds of Christiana and Mill Creek, in New Castle county, is hereby declared to be a public road and highway, and as such, shall be maintained, repaired, managed and controlled as other roads and streets now are, in said hundreds and city, respectively. *Provided*, that the Levy Court of said county may maintain such of the bridges on said road, as it may deem proper. Certain road  
declared a  
public road  
and high-  
way.  
Location.  
How to be  
maintained.  
Proviso.  
Bridges.

SECTION 3. That the said company shall make, execute and deliver any and all writings, papers and instruments, and do and perform every act, matter, and thing, that properly may be necessary to secure said city and hundreds the use and control of said road, at the proper cost and charge of said city and hundreds, respectively, and for that purpose shall have continuance until the same is effected. Said city and hundreds Company to  
do all acts  
necessary to  
convey said  
road.  
Costs; how  
borne.  
To have con-  
tinuance for  
such pur-  
pose.



## OF CORPORATIONS.

Liability for debts, &c., of company. shall, in no wise, be liable for any of the debts, contracts or engagements of said company.

Certificate of acceptance of this act. SECTION 4. That the said company shall, within three months after the passage of this act, certify to the Governor its acceptance of this act, or it shall be void. The certificate of such acceptance shall be under the hand of the president and secretary of the company, with the corporate seal affixed.

How and to whom made.

Act to take effect: when. This act shall take effect on the twenty-fifth day of March, eighteen hundred and seventy-seven, provided such certificate of acceptance is then filed, if not, then upon the filing of such certificate.

Proviso.

*Passed at Dover, February 9, 1877.*

## CHAPTER 443.

## OF THE CITY OF WILMINGTON.

AN ACT to amend the charter of the city of Wilmington.

Amended Code 1874, 404.

City constables to have the same powers as county constables 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 concurring.)* That the high constable of the city of Wilmington and other city constables shall possess like powers within the county of New Castle as are possessed by the constables of the said county.

*Passed at Dover, March 6, 1877.*

## OF CORPORATIONS.

## CHAPTER 444.

## OF THE CITY OF WILMINGTON.

AN ACT to confirm an ordinance of the city of Wilmington, vacating parts of Walnut, Spruce and Second streets.

WHEREAS, the city council of Wilmington, on the fifteenth day of February, A. D. one thousand eight hundred and seventy-seven, passed an ordinance entitled "An ordinance vacating parts of Walnut, Spruce and Second streets," which is in the words following, to wit : Preamble.

*Be it ordained by the City Council of Wilmington,*

SECTION 1. That Walnut street, between Front street and Water street, Spruce street, between Robinson street and Front street, and Second street, between Pine street and Church streets, as the same are laid down on the plan of the said city, be and the same are hereby vacated, any law or ordinance to the contrary notwithstanding to and for the following intent, uses and purposes, to wit: the occupation and erection thereon by the Philadelphia, Wilmington and Baltimore Railroad Company, of a suitable building or buildings for a depot round-house and other purposes incident to, and necessary for, the accommodation of said The Philadelphia, Wilmington and Baltimore Railroad Company in this city.

SECTION 2. *And be it further ordained,* That the General Assembly of the State of Delaware, be and the same is hereby respectfully requested to pass, at its present session, an act confirming and establishing the first section of this ordinance.

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

SECTION 1. That the first section of the ordinance of the city of Wilmington as hereinbefore recited, be and the same is hereby approved, confirmed and established, and that such parts of the said streets thereby declared vacated, shall be, and remain, vacated. A certain ordinance vacating certain streets approved and ratified.

*Passed at Dover, March 8, 1877.*

## OF CORPORATIONS.

## CHAPTER 445.

## OF THE CITY OF WILMINGTON.

Volume 11, 181. A further supplement to the act entitled "An act to regulate the building of wharves in the city of Wilmington," passed at Dover, February 6, 1855.

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

Volume 13, 463. SECTION 1. That the vacancy occasioned by the death of William Thatcher, a member of the commission created by an act of the General Assembly, passed at Dover, April 9, 1869, be filled by the appointment of William G. Gibbons, and that the commission shall have power to fill any vacancy that may hereafter occur in their body.

Vacancy filled.

Future vacancies; how filled.

*Passed at Dover, March 9, 1877.*

## CHAPTER 446.

## OF THE CITY OF WILMINGTON.

Amended Code, 1874, 404. AN ACT to amend chapter 73 of the Revised Statutes of the State of Delaware, entitled "Of the City of Wilmington."

*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.)*

Section 13, chapter 73, of Rev. Code, amended. SECTION 1. That section 13, chapter 73, of the Revised Statutes of the State of Delaware, entitled "Of the City of Wilmington," be and the same is hereby amended by striking out of said section all between the word "Ward," in the thirteenth line, and the word "all," in the fifteenth line of said section and inserting in lieu thereof, these words: "and the part of said city east of Market street and west of Poplar street between Sixth street and the Brandywine river, shall be the Sixth ward, and by striking out of same section all between

Boundaries of 6th ward.

## OF CORPORATIONS.

the word "Ward," in the eighteenth line, and the word "and," in the twentieth line of said section, and inserting in lieu thereof, these words: "all the part of said city east of Poplar street and between Sixth street and the Brandywine river, shall be the Eighth Ward." Boundaries of 8th ward.

SECTION 2. That section 14 of said chapter 73, be and the same is hereby repealed and the following inserted in lieu thereof: Section 14. For the purpose of holding elections for city, State and county officers in Wilmington hundred, the said hundred shall be divided into fifteen election districts, as follows: The First ward, as now defined and bounded, shall form the first election district; the Second ward, as now defined and bounded, the second district; that portion of the Third ward being east of Washington street, the third district; that portion of the Third ward being west of Washington street, the fourth district; that portion of the Fourth ward being west of Poplar street, the fifth district; that portion of the Fourth ward being east of Poplar street, the sixth district; that portion of the Fifth ward being east of Washington street, the seventh district; that portion of the Fifth ward being west of Washington street, the eighth election district; that portion of the Sixth ward (as described in section 1, of this act,) being between Sixth and Ninth streets, the ninth district; that portion of the Sixth ward (as described in section 1, of this act,) between Ninth street and the Brandywine river, the tenth district; that portion of the Seventh ward being east of Franklin street, the eleventh district; that portion of the Seventh ward being west of Franklin street, the twelfth district; the Eighth ward, as bounded and described by section 1, of this act, the thirteenth district; the Ninth ward as now bounded, the fourteenth district; the Tenth ward, as now defined and bounded, the fifteenth district. Wherever a street is named as a boundary in the foregoing sections the centre thereof shall be understood. An election shall be held in each election district on the first Tuesday in September of the present year, (1877,) and on the same day in every year thereafter. The election shall be opened between the hours of eleven o'clock in the forenoon, and twelve o'clock, noon, and continue open until seven o'clock in the afternoon, when the same shall be closed. The place of holding such elections in each district shall be advertised by the inspector and assistant inspectors of election for said district, or any two of them, by advertisements posted in three or more public places in such district, at least, five days before the day of the election. The election in the first district shall be held at the house known as the "White Horse Tavern;" in the second district, Section 14, of said chapter 73, repealed and supplied. Fifteen election districts. Their boundaries. Annual elections. When held. Election hours. Election notice; how given. Voting places.

## OF CORPORATIONS.

at the house known as the "Felton House;" in the third district, at the northeast corner of Fifth and Orange streets; in the fourth district, at the northwest corner of Fourth and Madison streets; in the fifth district, at the most southern window of the City Hall looking into Market street; in the sixth district, at the southwest corner of Fifth and Spruce streets; in the seventh district, in the house known as the "Lafayette Hotel;" in the eighth district, at the southwest corner of Seventh and Madison streets; in the ninth district, at the southeast corner of Seventh and Market streets; in the tenth district, at the southwest corner of Fourteenth and King streets; in the eleventh district, at the southeast corner of Tenth and Orange streets; in the twelfth district, at the house known as the "Logan House;" in the thirteenth district, at the southwest corner of Seventh and Pine streets; in the fourteenth district, at the "Brandywine Academy;" in the fifteenth district, at the house now used as the voting place. When, for any reason, a place herein named cannot be procured for holding an election, it shall be held at such place in the district as may be appointed by the inspector and assistant inspectors, or any two of them.

Inspectors may appoint voting places; when.

Sections 3, 17, 18 and 24 of said chapter 73, amended.

SECTION 3. That the said chapter be further amended by striking out the word "Ward," in the fifth line of section 3, and in the second and fourth lines of section 17, and inserting in lieu thereof, the word "district," and by striking out the word "Wards," in the twelfth and fourteenth lines of said section 17, and inserting in their stead the word "districts," and by striking out the word "ward," in the second and fourth lines of section 18, and in the 20th line of section 24 of said chapter, and inserting in lieu thereof, the word "district."

Sections 20 and 21, of chapter 73, repealed and supplied.

Counting of votes.

Certificate of election; when and how made.

Certificates and ballots; how disposed of.

SECTION 4. *And be it further enacted*, That section 20 and section 21 of said chapter, be and the same are hereby repealed, and the following inserted in lieu thereof: Section 20. Upon closing the election, the inspector and assistant inspectors of election, of each district, shall count the votes cast in such district, depositing each ballot as it is counted in a box provided for that purpose; before separating they shall make a certificate under their hands or the hands of a majority of them, showing the persons elected as inspector and assistant inspectors of elections for such district, and also showing the state of the vote for mayor, city treasurer, president of council and member or members of council, setting forth, particularly, the name of every person voted for the said offices, and the number of votes cast for each. The said certificate shall be sealed up by the officers making the same, as also the box containing the ballots, de-

## OF CORPORATIONS.

posited as aforesaid, and said certificate and box shall be safely delivered by the said officers, or one of them, to the clerk of the city council, in his office on the day following the day of election, before the hour of eleven o'clock in the forenoon, and for this purpose it shall be the duty of said clerk to be present in his office from the hour of eight o'clock, to the hour of eleven o'clock, of the forenoon of such day. If, in any district, there be no choice of inspector or assistant inspectors of elections by reason of two persons having an equal and the highest number of votes for the same office, the inspector shall have a casting vote, and the candidate for whom he shall give such casting vote shall be returned as elected. Duty of clerk of city council.

Section 21. The city council, at their next meeting after an election as aforesaid, shall examine the returns thereof and proclaim the persons elected. If there be no choice for mayor, city treasurer, president of council, or for a member or members of council in any of the wards, by reason of two candidates having an equal and the highest number of votes for either of said offices, the city council shall proceed to elect one of the said candidates to such office for which he is a candidate. Tie, and casting vote of inspector.

SECTION 5. *And be it further enacted*, That chapter 150 of the 15th volume, Delaware Laws, be and the same is hereby amended by striking out the words "a ward of said city," in the ninth line of section 1, of said chapter. and inserting in lieu thereof, these words: "the election district where the vote is offered." Returns examined. If tie vote for mayor, &c., city council to elect.

SECTION 6. The following named persons are hereby appointed the inspectors for the elections to be held in September of the present year (1877): Jacob Butz, inspector for the First District; Charles C. Jefferis, inspector for the Second District; William E. Woodward, inspector for the Third District; John G. Glatts, inspector for the Fourth District; William H. Brady, inspector for the Fifth District; James F. McGonigal, inspector for the Sixth District; E. H. Hoagland, inspector for the Seventh District; William W. Pritchett, inspector for the Eighth District; George H. Tindall, inspector for the Ninth District; H. H. Hawkins, inspector for the Tenth District; M. B. Stotsenburg, inspector for the Eleventh District; John Flannagan, inspector for the Twelfth District; George W. Hepbron, inspector for the Thirteenth District; F. C. Gallagher, inspector for the Fourteenth District; Henry Witsil, inspector for the Fifteenth District. Each of the said inspectors shall appoint two assistant inspectors in his respective district, one of whom shall be of the adverse party to himself, and the place of holding said election in each dis- Inspectors for September election 1877. To appoint assistant inspectors. Place of election; notice of.

## OF CORPORATIONS.

Officers of  
election  
Regulations.

trict shall be advertised in the manner prescribed in a former section of this act. The said inspectors, and assistant inspectors by them appointed, shall be the officers of said election, and hold the same under and subject to all the rules and regulations prescribed by law in reference to the annual city election.

Two mem-  
bers of  
council to be  
elected in 6th  
and 8th  
wards, re-  
spectively,  
at next elec-  
tion.  
Terms.  
How elected  
after present  
year.  
Terms of  
present  
members  
from said  
wards;  
when to ex-  
pire.

SECTION 7. *And be it further enacted*, That at the city election to be held in the present year, (1877,) there shall be elected in the sixth and eighth wards, (as defined in Section 1, of this act,) two members of council for each of said wards, one member in each ward to hold office until the city election in the year 1878, and the other until the city election in the year 1879, and at the city election to be held in each year after the present year, (1877,) there shall be elected in each of the said wards, one member of the city council, each member, so elected, to hold for the term of two years, as is now provided by law for the election of members of council, for the several wards of the city. The members of council now in office from the sixth and eighth wards, shall hold until the annual city election of the present year, (1877,) when the terms for which they were respectively elected or appointed, shall at once expire, and all their authority and powers, respectively, be hereby revoked, and shall thereupon cease to exist and to be exercised by them.

General  
and all other  
elections;  
where held.

SECTION 8. At the said places named in section 2, of this act, shall be held the general election, all special elections for members of the General Assembly and representative or representatives in Congress, elections for electors of President and Vice-President of the United States, and elections for assessors of the said hundred, and for inspectors of said election districts.

Not to ap-  
ply to Board  
of Educa-  
tion.  
Existing  
laws to ap-  
ply thereto.  
Exception,  
volume 14,  
54  
Inspectors  
to hold elec-  
tion for  
members of  
said Board;  
how appoint-  
ed.

SECTION 9. That the several provisions of the foregoing sections shall not be held to apply to election of members of the Board of Public Education, that the laws and regulations in force previous to the passage of this act shall be applicable thereto, except so far that instead of the Inspectors and Assistant Inspectors of the city election, holding said election as now required, by section 2, of chapter 43, of the 14th volume Delaware Laws, the city council shall appoint the Inspectors and Assistant Inspectors for that purpose.

Inconsistent  
laws repea-  
led.

SECTION 10. *And be it further enacted*, That so much of the charter of the city of Wilmington, or of any law or regulation as is inconsistent with the several foregoing sections of this act is hereby repealed and made null and void.

*Passed at Dover, March 15, 1877.*

## OF CORPORATIONS.

## CHAPTER 447.

## OF THE CITY OF WILMINGTON.

AN ACT in relation to taxation in certain parts of the city of Wilmington.

WHEREAS, All that portion of the Second, Sixth and Ninth wards, in the city of Wilmington, hereinafter described, is very sparsely inhabited, and has very few buildings thereon erected, and derives very little, if any, benefit from being included in the limits of the city.\* The said portion of the Second ward being described, as follows: Beginning in the centre line of the Wilmington and Western railroad, on the south-easterly side of the Christiana river, thence with the centre line of said railroad in a south-easterly direction to the line of the west side of French street, thence with the said side of French street in a north-easterly direction, to the south-west side of the Christiana river, thence down the same and binding thereon, to the westerly side of Church street, thence with the said side of Church street, south-westerly to the centre line of the said Wilmington and Western railroad, thence with the centre line of said railroad to the easterly side of Heald street, thence with said side of Heald street, south-westerly, to the north-easterly side of D street, thence by the said side of D street, south-easterly, to the north-westerly side of Goodman street, thence by the said side of Goodman street, north-easterly, to the easterly side of Christiana Avenue, thence by said side of said Avenue, to the southerly side of Commerce street, thence by said side of Commerce street, easterly, to the Christiana river, thence down the said Christiana river and binding thereon, to its mouth at the river Delaware, and thence down the Delaware river and binding thereon, in a southerly direction, to the city line, thence with said city line in a north-westerly direction, to the south-easterly side of the Christiana river, thence down the Christiana river and binding thereon, to the place of beginning. The said portion of the Sixth ward being described as follows: Beginning at a point in the centre line of Eighth street, extended at the distance of seven hundred and fifty-nine feet eight inches easterly from the centre of Buttonwood street, thence north, twenty-one degrees and fifteen minutes, east, one hundred and fifty-two feet eight inches, to the southerly bank of the Brandywine creek, thence down said creek and binding thereon, to its mouth at the Christiana river, thence up the said Christiana river and binding thereon, to a point which bears from the first mentioned point or place of beginning, south, twenty-one degrees and

\* So enrolled.



## OF CORPORATIONS.

fifteen minutes west, thence with the said bearing reversed, (north twenty-one degrees and fifteen minutes east,) to the place of beginning. The said portion of the Ninth ward being described as follows : Beginning at a point on the north-easterly side of Brandywine creek and in the south-easterly side of Washington street, thence north-easterly, by the said side of Washington street, to the south-westerly side of Twenty-sixth street, thence with the said side of Twenty-sixth street, south-easterly to the north-westerly side of Jessup street, thence south-westerly by the said side of Jessup street, to the south-westerly side of Vandever avenue, thence by the said side of Vandever avenue, south-easterly, to the division line between the lands of Jessup & Moore and lands late of Wm. Thatcher, deceased, thence with said division line, south-westerly, to the Brandywine creek, thence down said creek and binding thereon, to the north-easterly side of Fourteenth street, thence by said side of Fourteenth street, south-easterly, to the north-westerly side of Thatcher street, thence north-easterly, by the said side of Thatcher street, to the south-westerly side of Vandever avenue, thence south-easterly, by the said side of said avenue to the Philadelphia, Wilmington and Baltimore railroad, thence in a southerly direction by the several courses of the old marsh lane to Shell-pot dam at Brandywine creek, thence down the Brandywine creek by the several courses thereof, to the Christiana river, thence down the Christiana river and binding thereon, to its mouth, at the river Delaware, thence up the Delaware river, in a northerly direction to the city line, thence by the said city line, in a westerly and south-westerly direction, to the north-easterly side of Brandywine creek, and thence down the said Brandywine creek, by the several courses thereof, to the place of beginning.

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 thereof concurring herein.)*

City and School tax in certain parts of the city to be but one half of general rates.

SECTION 1. That the Mayor and Council of Wilmington shall, by the city council, after the assessment has been made, in each year for city and school purposes, of the persons and estates in the said parts of the Second, Sixth and Ninth wards, levy and collect from the said persons and estates, taxes for both city and school purposes, in full of all taxes at a rate not exceeding one-half of the rate levied on persons and estates in the remaining parts of the said city.

Act to take effect : when.  
In force, how long.

SECTION 2. *Be it further enacted,* That this act shall take effect from the date of its passage and continue in force until the thirty-first day of December, A. D. eighteen hundred and eighty-six, and no longer.

*Passed at Dover March 15, 1877.*

## OF CORPORATIONS.

## CHAPTER 448.

## OF THE CITY OF WILMINGTON.

A further supplement to the act entitled "AN ACT to limit the city debt of Wilmington, and to provide for the discharge thereof." Volume 10,  
329.

*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,) :*

SECTION 1. That the Mayor and Council of Wilmington shall have power and authority, under an ordinance of the City Council, to be passed with a concurrence of two-thirds of all the members thereof, for the time being, at any time hereafter, to borrow a sum or sums of money not exceeding in the aggregate, two hundred thousand dollars, which shall be in addition to the present funded debt of the city, and shall be appropriated, applied and expended, or so much thereof as shall be necessary, for the following purposes and works: That is to say, for a new water reservoir and for improving the Water Works of said city, increasing and enlarging the conveniences for the supply of water to the said city, for laying water pipes along such streets of said city, and renewing old pipes already laid in other of such streets, which are now worn out or too small for use, as the city council may, from time to time, designate, for land, bricks, sleeves, caps, stops, stop-house and necessary adjuncts and appurtenances for a new reservoir, including fencing around the same, and for connecting the said new reservoir with the main pipe on Eleventh street, one hundred and fifty thousand dollars. To pay to the present floating and unfunded indebtedness incurred by and for "The Board of Public Education in Wilmington," fifty thousand dollars. Any sum borrowed under the authority of this act, shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and the principal shall be payable at such time or times, and in such manner as the ordinance shall prescribe. *Provided*, that any and all money borrowed under the authority of this act, and applied and expended for the erection and completion of a new water reservoir, for land, bricks, sleeves, caps, stops, stop-house and necessary adjuncts and appurtenances for a new reservoir, including fencing around the same, and for connecting the said new reservoir with the main pipe on Eleventh street, shall be borrowed by the said the Mayor and Council of Wilmington, at such times and in such amounts as the commissioners hereinafter provided for,

Borrowing  
of \$200,000  
authorized.  
  
Purposes  
for which it  
shall be ex-  
pended.  
  
New water  
reservoir,  
&c.  
  
Floating  
debt of  
Board of Ed-  
ucation.  
  
Interest not  
to exceed  
six percent.  
  
Provide.  
  
New reser-  
voir appro-  
priation.  
  
How bor-  
rowed and  
expended.

## OF CORPORATIONS.

Commissioners.

Their powers and duties.

Vacancies :  
how filled.

Compensation.

Report.  
File their accounts, &c.

Surplus to be  
placed to  
credit of  
water account.

shall direct, and shall be so applied and expended through and by said commissioners ; and John P. Allmond, James Bradford and Caesar A. Rodney, shall constitute, and they, and their successors are hereby declared to be commissioners, who, or a majority of whom, shall have the supervision, management, direction and control of and over the work and expenditure of money, as hereinbefore provided, and shall let the said work out by contract, in whole or in part in the discretion of said commissioners. All money borrowed as aforesaid, for the purposes hereinbefore named, shall be placed to the credit of the appropriation for Cool Spring Reservoir, and shall be paid out by the city treasurer of Wilmington only on orders drawn on him by the commissioners appointed as aforesaid. Any vacancy or vacancies in said commission shall be filled by the Governor of the State, from the citizens of said city of Wilmington. For their services in the premises, the said commissioners shall be paid by and receive of and from said city, such salary or compensation, as the city council of Wilmington may determine. The said commissioners shall, when requested, make report to said city council of their proceedings, and shall cause to be filed in the office of clerk of the city council aforesaid, all their accounts, bills, contracts, and other papers relating to the performance of the duties required of them under this act, and the same shall be kept in said clerk's office, as other city papers are kept.

SECTION 2. The surplus of any money borrowed under the authority of this act, which shall remain after the completion of the work to which it is hereby specifically appropriated, shall be placed to the credit of the water account of the city, and used for no other purpose whatever than in repairing or improving the City Water Works, or increasing or distributing the supply of water to the city.

*Passed at Dover, March 20, 1877.*

## OF CORPORATIONS.

## CHAPTER 449.

## OF THE CITY OF WILMINGTON.

AN ACT to further amend chapter 73 of the Revised Code, entitled, *Amended Code, 1874, 404.*  
 "Of the City of Wilmington."

*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,)*

SECTION 1. That chapter 73 of the Revised Statutes entitled "Of the City of Wilmington," as amended, be and the same is hereby further amended as follows : After the words, "to regulate party walls," and before the words, "to erect market houses," in the thirty-fourth line of section 27 of said chapter, as published in the Revised Statutes as amended in 1874, insert the words following, to wit : "To provide for the safety of the citizens, and for that purpose may prescribe the height, thickness of walls and materials of buildings, and the mode of erecting the same within said city, and may make provision for the enforcement of such regulations." *Section 27, of said chapter 73, Revised Code, amended.*

SECTION 2. Strike out all of section 47 of said chapter 73 after the word "section 47," and insert in lieu thereof, the following : "In any donations or appropriations to the fire companies of Wilmington, by the city council, the amount granted shall not exceed twenty-five hundred dollars to any one company, annually, except that said city council may grant an additional sum, not exceeding two hundred dollars, annually, to the Washington Fire Company for the hook and ladder apparatus of said company." *Section 47, of said chapter 73, stricken out and supplied. Donations to fire companies. Exception.*

SECTION 3. And be it further enacted by the authority aforesaid, that in all editions of the laws of this State hereafter to be published, the said chapter 73 shall be published as hereby amended. *Publication as amended.*

*Passed at Dover, March 20, 1877.*

## OF CORPORATIONS.

## CHAPTER 450.

## OF THE CITY OF WILMINGTON.

Vol. 11, 191. AN ACT to confirm and establish an Act entitled "An Act to provide a  
Volume 11, Sinking Fund for the payment of the city debt of Wilmington."  
287.

*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,)*

Chapters 186  
and 263 of  
volume 11,  
confirmed  
and extend-  
ed: how.

SECTION 1. That the provisions of the act entitled "An act to provide a sinking fund for the payment of the city debt of Wilmington," being chapter 186 of volume 11, Delaware Laws, and the supplement thereto, being chapter 263 of the same volume, be and the same are hereby confirmed, established, extended and considered, and held to apply to the payment of the whole debt of said city, as well that which may be incurred in the future, as that which has arisen in the past, except such debt of the city the payment of which shall have been, or may be otherwise, specifically provided for.

Exception.

*Passed at Dover, March 20, 1877.*

## CHAPTER 451.

## OF THE CITY OF WILMINGTON.

Amended  
Code, 1874,  
404.

AN ACT to further amend the charter of the city of Wilmington.

*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,*

City council  
to choose a  
board of as-  
sessment re-  
vision and  
appeals:  
when, how.  
Qualifica-  
tions

SECTION 1. That the city council of Wilmington shall, at its first stated meeting in the month of May, A. D. 1877, choose, by ballot, from the citizens of Wilmington having a right to vote at the city elections, and owners of real estate in the city to the assessed value of not less than one thousand dollars, three persons to constitute the Board of assessment, revision and appeals, for the city of Wilmington.

## OF CORPORATIONS.

The members of said board shall not be members of the city council, nor of the Board of Public Education in Wilmington. Immediately after their election, the members of the said Board shall draw lots for their respective terms of office. 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 May, A. D. 1878, and in every year thereafter, elect from the citizens, as aforesaid, one member of the Board of assessment, revisions and appeals, for the term of three years, and until a successor is elected; *Provided* that the minority of the members of said council shall always be entitled to have and elect one of the members of said Board of the same political party as themselves.

Who disqualified.

Allotment of terms.

Duration.

One member to be elected annually; when.

Proviso. Political minority of council to elect one member of board.

Should any vacancy occur in the said Board by reason of the death, resignation or refusal to serve of any person or persons so chosen, or by reason of any other cause, such vacancy shall be filled by the city council for the unexpired portion of the term for which such election was or should have been made.

Vacancies: how filled.

SECTION 2. The said persons so chosen shall, during their term of office as aforesaid, constitute a Board of assessment, revision and appeals for the city of Wilmington. They shall, before entering upon the duties of their office, take an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Delaware, and to perform the duties of the office, to which they have been appointed, with fidelity.

Oath.

SECTION 3. The said Board of assessment, revision and appeals for the city of Wilmington, shall consist of three persons, chosen as aforesaid, a majority of whom shall determine and do any of the acts hereinafter mentioned. They shall exercise a general and supervisory power over the assessors and collectors for the city, and shall cause them to make a faithful, full, fair and complete assessment of all the property in their respective districts liable to taxation, as hereinafter provided. The said Board may adopt such rules and regulations as they may deem expedient, to produce fairness, equality and completeness of assessments, and shall have full power, at any time, to examine the assessments while the assessors and collectors are in progress of making them, and cause them to be conformed to such rules and regulations as the said Board may have adopted, in the premises.

Majority may act. Powers of board over assessors and collectors.

Make rules regulating assessments.

SECTION 4. There shall be elected at the city election, in the year 1877, and in every third year thereafter,

## OF CORPORATIONS.

**Election of city assessors and collectors: when, how.** two assessors and collectors for the city of Wilmington, for the term of three years each; one of whom shall reside in, and be voted for and elected, in and for that portion of the city north of Sixth street; the other one in and for that portion of the city which lies south of Sixth street. Whenever a street is named as a boundary, in this section, the centre thereof shall be understood. The assessors shall be, also, the collectors of the city for their respective districts, and as such shall give bonds as provided in section 24 of this act. A failure to elect by reason of two or more persons voted for for the office of assessor and collector, having a legal, and at the same time the highest, number of votes for such office, shall be deemed a failure to hold an election as to such officer.

**Assessors to be also collectors.**

**Bond.**

**Tie vote.**

**Effect.**

**Qualifications.** SECTION 5. No person shall be elected an assessor and collector as aforesaid, who shall not have been, for at least six months before his election, the owner of a freehold estate within the said 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.

**Assessment to be completed: when.** SECTION 6. The city assessment for tax shall be completed by the second day of April of each year, and the taxes collected by the thirty-first day of December in the succeeding year, to which time the authority of an assessor and collector, whose term of office has otherwise expired, may extend for the purpose of collecting outstanding amounts; and for any amounts remaining upon his duplicate, uncollected, at that time, and not sufficiently accounted for and allowed for errors, delinquencies or otherwise, by the finance committee of the city council, the said assessor and collector and his sureties, may be held accountable upon their bond.

**Taxes to be collected: when.**

**Out-going officer's term extended: when.**

**Liability.**

**Property exempt from taxation.** SECTION 7. All real estate within the said 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, real estate owned and used for charitable purposes by the associations known as the "Trustees of the Home for Friendless and Destitute Children in the city of Wilmington," "Home for Aged Women," and "Sisters of Charity," and buildings owned and occupied by fire companies. The assessment of real estate shall be made according to a certain rate in and upon every hundred dollars of the estimated value of the property assessed, if sold for cash, and so *pro rata*. The real estate shall be described with sufficient particularity to be

**Manner of assessing real estate.**

## OF CORPORATIONS.

clearly identified, the principal improvements thereon, if any, to be also specified. Real estate, the owner or owners of which cannot be found or ascertained, may be assessed to "Owner Unknown." Every freeman above the age of twenty-one years shall be rated for a capitation or poll-tax in addition to the assessments of his real estate, at a capital not exceeding two thousand dollars, nor less than one hundred dollars.

SECTION 8. The assessors and collectors shall complete the assessment for the said city, in each year, by the second day of April, on or before which day they shall deliver the same to the said Board of assessment, revision and appeals for the city of Wilmington. The Board, upon receiving such assessment, shall forthwith examine it, with power to revise, alter or add any assessment, on or before the twentieth day of April, following. 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 in 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 appointed by this act for the sitting of said Board for appeals; such notice shall be continued until the time for sitting of said Board for appeals, as aforesaid.

SECTION 9. On the first day of May, (or if that be Sunday, then on the day following,) the said Board shall sit to hear appeals from assessments, and shall continue to sit for that purpose for thirty successive days, or for so long as may be necessary to adjudge appeals. Upon appeals, the said Board shall have power to alter any assessments, and to make additional assessments, and to determine and to do what ever may appertain to justice and right. Appeals may be filed in writing in the clerk's office, or made directly to the said Board. 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 assessors and collectors, may be assessed by the said board, 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 said Board 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 said Board at any time before the tenth day of August, after the assessments shall be completed, upon the application of any person who was

Poll tax.

Assessment  
to be delivered to  
board :  
when.To be filed :  
when.  
Notice.Sessions of  
board ;  
when, how  
long.

Powers.

Appeals.

Additions to  
assessment  
list.Proviso.  
Unassessed  
real estate.  
Notice :  
how given.Further  
proviso.  
Additions to  
poll list :  
when.



## OF CORPORATIONS.

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 assessments 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 city council, and necessary additions shall be made to the lists provided for in section 11 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 of council.

Assessment  
books.

School as-  
sessment.

SECTION 10. To the end that the sums necessary to be raised for 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 city tax, the said board shall, as soon as the city assessments shall have been completed, as aforesaid, and before the thirtieth 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 :

How made.

The assessment of real estate within the city shall be taken from the assessment of real estate on the city assessment, and the assessment of personal estates and persons, to wit, stock, plate, 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 or particulars. No appeals shall be taken from the assessment 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 said Board may assess such person for personal property, and rate him for a capitation or poll tax on the school assessment as to law and right shall appertain, giving to such person due notice and opportunity to be heard. The school assessments shall not include the persons or estates of colored persons.

Colored  
persons not  
subject to  
school tax.

Board to lay  
assessments  
before city  
council.

Duties and  
powers of  
council.  
Tax for city  
purposes.

SECTION 11. The assessments being so settled as aforesaid, the said Board shall, on or before the thirtieth day of June, lay the same before the city council of Wilmington, who 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

## OF CORPORATIONS.

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, "include" the sum necessary to be raised for the use of the public schools in said city by taxation during the year last aforesaid, 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 for each district of the city, 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 lists, with the warrant of the council to collect the taxes thereon, being signed by the president of the council and countersigned by the clerk, shall be delivered to the said assessors and collectors, respectively, on or before the thirtieth day of June.

For school purposes.

Tax lists ;  
how made.

Warrant.

When delivered.

SECTION 12. At the request of any person paying a tax which has been assessed upon his person or property, the assessor and collector shall make out and deliver to him a bill showing, in addition to the amount of 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. 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.

Tax bills to be given to tax payers what to specify.

Assessment books, &c., to be open to inspection.

SECTION 13. The city council shall have power, by ordinance, to enjoin upon the clerk of council and the assessors and collectors, any duties 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 ordinances as aforesaid.

Council may enjoin further duties.

How enforced

SECTION 14. Upon the delivery to an assessor and collec-

## OF CORPORATIONS.

**Liability for collection of tax.** tor of such list, with the warrant of the council to collect such taxes, he and his sureties, his and their executors and administrators, 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.

**Payment of taxes.** **SECTION 15.** The taxes, assessed as aforesaid, shall be payable during the month of July. The assessors and collectors, in receiving the taxes assessed, as aforesaid, shall make an abatement from the amount of tax assessed against any person or estate, of five per centum of all such taxes as shall be fully paid during the month of July, as aforesaid. All taxes due and not so paid during the month of July shall be collected in full, and all taxes unpaid on the day next after the day of the city election, shall be increased by the addition of five per centum to the amount thereof.

**Abatement.**

**Addition.**

**When council may appoint person to collect residue of unpaid taxes.** **SECTION 16.** If any assessor and collector die, or remove from the said city or district in and for which he shall have been elected as aforesaid, or become incapable of performing his duties, the city council may, upon petition by the sureties of such assessor and 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 required by this act, from the original assessor and collector. And, thereupon, such other person so appointed, and his sureties, his and their executors and administrators, shall become responsible for the uncollected taxes, subject to allowances as herein provided. Such appointment shall not discharge the sureties of the first assessor and collector from any part of their original responsibility, but all sums collected by the substituted assessor and collector shall be credited to him. All the powers, duties, and liabilities of the first assessor and collector, shall devolve upon the substituted assessor and collector, and his executors and administrators, upon final settlement with the finance committee, as herein provided. The said committee shall make a just apportionment between the original assessor and collector, or his representatives, and the substituted assessor and collector of the compensation allowed for the collection of taxes.

**Bond.**

**Liability.**

**Compensation.**

**How apportioned.**

**Lien of taxes.** **SECTION 17.** That all taxes for city and school purposes which may, hereafter, be lawfully assessed on real estate in the

## OF CORPORATIONS.

city of Wilmington, shall constitute a prior lien thereon from their said assessment until the "thirty-first day of December in the succeeding year," and may, with all incidental costs and expenses, be levied by sale thereof as hereinafter provided. The said lien shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility, which the real estate may become charged with, or liable to, from and after the passing of this act. In case any dilatory or adverse legal proceedings, by or on behalf of any delinquent taxable against said assessor and collector, or against the Mayor and Council of Wilmington, should delay or prevent the collection of the tax beyond the thirty-first day of December, in the succeeding year after its assessment, the lien of such tax on the real estate therein provided, shall continue and be extended for a period of six months after the termination of such dilatory or adverse proceedings, or for so much thereof as may be necessary to complete the collection of said tax, as provided for in section 18 of this act.

Priority.

Lien extended; when and how long.

SECTION 18. If any person, assessed as aforesaid, shall neglect or refuse to pay the sum which any assessor and collector shall be required to collect from him, or any part thereof, for ten days after demand made, the said assessor and 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 assessor and collector, the said tax may be collected from, or levied upon, the goods and chattels 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 of persons having the care of such grounds, buildings, or estate, and the receipt of the assessor and 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 or persons, 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

Proceedings for collection of taxes.

Distress and sale: when.

Levy upon tenant; when.

Tax due from minors and absent persons.

## OF CORPORATIONS.

person, or if the owner or owners, or other proper person or persons, having the care and charge over any real estate assessed and described as belonging to "owner unknown," as aforesaid, cannot be found, the assessor and collector shall make and deliver to the solicitor for said city, a certificate of the facts under oath or affirmation, together with a brief description in case of the real estate on which said tax shall have been assessed, and the name or names of the person (if known) against whom as owners of said real estate, said tax has been assessed; and the said solicitor shall file the said certificate in the office of the Prothonotary of the Superior Court of New Castle county, and judgment shall be entered therein in favor of "The Mayor and Council of Wilmington," on said described real estate, and against the said owner or owners thereof, if known, and a writ of *levari facias* shall forthwith be issued thereon, by virtue of which it shall be the duty of the sheriff of said county to advertise and sell the said real estate upon which said taxes have been assessed, under like proceedings as by law are required in the sale of lands and tenements under execution process, and make return thereof to the next regular term of the said Superior Court, after the issuing of said writ; and the court may inquire into the circumstances and regularity of the proceedings, and either approve the sale or set it aside. If the Court approve of said sale, the sheriff shall make a deed to the purchaser or purchasers, which shall convey all the interest and property in and to the real estate so sold. If the sale be set aside and the said tax be still a lien on said real estate, the Court may order another sale, and so on until the tax be collected. Such disposal of the surplus proceeds of said sale shall be made by the Court as may be deemed just. No sale shall be approved if the owner be ready at court to pay the taxes and costs; and no deed shall be made until the expiration of two years from the time of sale, within which time the owner or owners, his or their heirs, executors or administrators, shall have power to redeem the said real estate so sold, on payment to the purchaser or purchasers, his or their heirs, or assigns, the amount of the purchase money and costs, and twenty per cent. interest. Proceedings for redeeming land so sold as aforesaid, shall be by petition to the said Superior Court, and the said Court shall have full power to make all proper rules and orders thereon. If no such grounds, buildings or estate be found, the assessor and 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 costs, be paid, or such person be legally discharged. All

Judgment in Superior Court for tax due: when and how obtained.

How executed.

Sale of real estate.

Title.

Re-sale: when. Surplus.

Deed: when made.

Redemption of such real estate: when.

Proceedings.

Imprisonment for taxes: when.

## OF CORPORATIONS.

the powers herein vested in an assessor and collector, shall devolve upon, and be exercised by his executors and administrators, except in cases where a substitute shall be appointed, as provided in section 16 of this act. On the first Saturday of September in each year, the assessors and collectors shall advertise in two of the daily newspapers of the city of Wilmington, a full list of the persons whose taxes, as aforesaid, for the preceding year are at that date unpaid, together with a brief description of the real estate taxed, and shall, within two weeks thereafter, make and deliver the certificates, required by this section, to the Solicitor for said city, for all such taxes assessed on real estate, as aforesaid, which shall not then have been paid.

Powers to pass to executors of assessors and collectors.  
Exception. Delinquent list to be published when, how.

Certificates to city solicitor.

SECTION 19. It shall be the duty of the said assessors and collectors, on demand and tender of fees, to furnish certificates under their hands and the seal of said city, of all such taxes which are a lien on real estate, in their respective districts. The fee shall be twenty-five cents for each certificate. The duties required of the assessors and collectors under this section, shall be one of their obligations covered by the conditions in their official bonds.

Certificates of liens; when.

Fee.

SECTION 20. Every assessor and collector shall pay to the city treasurer, or make such deposits in bank to the credit of "The Mayor and Council of Wilmington," of the sums he shall, from time to time, collect, at such times and in such manner as the city council may, by ordinance, direct.

Collections; how deposited.

SECTION 21. Every assessor and collector shall appear before the finance committee at such time or times and place as they shall appoint, and produce to them the list of taxes, as aforesaid, together with his receipts for payments to the treasurer, or certificates of deposit as aforesaid, and thereupon the said committee shall ascertain and determine whether, after a just allowance for errors, delinquencies or otherwise, any and what sum is due and unpaid from such assessor and 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 assessor and collector, and the other to the city treasurer. If, by such certificates, any balance appears to be due and unpaid to the city, the assessor and collector shall pay the same within fifteen days thereafter, and if such balance be not so paid, the city treasurer shall certify the fact to the city solicitor, who shall, forthwith, take legal process for the collection of the same from the assessor and collector, and his sureties.

Settlement with Finance committee.

Certificates; how delivered.

Proceedings for collection of unpaid balance.

## OF CORPORATIONS.

Salaries of Board and assessors and collectors.

SECTION 22. The salaries or compensation of the members of the said Board, and of the said assessors and collectors, shall be established and regulated by the said city council, and paid upon warrants authorized by the said council, to be drawn on the treasury of said city.

Board may examine city plan.

SECTION 23. The said Board shall have full power to examine the books of plans of the said city in the office of the chief engineer and surveyor of said city.

Oath of assessors and collectors.

SECTION 24. Each of the said assessors and collectors shall, before entering upon the duties of his office, take an oath or affirmation similar to that hereinbefore prescribed to be taken by the members of the said board of assessment, revision and appeals, and shall give bond to "The Mayor and Council of Wilmington," with freehold security to be approved by the mayor and president of city council, in the amount to be determined by the council, conditioned for the faithful assessment of his district and collection of the taxes assessed therein, and for the faithful performance of all the other duties of his office that may be prescribed by the said council, and with a warrant of attorney for the confession of judgment thereto attached. Such bonds must be given by the assessors and collectors within five days after their election.

Bond.

When provisions of act shall take effect, respectively.

SECTION 25. So much of this act as relates to the appointment of persons to constitute the said Board of assessment, revision and appeals, shall take effect on the first day of May, A. D. 1877, and the remaining provisions of said act shall take effect on the first day of September, A. D. 1877. *Provided*, however, that all taxes assessed or levied, or that may be assessed or levied in said city, for and during the year 1877, shall be assessed, revised and collected by the person or persons and in the manner provided by existing laws relating thereto; and all the said taxes shall be collected by the fifteenth day of June, A. D. 1878, to which time the authority of the present assessors and collectors is hereby extended for the purpose of collecting the same. They shall have all the powers for that purpose that are now conferred upon them by the charter of the said city, and for any amounts remaining upon the duplicates of either of the present collectors uncollected on the said fifteenth day of June 1878, and not sufficiently accounted for and allowed for errors, delinquencies or otherwise, by the finance committee of the said city council, the said assessor and collector and his sureties, may be held accountable upon their bond. After the said fifteenth day of June, A. D. 1878, all acts and parts of acts inconsistent with the provisions of this act, shall be repealed and become null and void.

Proviso.

Assessment of 1877 subject to existing laws.

Powers of present assessors and collectors extended; purpose.

Inconsistent laws void; when.

## OF CORPORATIONS.

SECTION 26. That it shall not be within the power of the city council of the said city of Wilmington to open and extend West street in the direction of the Christiana river, further than its present terminus, as laid down and fixed by the ground plot or map of the said city, to wit, the line of an old street now vacated, called Dock street, or beyond a point in said West street, in the direction of the said Christiana river, distant five hundred and twelve feet from the centre-stone at the intersection of Front and West streets.

Extension of  
West street  
prohibited.

SECTION 27. *And be it further enacted*, that all portions of chapter 521, volume 14, Laws of Delaware, or of any other act of the General Assembly of the said State, authorizing the assessment of property for the purpose of purchasing, laying, enlarging or extending water-pipes in the city of Wilmington, is hereby repealed, and from the passage of this act, the cost of laying all water-pipes in said city shall be paid out of the fund authorized to be appropriated for the improvement of the water-works of said city of Wilmington, and should that sum be insufficient for that purpose the cost of the aforesaid water-pipes shall be paid by general taxation.

Vol. 14, 570.  
The provisions of all laws for assessing upon property the cost of laying water pipes, repealed.  
How such costs shall be paid in future.

*Passed at Dover, March 21, 1877.*

## CHAPTER 452.

## OF THE CITY OF WILMINGTON.

A supplement to the act entitled "An act to further amend the charter of the City of Wilmington." Current vol. 552.

*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 herein,)*

SECTION 1. Amend section 27 of the act entitled "An act to further amend the charter of the city of Wilmington," passed at Dover, March 21, 1877, by adding thereto the following: *Provided*, that nothing herein contained shall be construed or held in any manner to effect, impair, or annul the

Section 27, of  
"chapter 451  
current vol.  
ume, amended.  
Proviso



## OF CORPORATIONS.

Volume 14,  
570.  
Certain as-  
sessments,  
liens and  
remedies, /or  
taxes not to  
be impaired.

validity of any assessment heretofore lawfully made against any property in the city of Wilmington, under said chapter 521, of volume 14, Laws of Delaware, or the payment of the same, but that any and all such assessment, and liens for taxes so lawfully made at and before the time of the passage of this act, together with any and all remedies for the collection of the same, as provided for under said chapter 521, shall be and remain in full force and effect.

*Passed at Dover, March 22, 1877.*

## CHAPTER 453.

## OF THE CITY OF WILMINGTON.

Volume 14,  
54. AN ACT to amend an act entitled "An additional supplement to the act entitled an act for the benefit of public schools in Wilmington."

*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,)*

Section 2, of  
chapter 43, of  
volume 14,  
stricken out  
and supplied.

Board of  
public educa-  
tion in Wil-  
mington.

Number.  
Qualifica-  
tions: how  
chosen.

Member of  
council di-  
qualified for  
membership  
of board.

SECTION 1. That chapter 43, of volume 14, Delaware Laws, entitled an additional supplement to the act entitled "An act for the benefit of public schools in Wilmington," be and the same is hereby amended as follows, to wit: Strike out all of the second section of said chapter after the words "section 2" and in lieu thereof insert the words following: "On and after the first Saturday of April, in the year of our Lord one thousand eight hundred and seventy seven, the Board of Public Education in Wilmington, aforesaid, shall be composed of two members from each of the wards in the city of Wilmington, said members must be freeholders in said city, be qualified voters in the ward for which they are chosen, and they shall be chosen by ballot by the inhabitants of the ward who shall have been assessed for and paid the school tax for the city of Wilmington for the preceding year, and who shall be otherwise qualified to vote at all city elections: A plurality of votes shall elect. No member of the city council shall be a member of the Board of Education. The Board of Public

## OF CORPORATIONS.

Education shall appoint the place of holding the election in each ward and give notice thereof in the different newspapers published in the city of Wilmington for ten days previous to the time of said election, and also give, at least, four days notice of it by hand bills, under the name of the secretary of the Board, posted in four or more of the most public places in the ward. The election of members of the Board shall be held on the first Saturday of May, in the year of our Lord one thousand eight hundred and seventy-seven, and on the first Saturday of May every year afterward, as hereinafter provided. The election shall be held in the afternoon, the polls opened at one o'clock, or within thirty minutes thereafter, and close at seven o'clock. The inspector and assistant inspectors of the city election, in their respective wards, shall hold the election of members of the Board of Public Education, in the respective wards, and if they refuse, or are not at the place of election at the time of opening the polls, the voters present shall, by plurality, without ballot, choose an officer for holding the election in place of the one or more refusing, or not present. The officers holding the election shall, before opening the election, each take an oath or affirmation as follows: I, ———, do solemnly swear (or affirm) that in holding the election this day for a member or members of the Board of Public Education, I will faithfully and impartially discharge my duty and make true certificates thereof and deliver the same according to law, so help me God: or, (so I solemnly affirm.) The inspector is authorized to administer this oath or affirmation to the assistants, and either of them to him, or to each other. Within two days after any election, the certificates of it shall be delivered under the hands of the officers holding the election, to wit: One to the secretary of the Board, and one to the member elect, which certificates shall be made out and signed by the officers holding the election, immediately after counting the votes; and within two days after such election, shall deliver one of said certificates to the secretary of the Board and one to the member elect.\* The board shall be the judge of the election of its members. At the election of members of the Board on the first Saturday of May, in the year of our Lord one thousand eight hundred and seventy-seven, only members shall be chosen in the several wards to fill vacancies that may exist in the board for the terms of one or of two years, respectively. At the election in every year after the year one thousand eight hundred and seventy-seven, one member shall be chosen in each ward whose term of office shall be two years. Moving out of the ward vacates the office of the member. All

Elections;  
place.  
Notice of;  
how given.

When held.

Hours.

By whom  
held.

Oath of elec-  
tion officers.

By whom  
adminis-  
tered.

Certificates  
of election.

Board to  
Judge of elec-  
tion of its  
members.  
At election  
in present  
year certain  
vacancies on-  
ly to be filled.

Thereafter  
one member  
in each ward  
to be elected  
annually.  
Term.  
Vacancies.

\* So enrolled.

## OF CORPORATIONS.

Terms of  
certain mem-  
bers contin-  
ued.

vacancies shall be supplied by the board till the next election, when members shall be chosen to fill vacancies. Members of the board whose terms of office would expire on the first Saturday of April, are hereby continued in office until the first Saturday of May, following, unless the same be otherwise vacated, as herein provided."

Section 4,  
of said chap-  
ter 43, vol. 14  
amended.

SECTION 2. Strike out of Section 4 of said chapter, in the fourth line thereof, the word "mortgage."

Section 5, of  
same chapter  
stricken out  
and supplied.

Board to lay  
before city  
council an-  
nual esti-  
mates of rev-  
enues and  
expenses.

Board to  
make specific  
apportion-  
ment of ex-  
penditures.

No item to  
be exceeded.  
Exception.

Restrictions  
on powers  
of board.  
Borrowing  
money, &c.

Personal lia-  
bility.

Board to  
publish annu-  
al report.

Depute  
member to  
lay accounts,  
&c., before  
council.  
Settle with  
State Aud-  
itor.

SECTION 3. Strike out all of the fifth section of said chapter after the words "section 5", and in lieu thereof, insert the following: "The said Board shall, during the month of October in each year, cause to be prepared and laid before them, estimates of their probable revenue and expenses for the ensuing year, which estimates they shall lay before the city council on or before the first day of the month of November, following. The said Board, early in January in each year, after the city council shall have made the appropriation for the use of the public schools for that year, as hereinafter mentioned, shall make appropriations for their expenditures for that year, based, as nearly as may be, upon the estimates made by them in October, previous, and such apportionment or appropriations shall be specified and arranged under the heads or items designated in the said estimates. The expenditures of the year, under any head or item of appropriation, shall not exceed that item of appropriation unless the same be voted for by two-thirds, at least, of all the members of said Board, a record of which vote shall be made upon the minutes. The said board shall have no power or authority to borrow money or contract or create any debt or liability except ordinary debts and liabilities incurred in executing the duties imposed on them by law to be paid out of the said appropriation by council and the receipts of the year for the time then current and if the said debts and liabilities shall not be so paid the same shall bind personally those members of said board who shall have voted in the affirmative when the order or proceeding under which the debt or liability arose was passed or had making them jointly and severally responsible therefor. The said Board shall, during the month of January in each year, cause to be published in two newspapers of the city of Wilmington, a full report of their accounts and proceeding during the past year, setting forth aggregates under appropriate heads. They shall also depute one of their members to attend with and lay their accounts and vouchers before the city council at the next regular meeting following such publication, and also to settle with the State Auditor.

## OF CORPORATIONS.

SECTION 4. Strike out all of the sixth section of said chapter, after the words "section 6," and in lieu thereof, insert the following: "The city council shall, every year when determining the amount necessary to be raised on the persons and estates in the city, for public use, also include the sum necessary to be raised on the persons and estates for executing the foregoing provisions, *provided* that the amount to be raised for school taxes, as aforesaid, in any one year, shall not exceed thirty per centum of the whole amount to be raised by taxation for city and school purposes for that year. The amount collected for school purposes shall be paid into the city treasury as other taxes are paid. At the time of making the annual appropriations for public use, as herein provided, the city council shall also make an appropriation for school purposes equal in amount to that annually computed and laid before said city council by the "Board of Public Education in Wilmington," *Provided*, that the sum so computed and appropriated shall not exceed thirty per centum of the whole amount to be raised for city and school purposes for that year, and *provided*, further, that any demand made by the Board upon the city council shall not exceed sixty-five thousand dollars for the year 1877, and the increase shall not be greater than four per centum for 1878, nor more than 3 per centum additional on the amount of any one year after the year 1878. The amount of the appropriation for school purposes so made by the city council in January for the year then current, shall be paid in full by the city treasurer upon orders drawn by the aforesaid Board, under the hand of the president and attested by the secretary. The city treasurer and his sureties shall be responsible for his faithful payment of all sums that shall thus come to his hands, and such shall be the legal effect of the security by him given as such treasurer, both as to himself and his sureties, and the city council shall make any requisite and proper order and appropriation.

SECTION 5. No member of the board of education shall, directly or indirectly, be concerned or interested in, pecuniarily or otherwise, any bid, order or contract made to, with, by, or for, said board.

*Passed at Dover, March 22, 1877.*

Section 6, of said chapter 43, stricken out and supplied.

Council to include in city assessment, the sum to be raised for school purposes.

Proviso. Restriction of amount. School tax paid into city treasury.

City council required to appropriate, annually, for school purposes, according to computation of Board.

Proviso. Restriction.

Further proviso.

Limitation of sum to be demanded, annually, by Board.

How paid.

Liability of city treasurer.

Certain contracts, &c., unlawful for member of Board.

## OF CORPORATIONS.

## CHAPTER 454.

## OF THE CITY OF NEW CASTLE.

Current vol- AN ACT to amend chapter 152, volume 15, Laws of Delaware, entitled  
ume, 255. "An act to incorporate the City of New Castle."

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

Section 18,  
chap. 152,  
current vol-  
ume amend-  
ed.

SECTION 1. That section 18, chapter 152, [of Current Volume,] Laws of Delaware, be and the same is hereby amended by inserting between the words "required" and "and," in the thirty-seventh line of said section, the following words, to wit: "including the sum necessary to be raised for the use of the public schools, according to a computation to be laid before the city council by the Board of Education, agreeably to the provisions of section 6, chapter 54, volume 15, Laws of Delaware."

Current vol-  
ume 98.

*Passed at Dover, March 6, 1877.*

## CHAPTER 455.

## OF THE CITY OF NEW CASTLE.

Current, vol-  
ume 255.

AN ACT to further amend chapter 152, volume 15, Laws of Delaware, entitled "An act to incorporate the City of New Castle."

*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,)*

Five council-  
men to be  
elected the  
present year.

Their terms;  
how allot-  
ted.

SECTION 1. That at the election to be held for members of council of said city, on the second Tuesday of April, A. D. eighteen hundred and seventy-seven, there shall be five persons chosen to fill said office, who shall hold office as follows: that is to say, at the first meeting of council after said election, the members chosen shall be divided into two classes, in

## OF CORPORATIONS.

a manner to be determined by themselves. The first class to hold office for one year, and to consist of two members, and the second class to hold office for two years, and to consist of three members. That at all other future annual elections there shall be elected two or three members, as the case may be, to fill the vacancies caused by the expiration of the terms of office as aforesaid, and the members so elected shall hold and continue in office for two years, or until their successors are chosen.

How elected  
at future  
elections.

SECTION 2. That chapter 152, volume 15, Laws of Delaware, be and the same is hereby amended, by adding to section 18, of said chapter, the following words, to wit: "The school assessment shall not include the persons or estates of colored persons."

Section 18,  
chapter 152,  
of current  
volume,  
amended.  
Colored persons not included in school assessment.

*Passed at Dover, March 15, 1877.*

## CHAPTER 456.

## OF THE TOWN OF MILTON.

AN ACT to amend an act entitled "An act to incorporate the town of Milton."

Volume 12,  
647.  
Volume 14,  
162.

*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,)*

SECTION 1. That so much of the third section of the act entitled "An act to incorporate the town of Milton," as is contained between the enacting clause of said section and the words "the said election" in the eighth line of the same, be and the same are\* hereby stricken out, and following inserted in lieu thereof.

Section 3, of  
chapter 365,  
volume 12,  
amended.

"That on the first Saturday in March, A.D. 1877, and annually thereafter, there shall be held an election in the town of Milton, at the academy therein, between the hours of two and four o'clock P. M., for the election of commissioners who shall

Annual election of town commissioners: when and where held.

\* So enrolled.

## OF CORPORATIONS.

Qualifications. be residents of said town, and freeholders therein. That at the next election under this act, on the first Saturday in March next, there shall be elected nine commissioners, three for the term of three years, three for the term of two years, and three for the term of one year. The number of years for which each shall be voted for, shall be placed upon each ballot or it shall not be counted. That at each annual election hereafter, there shall be elected three commissioners to serve for the period of three years. In case of any vacancy occurring, the Board of Commissioners shall have power to fill the same until the next annual election, and in case of a tie vote in the election of commissioners, a new election may immediately be proceeded with, or the election may be adjourned for a period of not more than one week. In all cases of elections, a plurality shall elect."

First election.

Terms.

Subsequent elections.

Vacancies.

Tie vote.

Plurality to elect.

Section 4, of same chapter, amended.

SECTION 1. That section 4 of said act be amended by adding after the word "collection," in line 14, the following: "The said commissioners shall be allowed for their attendance at each of said meetings, a sum not exceeding one dollar."

Compensation.

Section 10, of same chapter, amended.

SECTION 3. That section 10, of said act be amended by adding after the word "oaths," in line 5, the following: "The said collector and treasurer shall, every year, before entering upon the performance of their duties, respectively give bond with surety to be approved by the commissioners of said town, in twice the amount likely to come into their hands."

Bond of collector and treasurer.

Sec. 12, of same chapter, amended.  
Book of annual accounts.

SECTION 4. That section 12, of said act be amended by adding after the word "commissioners," in line 3, the following: "And a book of accounts containing the amounts received and paid out during each year, which annual accounts shall be submitted by him to the voters of the said town at their regular March meeting, for revision and approval."

*Passed at Dover, February 7, 1877.*

## OF CORPORATIONS.

## CHAPTER 457.

## OF THE TOWN OF MIDDLETOWN.

AN ACT to amend an act entitled "AN ACT to incorporate the town of Middletown," Vol. 12, 49.

*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.)*

SECTION 1. That the act entitled "An Act to incorporate the town of Middletown," passed at Dover, February 12, 1861, be and the same is hereby amended, to wit: by striking out section 1, of said act, and inserting in lieu thereof, the following as and for the said section.

Section 1 of  
chap. 36,  
Vol. 12  
stricken out  
and supplied.

"SECTION 1. That an election shall be held in the town of Middletown, New Castle county, on the first Monday of March, next, from one o'clock till four o'clock in the afternoon, for five commissioners, an assessor, a treasurer, and an alderman. All the said officers shall be residents of the town, and three of the commissioners and the assessor shall be freeholders therein. The votes shall be received by the justice of the peace in said town, and the result of the balloting for said commissioners, assessor, treasurer and alderman, shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election. At such election every white male citizen of said town, who shall have attained the age of twenty-one years, and who shall have, within one year of said election, paid a town tax, which had been assessed within one year as aforesaid, shall have the right to vote. As soon as the election is closed, the votes shall be read and counted, and the person having the highest number of votes shall be declared duly elected. The assessor, treasurer and alderman, shall continue in office one year, or until their successors are duly elected. On the day following said election, the commissioners elect, shall meet at the office of the present town commissioners, and choose, by lot, three of their number to serve for one year, and two of their number to serve for two years, or until their successors are duly elected. And yearly thereafter, an election shall be held at the time and in the manner aforesaid, to choose three or two commissioners, as the case may be, to serve for two years, and also to fill any vacancies that may occur in said Board of commissioners, and an assessor, treasurer and alder, \*to serve for one year, or until their suc-

Town election; when and where held.  
Officers of town.  
Qualifications.

How held.

Who may vote.

Terms.  
When and how allotted.

Annual elections.

\*So enrolled.



## OF CORPORATIONS.

cessors are duly elected. Immediately after such election, the person or persons under whose supervision the election was 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, treasurer and alderman, and shall subscribe the same, and shall give to the commissioners, assessor, treasurer, and alderman elect, certificates of their election. The book containing such minutes shall be preserved by the commissioners, and shall be evidence."

Minute book of elections.

Election certificates.

Section 9, of said chapter 36, stricken out and supplied. Commissioners to require owners to do curbing, paving and guttering.

In case of refusal, commissioners to have same done.

How cost of same shall be collected.

Town treasurer to levy on and sell goods of owner.

To sell real estate; when

Notice; how given.

Title.

Lien.

SECTION 2. That the said act shall be, and is, hereby, further amended, to wit : by striking out section 9 of said act, and inserting in lieu thereof, the following as and for the said section : "Section 9. That the commissioners be and they are hereby authorized and required to direct, in writing, the owner or owners of any house or land in Middletown, in front of which they may deem proper that curbing, or pavement, or gutters, or all, should be made, to set curbing, lay pavement or make gutters of such length, width or depth (if gutters) as the said commissioners shall specify in such direction, and, if such owner or owners shall neglect or refuse, for the space of three months after being directed as aforesaid, to set such curb or lay such pavement, or make such gutters, either or all, it shall and may be lawful for said commissioners, and they are authorized and required, to cause such curb to be set, or pavements laid or gutters to be made, either or all, and the town treasurer shall immediately present to the said owner or owners or person having charge of such houses or lands, a bill for such paving, curbing or guttering, and if such bill be not paid within sixty days after the presentation thereof, then it shall be the duty of the said commissioners to issue a warrant, directed to the said treasurer, commanding him to levy the amount of the said bill with all the costs thereon, on the goods and chattels of such owner or owners, and sell the same at public auction on five days' notice to such owner or owners, or if no goods and chattels can be found within said town, sufficient to satisfy the said debt and costs, then to levy the same on the lands and buildings of said owner fronting on such street which said lands and buildings or any part thereof, shall be sold by the said treasurer upon ten days' notice served upon the said owner or upon the said premises, and published not less than twice in a newspaper of the county, and a deed from the said treasurer shall convey to the purchaser of such land or buildings, as full and complete title, in fee simple or otherwise, as if the same were executed by the owner thereof. The claim for paving, curbing or guttering shall be a lien on the premises in front of

## OF CORPORATIONS.

which said work was done, and shall have priority over any lien, incumbrance, or conveyance made or suffered by the owner or owners after the presentation of the bill as aforesaid. It shall be the duty of the treasurer, out of the purchase money of the said premises sold as aforesaid, to pay all costs arising from the said process and sale to the parties entitled thereto, and to retain for the use of the town the amount of the claim as aforesaid, and the residue of the said purchase money shall, immediately, be deposited in the Citizens' National Bank of Middletown, to the credit of the said owner or owners. If any pavement or gutter already made shall, at any time, be deemed, by the commissioners, an insufficient pavement or gutter, they shall have power, and are hereby required to direct in writing the owner or owners thereof to make a sufficient one, and upon neglect or refusal so to do for the space of three months, the said commissioners shall cause the same to be done, and recover the cost of doing the same in the manner hereinbefore prescribed in case of new pavement. Notice to one co-owner shall be notice to all, and in case no owner shall reside in the town, notice to the occupier shall be deemed a sufficient notice to the owner. The said commissioners may cause such sidewalks or portions thereof that are unpaved, to be covered with gravel or sand if they deem them not proper to be paved, and shall cause them to be put in good order for the convenience of the citizens of the town, and may put down flag stones 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."

Priority.

Costs.

Debt.

Surplus to be deposited how.

Insufficient pavements and gutters.

What shall be notice to owner.

Sidewalks.

Crossings.

Cost; how defrayed.

SECTION 3. That the said act shall be and is hereby further amended, to wit: By striking out section 10 of said act, and inserting in lieu thereof, the following as and for the said section. "Section 10. That the commissioners shall have power and authority to appoint a constable for said town, and may remove him at any time. Such constable shall be a citizen of New Castle county, and shall reside in said town. He shall have all the powers and authority, and perform all the duties in criminal cases that are conferred on, or required of, county constables, by the laws of this State. He shall also enforce all ordinances of the said town. It shall be the duty of the commissioners, and of any justice of the peace, or alderman, and of the said constable, and of any constable of the county residing in the said town, to suppress all riotous, disorderly, or noisy assemblages of persons in the streets, lanes, or alleys of the said town, at all times, and for this purpose it shall be the duty of said constables, upon the requisition of any one of the said commissioners, and without further war-

Section 10, of said chapter 36 stricken out and supplied.

Constable appointment and removal.

Powers and duties.

Suppression of unlawful assemblages.

## OF CORPORATIONS.

Fine and imprisonment.

Fees.

rant, forthwith to seize and arrest any person taking part in such assemblage, and to take such person before the justice of the peace, or alderman, residing in said town, and on conviction of such offence, the person convicted shall pay a fine of five dollars, or be imprisoned not more than five days, or until the fine and costs be paid. It shall be the duty of the said justice or alderman, upon complaint made before him, of any such riotous, disorderly, or noisy assemblages, as aforesaid, to issue his warrant to any constable residing in said town, commanding him to bring before him for trial, any person concerned in the same. Upon the conviction of every riotous or disorderly person, the justice and constable shall each be entitled to a fee of sixty cents, to be paid by the person convicted. For all other services connected with the execution of criminal process, the constable shall be entitled to the same fees, and shall be paid in the same manner, as other county constables are. In addition to the said fees, the commissioners may render to the said constable a fixed compensation to be paid out of the town treasury.

*Passed at Dover, February 20, 1877.*

## CHAPTER 458.

## OF THE TOWN OF LEWES.

Current volume 282.

AN ACT to amend chapter 159, current volume, Delaware Laws, entitled a supplement to an act entitled an act to incorporate the town of Lewes and for other purposes, passed at Dover March 10, 1875.

*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 therein,)*

Sec. 1, chap. 159, current vol., amended.

SECTION 1. That section 1 of chapter 159, current volume Delaware Laws, be and the same is hereby amended by striking out the words "six thousand" between the words "exceeding" and "dollars," in the sixth line of said section, and inserting in lieu thereof, the words "eight thousand five hundred."

## OF CORPORATIONS.

SECTION 2. *And be it further enacted*, That the words "one hundred and twenty" whenever they occur in said chapter 159 current volume, Delaware Laws, be and the same are hereby stricken out and the words "one hundred and seventy" inserted in lieu thereof. Said chapter further amended.

SECTION 3. *And be it further enacted*, That in any edition or compilation of the laws of the State hereafter published, the said supplement to which this is an amendment shall be printed and published as hereby amended, in all respects. Publication as amended.

*Passed at Dover, February 21, 1877.*

## CHAPTER 459.

## OF THE TOWN OF DOVER.

AN ACT re-incorporating the town of Dover.

Vol. 7, 453.  
Vol. 11, 97.  
Vol. 14, 124.

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

SECTION 1. The limits of the town of Dover shall be, and they are hereby declared to be, the same as marked and designated on the plot of said town made out by the commissioners under the act entitled "an act for establishing the boundaries of the town of Dover and for other purposes therein mentioned," passed at Dover, February 16, 1829, and as extended by 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," passed at Dover March 2, 1853, and the act entitled "a further supplement to the act entitled "an act in relation to the town of Dover," passed at Dover, March 2, 1871, and as they are further extended by the provisions of this act. Limits.

SECTION 2. The limits of the town of Dover are hereby extended as follows, to wit: Beginning at the gate-race of Shakespeare's mill pond and running westwardly and northwardly with the western line of said mill pond to a point in the Extended limits.

## OF CORPORATIONS.

northern line of Madison street, as the same is laid down on a plot of lots surveyed by William A. Atkinson in October 1869, and recorded in the recorder's office in and for Kent county, in book H, volume 5, page 132, and running thence with the said northern line of said Madison street, westwardly, to the western line of State street, extended thence southwardly with the said western line of State street extended to the line dividing the lands of J. Alexander Fulton and lands of "The Wilmington Conference Academy," and thence with the line dividing said lands westwardly, to a point where the western line of Governor's avenue extended would be intersected, thence with the said western line of Governor's avenue extended southwardly to the northern line of Division street, thence westwardly with the said northern line of Division street to a point three hundred feet west of the western line of the Delaware railroad, thence southwardly and parallel with West street, to the northern line of the road leading from Hazletville to the town of Dover, and thence easterly with the northern line of said road to the northern line of West street of said town, a point where the southern line of South street extended would be intersected, thence eastwardly with the said southern line of South street extended to the present western terminus of said South street.

Alderman ;  
when and  
how elected.

Term.  
Duties.

Powers.  
Jurisdiction

Proviso.  
Restrictions.

SECTION 3. The town council, at the meeting next after each annual election, as hereinafter provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, one of the justices of the peace, resident in said town, to be alderman of said town, to serve as such for one year, or until his successor is duly elected. It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all the orders and directions of the town council, made in pursuance of any law of this state, or of any ordinance that the said town council may legally make and establish. He shall have all the powers of a justice of the peace, within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offences in said town, so far as to arrest and hold to bail, or fine and imprison offenders, and all fines, forfeitures and penalties, which may be prescribed by any law of this state, or by any ordinance of the town council, regularly passed and established for the government of the town, and of all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk, or any other officer or person whose duty it may be to collect, receive, pay over or account for, any money belonging to said town, or to execute or obey any law or ordinance thereof. *Provided*, That he shall not impose any fine ex-

## OF CORPORATIONS.

ceeding ten dollars, or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. His fees for any service under this section shall be the same as those of a justice of the peace for a like service, the fee upon every conviction of a riotous, turbulent, drunken or disorderly person, under the provisions of this act, shall be one dollar, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council.

SECTION 4. On the first Monday in March next, there shall be an election held in the Levy Court room in Dover, for eight councilmen of the town of Dover, and one president of council, who shall be styled "The Council of the Town of Dover." Four of said council shall be elected for two years, and four for one year. There shall also be an election held at the place aforesaid, on the first Monday of March, A. D. 1878, for four councilmen to succeed those four elected for one year, as aforesaid, and to continue in office for two years, and there shall be an election held on the first Monday of March in each and every year after the year A. D. 1878, for four councilmen, who shall continue in office for two years, so that after the first election hereinbefore provided for, there shall be four councilmen elected at the election in each year for the term of two years. The councilmen shall be resident freeholders in said town at the time of their election; said election shall be opened at one o'clock and closed at four o'clock P. M. At such election every free male citizen residing in 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. In order that the councilmen shall be distributed over the said town, the following rule shall be observed in counting the votes for the persons voted for, to wit: The town shall be divided into four divisions, and two of the said councilmen shall be residents of each division. That portion of the town lying on the south of North street, shall be the first division; that portion of said town lying north of North street and east of State street, shall be the second division; that portion of said town north of North street and between State street and Governor's avenue, shall be the third division; and that portion of said town lying north of North street and west of Governor's avenue, the fourth division. Immediately after the election shall be closed, the votes shall be counted and the person or persons, as the case may be, resident in the respective divisions, having the highest number of votes, shall be elected. The election shall be held by the alderman, and two of the four members of council who hold over to be chosen by the council at the previous monthly meeting in February. The alder-

Fees.

First election for councilmen.

Terms.

Second election for councilmen.

Terms.

Annual elections for four councilmen; when.

Term.

Qualifications.

Who may vote.

Election districts.

Two councilmen from each.

Boundaries.

Elections: how conducted.

## OF CORPORATIONS.

man shall receive the ballots and deposit them in a box, to be prepared for that purpose, and the assisting councilman shall each keep a list of the voters voting. When the election shall be closed, the alderman or one of the assistants shall draw said tickets out of the box, open and read out the same, and pass the same over to one of the others for his inspection, while the third election officer shall tally the votes. The president of council shall be a resident and freeholder in said town at the time of his election. He shall be elected, annually, for one year, and at the same time and place provided for the election of councilmen and by the same persons, but he may reside in, and be chosen from, any portion of said town. In case of a tie of persons voted for, for either councilmen or president of council, the alderman may give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman-elect and to the president-elect, with a notice of the time and place of the next meeting of the town council. The councilmen and president-elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman or one of the councilmen holding over. The first election hereinbefore provided for, shall be held by the alderman and two of the present town commissioners, whose duty it is to hold said election. If, at any election, the alderman, or any of the persons whose duty it is to hold said election, should not be present for that purpose, at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the alderman or absent persons. A minute of each election, containing the names of the councilmen and president-elect, shall be entered immediately after said election, in a book to be provided for that purpose, and subscribed by the persons holding said election; said book shall be preserved by the town council, and shall be evidence.

**SECTION 5.** The duties of the president of council shall be to preside at the meetings of council, have the general supervision of all the streets, lanes, and alleys in said town, and of the persons who may be employed by the town council, receive complaints of nuisances, and other complaints of citizens of violation of laws and ordinances, and present the same to the council at their first meeting for their action, and such infractions or violations of the law or ordinances as require immediate action, to cause the same to be proceeded on before the alderman, and such other duties as may be prescribed by any ordinance of the town council.

**SECTION 6.** The councilmen to be elected, as hereinbefore

## OF CORPORATIONS.

provided for, and the president of council to be elected as aforesaid, shall be, and they are, hereby treated a body politic and corporate in law, and shall be able and capable to sue and be sued, plead and be impleaded, in all courts of this state by the corporate name of "The town of Dover," and may purchase, take, hold and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and may aliene, 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 purposes of this act. The president and councilmen for the time being, shall have the superintendence and oversight of all the roads and streets now open 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 council, which sum so appropriated shall be expended for that purpose and no other. The said council shall, through their treasurer, account to the Levy Court for the said money in the same manner as overseers of roads in said county. \*

Incorporation. Corporate name and powers.

Have oversight of roads and streets within limits,

Levy Court appropriation for repair of same.

SECTION 7. The town council shall have power, upon the application of ten or more citizens of the town, by petition, for that purpose, to locate, lay out, and open any new street or streets, or re-open any old street or streets now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened or re-opened, allowing to the persons, respectively, through or over whose grounds such street or streets may pass, 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 out of the moneys of said town, upon warrants drawn upon him by the council aforesaid.

Open streets; when.

Compensation to owners.

SECTION 8 Whenever the town council shall have proceeded to locate and lay out any 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 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 the 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

Notice to owners.



## OF CORPORATIONS.

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 town council, as aforesaid, he may, within ten days after receiving notice from the town council, as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the president of said council. In order to prosecute said appeal, such owner or owners, shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten days' notice to said president of council, make written application to the associate Judge of the Superior Court of this State, resident in Kent county, for the appointment of a commission to hear and determine the matter in controversy, and, thereupon, the said associate Judge shall issue a commission under his hand, directed to five freeholders of the said county, and not residing within the limits of the town of Dover, commanding them to hear and determine concerning the necessity of said street, or to assess the damages of the owners, or both, which the owners of real estate through or over whose grounds said street shall pass who shall have notified the said town council of their intention to appeal, may incur by reason thereof, 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 determine the necessity of opening said street and assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Judge, who shall deliver said return to the said town council, which shall be final and conclusive. The Judge shall have power to fill any vacancy in the commission. There shall be allowed the commissioners for their services, two dollars per day, to be paid by the town council. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from, the town during the said period of one month, then the same may be deposited to his or her credit in the Farmer's Bank, at Dover, within said time, and thereupon the said property or ground may be taken or occupied for the uses aforesaid. If, upon the application for an appeal by a person interested, the freeholders appointed to assess the damages shall not increase the damages of the person so applying, the costs of such appeal shall be paid by such person or persons so applying.

Appeal by owner.

Proceedings.

Commission appointed by judge.

To be sworn.

Return.

Conclusive. Vacancies.

Compensation. Damages: how paid.

Costs paid by appellant: when.

## OF CORPORATIONS.

SECTION 9. The town council shall have power to enact ordinances to preserve the health of the town and to prevent the introduction of infectious or contagious diseases for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf, hereinbefore contained, to regulate and fix the ascents and descents of all streets, lanes and alleys, to direct the paving of footways and to prescribe the width thereof, to regulate and provide for the making of gutters, and for curbing, wherever, in their opinion, such gutters and curbs may be necessary, to prescribe the extent of steps, porches, cellar doors and other inlets to lots and buildings, to regulate the construction and repairs of chimneys, to regulate the storage of gun-powder or any other dangerous or combustible matter. No person shall be obliged to pave any footway to a greater breadth than four feet in front of any vacant lot or lot not near or adjoining a dwelling house, and no grading, curbing or widening of side walks shall, after the same has once been established, be directed to be altered or changed, except upon the petition of a majority of the property owners holding land on such street or part of street intended to be improved, and in such case the whole or part of the expenses shall be assessed on the property holders whose premises lie along said street, in such proportions as said council shall deem just. The said council shall have power, also, by ordinance, to appoint a town surveyor to make a plot or map showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and, generally, all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

Powers of town council.

Preserve health of town.

Nuisances.

Streets.

Grades.

Paving.

Gutters and curbs.

Steps, porches, etc.

Gun powder.

Width of foot-ways.

No change of grade, &c.

Exception.

Expense thereof; how assessed.

Town surveyor. Map.

SECTION 10. Whenever the said town council shall have determined that any paving and curbing shall be done, or gutters cut, they shall notify the owners of the land in front of whose premises the same is to be, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause said paving, curbing or cutting of gutters to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and recover the costs thereof by distress and sale of the

Paving, curbing and gutters to be done by owners; when. Notice.

To be done by council; when. Costs; how recovered.

## OF CORPORATIONS.

What to be  
sufficient  
notice.

Enforcement  
by fines, etc.

Grading  
streets.

Damages.

Appeal by  
owner.  
How prose-  
cuted.

Duties of  
town officers.

Suppress un-  
lawful assem-  
blages.

Fine and  
imprison-  
ment.

goods and chattels, within the said town, of such owner so neglecting. The same rule shall apply to any order made in respect to any pavement, curb or gutter, heretofore made, which the council may deem insufficient. In case the owner of the premises does not reside in the town, notice to the occupier of the property shall be deemed sufficient, and notice to one co-proprietor shall be notice to all. And the said council shall have authority to enforce, by ordinance, all the requirements of the preceding section, by such fines and penalties as shall, in the judgment of said council, be necessary and proper.

SECTION 11. It shall be the duty of said council, in fixing and determining the grade of any street, to ascertain and assess the damages, if any, which any owner of real estate may sustain by reason of said grading, and to pay for the same as provided for the opening of streets, and if any such owner shall be dissatisfied with the amount allowed by the council, he or she may appeal from the determination or assessment of the council; said appeal shall be prosecuted in the same manner provided for appeals in the case of opening streets, and the council shall pay the amount so finally determined to be the damages, within one month from the ascertainment thereof on the appeal.

SECTION 12. It shall be the duty of the said alderman and town council, and of the constables of Kent county residing in said town, and of the town constables to suppress all riotous, turbulent, disorderly, or noisy assemblages or gathering of persons in the streets, lanes, squares or alleys of said town, at any time or season whatever, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry them before the alderman, whose duty it shall be to hear and determine the case, and upon conviction before him, said alderman shall sentence any such person, so convicted, to pay a fine, not exceeding five dollars, and may commit the party to prison for a period not more than five days, or until said fine and cost be paid. It shall be the duty of said alderman, upon complaint made before him, of any such riotous, turbulent, or noisy assemblages or gathering as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to bring any such person so offending as aforesaid, before him for trial. Any constable arresting any person offending as aforesaid, after the hour of ten o'clock at night, may take such person so arrested and deliver him into the custody of the keeper of the jail of Kent county to await a trial before the

## OF CORPORATIONS.

alderman, as aforesaid. It shall be the duty of the constables <sup>Arrest drunken persons.</sup> aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman, who shall proceed, forthwith, to hear and determine the case, and upon conviction before him he shall sentence such person in the same <sup>Punishment.</sup> manner and to the same punishment provided, in this section, for the punishment of persons brought before him for the violation\* of the offences there named. If, upon view of the person or persons who may be brought before the alderman for violations of this section, it shall appear to said alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may commit such person to the keeper of the jail of Kent county, to await a trial at a time by him to be fixed; such time shall, in no case, be more than twenty-four hours from the time of commitment, unless the expiration of said twenty-four hours would be on the Lord's day, and then not later than ten o'clock on Monday morning, following. The fee to the alderman for the trial of <sup>Fees</sup> any cause under this section, shall be fifty cents, and to the constable making the arrest, fifty cents. In case of commitment, the constable shall receive an additional fee of fifty cents, and the keeper of the jail shall be entitled to a like fee of fifty cents for each commitment, whether by a constable or by the alderman, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of their prisoners, said board to be paid by the council, out of any money in the treasury.

SECTION 13. The alderman, town council, and town constables shall have power and authority to suppress, extinguish and prevent all bon-fires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the letting off of fireworks, or the making and throwing of fire-balls within the limits of said town. <sup>Prohibit bon-fires, fireworks, etc.</sup>

SECTION 14. The said town council shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the town, at any regular monthly meeting. Such regular meetings shall be held on the first Monday evening of every month. They shall have, and are hereby vested with, authority to prescribe the fines or penalties for violations of any of the provisions of this act, or of the ordinances which they may pass <sup>Pass ordinances: when.</sup> <sup>Regular meetings: when.</sup> <sup>Penalties for violations of laws or ordinances.</sup>

\* So enrolled.

## OF CORPORATIONS.

How enforced.

in pursuance thereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed, either by this act or the ordinances passed as aforesaid, may be collected before said alderman, or any justice of the peace in said town, during the absence or sickness or other disability of said alderman, and in default of payment, said alderman or justice may commit for any time not exceeding five days.

Appointment and removal of town constables.

SECTION 15. The said council may appoint such number of town constables as shall be deemed necessary, who, with the constable of Kent county residing in said town, shall constitute the town police. The said council shall also have authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Alderman to report and pay fines and penalties imposed by him. When, and to whom. Penalty for default.

SECTION 16. The alderman shall, at every monthly meeting, report to the council all fines and penalties imposed by him during the preceding month, and pay to the treasurer all such fines and penalties received by him during said time, and in default of making such payments, it shall and may be lawful for said council to elect such other justice of the peace, resident in said town, alderman, to whom shall be delivered, forthwith, all books and papers, belonging to the office of said alderman, by his predecessor.

Council to publish annual financial statement.

SECTION 17. The council shall cause a statement of their receipts and expenditures to be published once a year, in the newspapers printed in said town.

Constable's failure to perform duty. Misdemeanor.

SECTION 18. If any constable shall neglect or refuse to perform the duties above enjoined by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the council to present him to the grand jury, and, upon conviction, he shall be fined in a sum not less than ten, nor more than twenty, dollars, and shall also forfeit his office.

Fine. Forfeiture of office.

Ordinances to regulate use of streets, etc.

SECTION 19. The said council 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, or 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 willfully violate the regulations and ordinances of the council in that behalf, every person so offending, shall forfeit and pay to

Penalty for violation.

## OF CORPORATIONS.

the said council, for the use of said town, a sum not exceeding five dollars, with costs, at the suit of said council, in the same manner as debts of that amount are, by law, recoverable.

SECTION 20. The council are hereby authorized and required to cause all obstructions and nuisances that may, at any time be and exist within the limits of said town, whether in the streets, lanes or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The said council 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 council 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 five dollars, with costs, to be recovered by the council, 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 one dollar, to be recovered with costs in the same manner.

Council to  
abate nui-  
sances.

Proceedings.

Notice to  
abate same.

Penalty for  
refusal.

SECTION 21. It shall and may be lawful for the said council to use the jail of Kent county for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinance or regulation adopted under the provisions of this act.

May use jail  
of Kent  
county;  
when.

SECTION 22. The Council shall have authority to use the money in the treasury of said town for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the town council shall be as good as the acts, doings and determinations of the whole. In case of a vacancy in the council, the survivors or others shall have the same power and authority as the whole.

May use  
town mo-  
neys; how.

Majority  
may act.  
Vacancies.

SECTION 23. The said Council shall have power and authority, and they are hereby required, as soon as conveniently may be after the election of the council on the first Monday of March next, and the first Monday in March in every year thereafter, to appoint a treasurer, collector and clerk, and

Council shall  
appoint  
treasurer and  
other offi-  
cers; when.

## OF CORPORATIONS.

Assessor. Qualifications and duties. also some suitable person assessor, who shall be, at the time of his appointment, a freeholder in said town, to 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 the limits of said town, and also the personal property of such citizens, subject to county assessment. And the said assessor shall make such assessment and return the same to the council within six weeks next after the appointment of said assessor. The council shall assess the real estate and person and taxable personal property of the assessor. The council shall, within five days next after receiving the said assessment list, cause a full and complete transcript of said assessment list to be hung up at the post office in said town, there to remain for the space of ten days thereafter, for public information; and the said council shall, on the Monday next after the expiration of the said ten days, hold a court of appeal which shall continue open from one o'clock till four 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 the newspapers published in said town, or by notices posted in, at least, six public places therein. The decision of the council upon any appeal shall be final and conclusive. No member of council shall sit upon his own appeal, but the same shall be heard and determined by the others. The assessor in making the assessment shall include therein all dogs owned or kept within the said town, and the owner or keeper of any dog or dogs, included in said assessment, shall be liable to pay a yearly tax of fifty cents for each and every dog so owned or kept by him. After the valuation and assessment shall be examined and adjusted by the said council, all taxes shall be levied, assessed and raised on the real estate, personal property, persons and dogs 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 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 council containing the certificate of the election of the councilmen, assessor and treasurer aforesaid.

Return assessment list to council.

Duties of council regarding assessments.

Court of Appeal; when held.

Proceedings.

Notice.

Dogs assessed

Dog tax.

Oath of assessor.

SECTION 24. The council, after having ascertained the sum

## OF CORPORATIONS.

necessary to be raised on the said town for the purposes of this act, (which said sum shall in no year exceed two thousand dollars,) and after 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 the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate, his poll and assessable personal property, and also the number of dogs owned by each person, and the tax on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the council 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 given by law to the collector of county rates and levies by the provisions of chapter 12 of the Revised Code of 1852. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of three thousand dollars, to the town of Dover, conditioned for the faithful discharge of the trust reposed in him, and the payment over to his successors 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 council, or a majority of them, and shall settle his accounts with the council, 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, clerk and assessor, shall each have a reasonable compensation, to be determined by the council. *Provided*, The compensation of the treasurer, as such, shall not exceed three per cent., and that of the collector or of the treasurer, acting as collector, shall not exceed ten per cent.

Council shall furnish the town treasurer with tax list; when.

What it shall contain.

Treasurer's powers for collecting taxes.

His bond.

Compensation.

Proviso.

Restrictions.

SECTION 25. The said council 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 council. The said collector, before he enters upon the performance of his duties, shall give bond in the sum of three thousand dollars to the council, conditioned for the discharge of his duties and the payment to the treasurer of all moneys 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 council shall require. In case a collector be appointed, the list, which the council by section 24 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, and shall receive reasonable compensation, to be determined in like manner.

Council may appoint collector of taxes.

Bond.

Collector's powers.

Compensation.



## OF CORPORATIONS.

Term of  
present offi-  
cers.

SECTION 26. The present commissioners, treasurer, clerk and assessor, shall remain in office until the election next after the passage of this act, and until successors be duly chosen.

When coun-  
cil may  
cause sewers  
to be made.

How costs  
shall be  
borne and  
collected.

SECTION 27. It shall be lawful for the town council, upon the application of the owners of the real estate on any street in said town, to cause a sewer or sewers to be made, and the costs thereof shall be borne by the persons applying therefor in front of or along whose lands the same may pass, in proportion as the number of feet of the sewer in front of each person's land bears to the whole length of the sewer. The costs of such sewer shall be levied upon the respective owners in the said proportions, and be collected as other town taxes.

Inconsistent  
provisions of  
chap. 65, vol.  
12, and of all  
amendments  
thereto, re-  
pealed

SECTION 28. The act entitled "An act in relation to the town of Dover," passed at Dover, February 28, 1861, and the various amendments thereto, so far as the same are inconsistent with the provisions of this act, are hereby repealed.

Public act.

SECTION 29. This act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

*Passed at Dover, March 2, 1877.*

## CHAPTER 460.

## OF THE TOWN OF ST. GEORGE'S.

Vol. 6, 522.  
Vol. 12, 350.  
Vol. 13, 183.

AN ACT to re-incorporate the town of St. George's, and for other purposes.

Preamble.

WHEREAS, The freeholders and other inhabitants of the town of St. George's, in the county of New Castle, have, by their memorial, represented that the charter and supplements thereto hath, from increased extent and population of the said town and from various other causes, been found incompetent to the good government and well being of the same, and, by their petition, prayed for redress in the premises.

*Therefore, 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 organization of the

## OF CORPORATIONS.

powers and authorities, herein specified, the powers, rights and privileges granted by, or arising from, the said charter and supplements thereto, otherwise than hereinafter reserved, shall cease and determine, and the said town of St. George's be governed as follows :

Corporate powers heretofore existing, to cease when.

SECTION 2. James Garman, D. B. Stewart, A. D. D. Taylor, J. V. Clark, A. N. Sutton, [and] J. B. How are hereby appointed and constituted members of the town council, with authority to elect one of their number to be president of said town council, and they, or any four of them, are hereby authorized to take with them a skillful surveyor and to make a survey of the said town, and to ascertain, fix and establish the limits and boundaries of the same, and to lay out, open and regulate the streets, lanes and alleys, to make a map of the survey containing the boundaries of the town and courses, widths and names of the streets, lanes and alleys now established, or to be made, and to be signed by the surveyor and said members of the council so officiating, and lodge the same in the recorder's office at New Castle, there to be recorded, and the map or record thereof is made evidence.

Town council appointed.

Powers.

Elect president.

Surveyor.

Fix boundaries of town. Open streets. Map.

Where recorded; evidence.

SECTION 3. The said council shall cause to be fixed posts or stones in the earth, in the centre or middle of the streets, respectively, where they intersect one another, which posts or stones, so set and fixed in the earth in the middle of the streets as aforesaid, as well as all such other posts and stones as shall hereafter, from time to time, be so set or fixed in the earth by the said town Council herein named or hereafter elected, shall, in all cases and in all courts of law within this government, be deemed, taken and allowed as landmarks, and if any person or persons shall, at any time hereafter, pluck up or remove any of the said posts or stones, and shall be convicted thereof in the court of general sessions of the peace for the said county aforesaid, he or they shall, severally, forfeit and pay the sum of fifty dollars, besides costs of prosecution to the use of the council and inhabitants of said town of St. George's.

Centre-stones in streets.

Penalty for removing same.

SECTION 4. All white male citizens of the State of Delaware, of the age of twenty-one years and upwards, residing within the town, assessed for, and having paid a town tax within, 3 months, shall be taken and deemed citizens thereof, and shall enjoy all the rights and privileges arising under this act, *provided*, also, that those persons who are of the age of twenty-one years, and not having arrived at the age of twenty-two, (22,) and are otherwise qualified voters for State officers,

Citizenship. Qualifications.

Privileges. Proviso.

## OF CORPORATIONS.

shall also be entitled to all the privileges herein arising, nevertheless they may not have been assessed for and paid a tax.

Term, of  
councilmen  
appointed by  
this act.

When and  
how their  
successors  
shall be elec-  
ted; annually.

Terms.

Election ;  
how conduc-  
ted.

Notice.

Proviso.

Election  
hours.

Election  
returns.

Certificates.

Manner of  
qualifying  
Pre-ident  
and council-  
men.

SECTION 5. The members of the town council appointed and named in section 2, of this act, shall hold and continue in office until the second Monday in May, in the year one thousand eight hundred and seventy-eight, *provided*, however, that their successors shall be elected on the first Monday that is to say, that on the first Monday in May, in the year one thousand eight hundred and seventy-eight, and annually thereafter in each and every year, the citizens as qualified in section 4, of this act, shall meet at the usual place of holding election, in the town of St. George's, and elect one person for president, and five persons for members of the town council, whose term of office shall begin on the second Monday of May in each and every year, and continue one year, or until their successors are elected, which election shall be conducted by three judges, or a majority of them who shall be appointed by the said town council, at least ten (10) days prior to the date of said election, and the said judges, so appointed, shall cause public notice to be posted in five of the most public places in said town, at least one week prior to the date of holding said election, and in case of neglect or refusal of said judges to serve or to open the said election on the day and at the hour herein appointed, then the president, or if he be absent, the citizens present may, immediately, appoint two or more discreet persons to be judges of said election, *provided*, that all elections shall be by ballot and shall open at two o'clock and close at five (5) o'clock in the afternoon of the same day.

SECTION 6. The judges of said election shall thereof immediately make two full and complete records or returns with a record of all the votes cast for each candidate, and after having certified thereto, then, immediately, to transmit one of the said returns to the president of the town, who shall cause a record thereof to be made, and the other returns or record of election as above directed, shall be immediately transmitted to the persons who were elected for president and members of council at the said election. The president so declared elected, shall be qualified into office by any justice of the peace, for the county of New Castle, or by the president then retiring, and when thus qualified he shall immediately summons the members of council chosen at the said election, to be and appear at a certain time and place therein mentioned, on or before the second Monday in May, as aforesaid, for the purpose of being qualified into office, and upon

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failure thereof, severally, shall forfeit, and pay such fines and penalties as may be established by ordinance, and the said president or any justice of the peace shall administer the necessary oath or oaths, affirmation or affirmations, upon being requested thereunto by the said council, to any of the other officers of this corporation.

SECTION 7. The elective officers of this town, shall consist of one president and five (5) members of council, two (2) of whom, at least, shall always be chosen from that portion of said town being and situate on the south side of the Chesapeake and Delaware Canal, and a majority of the said officers, so to be annually elected, shall be freeholders within the limits of the said town of St. George's. The appointed officers shall consist of one assessor, one collector, one treasurer, and such other officers as may be deemed necessary by the corporation, to carry into effect the powers hereby granted, *provided* that no person shall be capable of serving as president, member of council, town constable, treasurer, or assessor, who shall not, at the time of his election, be a citizen of this State, and a resident of said town, as provided in section 4, of this act.

What officers elective, To be selected from districts: how. Qualifications. Officers to be appointed. Proviso. Further qualifications.

SECTION 8. In the case of death, resignation or refusal to act of the president, or any member of the council, the members of said council, who meet, shall have the right to appoint a suitable person, or, in their discretion, if deemed necessary, to order a special election to fill the vacancy, which election shall be conducted as provided in section 2, and the said town council shall, within thirty (30) days after being qualified into office, appoint all other officers herein authorized and provided for.

Vacancies: how filled.

SECTION 9. The salaries, fees or emoluments of the officers of this corporation, shall be established by ordinance, *provided*, no salary, fee or emolument of any officer shall be reduced or augmented for and during the period for which he or they may have been elected or appointed, but no ordinance establishing the salaries, fees or emoluments of any elective officer shall, at any time, take place, previous to the annual election then next ensuing, unless it shall have been published with the yeas and nays thereon, at least two weeks before said election.

Compensation of officers. Proviso. Restrictions.

SECTION 10. Every officer elected under this act of incorporation, before he or they enter upon the duties of his or their office, shall take an oath or affirmation to support the constitution of the United States, and the constitution of the State of Delaware, and that he will perform the duties of his office

Oath of office.

## OF CORPORATIONS.

unto which he or they hath been elected, with fidelity, and to the best of their ability, without fear, favor, or hope of reward.

Failure to  
hold election  
no dissolu-  
tion.

New elec-  
tion to be  
held.

Incorporation.

Corporate  
name and  
powers.

Meetings  
of council ;  
when and  
where.

Town council.

Public sit-  
tings.

President  
*pro tempore*.

Quorum.  
Provido.  
Ordinances.  
How passed.

SECTION 11. In case it should happen that the election day should pass over without an election being held, or in case of the omission of the execution of any duties herein delegated by this act, the powers of this corporation shall not cease, but the authority of each and every officer thereof shall continue unabridged and in full force until a new election can be legally held by a resolve of the council and notice as aforesaid, and the officers chosen thereat shall have been duly qualified as is herein required and directed.

SECTION 12. The said president and town council of the town of St. George's, and their successors forever hereafter, shall be one body politic and corporate, in deed and in law, by the name and style of "The President and Council of the Town of St. George's," and by that name shall be and are hereby made able and capable in law and in equity, to have, take, purchase, receive, possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, and the same to sell, grant, demise, aliene or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, or any other place whatever.

SECTION 13. The council shall meet, at least, once in every month, at such time and place as may be, from time to time, agreed upon. Special meetings may be called at any time by the president, upon his own motion, or shall be called whenever three members may request or demand a meeting.

SECTION 14. The president and members of the town council shall constitute the legislative body for the said town of St. George's, and shall be denominated, when assembled, "The Town Council." The sittings of this council shall be public, unless deemed inexpedient for the public welfare. In the assembly, the president shall preside, or, in his absence, a president *pro tempore* shall be chosen by the members present for the time being, who shall maintain order subject to such rules and regulations as may be established by ordinances of the council. Four members shall constitute a quorum, to do all manner of business arising under this act ; *Provided*, that no ordinance shall be passed by the council unless the same shall have the concurrence of a majority of all the members of the council, and have, at least, two readings at a previous stated

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meeting or meetings thereof, nor shall any ordinance that may hereafter be passed by the said council be repealed, unless written notice thereof shall be given and entered upon the minutes of the council at a stated meeting, that at the next stated meeting following a motion would be made for the repeal aforesaid.

How repealed.

SECTION 15. A majority of voices in the council shall determine and decide upon all cases that may come before it, unless herein otherwise provided, and when it is required by two members, the question shall be taken by the yeas and nays, which shall be entered upon the minutes.

Powers of majority.

Yeas and nays.

SECTION 16. The president of said council shall constitute the executive power thereof, and is hereby constituted the conservator of the peace within the same, and is hereby authorized, empowered and required to enforce and execute all ordinances and town laws, rules and regulations, to impose such fines and penalties as shall be ordained by council on all violators thereof, to commit persons guilty of a breach of the peace, or vagrancy, to such place or places of confinement as may be provided by the council, or to commit them to the common jail of the county, and in like manner, on complaint made by any two persons, he shall have power to disperse, fine, or commit, as aforesaid, any disorderly assembly who may collect by night or by day in any of the streets, lanes, alleys or other places within the jurisdiction of said town.

President.  
Powers and duties.

Fines.

Vagrants.

Disorderly assemblies.

SECTION 17. The town council, constituted as aforesaid, shall have full power to enact ordinances to preserve the health of the inhabitants, and to prevent the introduction of infectious or contagious diseases, (and to this end and for this purpose their jurisdiction shall extend to any distance within one mile of the boundaries of the same) and in such ordinance may organize a Board of Health for the said town, which Board shall be vested with all the powers and authorities which the council might or could exercise relative to the object of their institution.

Council to preserve public health.

Create board of health.

SECTION 18. The said town council may pass ordinances to provide for the regulation of public amusements, shows and exhibitions, to define and remove nuisances, whether in the public streets, lanes, alleys or elsewhere within the jurisdiction of the said town, to erect lamps and provide for lighting the same, to ascertain and fix the boundaries of streets, lanes and alleys, and establish, lay out and open new ones, to amend, grade, repair, curb and pave or macadamize all streets and

Regulate public amusements, shows and exhibitions.  
Nuisances.

Lamps.  
Streets.

Grades, &c.

## OF CORPORATIONS.

- Paving.** footways within said town, making adequate compensation to the party or parties injured or damaged thereby, to be ascertained by three men, or a majority of them, to be appointed by the Superior Court upon the application of the corporation, or of the party or parties complaining: *Provided*, that nothing in this act shall be construed to extend to those who may conceive themselves injured by the completion of any ground plan of the streets already established by law, or any ground plan which may hereafter be legally established for constructing gutters, sewers and other conducts for carrying off the water, and to clean and keep the same in proper condition and repair, and to this end the president and council of the town of St. George's are hereby delegated full power and authority to borrow such sum or sums of money that may be necessary for the improvement or advantage of said town by grading, curbing, paving or macadamizing the streets or footways, as, in their discretion, may be for the best interest and advantage of the inhabitants, or for the further purpose of discharging a debt or debts now due from said town: *Provided*, that every such loan shall be made by ordinance, which shall be adopted by the votes of two-thirds of all the members of council.
- Pay damages: when.**
- Proviso.**
- Borrow money: when.**
- Proviso.**

**Party walls.**  
**Manner of regulating same.**

- SECTION 19.** The said council shall have power and authority to regulate party walls in manner following that is to say: upon application made to the council, they shall select from that body a committee of three persons, who, after being duly sworn to perform their duty equitably and with fidelity, shall enter upon the lands of any person or persons, in order to lay out the foundations, and to regulate the walls to be built between party and party within said town, as to breadth or thickness thereof, which foundation may be laid equally upon the lands of the persons between whom such party walls shall be made, and the first builder shall be reimbursed one moiety of the charge of such party wall, or so much thereof as the next builder may have occasion to make use of before such next builder shall in anywise break into or use the said wall, and the charge or value thereof shall be set by the said committee, or a majority of them: *Provided*, however that either of the said parties or builders, who may conceive themselves aggrieved or injured by such award of damages or otherwise, may appeal to the town council, who shall investigate the cause of complaint, and adjudge of the matter as to them shall appear equitable, and, *provided*, further, that nothing in this act shall be construed to annul or alter any contract that hath been or may be made by the owners of adjoining lands.
- Proviso**
- Appeal.**
- Further proviso.**

## OF CORPORATIONS.

SECTION 20. AND WHEREAS, it may so happen that there are at present, dwelling houses and other buildings erected which do project on the streets of the said town, but which cannot be removed without greatly injuring the same. When such houses or buildings, as aforesaid, shall fall down by reason of decay, or otherwise be destroyed or removed, then, in such case, if the owner or owners of any such house or building, as aforesaid, or if any person or persons in other cases shall begin to lay the foundation of any party wall or other building, as aforesaid, before the same be viewed and directed by a committee, as provided and directed in section 19 of this act, or shall build contrary to such directions, every person, as well employees as a master builder, shall forfeit and pay the sum of fifty dollars (\$50) each, besides costs of prosecution, to be recovered in the name of the town council aforesaid, by bill plaint or information in any court of record within this government wherein no essoign, protection or wager of law shall be allowed, nor any more than one imparlance, and all such fines and forfeitures shall be paid to the treasurer for the use of said town, and the said town council shall have power and full authority to cause any such buildings as may be hereafter so erected and encroaching upon any of the streets, lanes or alleys, to be removed therefrom at the expense of the owner or owners thereof.

Further provisions concerning party walls.

Penalty; fine.

Removal of projecting buildings.

SECTION 21. The said committee, appointed as aforesaid, shall, for their trouble in\* about the premises, be paid by the party or parties concerned in such foundations or erecting such party walls or other buildings, such fees as shall be prescribed by ordinance.

Fees.

SECTION 22. The said committee, so appointed, or any two of them, shall have full power to regulate all partition fences within said town, and where adjoining owners or persons do improve or enclose their lots, such fences shall be made in the manner generally used, and kept in good order and repair at the equal costs of the parties, and the said committee shall be the judges of the cost or charges to be borne by both or either of the said parties, and if either party between whom such partition fence is or shall be made, on request of the other, shall neglect or refuse to pay his, her, or their share or proportion of the expense of such partition fence, to be ascertained by the committee aforesaid, and for keeping the same afterward in good repair, then the party at whose cost the same was made or so repaired, may recover the amount of said expense before any justice of the peace for the county of New Castle, as debts of like amount are recovered by the

Partition fences; regulations.

Costs; how borne.

How recovered.

\* So enrolled.



## OF CORPORATIONS

**Fees.** laws of this State, and the said committee shall be paid, by the party or parties between whom such partition fence is made, one dollar and no more.

**Encroachments on streets.** **Regulations for removal.** **Exception.** **Penalty.** **Fine.**

SECTION 23. The said town council shall be and are hereby authorized, empowered and required to guard against encroachments being made on the streets in said town, and to remove or cause to be removed any such encroachments, if any at present exists, or may hereafter be made on the said streets by reason of enclosures or otherwise, except so far as is excepted or reserved in respect to dwelling houses and other buildings that may project on the streets aforesaid, and if any person or persons shall presume to encroach on any of the streets to be laid out, or now established, or shall commit any nuisance therein by obstructing the same, and do not remove such obstructions and encroachments forthwith, such person or persons so offending and being duly convicted thereof in any court of general sessions of the peace, shall be fined in any sum not exceeding fifty dollars (\$50) to be paid to the treasurer for the time being to be applied for removing such nuisance and for defraying the expenses arising from putting this law in execution.

**Council to fix annual sum necessary to be raised for town purposes; when.** **Manner of assessing same.** **Assessment lists to be published.** **Court of appeals Powers.**

SECTION 24. The said town council shall meet on the first Monday in June in each and every year, or within five days of the same, and estimate and fix the sum or sums of money necessary to be raised on the persons and estates in the said town, for the public uses for the ensuing year, and thereupon the said council shall issue their precept countersigned by the president and directed to the assessor of said town, requiring him, within thirty days from the date thereof, to make a true and impartial list of all the taxable persons and estates within the same, together with the sum or sums of money, in dollars, which it shall appear to him the said persons and property ought to be rated at. Assessment on property shall be made according to the annual interest at six per centum the several properties would produce on the amount, or on the estimated value thereof if sold for ready money, and the said list and assessment shall be laid before the council to be examined, and, after being approved, a fair copy or copies of which shall be made out by the council and published for the information of all concerned for, at least, one week prior to the time then to be appointed for holding a court of appeals, of which due notice shall be given, as aforesaid, and the said council shall be and are constituted a court of appeals for the hearing and redressing of such as may appear to be aggrieved, with power, in concurrence with the assessor, to put on such persons as

## OF CORPORATIONS.

may have been omitted or left off the list, and they shall estimate and fix how many cents to the dollar or hundred dollars will be necessary to raise the sum or sums of money required as aforesaid, and the said council shall thereupon make out, or cause to be made, a true list, agreeable to the proceedings aforesaid, certify the same under the hand of the president, and deliver the same to the collector within ten days from the time the dollarage shall have been laid as aforesaid, with an order of the council, (which they are hereby authorized to make,) requiring the said collector, forthwith, to collect and receive from the persons and estates so assessed, the several sums in the said list mentioned, and in case any person or persons, so rated and assessed by virtue of this act, shall neglect or refuse to pay the sum or sums of money so assessed and levied for the space of six days after demand being made, the said collector shall, by virtue of his order and authority directed to him by said council, shall \* levy the same by distress and sale, after five days' legal notice thereof, of the delinquent's goods and chattels, rendering the overplus, if any, after reasonable costs and charges deducted, to the owner or owners thereof, but if no distress can be found by the collector, and the party neglects or refuses to show goods and chattels of his own, forthwith, to satisfy the money due, with reasonable costs and charges, then the said collector shall make return, on oath or affirmation, of such refusal to pay and want of goods to the council, whereupon the said council may and shall, by warrant countersigned by the president, commit the said delinquent to the common jail of the county, there to remain until discharged by due course of law, or the same may be levied on the goods and chattels of any of his tenants, if such there be, and the delinquent shall be obliged to discount the amount or sum, together with all costs, out of the first rents that shall afterward accrue from the estates rented. And, in case any grounds, buildings or estates belong to a minor or absent person, then the said tax shall be recovered from the person or persons having control of such grounds, buildings or estates, and the receipt of the said collector shall be a good and sufficient voucher and receipt for the same, or when any owner or owners of any grounds, buildings or estates, or their executors, administrators, guardians or attorneys cannot be found, or they shall neglect or refuse to pay the tax thereon assessed, then it shall and may be lawful for the said collector to levy the same on the grounds, buildings and estates of such absent owner or owners, minor or minors, and the said collector is hereby authorized to sell the same, after due notice, at public

Tax list and  
warrant to  
collector.

Collection;  
when and  
how enforced.

Distress.

When delin-  
quent may  
be impris-  
oned.

Levy upon  
tenants.

Deduction  
from rent.

Minors, etc.

When real  
estate may  
be levied on.

Proceedings.

\* So enrolled.

## OF CORPORATIONS.

Notice of  
sale.

All moneys to  
be paid to  
treasurer.

auction, for the shortest space of time in which the rents and profits will satisfy the said debt, together with all costs and expense attending the collection of the same. And all of which taxes and sums of money of whatever nature the same may be, and all moneys from whatever source the same may be derived and due and belonging to the said town, the said collector or any person receiving the same shall, without delay, pay over to the treasurer, whose receipt shall be a good and sufficient voucher.

Town con-  
stable; duties.

SECTION 27. The said town constable shall assist the president and council in carrying into effect the ordinances, laws, and regulations directed to him, make arrests of vagrants or violators of the peace, with or without warrant, and perform all other duties and offices that ordinance may prescribe.

Bond of col-  
lector and  
treasurer.

SECTION 28. The collector and treasurer shall, each, severally, give bond with security in double the amount of money that may probably come into their hands respectively, for the true and faithful performance of such duties as may be ordained, which security must be approved by council.

Powers un-  
der former  
charters and  
supplements  
conferred  
upon council.

SECTION 29. All the powers and authorities granted by the acts of this State to the commissioners under the former charter and supplements thereto, are hereby transferred to the town council under the present charter.

Public act.

SECTION 30. This act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges and justices, and all other persons whatsoever without the same being specially pleaded, and every matter herein contained shall be construed and taken most favorably and beneficially for the said corporation.

*Passed at Dover, March 6, 1877.*

## OF CORPORATIONS.

## CHAPTER 461.

## OF THE TOWN OF FELTON.

AN ACT to amend Sections 12 and 13 of Chapter 479 of Volume 13, part 3 of the Laws of the State of Delaware, entitled "An act to incorporate the town of Felton, and for other purposes," passed at Dover, April, 8, 1869. Volume 13,  
502.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That sections 12 and 13, of chapter 479, of volume 13, part 3, of the act entitled, "An act to incorporate the town of Felton, and for other purposes," passed at Dover, April 8, 1869, be and the same is hereby amended by striking out of the fourth and fifth lines of section 12, the words, "when no constable resides in said town," and inserting in lieu thereof, the words, "if they shall deem such appointment necessary." That section 13 of said act be and the same is hereby amended by inserting in the first line thereof, immediately after the word "constable" and before the word "shall," the words, "or the town bailiff." Sections 12  
and 13, of  
chapter 479,  
volume 13,  
amended.

*Passed at Dover, March 7, 1877.*

## CHAPTER 462.

## OF THE TOWN OF LEWES.

A supplement to the act entitled "AN ACT to incorporate the town of Lewes, and for other purposes." Volume 14,  
126

*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,)*

SECTION 1. That the commissioners of the town of Lewes are authorized to erect, or cause to be erected, suitable gates or bars to or at all the bridges connecting Lewis with the cape or marshes; also a fence where needed, and keep the Commis-  
sioners to  
erect gates,  
bars, fences;  
where.

## OF CORPORATIONS.

Expense;  
how paid.

same in suitable repair, to prevent cattle, horses, mules, sheep and hogs from coming off said cape; the expense of erecting and keeping in repair said gates, fences and bars to be paid out of funds that may be in their hands.

Penalty, for  
not closing  
gates &c.

Fine.

SECTION 2. Any justice of the peace in the town of Lewes shall, on complaint being made to him by any citizen, that any person has opened and neglected or refused to shut any of said gates or bars, issue a warrant of arrest for the offending party, and upon sufficient proof of guilt thereof, shall impose a fine not exceeding ten dollars and costs, one-half of said fine shall go to the informer, the other half to the town of Lewes.

*Passed at Dover, March 22, 1877.*

## CHAPTER 463.

## OF THE TOWN OF LEIPSIC.

Volume 10,  
687.

A further additional 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 therein.)*

Certain  
lands not to  
be included  
within town  
limits.

Boundaries.

Nor liable  
to town  
taxes.

SECTION 1. That, hereafter, so much of the farms or agricultural lands of Samuel Hargadine, Mary S. Reed, James L. Smith and William H. Grasley, lying and being on the southern and eastern sides of the following line, to wit, commencing at a point in the branch of James L. Smith's farm, due west of the farm-gate of the said Mary S. Reed, and running thence in an eastern direction to the said farm-gate, thence in an eastern direction, a distance of three hundred yards, and thence due north to Leipsic creek, and lying within the corporate limits of said town of Leipsic, shall not be embraced and included therein, nor be liable to taxation by the authorities of the said town of Leipsic, under said act of incorporation for the benefit and improvement thereof.

*Passed at Dover, March 22, 1877.*

## TITLE ELEVENTH.

### Of the Domestic Relations.

#### CHAPTER 464.

##### OF HUSBAND AND WIFE.

AN ACT to amend section 3, of chapter 165, volume 15, of the laws of this State, entitled "Of Husband and wife." Current volume, 289.

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 chapter 165, volume 15, of the laws of this State be, and the same is hereby amended by inserting in line six of said section, after the word "where," and before the word "it," the words, "to secure such purchase money," and further by inserting after the word "of" in line ten of said section, and before the word "money" the words "such purchase." Section 3, of chapter 165, current volume amended.

*Passed at Dover, March 22, 1877.*

## TITLE TWELFTH.

## Of Titles to Real Property.

## CHAPTER 465.

## OF CONVEYANCES.

A further additional supplement to the act entitled AN ACT to extend the time of recording deeds.

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

Time of recording deeds extended to 1879.

SECTION 1. 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 seventy-seven, first being acknowledged or proved, and the acknowledgment or proof certified to according to the laws of the State in force at the time when such acknowledgment or proof was made, with the certificate of acknowledgment or proof, and all indorsements and annexations be recorded in the office for recording 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 seventy-nine, and the said record or copy thereof shall be sufficient evidence, and from and after the said first day of January, in the year of our Lord one thousand eight hundred and seventy-nine, no deed or letter of attorney sealed before the first day of January, in the year of our Lord one thousand eight hundred and seventy-seven, shall be recorded.

*Passed at Dover, January 18, 1877.*

## OF TITLES TO REAL PROPERTY.

## CHAPTER 466.

## OF CONVEYANCES.

AN ACT in relation to the Mortgage Records and the indices for the same, in Kent County.

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

SECTION 1. That the recorder of deeds, &c., in and for the county of Kent, be and he is hereby authorized and required, by himself or by a deputy by him appointed for that purpose, to examine the records of the mortgages in his office, and to mark on the indices of the same, opposite the names of those which are satisfied, with the letter "S."

How satisfied mortgages in Kent county shall be noted in indices.

SECTION 2. *Be it further enacted,* That the said recorder be and he is hereby authorized to cause to be made a true and correct copy of the direct and reverse indices of all unsatisfied mortgages in his office, from the year 1800 to the present time.

Copy of direct and reverse indices of certain mortgages to be made.

SECTION 3. *Be it further enacted,* That the recorder shall present the copy of the said indices to the Levy Court, to be examined by a committee of that body, and on their approval, they shall certify the same to be a correct copy, and it shall become, and be, the indices.

To be the authorized indices: when.

SECTION 4. That it shall and may be lawful for the Levy Court of Kent county, to make the said recorder such allowance for the services required of him as the Levy Court shall deem proper.

Compensation.

*Passed at Dover, January 30, 1877.*

## CHAPTER 467.

## OF CONVEYANCES.

AN ACT to amend Chapter 83, of the Revised Code.

Amended Code 1874, 500.

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

SECTION 1. That Chapter 83, of the Revised Code of 1852,



## OF TITLES TO REAL PROPERTY.

Section 13 of  
chapter 83,  
Revised  
Code strick-  
out and  
supplied.  
Married  
woman may  
make a letter  
of attorney.

as amended, 1874, be and the same is hereby amended by striking out section 13, and inserting in lieu thereof, the following, to wit: "Section 13, a married woman shall have power to make a letter of attorney the same as though she were a 'feme sole.'"

*Passed at Dover, March 9, 1877.*

## TITLE THIRTEENTH.

## Of the Administration of Estates.

## CHAPTER 468.

## OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT to amend section 14, of chapter 89, of the Revised Code, relating to the giving of security by executors and administrators. Amended Code, 1874, 538.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 14, of chapter 89, of the Revised Code, be and the same is hereby amended by adding at the conclusion thereof as it now stands, the following paragraph, viz: "Whenever a testator shall, by his will, signify it to be his desire that any executor or executors thereof shall not be required to give bond with surety, before receiving letters testamentary, as by law is required, the register of wills shall, upon the grant of letters testamentary to such executor or executors, require of him or them only a bond with surety, in a penal sum, double the amount of the indebtedness of the testator, as such amount shall be estimated by the Register of Wills upon the best information he can obtain, for which purpose he shall have power to take the affidavit of the executor or executors as to the amount of such indebtedness, to the best of his or their knowledge or belief. In the taking of such bond, there shall be omitted from the form prescribed by the chapter hereby amended, the words, "and shall distribute and pay all the residue of said goods and chattels, rights and credits, after all demands and charges to which they are subject are deducted, to the person or persons entitled to receive the same," and such bond, when taken, shall be for the use of the creditors of the said testator, and for the use of no other person or persons interested in his estate. *Provided* that the register of wills shall have full power and authority, at any time after

Section 14, of chap. 89, Revised Code, amended.

How bond shall be taken from executors of will exempting them therefrom.

Amount of such bond.

How determined by register.

Certain words in usual form of bond to be omitted in such bond. For use of creditors only.

Proviso.

## OF THE ADMINISTRATION OF ESTATES.

When register may require testamentary bond in usual form.

Removal for non-compliance.

letters testamentary shall have been granted under the foregoing provision, upon the petition of any party interested under the will of the testator, and on it appearing to him that the interests existing under the said will may be otherwise endangered, to order such executor or executors, to execute a testamentary bond, with surety, in the same form and with the same effect as in ordinary cases, and upon refusal or neglect of such executor or executors to comply with such order, thereupon to remove him or them from such office of executor.

Publication as amended.

SECTION 2. *And be it further enacted*, That in all future editions of the laws of this State, the said chapter and section, shall be published, as herein amended.

*Passed at Dover, March 20, 1877.*

## CHAPTER 469.

## OF THE SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS.

Amended Code, 1874, 554.

AN ACT to amend chapter 90, of the Revised Statutes, entitled "of the sale of land by Executors and Administrators."

Sales by executors of part of intestate real estate to pay debts, in proceeds of which, widow has elected to take share in lieu of dower.

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

That whensoever, under the provisions of chapter 90, of the Revised Statutes, entitled "Of the sale of lands by executors and administrators," a part only of the real estate of a person who shall have died intestate as to the whole thereof, shall have been sold for the payment of debts, and in which real estate there is a widow entitled to dower and who may have waived the assignment of dower by metes and bounds, and elected to take, in lieu thereof, an equivalent share of the proceeds of sale, and when in pursuance of the provision of law, in that behalf, the whole of the purchase money shall have been paid into the Orphans' Court, the said court, upon the petition of the widow and executor or administrator, may, if it shall deem proper, order the whole proceeds remaining, after payment of costs, to be paid to such executor or administrator, to be applied

Court may order whole proceeds to be applied to debts; when.

## OF THE ADMINISTRATION OF ESTATES.

to the payment of debts, and in such case the widow shall be entitled to have her dower laid off and assigned out of the residue of the real estate of said deceased, remaining unsold, as fully and to the same extent as if the said part had not been sold, and the freeholders who may be appointed to lay off and assign such dower, shall, in the apportionment and assignment thereof, estimate the value of the part so sold, at the sum for which it was sold at the sale thereof, by order of said court. This act shall be deemed to apply to the case of any lands heretofore sold in which the whole purchase money was paid into Court, and still remains therein, uninvested, as well as to cases futurely to happen. In the application of this act it shall be no objection that the real estate is situated in several counties.

In such case-  
widow to  
have dower  
assigned out  
of unsold  
residue of  
real estate.

Application  
of act.

*Passed at Dover, March 16, 1877.*

## TITLE FOURTEENTH.

## Of Courts of Justice.

## CHAPTER 470.

## OF THE ORPHANS' COURT.

AN ACT to authorize the appointment of guardians by the Chancellor or a Judge of the Orphans' Court, in vacation.

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

Guardians  
for minors  
may be ap-  
pointed in  
vacation.

Proceedings.

Bond.

SECTION 1. That it shall be lawful for the Chancellor, or a Judge of the Orphans' Court, to appoint guardians for minors, in vacation, at chambers upon petition, and to make all orders for such appointments as are now made in like cases by the Orphans' Court, and the clerk of the said court shall file and record all such petitions and orders in the same manner as if they had been presented to, and made by, the said court. But no entry of the appointment of a guardian shall be made until the guardian shall have given bond with surety, as is now by law required.

*Passed at Dover, March 1, 1877.*

## OF COURTS OF JUSTICE.

## CHAPTER 471.

## OF THE SUPERIOR COURT AND COURT OF ERRORS AND APPEALS.

AN ACT to repeal Chapter 173, of the Fifteenth Volume of the Laws of the State of Delaware, and to provide for an additional term of the Court of Appeals. Current vol. ume, 297.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That chapter one hundred and seventy three, and chapter one hundred and seventy-four, of the current and Fifteenth Volume of the Laws of the State of Delaware, and published on pages 297, 298 and 299 of said volume be, and the same are, hereby, repealed. Chapters 173 and 174 of current volume repealed

SECTION 2. The Court of Errors and Appeals shall commence and be held on the first Tuesday in June, and first Tuesday in January. Court of errors and appeals. Terms.

SECTION 3. All acts and parts of acts, inconsistent with this act, are hereby repealed, and the Secretary of State is hereby directed to cause chapter 91, of the Revised Statutes as the same is hereby amended and modified, to be republished with the acts of the present session of the General Assembly. Inconsistent laws repealed. Secretary of State to publish as amended.

*Passed at Dover, March 7, 1877.*

## CHAPTER 472.\*

## OF COURTS OF JUSTICE.

SEC. 1. Courts: where held.  
Change of place, from necessity.  
2. Chancery and Orphans' Court; terms.  
Superior Court.  
Court of Errors and Appeals.

SEC. 3. Adjournments.  
4. Special terms of the Orphans' Court.  
5. Adjournments of the Court of Chancery.  
6. Power to appoint bailiffs; pay.

SECTION 1. The Superior Court, Court of Chancery, Orphans' Court, Court of Oyer and Terminer, and Court of General Courts; where held.

\* Note. This chapter comprises chapter 91 of the Revised Statutes, as published in the Amended Code of 1874, and subsequently amended by chapters 171 and 471, of the current volume, and is published in accordance with Section 3, of the last mentioned chapter.

## OF COURTS OF JUSTICE.

Sessions of the Peace and Jail Delivery, shall be held in New Castle county, at New Castle; in Kent county, at Dover; and in Sussex county, at Georgetown; and the Court of Errors and Appeals shall be held at Dover.

Change of  
place from  
necessity.

But the judges of the said courts, respectively, may, on account of the prevalence of malignant sickness, or for other cause, appoint a different place, in the same county, of holding a term of such court, and may make all necessary rules and orders to effect such temporary change, and for the return of process, and the continuance of proceedings.

And in case of invasion of the State, or other necessity, any two of the judges of the State shall have power to remove the public records and papers to a place of safety, to be returned as soon as the safety thereof will admit. The officer in whose custody such records are, shall accompany them; and may do the business of his office at the place to which the same are removed.

Terms.  
Chancery  
and Or-  
phans' Court.

SECTION 2. The Court of Chancery and Orphans' Court, shall commence and be held in New Castle county on the third Monday in February, and first Monday in September; in Kent county, on the first Tuesday after the fourth Monday in March, and on the fourth Monday in September; hereafter the Court of Chancery and the Orphans' Court for Sussex county, shall commence and be held in said county, on the second Tuesday in March, and on the third Tuesday in September of every year, including the present year.\*

Superior  
Court.

The Superior Court and Court of General Sessions of the Peace and Jail Delivery, shall commence and be held in Sussex county on the second Monday in April, and second Monday in October; in Kent county, on the fourth Monday in April and fourth Monday in October; (the Court of General Sessions of the Peace and Jail Delivery shall commence and be held) in New Castle county on the second Monday after the commencement of the April term in Kent, and on the third Monday in November, (and the Superior Court shall commence and be held in New Castle county on the third Monday after the commencement of the April term in Kent, and on the fourth Monday in November.)

Amendment,  
Chap. 84,  
Vol. 14.

Amendment,  
Chap. 84,  
Vol. 14.

Errors and  
Appeals.

The Court of Errors and Appeals shall commence and be held on the first Tuesday in June and first Tuesday in January.

\* This has reference to the year 1875.

## OF COURTS OF JUSTICE.

SECTION 3. The chancellor and judges of the respective courts may, from time to time, adjourn over the terms afore-  
 said for the purpose of trying causes, or doing other business <sup>Adjourn-  
ments.</sup>  
 necessary for expediting and ending suits.

SECTION 4. The judges of the Orphans' Court, or either of <sup>Special terms  
of Orphans'  
Court.</sup>  
 them in the other's absence, may hold special Orphans' Courts  
 as occasion may require. If both the judges be absent, the  
 clerk of said court may open and adjourn the same from day to  
 day.

SECTION 5. In the absence of the chancellor, the register <sup>Adjourn-  
ment of  
Court of  
Chancery.</sup>  
 of the said Court of Chancery may open and adjourn said  
 court as the Chancellor shall direct ; or, without such direc-  
 tion, from day to day.

SECTION 6. The Superior Court, Court of General Sessions, <sup>Bailiffs.</sup>  
 and Court of Oyer and Terminer, may require the attendance  
 of two constables, as bailiffs, during the term, to be paid by <sup>Pay.</sup>  
 the county, one dollar each per day.

*Chapter 91, of Revised Statutes as amended, &c. 1874.*

*Amended, January 25, 1875.*

*Amended, March 7, 1877.*



## TITLE SIXTEENTH.

## Of Civil Actions in General.

## CHAPTER 473.

## OF ATTACHMENTS.

Amended  
Code, 1874,  
638.

AN ACT to amend section 3, of chapter 104, of the Revised Code.

Sec. 3, of  
chapter 104,  
Revised  
Code, stricken  
out and  
supplied.

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

How attach-  
ments shall  
be dissolved.

That section 3, of chapter 104, of the Revised Code of 1852, of Delaware Laws, be and the same is hereby stricken out and the following, hereafter, shall be substituted for and printed as section 3, of said chapter 104, namely: "Section 3. If the de-

Security:  
form.

fendant in the attachment, or any sufficient person for him, will, at any time before judgment, appear and give security to the satisfaction of the plaintiff in such cause, or to the satisfaction of the court and to all actions brought against such defendant, to the value of the property, rights, credits and moneys attached, and the costs, then the garnishees and all property attached shall be discharged. The security may be

Entered and  
signed.

Effect.

taken thus: "On the \_\_\_\_\_ day of \_\_\_\_\_ 18— A. B. becomes security in the sum of \_\_\_\_\_ that C. D. shall answer the demand of E. F. in this suit, and shall satisfy any judgment to the extent of the value of the property attached, that may be recovered against him therein," which entry, on the appearance docket, shall be signed by the security, and shall be an obligation of record of the same force and effect, and subject to the same remedy by an action of debt, as any other obligation for the payment of money may be.

*Passed at Dover, March 6, 1877.*

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 474.

OF WITNESSES AND EVIDENCE.

AN ACT to repeal chapter 557, volume 14, of the Laws of Delaware.

Vol. 14, 646.

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

SECTION 1. That chapter 557, volume 14, of the Laws of Delaware, be and the same is hereby repealed and made null and void.

Chap. 557, of vol. 14, repealed.

*Passed at Dover, January 16, 1877.*

CHAPTER 475.

OF JUDGMENTS.

AN ACT to amend chapter one hundred and ten, (110,) of the Revised Statutes of the State of Delaware.

Amended Code, 1874, 663.

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

That chapter one hundred and ten of the Revised Statutes of the State of Delaware, be and the same is hereby amended as follows: Any non-resident person to whom a sum is due by judgment or decree, shall appear at the office where such judgment or decree is recorded, within thirty days after a notice has been given to the person to whom the sum is due, by the person owing such sum by judgment or decree, to receive satisfaction, and at the same time enter satisfaction on the record of such judgment or decree. Said non-resident neglecting or refusing to appear in person or by power of attorney within the time specified, then the person owing the sum by such judgment or decree, may deposit the amount due upon such judgment or decree, in the Farmers Bank of the State of Delaware, subject to the order of such non-resident.

Proceedings for entry of satisfaction on record of judgments and decrees due non-residents.  
Notice.

When sum due thereon may be deposited, and where

## OF CIVIL ACTIONS IN GENERAL.

When officer in charge of record shall enter satisfaction.

His duty.

What shall be notice to such creditor  
Proviso.

Inconsistent laws repealed.

When act to take effect.

The cashier of said bank shall give to the depositor, a certificate, stating the amount deposited in the name of said non-resident, and upon the presentation of this certificate, at the office where such judgment or decree is recorded, it shall be the duty of the officer in charge of such office, to enter full satisfaction upon the said record, and shall write upon the record the manner in which said judgment or decree is satisfied, and shall retain the certificate or a duplicate of the same, in his office.

SECTION 2. A notice, by mail or by person, to a non resident creditor shall be deemed and taken as sufficient notice. This act, however, shall not bar any non-resident from correcting any errors or omissions in any payments due him by suit or otherwise.

SECTION 3. And all statutes and parts and provisions of statutes heretofore enacted which are inconsistent with, or superseded by, this act and this amendment, are hereby repealed from and after the first Monday in May, A. D. 1877, on which day, and not before, this act shall go into operation and effect.

*Passed at Dover, March 15, 1877.*

## CHAPTER 476.

## OF THE LIEN OF TAXES.

## AN ACT in relation to the lien of taxes.

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

Taxes a prior lien upon real estate: when

SECTION 1. That all taxes laid and imposed by the Levy Court of a county, or by the State for its own purposes, shall be and constitute a lien upon all the real estate of the taxable against or upon where\* such taxes are laid and imposed, of which such taxable was seized at any time after the first day of March in the year in which such taxes were so laid as aforesaid,

\*So enrolled.

## OF CIVIL ACTIONS IN GENERAL.

situate in the county in which such taxes are assessed and collectible, and such lien shall have preference and priority to all other liens on such real estate created or suffered by the said taxable, although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes. But in case of the sale under execution process, of any real estate upon which such tax-lien shall exist, such lien shall be transferred to the fund arising from such sale in the hands of the officer making the same, and the real estate so sold shall be discharged therefrom; *Provided*, that if such fund shall not be sufficient to pay and discharge the said tax-lien, by reason of the said real estate having been sold subject to another or other lien or liens created by the said taxable, then the unpaid balance of said tax shall remain a lien upon the land so sold. And, *provided*, that the lien for taxes hereby prescribed, shall remain a lien for the period of two years from the first day of March of the year in which such tax shall have been imposed, and no longer. The collectors, in collecting taxes out of real estate upon which they are a lien under the provisions of this act, shall proceed in the manner now by law prescribed for the collection of taxes out of real estate. But in no case of sale, under execution process as aforesaid, shall the lien of such taxes be transferred to the fund arising from such sale, unless it shall sufficiently appear that the collector, charged with the collection of such tax, has exercised due diligence and exhausted all legal process in his efforts to collect the same out of the personal and other property of the taxable or his tenant subject thereto and liable therefor, before such real estate could be seized for such tax.

Preferred to pre-existing liens; when.

Transferred to proceeds of sale under execution.

Real estate so sold, discharged from lien. Proviso.

Lien to remain on same; when. Further proviso. Duration of lien. Duty of collector.

SECTION 2. That the provisions of this act shall apply to taxes imposed during the present year, but not to such as have been imposed prior to the present year.

To what taxes act applicable.

SECTION 3. That the act entitled "An act in relation to the lien of taxes," passed March 15, 1875, being chapter 183, of the 15th volume of the Laws of Delaware, and all other acts or parts of acts, inconsistent with this act, be and the same are hereby repealed.

Chapter 183, of current vol. repealed. Inconsistent laws repealed.

*Passed at Dover, March 20, 1877.*

## OF CIVIL ACTIONS IN GENERAL.

## CHAPTER 477.

## OF CHATTEL MORTGAGES.

AN ACT in respect to chattel mortgages.

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

**Mortgage, a lien upon personal property; when. How long. Recorded; where; when.** SECTION 1. A *bona fide* mortgage of personal property, if duly signed, sealed and delivered by the party making it, and acknowledged as mortgages of real property are, shall, for the space of three years, be a valid lien upon such personal property, though the possession remain in the mortgagor, if it be lodged for record in the recorder's office of each county where any of the mortgaged property is held, within ten days from the time of the acknowledgment thereof.

**When and how enforced. Proceedings. Proceeds of sale; how applied.** SECTION 2. If default, for the space of sixty days, be made in the payment of a mortgage of personal property, or of an installment thereof, (if it be payable by installments,) the mortgagee shall have the right to proceed at law for the enforcement of his lien and the collection of the mortgage-money by the same process and means as are used in the case of mortgages of real estate, and judgment may be obtained as well for default of appearance or want of affidavit of defence, as upon trial. The proceeds of the sale shall be paid to liens upon the property in the order of their priority, and any surplus to the mortgagor, or his executors, administrators or assigns.

**May be taken subject to prior liens.** SECTION 3. It shall be no objection to a mortgage of chattels, that the same or any of them are already subject to execution or mortgage-lien.

**Affidavit necessary to its validity. Unlawful to remove mortgaged property. Misdemeanor.** SECTION 4. No mortgage made under the provisions of this act shall be valid, unless there be indorsed upon or annexed to it, and to be recorded with it, an affidavit that the said mortgage was made for the *bona fide* purpose of securing a debt or making indemnity, as the case may be, and was not made to cover the property of the mortgagor, or protect it from his creditors, or to hinder or delay them in the collection of their debts. If any mortgagor shall, without the consent of the mortgagee, remove the mortgaged property from the county where it is situated, or in which it was at the time of making the mortgage, he shall be guilty of a misdemeanor, and, upon

## OF CIVIL ACTIONS IN GENERAL.

conviction thereof, shall be fined in a sum equal to the value of the property removed, and shall also be imprisoned for a term not exceeding one year.

*Passed at Dover, March 23, 1877.*

## CHAPTER 478.

## OF EXECUTION.

AN ACT to amend chapter 111, of the Revised Code, in relation to sale of lands and tenements under execution process.

Amended  
Code, 1874,  
67a.

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 111, of the Revised Code, as amended, be and the same is hereby repealed, and the following inserted in lieu thereof:

Section 23,  
of chapter  
111, of Re-  
vised Code,  
repealed  
and supplied.

SECTION 23. Public notice of the sale of lands and tenements under execution process, shall be given by advertisements posted, at least, ten days before the day of sale, in ten of the most public places of the county where the premises are situated, setting forth the day, hour, and place of sale, and what lands and tenements are to be sold, and where they lie. One of the said advertisements shall be posted in the hundred in which the premises are located, and one, at least, in each of the hundreds which immediately adjoin the said hundred; a like advertisement shall be delivered, at least, ten days before the day of sale to the defendant, or left at his usual place of abode, if he have a known place of abode in the county; if the defendant do not reside in the county, notice shall be served on the tenant, or if there be no tenant, shall be left at the mansion house or other public place on the premises. The provisions of the next foregoing section respecting the delivery of an advertisement of the sale of goods and chattels under execution process, to each plaintiff in the execution, and also to each plaintiff in any other execution or executions, at the time in the hands of the sheriff or coroner, shall be in all

Notice of the  
sale of land.

Posted.

## OF CIVIL ACTIONS IN GENERAL.

respects applicable to the case of the sale of lands and tenements under execution process. Notice of such sale, as aforesaid, shall also be advertised for two weeks previous to the time of said sale, in two newspapers of the county wherein the said property is situated, one to be selected by the sheriff, the other to be selected by the defendant. The sheriff shall give the defendant first named in the writ, ten days' notice, such notice to be sent by mail addressed to the defendant at the post-office nearest his place of residence. If the defendant fails to select within the ten days after the deposit of said notice in the post-office, then the sheriff shall select both papers, one of which shall be the paper of the largest circulation, to be ascertained by the sheriff from the sworn statement of the editor or publisher as to the number of papers published and circulated, for twenty five consecutive issues prior to the time such statement shall be sworn to; *provided* that not more than three insertions per week shall be made in any one paper, and *provided further*, that if there is only one paper published in said county, at said time, the sheriff may select a paper in one of the other counties, and if there shall be no paper in said county he may select two in the other counties; and *provided further*, that the publishers of such papers shall not charge, for such advertising, a higher rate than the ordinary charges for transient advertisements. The description of the lands and tenements, in the public notices and advertisements, as aforesaid, need not follow, literally, that of the execution process, but shall be sufficient if it contains such general description of the property so advertised as will clearly identify the same, giving the location, with the known or computed quantity thereof, and also specifying the principal improvements thereon, if any.

SECTION 2. *And be it further enacted*, That all acts and parts of acts, now in force, contrary to, or inconsistent with this act be, and the same are, hereby, repealed, made null and void.

*Passed at Dover, February 1, 1877.* —

## OF CIVIL ACTIONS IN GENERAL.

## CHAPTER 479.

## OF EXECUTION.

A SUPPLEMENT to the Act entitled "An Act to exempt from execution process, certain articles of personal property, passed at Dover, April 10, eighteen hundred and seventy-three. Vol 14, 652.

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 exempt from execution process, certain articles of personal property, be and the same is hereby amended so as to extend and apply all the provisions of exemption of said act to every case of persons residing in this State who die, leaving a widow, giving and securing to such widow the same benefit of exemption that her husband would have under the said act, if living.

Chapter 562,  
of volume  
14, amended.  
Benefit of  
exemption  
laws extend-  
ed to widow  
of deceased  
resident of  
State.

SECTION 2. That the appraisers appointed by the register upon the granting of letters of administration upon goods and chattels, rights and credits of every intestate person, who dies insolvent, shall lay off, or set apart for the use of the widow of said deceased, personal property of said deceased, to be by her selected, not exceeding in value, two hundred dollars.

Duty of ap-  
praisers of  
chattels of  
deceased in-  
solvent, to  
lay off cer-  
tain exemp-  
tion to  
widow.

*Passed at Dover, March 22, 1877.*



## TITLE NINETEENTH.

## Of the Fees of Public Officers.

## CHAPTER 480.

## OF THE FEES OF PUBLIC OFFICERS.

Amended  
Code, 1874,  
732. AN ACT to amend section 33, of chapter 125, of the Revised Code of Delaware Laws.

Section 33,  
Chapter 125,  
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 33, chapter 125, of the Revised Code of Delaware Laws, be and the same is hereby amended by striking out all the words in first, second and third lines, and inserting in lieu thereof, "To the treasurer of Kent county, an annual salary of five hundred dollars; to the treasurer of Sussex county an annual salary of four hundred dollars."

Salary of  
county  
treasurers.

Not to affect,  
what. SECTION 2. This amendment shall not affect the compensation of the present incumbents.

*Passed at Dover, January 18, 1877.*

## TITLE TWENTIETH.

## Of Crimes and Punishments.

## CHAPTER 481.

## OF OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to provide for the better protection of the traveling public, and to insure the prompt transportation and delivery of fruits and freights.

WHEREAS, Strikes by locomotive engineers and other rail- Preamble  
road employees, and the abandonment by them of their en-  
gines and trains at points other than their schedule destina-  
tion, whereby the safety of the passenger is often jeopardized,  
and shippers of fruits and other freights are subjected to great  
inconvenience, delay and possible loss, have lately become so  
frequent and extensive as to render it imperative that the  
rights and interests of the public should be guarded and pro-  
tected in this respect by some proper legislation. Now,  
therefore,

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

SECTION 1. If any locomotive engineer, upon any railroad  
within this State, who shall, at the time, be engaged in any  
strike, or with a view to incite others to such strike, or in  
furtherance of any combination or preconcerted arrangement  
with any other person or persons to bring about or produce  
such strike, shall abandon the locomotive engine in his charge,  
when attached either to a passenger or freight train, at any  
place other than the schedule or otherwise appointed destina-  
tion of such train, or shall refuse or neglect to proceed with  
said train to the place of destination, as aforesaid, every such  
person, so offending, shall be deemed guilty of a misdemeanor,  
and shall, upon conviction thereof by indictment, be fined not Misdemean-  
or.  
Fine.

Unlawful  
for locomo-  
tive engi-  
neer to aban-  
don train :  
when.

## OF CRIMES AND PUNISHMENTS.

**Imprisonment.** less than one hundred, nor more than five hundred, dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

**When unlawful for such engineer to refuse to aid in movement over tracks of his employers, of cars of other railroad companies.** SECTION 2. If any locomotive engineer, or railroad employee, within this State, for the purpose of furthering the object of, or lending aid to, any strike or strikes organized or attempted to be maintained on any other railroad, either with- in or without this State, shall refuse or neglect, in the course of his employment, to aid in the movement over and upon the tracks of the company employing him of the cars of such other railroad company, or receive therefrom in course of transit where strikes are, either then, or may have been organized or attempted to be maintained, as aforesaid, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than one hundred, nor more than five hundred, dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

**Misdemeanor.**

**Fine.**

**Imprisonment.**

**When unlawful for any person to prevent any railroad employee from discharging his duty as such.** SECTION 3. If any person in aid or furtherance of the objects of any strike upon any railroad within this State, shall interfere with, molest or obstruct any railroad employee engaged in the discharge and performance of his duty, as such, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than one hundred, nor more than five hundred, dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

**Certain other acts in furtherance of railroad strikes, unlawful.**

**Misdemeanor.**  
**Fine.**

**Imprisonment.**

SECTION 4. If any person or persons, in aid or furtherance of the objects of any strike, shall obstruct any railroad track within this State, or shall injure or destroy the rolling stock or any other property of any railroad company, or shall take possession of or remove any such property, or shall prevent, or attempt to prevent, the use thereof by such railroad company or its employees, or shall, by offer of recompense, induce any employees of any railroad company within this State, to leave the service of such company, every such person, so offending, shall be deemed guilty of a misdemeanor, and, upon conviction thereof by indictment, shall be fined not less than five hundred, nor more than one thousand, dollars, and may be imprisoned, not less than six months, nor more than one year, at the discretion of the court.

SECTION 5. If any conductor, baggage master, brakeman, or other train man, employed on either a freight or passenger

## OF CRIMES AND PUNISHMENTS.

train, on any railroad within this State, shall abandon the train to which he is so attached, or with which he is connected in furtherance of any strike, or with the view of inciting others to such strike, or in aid of any others who may be engaged in such strike, at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to proceed with such train to its place of destination, every such person, so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than one hundred, nor more than five hundred, dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

When abandonment of train by certain other railroad employees unlawful.

Misdemeanor.

Fine.

Imprisonment.

SECTION 6. This act shall be a public act.

Public act.

*Passed at Dover, March 8, 1877.*

## CHAPTER 482.

## OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT to amend section 10, chapter 128, of the Revised Code.

Amended code, 1874, 770.

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

That section 10, chapter, 128, of the Revised Code of this State, be and the same is hereby amended by inserting in line nine, of said section, between the words "store" and "shop," the word "office."

Section 10 of chapter 128, Rev. Code, amended.

*Passed at Dover, March 9, 1877.*

## OF CRIMES AND PUNISHMENTS.

## CHAPTER 483.

## OFFENCES AGAINST PRIVATE PROPERTY.

Current vol.,  
315.

AN ACT to amend chapter 190, volume 15, Laws of Delaware.

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

Chapter 190,  
of current  
vol., amend-  
ed.

Proceedings  
in trespass  
cases, when  
ownership  
is claimed.  
Appeal.

SECTION 1. That chapter 190, volume 15, Laws of Delaware, be and the same is hereby amended by adding thereto, the following, to wit: Section 4. "If the party charged with committing said trespass, shall claim the ownership of the premises, the same proceedings shall be had as is now provided for actions of trespass, before a justice of the peace, with right of appeal to the Superior Court in all cases."

*Passed at Dover, March 9, 1877.*

## CHAPTER 484.

## OFFENCES AGAINST PRIVATE PROPERTY.

Amended  
Code, 1874.  
770.

AN ACT to amend chapter 128 of the Revised Code, entitled "Offences against private property."

Chapter 128,  
of Revised  
Code, amend-  
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That chapter 128 of the Revised Code, be amended by adding thereto, the following section:

When un-  
lawful to  
throw cer-  
tain mis-  
siles upon  
railroad en-  
gines, cars,  
&c.

Misdemean-  
or.  
Fine.  
Imprison-  
ment.

SECTION 21. If any person shall willfully and maliciously cast, throw, or cause to fall, or strike against, into, or upon, any engine, tender, car or truck used upon any railway in this State, any wood, stone or other matter or thing, with intent to endanger the safety of any person being in or upon such engine, tender, car or truck, every such offender shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined three hundred dollars, and imprisoned for a term not exceeding one year.

*Passed at Dover, March 23, 1877.*

OF CRIMES AND PUNISHMENTS.

CHAPTER 485.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT to provide punishment for fraud.

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 knowingly aid or assist another in the making or doing of any act to defraud, delay, or hinder his creditors, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding one thousand dollars, and shall be imprisoned not exceeding one year, at the discretion of the court.

Unlawful to aid in defrauding or delaying creditors. Misdemeanor. Fine. Imprisonment.

*Passed at Dover, March 20, 1877.*

## TITLE TWENTY-SECOND.

## CHAPTER 486.

AN ACT to provide for the annual payment, by the county of Sussex, of a sum equivalent to the interest on the loan of five thousand dollars to said county, now deducted by the State treasurer from said county's proportion of income from School Fund.

Preamble.

Vol. 9, 140.

WHEREAS, by an act of the General Assembly passed at Dover, February 17, 1837, entitled "An act to authorize the building of a court house and fire-proof office at Georgetown, in Sussex county, and, by section 3 thereof, the sum of five thousand dollars (\$5,000) out of the surplus fund of this State, to be used and applied in the erection of the building, authorized by said act, was appropriated and it was thereby provided that the said county of Sussex should pay to the State, at the rate of six per centum per annum interest on the said sum, to be deducted out of that portion of the interest of said surplus revenue to be apportioned to said county of Sussex, and

WHEREAS, by an act of the General Assembly entitled "An act to provide for the distribution of the interest of this State's proportion of the surplus fund," passed at Dover, February 22, 1837, it was, in substance, provided that the interest arising from the investments of such surplus fund should be divided into three equal parts, and one of said parts was thereby appropriated to each of the counties of New Castle, Kent and Sussex, except that in distributing such dividends, consideration should be had of the said sum of five thousand dollars theretofore appropriated to the said county of Sussex, so that each of the said several counties should receive an equal share of such income from the whole of said surplus revenue, and

WHEREAS, by an act passed at Dover, February 12, 1845, amendatory of the said last mentioned act, the State treasurer was required to pay over to the trustee of the school fund the entire share of the dividend and interest appropriated to

## MISCELLANEOUS.

Sussex county, to be apportioned among the several school districts of Sussex county, and

WHEREAS, by reason of the deduction of the annual interest on the aforesaid sum of five thousand dollars from the gross amount of interest and dividend (arising from the whole of said share of such surplus revenue) allotted to said county of Sussex, the annual revenue for school purposes distributed to the several districts of said last mentined county is diminished to the extent of three hundred dollars. Therefore,

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 the said county of Sussex shall, annually, during their March session, appropriate the sum of three hundred dollars for the payment of the sum required to be deducted by the State Treasurer as and for the interest on the aforesaid sum of five thousand dollars, and direct an order to be drawn on the County Treasurer in favor of the State Treasurer, annually, at their said March session, for the said sum of three hundred dollars.

Levy Court of Sussex county to have a certain sum paid to State Treasurer.

SECTION 2. *And be it further enacted,* That it shall be the duty of the State Treasurer, and he is hereby authorized, directed, and required, annually and every year, as soon as the said sum of three hundred dollars shall have been received by him, to pay over unto the Trustee of the School Fund, the said sum of three hundred dollars, which said sum shall be added to and form part of that proportion of the dividend and income from the school fund belonging to said county of Sussex, and the said sum of three hundred dollars shall, together with the proportion of income from the school fund, distributable in the said county of Sussex, be distributed among the several school districts of said Sussex county in the manner as now provided by law for the apportionment of school dividends.

How said sum shall be disposed of.

SECTION 3. *And be it further enacted,* [That] so much and such parts of any law or laws as may be inconsistent with or contrary to the provisions of this act, be and the same are hereby repealed.

Inconsistent acts repealed.

*Passed at Dover, February 6, 1877.*



## TITLE TWENTY-SECOND.

## CHAPTER 486.

AN ACT to provide for the annual payment, by the county of Sussex, of a sum equivalent to the interest on the loan of five thousand dollars to said county, now deducted by the State treasurer from said county's proportion of income from School Fund.

Preamble.

Vol. 9, 140.

WHEREAS, by an act of the General Assembly passed at Dover, February 17, 1837, entitled "An act to authorize the building of a court house and fire-proof office at Georgetown, in Sussex county, and, by section 3 thereof, the sum of five thousand dollars (\$5,000) out of the surplus fund of this State, to be used and applied in the erection of the building, authorized by said act, was appropriated and it was thereby provided that the said county of Sussex should pay to the State, at the rate of six per centum per annum interest on the said sum, to be deducted out of that portion of the interest of said surplus revenue to be apportioned to said county of Sussex, and

WHEREAS, by an act of the General Assembly entitled "An act to provide for the distribution of the interest of this State's proportion of the surplus fund," passed at Dover, February 22, 1837, it was, in substance, provided that the interest arising from the investments of such surplus fund should be divided into three equal parts, and one of said parts was thereby appropriated to each of the counties of New Castle, Kent and Sussex, except that in distributing such dividends, consideration should be had of the said sum of five thousand dollars theretofore appropriated to the said county of Sussex, so that each of the said several counties should receive an equal share of such income from the whole of said surplus revenue, and

WHEREAS, by an act passed at Dover, February 12, 1845, amendatory of the said last mentioned act, the State treasurer was required to pay over to the trustee of the school fund the entire share of the dividend and interest appropriated to

## MISCELLANEOUS.

Sussex county, to be apportioned among the several school districts of Sussex county, and

WHEREAS, by reason of the deduction of the annual interest on the aforesaid sum of five thousand dollars from the gross amount of interest and dividend (arising from the whole of said share of such surplus revenue) allotted to said county of Sussex, the annual revenue for school purposes distributed to the several districts of said last mentined county is diminished to the extent of three hundred dollars. Therefore,

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 the said county of Sussex shall, annually, during their March session, appropriate the sum of three hundred dollars for the payment of the sum required to be deducted by the State Treasurer as and for the interest on the aforesaid sum of five thousand dollars, and direct an order to be drawn on the County Treasurer in favor of the State Treasurer, annually, at their said March session, for the said sum of three hundred dollars.

Levy Court of Sussex county to have a certain sum paid to State Treasurer.

SECTION 2. *And be it further enacted,* That it shall be the duty of the State Treasurer, and he is hereby authorized, directed, and required, annually and every year, as soon as the said sum of three hundred dollars shall have been received by him, to pay over unto the Trustee of the School Fund, the said sum of three hundred dollars, which said sum shall be added to and form part of that proportion of the dividend and income from the school fund belonging to said county of Sussex, and the said sum of three hundred dollars shall, together with the proportion of income from the school fund, distributable in the said county of Sussex, be distributed among the several school districts of said Sussex county in the manner as now provided by law for the apportionment of school dividends.

How said sum shall be disposed of.

SECTION 3. *And be it further enacted,* [That] so much and such parts of any law or laws as may be inconsistent with or contrary to the provisions of this act, be and the same are hereby repealed.

Inconsistent acts repealed.

*Passed at Dover, February 6, 1877.*

## MISCELLANEOUS.

## CHAPTER 487.

AN ACT to encourage the cultivation of sugar beets.

Appropriation.

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 the sum of three hundred dollars be, and is, hereby, appropriated from the State Treasury, to be expended for the purpose of encouraging the growth and cultivation of sugar beets.

How expended.

SECTION 2: The moneys authorized to be expended by the first section of this act shall be used during the years 1877 and 1878, for the purchase of seed and the payment of premiums to be offered for beets containing the greatest quantity of sugar, for the expenses of analyzing the beets, and the necessary expenses of the commissioners, to be appointed by this act.

Commission.

SECTION 3. There shall be appointed by the General Assembly, a commission, consisting of three persons, who shall have entire control of the sum above appropriated, to expend it in such a manner as in their judgment will best accomplish the object sought by this act. Two of the commissioners shall constitute a quorum, and they shall select, at their first meeting, one of their number as chairman, and such chairman shall have power to draw orders on the State Treasurer to the amount of three hundred dollars, as named in the first section of this act. The commissioners shall render to the State Auditor on or before the first day of January, 1879, a full account of the manner in which this money shall be expended, together with the necessary vouchers for the same. *Provided* that the commissioners appointed under this act shall not receive compensation for their services, but only the necessary traveling expenses to and from the place of meeting.

Quorum.

Chairman.

Render account to State Auditor; when.

Proviso.  
No compensation.

*Passed at Dover, March 22nd 1877.*

## MISCELLANEOUS.

## CHAPTER 488.

## AN ACT for the Payment of Claims against the State.

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

SECTION 1. That the State Treasurer be and is hereby authorized to pay the following claims, to wit :

To Thomas B. Giles, State Treasurer, for traveling expenses, advertising, postage stamps, &c.,	\$.101 08	T. B. Giles, \$101 08.
To William H. Purnell, for expenses in attending nine meetings of the Board of Education,	80 08	W. H. Purnell, \$80.08.
To James E. Townsend, for serving requisition on the Governor of Maryland for the body of one John Brown, and expenses attending the same,	100 00	J. E. Townsend, \$100.00.
To Robert H. Davis, late State Treasurer, for counsel fee in the case of R. R. Robinson & Co., against him,	25 00	R. H. Davis, \$25.00.
To N. B. Deane & Bro., for matches,	3 25	N. B. Deane & Bro., \$3.25.
To Samuel C. Leatherbury, for attendance upon Court of Errors and Appeals as bailiff and crier, ice for court, etc., etc.,	29 96	S. C. Leatherbury, \$29.96.
To J. H. Fols, for three months service as fish commissioner,	100 00	J. H. Fols, \$100.00.
To Scott & Lofland, for publishing in the " <i>News and Advertiser</i> , auditor's notice three times,	2 00	Scott & Lofland, \$2.00.
To William D. Fowler, late Prothonotary, to is suing <i>Sci. Fa. vs. Peter Hubert, et al. Fi. Fa. vs. Joseph Adams</i> , and attendance upon the Court of Errors and Appeals,	29 13	W. D. Fowler, \$29.13.
To William H. Lambson, late sheriff, for serving requisition on the Governor of Virginia, for Frank Carter, <i>alias</i> Big Frank,	200 00	W. H. Lambson, \$200.00.
To J. H. Groves, for advertising,	17 08	J. H. Groves, \$17.08.
To Scott & Lofland, for printing advertisement in <i>News and Advertiser</i> , for J. H. Groves, Superintendent of Free Schools,	9 25	Scott & Lofland, \$9.25.
To Peter L. Cooper, late sheriff, for attending Court of Errors and Appeals,	18 00	P. L. Cooper, \$18 00.
To Nathan Pratt, for publishing auditor's reports for the years 1875 and 1876, books, stationery, postage stamps, advertising, and services as Secretary of the Board of Education,	202 00	N. Pratt, \$202.00.
To Garrett & Bradley, for fixing pump in front of State House,	2 50	Garrett & Bradley, \$2.50.

## MISCELLANEOUS.

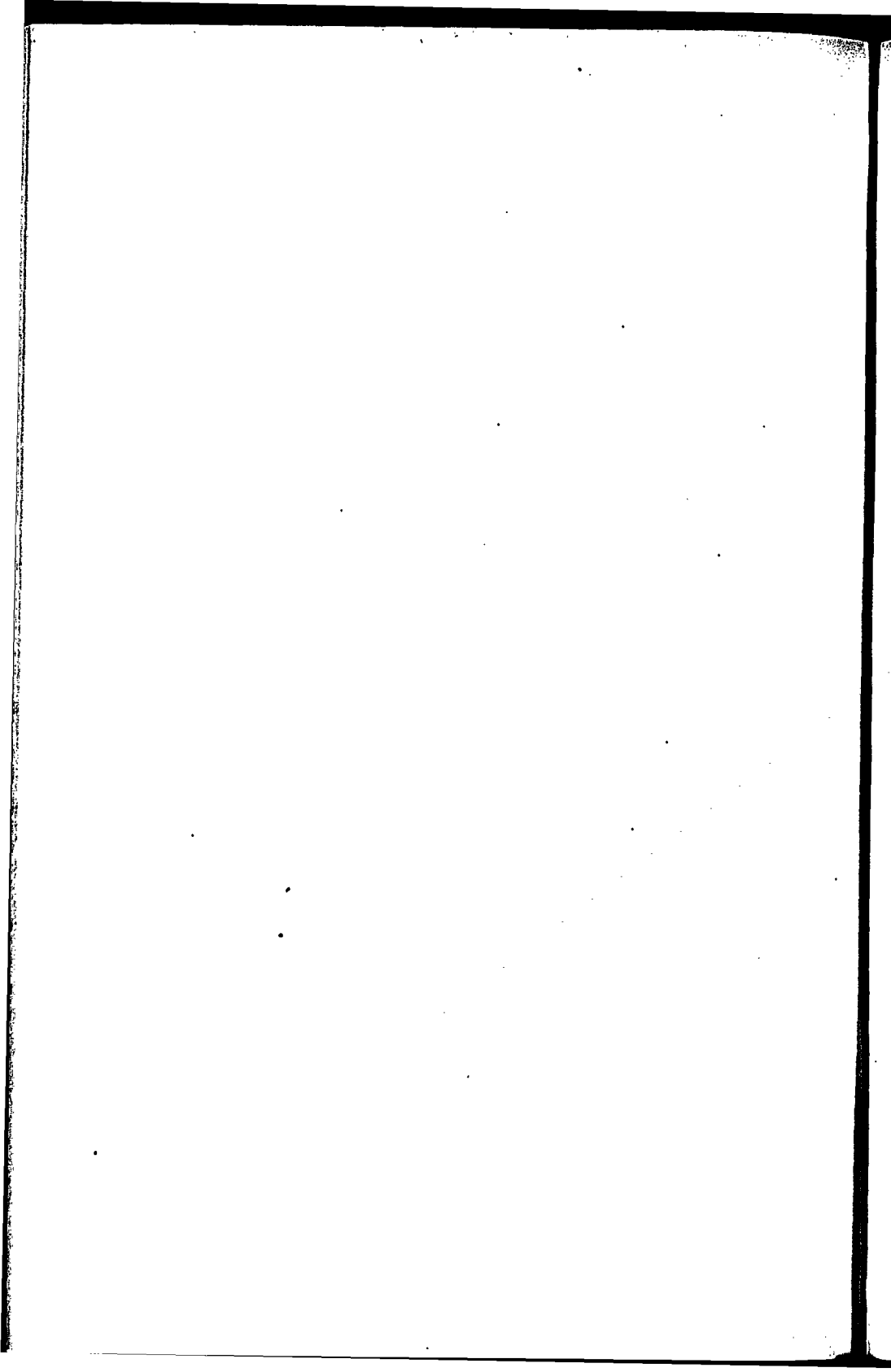
George O'Byrne & Co., \$44.16.	To George O'Byrne & Co., for printing,	44 16
James & Webb, \$27.60.	To James & Webb, for binding forty-six Journals of the House and Senate,	27 60
J. H. Hoffecker, \$15.00.	To Joseph H. Hoffecker, for subscription to three copies of the <i>Smyrna Times</i> , and advertising notice to School Committees,	15 00
J. H. Hoffecker, \$2.10.	To Joseph H. Hoffecker, for advertising auditor's notice,	2 10
W. W. Pritchett, \$43.00.	To William W. Pritchett, for eight days' service as fish commissioner and expenses,	43 00
J. F. Pennington, \$2.10.	To J. F. Pennington, for advertising auditor's notice,	2 10
T. K. Jones & Bro. \$89.60.	To T. K. Jones & Bro., for locks, keys, spittoons, stove-pipes, etc., etc.,	89 60
Western Union Telegraph Co., \$1.86.	To Western Union Telegraph Company, for four messages,	1 86
Stevenson & Slaughter, \$311.62.	To Stevenson & Slaughter, for coal, wash tubs, baskets, etc., etc.,	311 62
I. N. Grubb, \$75.00.	To Isaac N. Grubb, for services as fish commissioner,	75 00
J. H. Todd, \$33.03.	To James H. Todd, for account paid Hargadine & Wallace, for brooms, brushes, goblets, blacking, etc., etc.,	33 03
J. W. Wise, \$22.00.	To James W. Wise, for attendance as bailiff, on Court of Errors and Appeals, for eleven days,	22 00
Adams Express Co., \$1.20.	To Adams Express Company,	1 20
Hollowbush & C., \$483.61.	To Hollowbush & Carey, for stationery, etc., etc.,	483 61
H. W. Evans, \$44.73.	To H. W. Evans, for papers furnished the Senate,	44 73
W. F. Townsend, \$387.73.	To W. F. Townsend, for printing 1875 and 1876,	387 73
G. W. Vernon, \$47.50.	To Geo. W. Vernon, & Son, for printing, 1869, 1875 and 1876,	47 50
Delawarean, \$71.25.	To the <i>Delawarean</i> , for printing for Senate,	71 25
W. Saulsbury, \$500.00.	To Willard Saulsbury, for professional services in case of State of Delaware vs. Bank of Smyrna,	500 00
C. P. Johnson, \$285.32.	To C. P. Johnson, for printing 1876 and 1877,	285 32
J. Cowgill, \$20.64.	To James Cowgill & Son, for stationery,	20 64
W. B. Smith, \$4.50.	To Wilmer B. Smith, repairing clock,	4 50
J. H. Todd, \$200.00.	To James H. Todd, to services in purchasing stationery, &c.,	200 00
Richardson & Robbins, \$290.65.	To Richardson & Robbins, gas bill,	290 65
D. F. Burton, \$82.30.	To D. F. Burton, express agent,	82 30
C. P. Johnson, \$369.89.	To C. P. Johnston, printing for 1875 and 1876,	369 89
E. Reynolds, \$47.25.	To Edward Reynolds, printing,	47 25
J. Kirk & Sons, \$230.00.	To James Kirk & Sons, house printing,	230 00
Delawarean, \$616.25.	To the <i>Delawarean</i> , printing for 1875 and 1876,	616 25
Delawarean, \$273.50.	To the <i>Delawarean</i> , house printing, 1877,	273 50

## MISCELLANEOUS.

To George O'Byrne & Co., advertising,  
 To H. W. Evans, papers furnished house,  
 To James H. Todd, to work on State library and  
 making catalogue,  
 To *Every Evening* Publishing Co., printing,  
 To Joseph H. Hoffecker, per order of Superin-  
 tendent of Free Schools,  
 To J. Alexander Fulton, drawing bill,  
 To I. G. Lofland, bill for ice, for 1873 and 1877,  
 To James M. Johns, for reports furnished Chancel-  
 lor D. M. Bates,  
 To William Hunter, to extra services in attend-  
 ing rooms in State House,  
 To W. P. Godwin, for sundry repairs in State  
 House,

George  
 O'Byrne &  
 Co., \$4.32.  
 H. W. Ev-  
 ans, \$98.64.  
 J. H. Todd,  
 \$200.00.  
 Every Even-  
 ing Co.,  
 \$18.11.  
 J. H. Hoff-  
 ecker,  
 \$139.15.  
 J. A. Fulton,  
 \$25.00.  
 I. G. Lofland  
 \$60.00.  
 J. M. Johns,  
 \$300.00.  
 W. Hunter,  
 \$45.00.  
 W. P. God-  
 win, \$60.00.

*Passed at Dover, March 23, 1877.*



# RESOLUTIONS.

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## CHAPTER 489.

Joint resolution appointing a joint committee to wait upon his Excellency, the Governor, and inform him of the organization of the two Houses.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of two on the part of the Senate, and three on the part of the House, be appointed to wait on his Excellency, the Governor, and inform him that both Houses are convened and ready to receive any communication that he may have to make.

Joint committee to inform the Governor of the organization of the Legislature.

*Adopted at Dover, January 2, 1877.*

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## CHAPTER 490.

Joint resolution appointing a joint committee to prepare joint rules for the government of intercourse between the two Houses.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That there be ap-



## RESOLUTIONS.

Joint committee to prepare rules for the government of the two Houses. pointed a joint committee of two on the part of the Senate, and two on the part of the House, to prepare joint rules for the government of intercourse between the two Houses.

*Adopted at Dover, January 3, 1877.*

## CHAPTER 491.

Joint resolution appointing a joint committee to take action and make report upon the report of the Adjutant General.

Joint committee on adjutant general's report.

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of two on the part of the Senate, and three on the part of the House, be appointed on the Adjutant General's report, and take action and make report thereon, as the case demands.

*Adopted at Dover, January 3, 1877.*

## CHAPTER 492.

Joint resolution of Adjournment.

Adjournment of the Legislature.

*Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That when the two Houses adjourn, this morning, they adjourn to meet on Monday next, at 3 o'clock, P. M.

*Adopted at Dover, January 4, 1877.*

## RESOLUTIONS.

## CHAPTER 493.

Joint resolution appointing a joint committee to examine the accounts of the State Treasurer.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That there be appointed a joint committee of two on the part of the Senate, and three on the part of the House, to examine the accounts of the State treasurer. Joint committee to examine the accounts of the State Treasurer.

*Adopted at Dover, January 10, 1877.*

## CHAPTER 494.

Joint resolution in relation to the Boundary Question, referred to in the Governor's message.

*Resolved, by the Senate and House of Representatives of the State of Delaware [in General Assembly met,]* That so much of his Excellency, the Governor's message, as refers to the boundary question, be and the same is hereby referred to a joint committee of two on part of the Senate, and three on part of the House. Joint committee on so much of the Governor's Message as relates to the boundary question.

*Adopted at Dover, January 11, 1877.*

## CHAPTER 495.

A joint resolution authorizing and directing the State Treasurer to pay a certain claim.

WHEREAS, by a joint resolution, adopted February 25, 1875, the clerk of the House was directed to have printed, one

## RESOLUTIONS.

Preamble.  
Current vol-  
ume, 347.

thousand copies of an historical paper, read before the General Assembly, by Col. Wm. G. Whiteley, and

WHEREAS, the clerk, in obedience to said joint resolution, employed Messrs. James & Webb, of Wilmington, to print said paper, but the said firm neglected to present their bill at the last session of the General Assembly, therefore,

State Treas-  
urer to pay  
James &  
Webb \$172.48  
for print-  
ing a certain  
historical pa-  
per.

BE IT RESOLVED\*, That the State Treasurer be and he is hereby authorized and directed, to pay to James & Webb the sum of one hundred and seventy-two dollars and forty-eight cents, (\$172.48) being the amount of their bill for printing the aforesaid historical paper.

*Adopted at Dover, January 16, 1877.*

## CHAPTER 496.

Preamble and Joint Resolution for the publication and payment of Equity cases.

Preamble.  
Current vol-  
ume, 340.

WHEREAS, By a joint resolution of the General Assembly of the State of Delaware, adopted on the 2d of February, A. D. 1875, Daniel M. Bates was authorized and requested to complete the collection and publication of equity cases, pursuant to the provisions of a joint resolution adopted on the 29th of March, A. D. 1871, and

Vol. 14, 285.

WHEREAS, all the provisions of the last mentioned joint resolution were expressly extended to such collection and publication to be made by him, as well since as before the expiration of his office of chancellor, the provisions so extended being intended to include an allowance made in the joint resolution of 1871 of two hundred dollars per annum in consideration of the services requested and authorized ; and,

WHEREAS, notwithstanding the expiration of his said office, the said Daniel M. Bates continued, and still continues, the prosecution of the said work, and

\*So enrolled.

## RESOLUTIONS.

WHEREAS, for the want of an express direction in said joint resolution of 1875, for the payment of said allowance, the State Treasurer has not felt himself authorized to pay the same since the expiration of the said Daniel M. Bates' term of office as chancellor ; now, therefore,

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer is hereby authorized and directed to pay to the said Daniel M. Bates, out of any moneys in the treasury of the State, not otherwise appropriated, the sum of two hundred dollars for each year which has elapsed since the expiration of his said office as chancellor, and to continue to pay to him, in like manner the said sum of two hundred dollars, annually, for the services requested and authorized by the joint resolution adopted at Dover, March 29, 1871, volume 14, chapter 223, and to be completed in a third volume in the year 1878, and delivered according to the provisions in said resolution.

State Treasurer to pay Hon. D. M. Bates, the annual sum of \$200, for publication of equity cases.

*Adopted at Dover, January 18, 1877.*

## CHAPTER 497.

Joint Resolution appropriating seven hundred dollars to pay the contingent expenses of the office of Secretary of State.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the sum of seven hundred dollars be and the same is hereby appropriated and made payable to Ignatius C. Grubb, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he be required to present his accounts and vouchers to the General Assembly of this State at its next session, for settlement.

Contingent expenses of the Secretary of State.

*Adopted at Dover January 18, 1877.*

## RESOLUTIONS.

## CHAPTER 498.

Joint Resolution appointing State Treasurer.

Thomas B.  
Giles, ap-  
pointed  
State Treas-  
urer.

*Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That Thomas B. Giles be and he is hereby appointed State Treasurer.*

*Adopted at Dover, January 18, 1877.*

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## CHAPTER 499.

Joint Resolution appointing Doctor Nathan Pratt auditor of accounts.

Dr. Nathan  
Pratt ap-  
pointed  
State Audi-  
tor

*Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate, That Doctor Nathan Pratt be and he is hereby appointed auditor of accounts.*

*Adopted at Dover, January 18, 1877.*

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## CHAPTER 500.

Joint Resolution directing the publication, in pamphlet form, of the Auditor's report for the year 1876.

600 pam-  
phlet copies  
of Auditor's  
Report for  
1876 to be  
printed.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the House committee on printing be and the same is hereby directed to have printed, in pamphlet form, six hundred copies of the State Auditor's Report for the year 1876, and to distribute the*

## RESOLUTIONS.

same as follows, to wit: Two hundred and sixty (260) copies to the House of Representatives, one hundred and twenty (120) copies to the Senate, seventy (70) copies to the State auditor, and fifty copies to each of the prothonotaries of the several counties.

How distributed.

*Resolved*, That the clerks of the two Houses of this General Assembly, be and they are hereby directed to omit the said State Auditor's Report from publication in connection with their journals.

Clerks of the two houses to exclude said Report from publication in journals.

*Adopted at Dover, January 19, 1877.*

## CHAPTER 501.

Joint Resolution for the appointment of a joint committee to which shall be referred the report of the Delaware State Centennial Commission.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the report of "The Delaware State Centennial Commission" be referred to a joint committee of three on the part of the House, and two on the part of the Senate.

Joint committee on Report of "The Delaware State Centennial Commission."

*Adopted at Dover, January 23, 1877.*

## CHAPTER 502.

Joint Resolution directing the State Treasurer to pay to Joseph P. Comegys and Leander F. Riddle, the sum of eleven hundred and fifty-one dollars and nine cents. (\$1,151 09.)

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the State

## RESOLUTIONS.

State Treasurer to pay \$1151, as additional appropriation for expenses of State Centennial Commission.

treasurer be and he is hereby directed to pay to Joseph P. Comegys and Leander F. Riddle, the sum of eleven hundred and fifty-one dollars and nine cents, (\$1,151 09,) balance due from the State, as an additional appropriation to defray the\* Centennial Commission of this State.

*Adopted at Dover, January 24, 1877.*

## CHAPTER 503.

## Joint Resolutions on Federal relations.

## Preamble.

WHEREAS, the unsettled and threatening attitude of public opinion upon the Presidential contest, has made it expedient and in comity with the harmony of an American citizenship, and the tranquility of political loyalty to the Constitution of these United States, to adopt measures for the preservation of those vital qualities in good government, therefore,

The congressional bill appointing a joint commission for the decision of the Presidential election, approved.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That they do approve and cordially endorse the bill, reported as the fruit of the deliberation of the joint committee of the National Congress, for the peaceful settlement of the existing Presidential difficulties, as a fair course of equal law.

The Senators and Representatives from Delaware were requested to support it.

*Resolved,* That the representatives from this State in the Congress of the United States be, and they hereby are, respectfully and earnestly requested to give a cordial and united support to this broad and liberal measure, to the end that the great and absorbing question of Presidential succession may be decided in the interests of justice, liberty and peace.

Copy of resolution to be sent them.

*And be it further resolved,* That a copy of the foregoing preamble and resolutions be transmitted to our Senators and Representative in Congress, with a request that they be presented to the Senate and House of Representatives.

*Adopted at Dover, January 25, 1877.*

\* So enrolled.

## RESOLUTIONS.

## CHAPTER 504.

Joint Resolutions relative to the rights of the State of Delaware, in a certain part of the Delaware river which runs between the States of Delaware and New Jersey.

WHEREAS, The State of Delaware claims to own the bed <sup>Preamble.</sup> and to have exclusive jurisdiction (subject to the constitution of the United States and the acts of Congress made in pursuance thereof) over that portion of the Delaware river which is included within a circle of twelve miles radius, taking the court house in the city of New Castle as a central point—and

WHEREAS, The State of New Jersey disputes the validity of such claim, and asserts, upon her part, jurisdiction and ownership over that part of the same area on the east side of the channel of said river—and

WHEREAS, Legally authorized commissioners have heretofore held frequent conferences and consultations which have failed to result in any satisfactory determination of the points in dispute—and

WHEREAS, It has officially come to the knowledge of this General Assembly, through a properly certified copy of a joint resolution, adopted by "the Senate and General Assembly of the State of New Jersey," March 30th, 1876, that the Governor of said State is authorized to cause to be instituted and prosecuted, in the Supreme Court of the United States, a suit in equity or an action at law, by the State of New Jersey against the State of Delaware, to ascertain, determine, and settle the true territorial boundary line between said States, and the extent of the jurisdiction of each of said States in and on said river, and—

WHEREAS, As the State of Delaware was the first to give her assent to the Constitution of the United States which provides the arbiter\* of the Supreme Court for the decision of controversies between States, so she will promptly accept the gage of contest in that august tribunal tendered her by her sister State; Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Attorney General be, and he is, hereby, authorized and directed,*

\*So enrolled.

Attorney General to appear for Delaware, whenever suit shall be commenced by New Jersey in U. S. Supreme Court.



## RESOLUTIONS.

Governor  
may employ  
additional  
counsel to  
assist Attor-  
ney General.

to cause his appearance, in behalf of this State, to be promptly entered upon the record of the said suit in the Supreme Court of the United States, whenever the same shall be commenced by the State of New Jersey. And be it further resolved, that the Governor be, and he is, hereby, authorized to employ, in behalf of the State, additional counsel to assist the Attorney General in the defence of the said suit.

Governor to  
send certi-  
fied copy of  
resolutions  
to the Gov-  
ernor of  
New Jersey.

*Resolved*, That the Governor of this State be, and he is, hereby, requested to transmit to the Governor of New Jersey, a certified copy of the foregoing preamble and resolutions.

*Adopted at Dover, January 26, 1877.*

## CHAPTER 505.

Joint Resolution inviting Rev. J. H. Caldwell to preach a sermon before the General Assembly.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

Invitation  
to Rev. J.  
H. Caldwell.

That Rev. J. H. Caldwell be, and he is, hereby, invited to preach a sermon in the M. E. church, before the members of this General Assembly, at such time as he may designate, and as shall suit their convenience.

*Adopted at Dover, February 6, 1877.*

## CHAPTER 506.

Joint Resolution to pay William Reynolds four hundred dollars in full, for services as Adjutant General of the State.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

State Treas-  
urer to pay  
\$400 to the  
Adjutant  
General.

That the State Treasurer be, and he is, hereby, directed to pay William Reynolds the sum of four hundred dollars in full for services to the State as Adjutant General.

*Adopted at Dover, February 7, 1877.*

RESOLUTIONS.

CHAPTER 507.

Joint Resolution in relation to new business, after Monday, the 26th inst.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

That no new business will be received by either branch of this General Assembly after Monday, the 26th inst.

Exclusion  
of new  
business.

*Adopted at Dover, February 16, 1877.*

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CHAPTER 508.

Joint Resolution inviting Mr. Cæsar A. Rodney to read an historical paper before the General Assembly.

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

That a joint committee of one on the part of the Senate, and one on the part of the House of Representatives, be appointed to invite Mr. Cæsar A. Rodney to read his history of the 1st Delaware Regiment of the Revolutionary war, before the General Assembly, on such evening as will be convenient.

Joint com-  
mittee to in-  
vite Cæsar  
A. Rodney  
to read a  
certain his-  
torical paper.

*Adopted at Dover, February 19, 1877.*

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CHAPTER 509.

Joint Resolution appointing directors for the Farmers Bank of the State of Delaware.

*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 Dela-

## RESOLUTIONS.

State directors of the Farmers Bank appointed.

ware 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, Samuel Hargadine, Thomas K. Taylor and Edward Lord ; for the branch at Wilmington, William Bright, George H. Bates, and Edward Moore ; for the branch at New Castle, John J. Black, John Johns and B. T. Holcomb ; for the branch at Georgetown, Loxley R. Jacobs, Robert B. Houston and Lewis B. Chandler.

*Adopted at Dover, February 21, 1877.*

## CHAPTER 510.

Joint Resolution in relation to the payment, by the Philadelphia, Wilmington and Baltimore Rail Road Company, of a loan to the New Castle and Wilmington Railroad Company, and its re-investment.

State Treasurer to procure and hold certain bonds for the benefit of the School Fund.

*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, as early as practicable, out of any funds of a sufficient sum that may be in the Treasury, to take up or purchase at par and accrued interest only, twenty-one bonds of one thousand dollars each, of the issue of January first 1865, by the State of Delaware, or he may, in his discretion, take up and redeem at par and accrued interest, the same or a less number of what is known as the Internal Improvement Bonds of Delaware, either of which, or both, not to exceed twenty-one thousand dollars, he shall hold as Trustee of the School Fund for the benefit of that fund so long as the Legislature may choose ; and as the interest upon them becomes due, according to the coupons attached, he shall carry the same to the credit of that fund as a part of the annual distribution of its income as contemplated by the original investment of twenty-five thousand dollars, of which the sum of four thousand dollars has been already invested for that object. And: further, should the State Treasurer, at the time of making up his school fund account for distribution, not have purchased and in hand as Trustee of the School Fund, bonds to the amount of twenty-five thousand dollars, he shall, at that time carry to and credit

His duties respecting interest.

## RESOLUTIONS.

the school fund for distribution, the interest on the said twenty-five thousand dollars, from the first day of January, 1877, and charge the Treasury account of the State with that sum, and until he shall have purchased and secured the whole amount of bonds as directed by this resolution, he is hereby directed and required to cover into the Treasury of the State, the interest arising from the coupons of any bonds he may have in hand by virtue of this resolution, as it may accumulate, until the whole sum shall have been secured, when he shall credit the interest on the same as it becomes due, directly, to the school fund aforesaid.

*Adopted at Dover, February 22d, 1877.*

## CHAPTER 511.

Joint Resolution accepting an invitation from the Board of Public Education of Wilmington.

*Be it resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met,* That the invitation of the Board of Public Education of Wilmington be, and the same is, hereby, accepted for Wednesday next, Feb. 28th. Invitation of Board of Public Education of Wilmington accepted.

*Adopted at Dover, February 26 1877.*

## CHAPTER 512.

Joint Resolution appointing a committee to settle with the State Treasurer and auditor of accounts, and to audit the accounts of the clerks of the Legislature.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a joint com-

## RESOLUTIONS.

Joint committee to settle with State Treasurer and Auditor.

mittee of five be appointed on the part of the General Assembly, to consist of the following two members of the Senate, viz : Messrs. Ray and Denney, and the three following members of the House of Representatives, viz : Messrs. Holcomb, Wright and Morris, whose duty it shall be to meet at Dover, on the third Tuesday of January, 1878, for the purpose of settling the accounts of the State Treasurer, and receiving the report of the auditor of accounts for the current year.

Statement to be made and 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 the hands of a majority of them, to be published in two (2) newspapers printed in the State, for the space of one month from the time of effecting the same.

Power to audit certain accounts of the clerks of both Houses.

Also of the Secretary of State.

Make allowances.

*Resolved*, That the said committee have full power and authority to audit the accounts of the clerk of the Senate, and of the clerk of the House of Representatives, 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 the State, for superintending the printing of the acts of the present session, and for making index to the same, and make such allowances for the 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.

Compensation of committee.

*Resolved*, That the 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 the 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.

*Adopted at Dover, March 7, 1877.*

## RESOLUTIONS.

## CHAPTER 513.

Joint Resolution appointing a State Librarian and Custodian of the State and Capitol Buildings.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That George H. Shakespeare be, and is, hereby, appointed State Librarian and custodian of the capitol building, and shall take charge of the State library and State capitol building on the 9th of April next ensuing, and continue to hold the office for two years, unless sooner removed. He shall, in company with a committee for that purpose, make an inventory of all furniture, books and other property in the building, belonging to the State, which inventory shall be filed in the office of the Secretary of State, and he shall be held responsible for such property. He shall keep a correct register of all books taken from the library, and require the return of the same within one month. He shall keep the library open every day, except Sundays or legal holidays, not less than two hours, or more than four hours, except during the session of the Legislature, and sessions of the courts in Kent county. He shall, if requested by the Governor or Secretary of State, take charge of their respective rooms during their absence. He shall receive as compensation for his services, as State Librarian and custodian of the capitol building, the sum of three hundred dollars per annum, for which he is hereby authorized to draw upon the State Treasurer, at the end of each quarter.

George H. Shakespeare appointed State Librarian and custodian of the Capitol.

Term of office.

Duties.

Inventory of books &c., to be filed ; where.

Liability.

Keep register of books taken, and require their return within one month.

Library open : when. Charge of rooms of Governor and Secretary of State : when. Compensation, \$300, annually.

*Resolved,* That the Governor of the State shall have the power to remove the State Librarian and custodian of the State capitol, and to appoint a person to fill the vacancy, whenever the said State Librarian and custodian of the capitol shall fail to perform his duties as such officer.

Removal by Governor : when.

*Adopted at Dover, March 14, 1877.*

## CHAPTER 514.

Joint Resolution authorizing the Governor to employ counsel in certain cases.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Gov-

## RESOLUTIONS.

Governor  
may employ  
counsel  
in certain  
cases; when.

Compensi-  
tion.

ernor be, and he is, hereby, authorized, in his discretion, to employ counsel to assist the Attorney General in the prosecution of the case of the State against William L. Heal, and any other similar cases, if the Attorney General shall express to the Governor a desire for an assistant counsel, and he is hereby authorized to draw upon the State Treasurer for a reasonable compensation to such counsel so employed.

*Adopted at Dover, March 15, 1877.*

## CHAPTER 515.

Joint Resolution authorizing the State Treasurer to pay the members of this General Assembly their per diem and mileage in gold coin or its equivalent in currency.

Preamble.

WHEREAS, The fact set forth in the joint resolution adopted at Dover, March 21, 1867, still holds true in every respect. Therefore,

Members to  
be paid in  
gold coin or  
its equivalent.

*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 the members of this General Assembly, their per diem and mileage in gold coin or its equivalent in currency.

*Adopted at Dover, March 15, 1877.*

## CHAPTER 516.

Certain persons authorized to apply to court for incorporation without giving notices required by law.

Joint Resolution authorizing certain persons named therein to apply to the Superior Court for an act of incorporation.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That J. M. Smith, John Moore, Caleb Boggs, J. H. Stroud, and Charles Brown,

## RESOLUTIONS.

be, and they are, hereby, authorized to apply to the Superior Court, at the next April term, (1877,) in Kent county, for an act of incorporation to establish a fruit drying factory at Mooreton, in Kent county, without the previous notices being given as required by the act of the Legislature, passed at Dover March 26, 1875, respecting corporations: Said application to be in accordance with "Form No. 2" of said act.

Current  
volume, 1871.

*Adopted at Dover, March 16, 1877.*

## CHAPTER 517.

Joint Resolution concerning the historical narrative read by Mr. Cæsar A. Rodney.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the thanks of the General Assembly of the State of Delaware be, and they are, hereby, tendered to Mr. Cæsar A. Rodney, for the valuable historical narrative of the Dover Light Guard, in the Princeton campaign of 1776 and 1777, read by him in the Hall of Representatives on the evening of March 6th.*

Vote of  
thanks to  
Mr. Cæsar  
A. Rodney  
for his his-  
torical paper.

*Adopted at Dover, March 16, 1877.*

## CHAPTER 518.

Joint resolution appointing Hon. Joseph P. Comegys to make arrangements with the Permanent Exhibition at Philadelphia in relation to certain property.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Hon.*



## RESOLUTIONS.

Hon. Joseph P. Comegys, appointed to arrange with the Philadelphia Permanent Exhibition for the use of Delaware's Centennial exhibition.

Also to discharge certain other duties respecting the State building grounds. State Treasurer to pay expenses thereof on his draft. Proviso. His account to Auditor.

Joseph P. Comegys be, and he is, hereby, appointed and requested to make all necessary arrangements with those having charge of the now established permanent exhibition, at Philadelphia, for the use of this State's exhibit at the late exhibition, until such time as this State may choose to resume the possession, or dispose of the same : And be it further resolved, that the Hon. Joseph P. Comegys be, and he is, hereby, appointed and requested to do all that is necessary to discharge the duty imposed by the regulations of the Centennial Commission having charge of the late exhibition at Philadelphia, by reason of their occupancy of grounds at the place of exhibition, for the State building erected for the convenience of our citizens, and that the expenses attending the above service be paid by his draft on the State Treasurer, provided said draft shall not exceed the sum of one hundred dollars, and he is hereby required to render an account of his expenditure to the State Auditor of accounts for settlement.

*Adopted at Dover, March 16, 1877.*

## CHAPTER 519.

Joint Resolution appointing a day for the adjournment of both Houses of the General Assembly, *sine die*.

Adjournment of both Houses *sine die*.

*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 Friday, March 23, 1877, sine die.*

*Adopted at Dover, March 16, 1877.*

## RESOLUTIONS.

## CHAPTER 520.

Joint Resolution tendering thanks to the State Centennial Commission, and the Firemen of Wilmington.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the thanks of this General Assembly be tendered the Centennial Commission of this State, of which the Hon. Joseph P. Comegys was President, and Leander F. Riddle, Esq., Secretary and Treasurer, for the judicious and economical expenditure of the moneys entrusted to their charge, and for the faithful and successful manner in which their duties as representatives of this State, at the late Centennial Exhibition, have been performed.

Thanks of the General Assembly tendered to the State centennial commission.

*And be it further resolved,* That the thanks of this General Assembly be tendered the Firemen of the City of Wilmington, for the valuable services rendered by them, to the State Centennial Commission, in the collection of funds for the erection of the State Building.

Also to the Firemen of Wilmington, for their services in aid of the State Building.

*Adopted at Dover, March 19, 1877.*

## CHAPTER 521.

Joint Resolution authorizing the State Treasurer to receive any moneys due to this State on account of its subscription to the stock of the United States Centennial International Exhibition.

WHEREAS, This State appropriated the sum of ten thousand dollars, as a subscription to the stock of the said Centennial Exhibition, and there is due to this State, by reason of said subscription, moneys from the assets thereof; therefore,

Preamble.

State Treasurer authorized to receive and receipt for any sum which may be due to State by reason of its subscription for U. S. Centennial Stock.

*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 receive any sum of money due or to become due to this State, by reason of such subscription from the person or persons, whose duty it is to pay

## RESOLUTIONS.

His duty, the same, and upon receipt thereof, to give vouchers for the money so paid, and do and perform all other acts necessary and proper, for the security of the person or persons paying the same. And he shall make a report of such sum or sums as he may receive in the first settlement he may thereafter make with a Committee of the Legislature.

Report.

*Adopted at Dover, March 19, 1877.*

## CHAPTER 522.

Joint Resolution providing for the negotiation of five per cent. bonds to redeem bonds of 1865.

Joint committee to prepare a bill for the issue of five per cent. bonds for the redemption of certain state bonds.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of five, two on the part of the Senate and three on the part of the House of Representatives, be appointed to prepare and report a bill to provide for the negotiation, at par, of State bonds to the amount of \$500,000, payable at the end of fifteen years, and to bear five per cent. interest, the proceeds of which shall be used for the redemption of State six per cent bonds of 1865.*

*Adopted at Dover, March 20, 1877.*

## CHAPTER 523.

Joint Resolution appointing Charles J. Harrington, Esq., to purchase coal, wood, stationery, &c.

*Resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met, That Charles*

## RESOLUTIONS.

J. Harrington, Esq. be, and he is, hereby, appointed and authorized to purchase the necessary coal, wood, lights and stationery for the next session of the Legislature, and the said Charles J. Harrington, Esq. is hereby directed to present his accounts and vouchers to the Legislature, at its next session, for allowance.

Charles J. Harrington to purchase fuel, stationery &c., for next Legislature and present accounts and vouchers.

*Adopted at Dover, March 21, 1877.*

## CHAPTER 524.

Joint Resolution respecting the Historical Society of Delaware.

1. *Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a sum not exceeding one hundred and fifty dollars per annum be, and the same is, hereby, appropriated to aid the Historical Society of Delaware in the publication, from time to time, of such matters of historical interest to this State as to the society may seem expedient, whether in pamphlet or book form.

\$150.00 annually appropriated to the Historical Society of Delaware, in aid of its historical publications.

2. *Resolved by the authority aforesaid,* That the said appropriation shall be carried into effect as follows, viz.: Upon the completion of any such publication, as aforesaid, and the deposit of ten copies of the same in the State Library, the president of said society may certify the cost of the same, and the fact of such deposit under his hand, to the Governor, who shall, thereupon, draw his warrant on the State Treasurer for the sum so certified, and the same shall be paid out of any money in the treasury not otherwise appropriated. *Provided,* that the aggregate amount of such payments shall, at no time, exceed the rate of one hundred and fifty dollars per annum, from the adoption of these resolutions.

How paid.

Governor to draw warrant; when. Proviso.

*Adopted at Dover March, 21, 1877.*

## RESOLUTIONS.

## CHAPTER 525.

Joint Resolution authorizing the collection, from the United States, of any claim the State may have for arms and accoutrements taken by the United States authorities from any of the arsenals or officers or members of the militia companies of this State, during the late war.

Attorney General directed to collect a claim for certain arms taken by the United States from this State.

May employ agent; when.

Manner of compensating agent.

Provis-

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Attorney General shall proceed, at once, to collect any claim this State may have against the general government for the arms and accoutrements taken from the State by the United States authorities, during the late war, and if he shall, on examination, be unable to find the records and other evidence belonging to the State, showing the taking of such arms and accoutrements, he shall then, without expending any of the State's money, employ, if he can, an agent to collect such testimony, prepare the State's claim and prosecute the same against the general government, and he is hereby authorized to contract with such agent at a per centum rate not exceeding twenty-five per cent. of any amount which may be recovered and paid into the treasury of the State, and when any moneys shall have been paid into the treasury under the provisions of this resolution, the Attorney General shall draw a draft on the treasury for the per centum contracted to be paid to such agent as may be so employed: Such draft shall, in no case, exceed twenty-five per centum of the amount actually paid into the treasury, and the State Treasurer is hereby authorized and directed to pay the same, and no claim shall ever be set up or made against the State for any services rendered under this resolution other than that which is expressly herein provided for: *provided*, that the arms and accoutrements mentioned in this resolution shall not be taken to embrace any portion of those for which the State stands credited with,\* as reported to this General Assembly by the late Adjutant General.

*Adopted at Dover, March 21, 1877.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 526.

Joint Resolution providing for the defense of certain persons indicted in the District Court of the United States.

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

That the Governor may, in his discretion, employ counsel to defend any person or persons now under indictment in the District Court of the United States, at Wilmington, charged with interfering with United States Marshals on the day of the last general election, and who were on that day acting in the capacity of peace officers, and he is hereby authorized and empowered to draw upon the State Treasurer for a reasonable compensation for any service that may be rendered under his direction.

Governor authorized to employ counsel for the defense of certain persons indicted in the U. S. District Court, at Wilmington. To draw upon State Treasurer for their compensation.

*Adopted at Dover, March 21, 1877.*

## CHAPTER 527.

Joint Resolution compensating John R. McFee, Esq., as Chancellor *ad litem*.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

That the sum of two hundred dollars be, and the same is, hereby appropriated out of any moneys in the treasury of the State, as a compensation to John R. McFee, Esquire, for his services as Chancellor *ad litem*, in the case of John S. Bacon, surviving partner of John S. Bacon and Joseph Bacon, lately trading in the name, style and firm of John S. Bacon & Company, *vs.* Daniel Hearn, administrator of Joseph Bacon, deceased, now pending in the Court of Chancery in Sussex county, and that the State Treasurer be, and he is, hereby, directed to pay to the said John R. McFee, Esquire, the said sum of two hundred dollars, when and as soon as he shall have rendered his decision in said case, and not before.

State Treasurer to pay \$200 to John R. McFee, Chancellor *ad litem*; when.

*Adopted at Dover, March 22, 1877.*

## RESOLUTIONS.

## CHAPTER 528.

Joint Resolution to defray the incidental expenses in the defense of the suit in the Supreme Court of the United States, between the State of New Jersey and the State of Delaware, on the question of jurisdiction over certain portions of the Delaware river.

Attorney General may draw upon State Treasurer for incidental expenses in the suit respecting the boundary question.

Amount limited to \$500.  
Vouchers to be produced

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Attorney General be, and he is, hereby, authorized to draw his warrant on the treasurer of this State for such sums as may be necessary to defray the expenses in printing the answer and all other papers required to be printed in the defense of the suit in the Supreme Court of the United States, between the State of New Jersey and the State of Delaware, concerning the question of jurisdiction over a certain portion of the Delaware river, and such other expenses as shall necessarily be incurred in the preparation of the defense thereto, and the treasurer is hereby authorized to pay the same out of any money in the treasury not otherwise appropriated, to an amount not exceeding five hundred dollars. The attorney General shall produce his vouchers for the money so expended to the next session of the General Assembly, for settlement.

*Adopted at Dover, March 22, 1877.*

## CHAPTER 529.

Current volume 628. Joint Resolution appointing Commissioners to carry into effect an act entitled "AN ACT to encourage the cultivation of sugar beets," passed at Dover, March 22, 1877.

Commissioners appointed for the cultivation of sugar beets.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Lea Pusey, Samuel B. Cooper and Edward L. Martin be, and they are, hereby, appointed Commissioners to carry into effect the provisions of the act entitled "An act to encourage the cultivation of sugar beets," passed at Dover March 22, 1877.

*Adopted at Dover, March 22, 1877.*

## RESOLUTIONS.

## CHAPTER 530.

Joint Resolution in relation to the printing of the Journals.

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

That the clerks of the two houses be, and they are, hereby, directed to have the journals printed in as condensed a form as practicable. Journals of Legislature; how printed.

*Adopted at Dover March 22, 1877.*

## CHAPTER 531.

Joint Resolution compensating Alfred P. Robinson, Chancellor *ad litem*.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the sum of two hundred dollars be and the same is hereby appropriated out of any moneys in the treasury of the State, as a compensation to Alfred P. Robinson, Esquire, for his services as Chancellor *ad litem*, in the case of Julia F. Morgan vs. Nathaniel Williams and Samuel H. Layton, late sheriff of Sussex county, now pending in the Court of Chancery, in Sussex county, and that the State Treasurer be and he is hereby directed to pay to the said Alfred P. Robinson, Esquire, the said sum of two hundred dollars, when and as soon as he shall have rendered his decision in said case, and not before. State Treasurer to pay \$200 to Alfred P. Robinson, Chancellor ad litem: when.

*Adopted at Dover, March 22, 1877.*



## RESOLUTIONS.

## CHAPTER 532.

Joint Resolution thanking the several railroad companies.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

Thanks of  
the General  
Assembly to  
the Railroad  
companies  
for free  
passes.

That the thanks of this General Assembly are hereby tendered to the several railroad companies, for the courtesy of passes to each of its members over their respective roads.

*Adopted at Dover, March 15, 1877.*

## CHAPTER 533.

Joint Resolution for the relief of the Breakwater and Frankford Railroad Company, and other purposes.

## Preamble.

WHEREAS, The State of Delaware is the owner of a certain mortgage of the Breakwater and Frankford Railroad Company, for the sum of two hundred thousand dollars, upon which it is represented to this General Assembly, by the State Treasurer, [that] the interest due on the first day of January last, as well as some theretofore accrued, has not been paid, and whereas, the directors of the said Breakwater and Frankford Railroad Company have failed to make the returns and payments to the State Treasurer, required in section 6, of the act of the General Assembly, entitled "an act to aid the Breakwater and Frankford Railroad Company to construct their road and for other purposes," passed March 26, 1873, for a period of more than thirty days after the time appointed for such returns and payments to be made, and have otherwise failed, for a period of more than thirty days, to pay the interest on the said mortgage to the State after the same became due and payable; and whereas, by the terms of the said act, granting aid to the said Breakwater and Frankford Railroad Company, such default on the part of the directors of said company, makes the whole mortgage become due and payable: therefore,

## RESOLUTIONS.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That notwithstanding the failure to pay the interest on the aforesaid mortgage for more than thirty days after it became due, so that thereby, according to its tenor, the whole of said mortgage has now become collectible, the State Treasurer is hereby authorized to receive such interest in arrear, if the same shall be paid or tendered by or before the first day of July, A. D., 1877, and he shall notify the president of the said company accordingly, and if such interest shall not have been paid by that date, the State Treasurer is hereby directed to cause proceedings to be instituted, either [by] *Scire Facias* at law, or by Bill in Equity to foreclose for the collection of the moneys secured by said mortgage, if the Governor and Attorney General shall deem it for the best interest of the State, and shall so advise the State Treasurer.

State Treasurer to receive arrears of interest, notwithstanding default; when.

Notice.

To institute proceedings for collection; when.

*Resolved, further,* That it shall be the duty of the State Treasurer, and he is hereby authorized and directed to attend any sale of said Breakwater and Frankford railroad which may be made, whether upon the execution of said mortgage or otherwise, by legal process, and upon giving notice of his intention to do so, to bid for the same, for and in the name of the State, to the amount of the principal and interest due the State from said railroad company, and if no more shall be bid therefor, to buy the same for and in the name of this State. He shall not be required, however, to pay any per centage to the Sheriff or other person making the sale thereof, at any such sale, on the purchase money therefor, or any portion thereof, at the return of the writ or order for sale; but a return that the same was so sold to the State, shall be a sufficient return to the writ or order for sale.

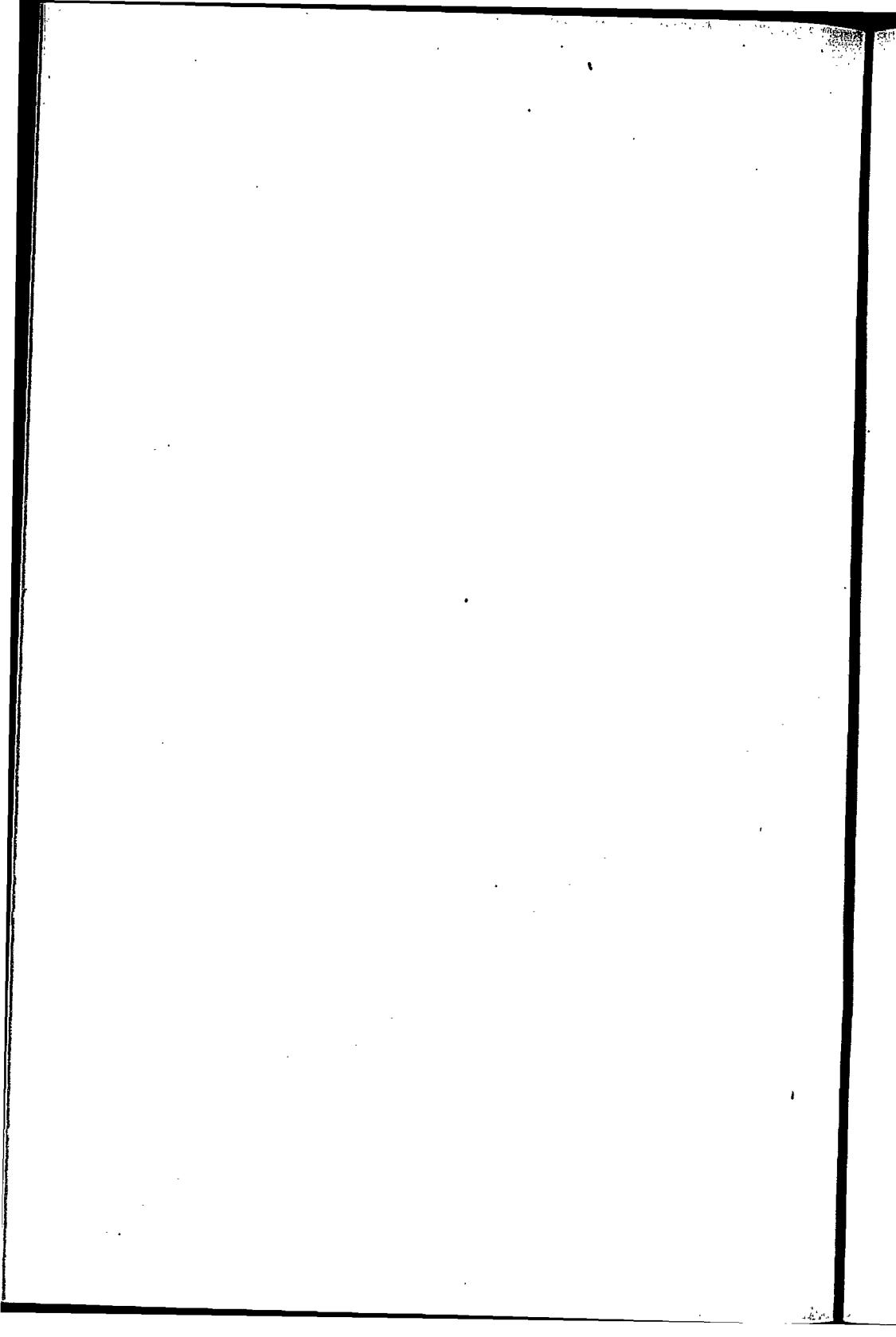
State Treasurer to attend sale of Breakwater & Frankford Railroad, and buy same in name of the State; when.

No per centage to Sheriff; when.

*Resolved,* That the Secretary of State, be, and he is, hereby, required to furnish the State Treasurer with a certified copy of the foregoing resolutions at an early date.

Secretary of State to send copy of resolution to State Treasurer.

*Adopted at Dover, March 23. 1877.*



## TITLES OF ACTS OF INCORPORATION.

*Excluded from Publication by act of February 17, 1866.*

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### CHAPTER 534.

An Act to amend an act to incorporate the Kiamensi Woolen Company, passed at Dover, October 20, 1864.

Passed at Dover, January 15, 1877.

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### CHAPTER 535.

An Act to incorporate the J. Marshall Company.

Passed at Dover, January 23, 1877.

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### CHAPTER 536.

A supplement to an act entitled, "An Act to incorporate the Delaware Fire Insurance Company."

Passed at Dover, January 23, 1877.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 537.

An Act to amend an act entitled, "An Act to incorporate the Casho Machine Company, passed at Dover, January 28, 1873.

Passed at Dover, January 24, 1877.

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## CHAPTER 538.

An Act to incorporate The Worden Manufacturing Company of Smyrna.

Passed at Dover, January 24, 1877.

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## CHAPTER 539.

An Act to incorporate the Newark Grange Co-operative Store Company.

Passed at Dover, January 26, 1877.

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## CHAPTER 540.

An Act to incorporate the Beneficial Society of "The United Children of the Light."

Passed at Dover, January 26, 1877.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 541.

A further supplement to the act entitled, "An Act to incorporate the Masonic Hall Company, of Wilmington, Delaware."

Passed at Dover, February 1, 1877.

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CHAPTER 542.

An Act to incorporate the Georgetown Manufacturing and Fruit Preserving Company.

Passed at Dover, February 1, 1877.

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CHAPTER 543.

An Act to amend and renew the charter of the "Farmers Mutual Fire Insurance Company, of Mill Creek Hundred."

Passed at Dover, February 6, 1877.

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CHAPTER 544.

An Act to incorporate the St. John's Reformed Church, of Wyoming, Kent county, Delaware.

Passed at Dover, February 6, 1877.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 545.

An Act to incorporate the Odessa Hall Company.

Passed at Dover, February 13, 1877.

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## CHAPTER 546.

An Act to incorporate The Centreville Hall Company.

Passed at Dover, February 15, 1877.

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## CHAPTER 547.

An Act to incorporate "The Diamond State Shoe and Leather Company."

Passed at Dover, February 16, 1877.

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## CHAPTER 548.

An Act to incorporate "The Immaculate Conception Beneficial Society of Wilmington, Delaware."

Passed at Dover, February 21, 1877.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 549.

An Act to incorporate the Benedictine Order of the Sacred Heart of Wilmington, Delaware.

Passed at Dover, February 22, 1877.

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CHAPTER 550.

An Act to incorporate the Board of City Missions and Church Extension of the Methodist Episcopal Church, in the city of Wilmington.

Passed at Dover, February 23, 1877.

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CHAPTER 551.

An Act to incorporate the "Wilmington Club," in the city of Wilmington, Delaware.

Passed at Dover, February 27, 1877.

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CHAPTER 552.

An Act to incorporate The Masonic Hall Company of Newport, Delaware.

Passed at Dover, March 7, 1877.

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## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 553.

An Act to renew and re-enact the charter of "St. Joseph's Beneficial Society of Brandywine, Delaware."

Passed at Dover, March 8, 1877.

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## CHAPTER 554.

A supplement to the act entitled "An act to incorporate The Every Evening Publishing Company," passed February 23, 1875.

Passed at Dover, March 12, 1877.

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## CHAPTER 555.

A supplement to the act entitled "An act to incorporate The Smyrna Building and Loan Association, of the town of Smyrna," passed at Dover, March 12, 1867.

Passed at Dover, March 12, 1877.

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## CHAPTER 556.

An Act to incorporate the The Delaware State Grange Mutual Fire Insurance Company.

Passed at Dover, March 13, 1877.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 557.

An Act to revive, re-enact, amend and supplement the act entitled "An act to incorporate the Black Swamp Ditch Company," passed at Dover, February 10, 1841.

Passed at Dover, March 13, 1877.

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CHAPTER 558.

An Act to incorporate the Panama Transit Steamship Company.

Passed at Dover, March 13, 1877.

---

CHAPTER 559.

An Act to amend the act to re-incorporate the Farmers Mutual Fire Insurance Company of the State of Delaware, Passed March 5, 1867.

Passed at Dover, March 14, 1877.

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CHAPTER 560.

An Act to incorporate "the Jessup and Moore Paper Company."

Passed at Dover, March 15, 1877.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 561.

An Act to incorporate the "Bradford Paint Company."

Passed at Dover, March 15, 1877.

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## CHAPTER 562.

An Act to incorporate the Newark Building and Loan Association.

Passed at Dover, March 15, 1877.

---

## CHAPTER 563.

An Act to incorporate the New Castle Co-operative Store Company.

Passed at Dover, March 20, 1877.

---

## CHAPTER 564.

An Act to revive, re-enact and amend an act, entitled "An Act to incorporate the Gum Branch Ditch Company of Sussex county, Delaware," passed at Dover, February 15, 1866.

Passed at Dover, March 20, 1877.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 565.

An Act to incorporate the Nonsuch Marsh Company.

Passed at Dover, March 20, 1877.

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CHAPTER 566.

An Act to enable the owners and possessors of Marsh in the St. Augustine Marsh Company, to more effectually embank and drain the same.

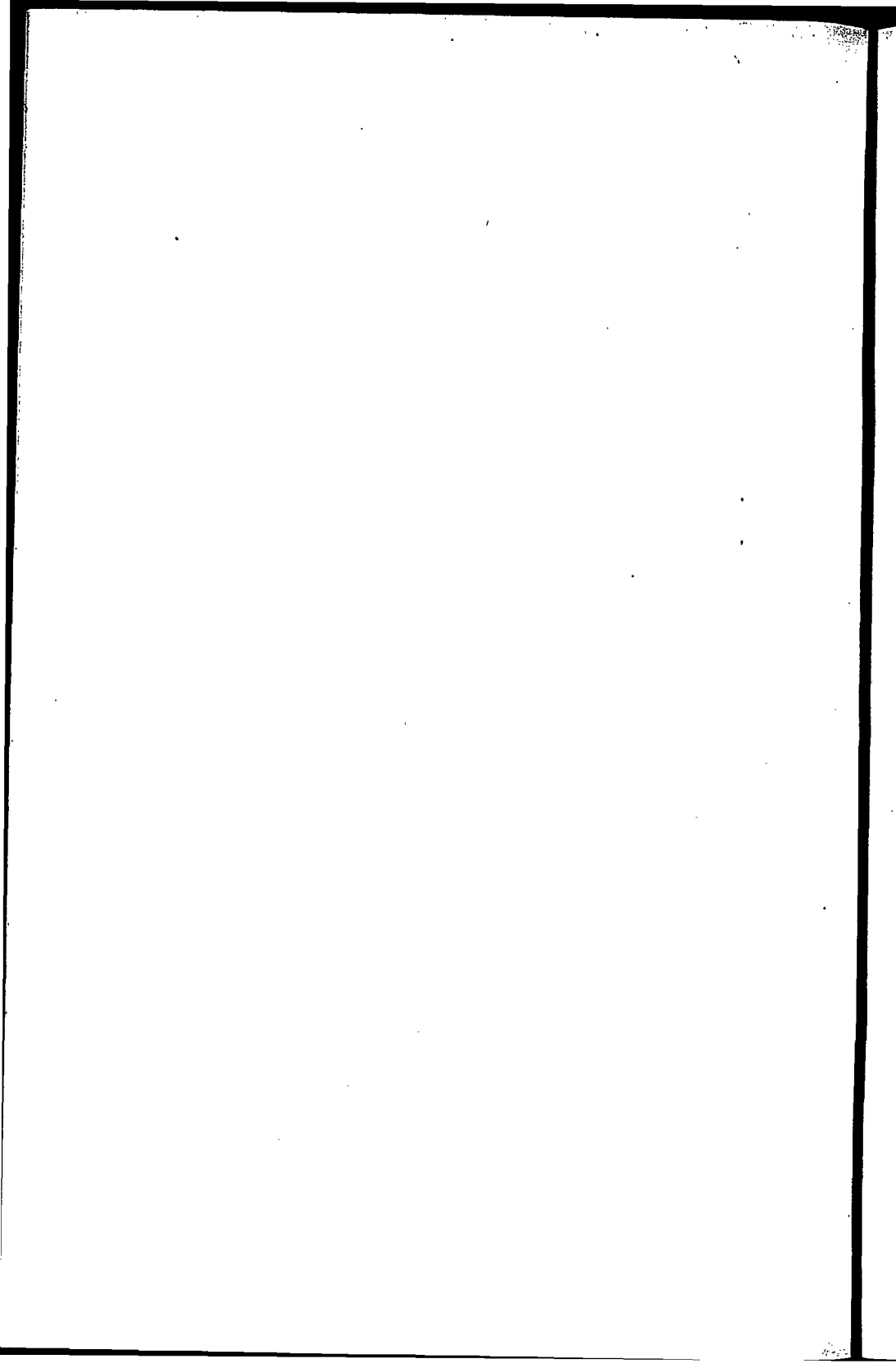
Passed at Dover, March 22, 1877.

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CHAPTER 567.

An Act to incorporate the American Basket Company, of New Britain Connecticut.

Passed at Dover, March 22, 1877.



## TITLES OF PRIVATE ACTS.

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### CHAPTER 568.

An Act for the relief of Elizabeth E. Ocheltree.

Passed at Dover, January 31, 1877.

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### CHAPTER 569.

An Act for the relief of Amelia S. Carty.

Passed at Dover, February 5, 1877.

---

### CHAPTER 570.

An Act for the relief of John T. M. Cardeza, and other persons therein named.

Passed at Dover, February 15, 1877.

## TITLES OF PRIVATE ACTS.

## CHAPTER 571.

An Act to change the name of Ida Valentine Dilworth, to the name of Ida Valentine, and to make her, by adoption, a daughter and heir-at-law of Alexander Valentine.

Passed at Dover, February 20, 1877.

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## CHAPTER 572.

An Act to lay out a private road in Milford hundred, in Kent county.

Passed at Dover, February 21, 1877.

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## CHAPTER 573.

An Act to divorce Augustus N. Southard and Ella D. Southard from the bonds of matrimony.

Passed at Dover, February 21, 1877.

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## CHAPTER 574.

An Act to divorce J. Percy Robinett from the bonds of matrimony.

Passed at Dover, February 26, 1877.

---

## CHAPTER 575.

An Act to divorce Sallie J. Wright, from her husband John B. Wright.

Passed at Dover. March 1, 1877.

TITLES OF PRIVATE ACTS.

CHAPTER 576.

An Act to divorce Susan Walt and George A. Walt from the bonds of matrimony.

Passed at Dover, March 1, 1877.

---

CHAPTER 577.

An Act divorcing Lucy S. Babcock and Grove L. Babcock from the bonds of matrimony.

Passed at Dover, March 2, 1877.

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CHAPTER 578.

An Act to divorce Annie G. France and her husband Albert L. France from the bonds of matrimony.

Passed at Dover, March 2, 1877.

---

CHAPTER 579.

A supplement to an act authorizing the owners and possessors of the Marsh and low grounds commonly called and known as Tappahannah Marsh, situated in the Forest of Dover hundred, in Kent county, to cut a ditch or drain through the same.

Passed at Dover, March 2, 1877.



## TITLES OF PRIVATE ACTS.

## CHAPTER 580.

An Act to divorce Virginia Chandler from her husband Jesse Chandler.

Passed at Dover, March 8, 1877.

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## CHAPTER 581.

An Act to divorce Joseph B. Lingo and Sarah E. Lingo, his wife, from the bonds of matrimony.

Passed at Dover, March 8, 1877.

---

## CHAPTER 582.

An Act to divorce Robert E. Randall from the bonds of matrimony.

Passed at Dover, March 8, 1877.

---

## CHAPTER 583.

An Act to divorce Joseph C. Johnson, and Leah Johnson, his wife, from the bonds of matrimony.

Passed at Dover, Maach 13, 1877.

TITLES OF PRIVATE ACTS.

CHAPTER 584.

An Act to divorce Anna T. Griffith from the bonds of matrimony.

Passed at Dover, March 13, 1877.

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CHAPTER 585.

An Act dissolving the bonds of matrimony between Sarah E. Hickman and Caleb J. Hickman.

Passed at Dover, March 20, 1877.

---

CHAPTER 586.

An Act to divorce Samuel S. Hearn and George Anna Hearn. from the bonds of matrimony.

Passed at Dover, March 21, 1877.

---

CHAPTER 587.

An Act to divorce Sarah A. Butler and her husband, George W. Butler, from the bonds of matrimony.

Passed at Dover, March 21, 1877.

SECRETARY'S OFFICE,

DOVER, May 1, 1877.

In obedience to 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 the regular biennial session, commenced on Tuesday, the second day of January, A. D. 1877.

The words within brackets throughout the work are inserted to complete the sense or correct errors in the original rolls. Words and sentences noted with asterisks are printed as they appear on the rolls.

IGNATIUS C. GRUBB,

*Secretary of State.*

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